



Northern Ireland
Assembly

OFFICIAL REPORT

(Hansard)

Volume 60

(17 January 2011 to 3 February 2011)

Table of Contents

Assembly Members	i
Principal Officers and Officials of the Assembly	ii
Ministerial Offices	iii

Assembly Sittings

Monday 17 January 2011

Matters of the Day

Mrs Michaela McAreavey	1
------------------------------	---

Assembly Business

Suspension of Standing Orders	3
-------------------------------------	---

Ministerial Statements

Water Supply: Severe Weather	4
Draft Planning Policy Statement 23 (Enabling Development) and Draft Planning Policy Statement 24 (Economic Considerations)	20
Public Expenditure: December Monitoring 2010-11	25

Oral Answers to Questions

Employment and Learning	30
Enterprise, Trade and Investment	36

Question for Urgent Oral Answer

Department of Health, Social Services and Public Safety: Swine Flu Vaccination	42
--	----

Ministerial Statement

Public Expenditure: December Monitoring 2010-11 (<i>continued</i>)	46
--	----

Executive Committee Business

Damages (Asbestos-related Conditions) Bill: Second Stage	48
Employment (No. 2) Bill: Consideration Stage	67
Energy Bill: Further Consideration Stage	67
Waste and Contaminated Land (Amendment) Bill: Further Consideration Stage	67
Safeguarding Board Bill: Further Consideration Stage	67

Committee Business

Autism Bill: Extension of Committee Stage	68
---	----

Tuesday 18 January 2011

Executive Committee Business

Dogs (Amendment) Bill: Consideration Stage	69
--	----

Executive Committee Business

Construction Contracts (Amendment) Bill: Final Stage	86
--	----

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Accelerated Passage	88
Allowances to Members of the Assembly (Repeal) Bill: Second Stage	90

Oral Answers to Questions

Environment	91
-------------------	----

Finance and Personnel	97
Committee Business	
Young People (16 to 24) Not in Education, Employment or Training.....	102
Adjournment	
Glengormley Town Centre Regeneration.....	120
 Monday 24 January 2011	
Assembly Business	
Committee for Finance and Personnel: Chairperson	131
Ministerial Statement	
EU Fisheries Council: 13-14 December 2010	131
Executive Committee Business	
Transport Bill: Consideration Stage.....	138
Allowances to Members of the Assembly (Repeal) Bill: Consideration Stage	151
Autism Bill: Extension of Committee Stage.....	152
Private Members' Business	
Single Use Plastic Bags Bill: Second Stage	152
Post-primary Transfer Advice.....	153
Oral Answers to Questions	
Office of the First Minister and deputy First Minister	161
Health, Social Services and Public Safety.....	167
Question for Urgent Oral Answer	
Health, Social Services and Public Safety: Swine Flu Vaccination	174
Private Members' Business	
Post-primary Transfer Advice (<i>continued</i>).....	176
 Tuesday 25 January 2011	
Private Members' Business	
Caravans Bill: Petition of Concern.....	185
Ministerial Statement	
Northern Ireland Housing Executive: Review of Governance	185
Executive Committee Business	
Local Government Finance Bill: Consideration Stage	201
Oral Answers to Questions	
Justice	208
Regional Development.....	215
Question for Urgent Oral Answer	
Health, Social Services and Public Safety: Royal Belfast Hospital for Sick Children.....	222
Executive Committee Business	
Local Government Finance Bill: Consideration Stage	225
Waste and Contaminated Land (Amendment) Bill: Final Stage.....	233
Commissioner for Older People Bill: Royal Assent	237
Student Loans (Amendment) Bill: Royal Assent.....	237

Tourism (Amendment) Bill: Royal Assent.....	237
Energy Bill: Final Stage	237
Safeguarding Board Bill: Final Stage	239

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Further Consideration Stage	243
--	-----

Private Members' Business

Caravans Bill: Consideration Stage	244
--	-----

Monday 31 January 2011

Assembly Business

Suspension of Standing Orders	283
-------------------------------------	-----

Ministerial Statement

North/South Ministerial Council: Plenary Format.....	283
--	-----

Executive Committee Business

Dogs (Amendment) Bill: Further Consideration Stage	291
--	-----

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Final Stage.....	298
Budget 2011-15.....	299

Oral Answers to Questions

Social Development.....	311
Agriculture and Rural Development	316

Committee Business

Budget 2011-15 (<i>continued</i>).....	323
Northern Ireland Act 1998: Review of Sections 16A to 16C	345

Private Members' Business

Cyclists (Protective Headgear) Bill: Second Stage	355
---	-----

Tuesday 1 February 2011

Ministerial Statement

Hillsborough Castle Agreement: Policing and Justice	379
---	-----

Executive Committee Business

Welfare of Animals Bill: Consideration Stage	388
--	-----

Oral Answers to Questions

Culture, Arts and Leisure	403
Education	409

Executive Committee Business

Welfare of Animals Bill: Consideration Stage (<i>continued</i>)	416
---	-----

Executive Committee Business

Licensing and Registration of Clubs (Amendment) Bill: Consideration Stage.....	433
Transport Bill: Further Consideration Stage.....	474

Adjournment

Mr Paul McCauley.....	475
-----------------------	-----

Written Ministerial Statements

Justice

Community Safety Strategy: Launch and Publication of ‘Building Safer, Shared and Confident Communities’	WMS 1
---	-------

Social Development

Welfare Reforms – Incapacity Benefit Reassessment	WMS 1
---	-------

Social Development

Adverse Weather Emergency Planning Update.....	WMS 2
--	-------

Oideachas

Fiosrú ar Mharcáil an Scrúdaithe Ceimice Ard Leibhéal.....	WMS 5
--	-------

Education

Chemistry A Level Marking Investigation.....	WMS 5
--	-------

Committee Stages

Ad Hoc Committee

Assembly Members (Independent Financial Review and Standards) Bill (NIA 3/10)	CS 1
---	------

Committee for the Office of the First Minister and deputy First Minister

Armed Forces and Veterans Bill (NIA 33/09)	CS 5
--	------

Committee for Social Development

Housing (Amendment) (No 2) Bill (NIA 32/09)	CS 11
---	-------

Committee for the Environment

Clean Neighbourhoods and Environment Bill (NIA 31/09)	CS 15
---	-------

Committee for Health, Social Services and Public Safety

Autism Bill (NIA 2/10)	CS 17
------------------------------	-------

Written Answers

Friday 21 January 2011

Office of the First Minister and deputy First Minister	WA 1
Department of Agriculture and Rural Development	WA 6
Department of Education	WA 8
Department for Employment and Learning.....	WA 11
Department of Enterprise, Trade and Investment	WA 15
Department of the Environment.....	WA 17
Department of Finance and Personnel	WA 21
Department of Health, Social Services and Public Safety.....	WA 23
Department of Justice	WA 23
Department for Regional Development.....	WA 26
Department for Social Development	WA 29

Friday 28 January 2011

Office of the First Minister and deputy First Minister	WA 37
Department of Agriculture and Rural Development	WA 39
Department of Culture, Arts and Leisure	WA 45
Department of Education	WA 47
Department for Employment and Learning.....	WA 57
Department of Enterprise, Trade and Investment	WA 59
Department of the Environment.....	WA 127
Department of Finance and Personnel	WA 137
Department of Health, Social Services and Public Safety.....	WA 144
Department of Justice	WA 169
Department for Regional Development.....	WA 183
Department for Social Development	WA 219

Revised Written Answers

Office of the First Minister and deputy First Minister

Commissioner's Office	RWA 1
-----------------------------	-------

Environment

MOT Test	RWA 2
----------------	-------

Indexes

Members' Index	IDX 1
Strangers' Index.....	IDX 33

Assembly Members

Anderson, Ms Martina (Foyle)
Anderson, Sydney (Upper Bann)
Armstrong, Billy (Mid Ulster)
Attwood, Alex (West Belfast)
Bannside, The Lord (North Antrim)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Bradley, Dominic (Newry and Armagh)
Bradley, Mrs Mary (Foyle)
Bradley, P J (South Down)
Brady, Mickey (Newry and Armagh)
Bresland, Allan (West Tyrone)
Browne, The Lord (East Belfast)
Buchanan, Thomas (West Tyrone)
Burns, Thomas (South Antrim)
Butler, Paul (Lagan Valley)
Callaghan, Pól (Foyle)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Clarke, Willie (South Down)
Cobain, Fred (North Belfast)
Coulter, Rev Dr Robert (North Antrim)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Deeny, Dr Kieran (West Tyrone)
Doherty, Pat (West Tyrone)
Easton, Alex (North Down)
Elliott, Tom (Fermanagh and South Tyrone)
Empey, The Lord (East Belfast)
(Lord Empey from 19/1/11)
Farry, Dr Stephen (North Down)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gallagher, Tommy (Fermanagh and South Tyrone)
Gardiner, Samuel (Upper Bann)
Gibson, Simpson (Strangford)
Gildernew, Ms Michelle (Fermanagh and South Tyrone)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hamilton, Simon (Strangford)
Hay, William (Speaker)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Leonard, Billy (East Londonderry)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lyttle, Chris (East Belfast)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McClarty, David (East Londonderry)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McDevitt, Conall (South Belfast)
McDonnell, Dr Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McFarland, Alan (North Down)
McGill, Mrs Claire (West Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McHugh, Gerry (Fermanagh and South Tyrone)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McLaughlin, Mitchel (South Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (South Belfast)
Maskey, Paul (West Belfast)
Molloy, Francie (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Murphy, Conor (Newry and Armagh)
Neeson, Sean (East Antrim)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
O'Dowd, John (Upper Bann)
O'Loan, Declan (North Antrim)
O'Neill, Mrs Michelle (Mid Ulster)
Poots, Edwin (Lagan Valley)
Purvis, Ms Dawn (East Belfast)
Ramsey, Pat (Foyle)
Ramsey, Ms Sue (West Belfast)
Ritchie, Ms Margaret (South Down)
Robinson, George (East Londonderry)
Robinson, Ken (East Antrim)
Robinson, Peter (East Belfast)
Ross, Alastair (East Antrim)
Ruane, Ms Caitríona (South Down)
Savage, George (Upper Bann)
Sheehan, Pat (West Belfast)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Brian (North Down)
Wilson, Sammy (East Antrim)

Principal Officers and Officials of the Assembly

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Deputy Speakers.....	Mr John Dallat MLA Mr David McClarty MLA Mr Francie Molloy MLA
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Ministerial Offices

The Executive Committee

First Minister	Mr Peter Robinson
Deputy First Minister	Mr Martin McGuinness
Minister for Employment and Learning	Mr Danny Kennedy
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 17 January 2011

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

Members observed two minutes' silence.

Matters of the Day

Mrs Michaela McAreavey

Mr Speaker: I have received notification from the Office of the First Minister and deputy First Minister that the First Minister wishes to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I will call the First Minister to speak for up to three minutes on the subject. I will then call a representative from each of the other political parties to speak, as agreed with the Whips. Those Members will also have up to three minutes to speak on the matter. The convention is that there will be no opportunity for interventions, questions or a vote on the matter. I will not take any points of order until the item of business is completed. If that is clear, we will proceed.

The First Minister (Mr P Robinson): In a very short time, in County Tyrone, Michaela McAreavey will be laid to rest. Just seven days ago and half a world away, events were unfolding which have dominated the news in Northern Ireland and far beyond. However, behind the news, there is an enormous human tragedy.

It is not uncommon that the House pauses to mark a death, usually of a public servant or a personage with a public profile. Occasionally, it is for someone who has died or been murdered here in Northern Ireland. In all of the circumstances of Michaela's passing, I believe that it is fitting that we pause to mark her death today.

This is not the time to talk about the circumstances of Michaela's tragic death, but we do want to see justice done, and we support those in Mauritius who are engaged in that task. Any life taken away by murder is a horrific event, all the more so when it is the life of a young person. The loss is even more harrowing and devastating because the victim in this case

was a beautiful young woman who was on her honeymoon.

Michaela was known to a wide circle of family and friends. From the stories that we have heard and from seeing her on television and reading our newspapers over the past week, I believe that we now all feel that we knew her. This is one of the rare tragedies that has captured public attention and united the community in grief. The families of both Michaela and John are well known and respected in the GAA, but the wave of sympathy comes from far beyond the GAA fraternity and extends to our whole community.

Michaela and John had just started married life with dreams of a wonderful future that will not now be realised. We can only imagine the nightmare that John and the entire family circle have faced over the last week. Mr Speaker, as you know, I am a father. I have a beautiful daughter of a similar age to Michaela, and I love her to bits. That gives me a sense of the loss, but only a sense, because the reality is so much more painful than the imagining. Personally, as DUP leader and as First Minister, I want to convey the love, support and condolences of the whole community to the McAreavey and Harte families.

I also wish to put on record my condolences to our Assembly colleagues Edwin Poots, who lost his mother-in-law last week; Trevor Clarke, whose mother passed away at the weekend; and George Savage, whose mother passed away last night. They, too, remain in our thoughts and prayers at this time.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. It is on a sad occasion that I stand to express sympathy on behalf of Sinn Féin. I would like to extend that sympathy to the McAreavey and Harte families on the death of Michaela, which is a sad reminder of just how

suddenly things can happen. The First Minister has expressed the sympathy of the House. The deputy First Minister and many of my party colleagues are attending the funeral this morning, which is why they cannot be here in the Chamber.

Our hearts go out to the husband, John; the mother and father, Mickey and Marian; and the large Harte and McAreavey family circles on this sad occasion. Families right across the country are thinking and expressing similar views to those expressed in the House. The fathers of daughters are thinking of the tragic circumstances of being at the joyful occasion of a wedding one day and then, in a very short time, bringing the remains home for a funeral. Our heartfelt sympathies go out to the families.

I also go along with the First Minister in expressing sympathy to the Members whose families have been grieving over the weekend and the last couple of weeks. All of this touches each family and each Member of the House. We also think of the many families right across the country who have suffered similar tragedies and have had to deal with similar situations over the last number of months and years.

The families of Michaela — both the Harte and McAreavey families — have dealt with this in a very dignified way. They have also allowed others to join in expressing their sympathies. We share with that household today as the sad event of Michaela's remains being brought to her last resting place takes place.

Mr Kennedy: On behalf of the Ulster Unionist Party and, indeed, the entire House, I want to extend my deepest sympathy to the Harte and McAreavey families. It is very difficult to comprehend the trauma and grief that they are feeling, particularly on the day that they lay their loved one to rest.

That such a young life should end in such circumstances seems very unreal and unfair. This tragedy has indeed touched many people not only across Northern Ireland and Ireland but much wider afield. I pay tribute to the very dignified manner in which the Harte and McAreavey families have conducted themselves in what must be an unimaginably difficult time.

In County Tyrone in particular, there is a great sense of loss for Michaela, who was a very popular young teacher. I am sure that the outpouring of support from across the entire

community has been of great help and comfort to both families. It is worth saying that it is crucial that the media and the public do not intrude in a way that may add to the families' grief.

I know members of the McAreavey family personally, in particular John McAreavey, the local bishop in Newry. I take this opportunity to express to him, to his nephew John in particular and to the entire family circle that the thoughts and prayers of a great many people are with them at this very sad time. May God bless and comfort them on this day and in the difficult days that lie ahead.

I, too, extend my sympathy and that of my party to the Members of the House who have also been bereaved over recent days. I am sure that, as we carry out our business in this place today, Michaela's death will remind us all of what really is truly important in life.

Mr A Maginness: I thank the First Minister for raising this matter today and for his very moving address to the House. On behalf of the SDLP, I express our deepest sympathy to the McAreavey and Harte families on their terrible ordeal and tragedy. Everyone, not just in the House but in the wider community, has been deeply moved by the tragedy. Indeed, it has created a great sense of unity in the community, where a common sadness is shared by Catholics and Protestants, nationalists and unionists. If some good has come out of this evil act, it is that we have come together in solidarity and in a bond of friendship, sympathy and understanding for John McAreavey in particular and for the respective families involved.

John and Michaela's wedding was like a fairy tale wedding. Indeed, their going on honeymoon to Mauritius seemed like a dream, but, unfortunately, the tragic events that took place changed that into a nightmare. All of us in the House sympathise very deeply with the families.

I know that my party leader and deputy leader are at the funeral today. Therefore, on behalf of the SDLP, I express our deepest sympathy to the families and, indeed, to the local communities in Tyrone and in Banbridge, County Down. I believe that, as a result of this tragic event, the community has, in fact, been strengthened, and I hope that that will continue. May she rest in peace.

Mr Ford: On behalf of my party colleagues in this corner of the House, I wish to add to the

sentiments expressed by Members elsewhere. In particular, I thank the First Minister for being the one who introduced the matter of the day and who spoke on behalf of us all. We all wish to express our sympathy not just to the Harte and McAreavey families but to their friends and, indeed, to the wider GAA community, for the loss that they feel. I had a meeting early last week with the GAA, and, from speaking to Danny Murphy and his colleagues, it was clear just how widespread a very personal sense of loss was felt in that section of our community.

12.15 pm

The loss of a child or young person will always be something that is a matter of deep sadness to their immediate family. However, given the circumstances in which this loss has occurred, so absolutely tragically and so far away, it is clear that it has touched not just those who knew Michaela and those who were associated with her through the GAA or the school but, as others have said, every part of the community.

Michaela and her family were well known and widely respected, not just in County Tyrone and County Down but throughout Ireland. Given the way that the matter has been covered, I suspect that we all now feel that we knew her and can all share in the sense of loss, whatever background we come from and whichever geographical area we come from in this community. That is why it is right that we should recognise that this morning. We assure people that our thoughts and prayers will be with not just the Harte family and McAreavey family but all those who have been bereaved in recent days.

Assembly Business

Suspension of Standing Orders

The Minister for Regional Development

(Mr Murphy): I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 17 January 2011.

Mr Speaker: Before I put the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 17 January 2011.

Mr Speaker: As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

Ministerial Statements

Water Supply: Severe Weather

Mr Speaker: I have received notice from the Minister for Regional Development that he wishes to make a statement to the Assembly.

The Minister for Regional Development

(Mr Murphy): Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to update the Assembly on the major interruption to water supplies arising from the recent severe weather.

Before I go into those details, I will update Members on the current situation. Thankfully, we are seeing a return to more normal conditions, and NIW has confirmed that all properties have been back on supply since last week following the interruptions over the Christmas and new year period. Rotation of water supplies has ended, calls are being answered and outstanding calls are being followed up. That means that NIW has been able to reduce its level of emergency response. Last week, I had the emergency direction, which I put in place during the incident, withdrawn.

Though NIW has returned to business as usual activities, the amount of additional water being put into the distribution system remains higher than normal for the time of year, at around 55 million litres a day more. However, that is significantly less than at the peak of the incident. Leakage detection and repair teams continue to be deployed, and other agencies, such as Royal Mail and council workers, continue to provide assistance in reporting visible leakage. Storage in the majority of service reservoirs has almost returned to normal daily trends, but that is being closely monitored on NIW's telemetry. There are no severe weather warnings in place, and NIW staff remain on a state of high alert.

NIW is also taking forward the implementation of action points and immediate lessons learnt from the incident, with a particular focus on improved customer communications. I have also asked NIW to have its major incident plan reviewed by an external expert, and NIW has arranged to have that review completed by 27 January.

The situation has been restored because many NIW staff and contractors, supported by other public bodies, worked tirelessly over the holiday period to reconnect customers to the water

supply. I want to record my thanks to all those in NIW and to the many other organisations that helped NIW to deal with the emergency situation. I am grateful for the co-operation that was so willingly offered and given.

I turn now to the emergency itself. The incidents that occurred over the Christmas and new year period took place during the coldest month in the North since records began. The record-breaking period of sub-zero temperatures over two weeks was followed by a dramatic thaw from 26 December to 27 December, which saw temperatures rise by as much as 20°C.

Such severe weather conditions, accompanied by the switch from freeze to thaw over such a quick period, were unprecedented in the North and, indeed, in most places. The leakage that that caused in the public network, together with bursts in private pipes, caused levels of drinking water held in service reservoirs to fall rapidly from 27 December and the demand for drinking water to rise sharply. Demand increased by more than 200 million litres a day. NIW's water treatment works were operating at maximum capacity during the emergency, producing 850 million litres a day, compared with the more normal annual average of 620 million litres a day. At the height of the emergency, thousands of households were without supply. To preserve minimal and critical supplies, tens of thousands of households received intermittent supplies as a result of rotation by NIW.

On the communications side of NIW's operations, 26 December saw a six-fold increase in customer calls. As a result, NIW activated its top-level emergency response. Over 27 to 29 December, 10 times that number of calls — 600,000 — were received, and communications systems were overwhelmed. In responding to the crisis, NIW deployed more than 500 staff and contractors on the ground, fixed more than 800 bursts and provided more than a third of a million litres of bottled water. It took on additional call centre help and additional water supplies from outside the North, and it worked with other public bodies through the public sector-wide civil contingencies group.

For my part, I received information and advice on the emerging situation from NIW and from my departmental officials on Monday 27 December. I was immediately in contact with the chief executive and other senior officials. I was on the ground in Lurgan and Coalisland with the

deputy First Minister on 28 December to see for myself the problems that people faced. That evening, I talked with my equivalent in Scotland, Minister Keith Brown, to discuss assistance in the form of bottled water supplies from Scottish Water. Those supplies were received by NIW on Wednesday 29 December.

As the thaw continued through 27 and 28 December, there was a stepped increase in the problems reported, and the impact of the water supply disruption started to become clearer. On the afternoon of Tuesday 28 December, my Department's permanent secretary contacted the head of the Civil Service to express his concern over the evolving situation and to raise the question of the need to convene a meeting of the civil contingences group, which is the body set up to co-ordinate public sector organisations in an emergency.

The head of the Civil Service was abreast of the issue, because he had been briefed on the developing situation by his representative, who had participated in the daily regional teleconferences hosted by Belfast City Council and local government management. Those teleconferences had been taking place daily since before Christmas, with the exception of Christmas Day. The head of the Civil Service reviewed the information available to him, and, first thing on Wednesday 29 December, he made the decision to convene a meeting of the civil contingencies group. The group met on Thursday 30 December, and, from then on, the group or its tactical recovery subgroup met daily throughout the emergency. A large-scale public sector inter-agency effort followed, with co-operation from a wide range of bodies.

Although NIW deserves credit for restoring supplies quickly where it could, it is obvious that there were very significant failings in the delivery of a basic public service. Clearly, that was the case in communication and perhaps also in planning, infrastructure and control. In the statement that accompanied his resignation, the former chief executive of NIW, Laurence MacKenzie, accepted that and recognised that aspects of the way in which NIW handled the situation could have been better. However, the Executive have agreed to review the incident, and that is now the right place to consider it.

That said, however, I have never ducked criticism or avoided answering questions around my role or that of my Department. I have apologised to

the public on behalf of my Department. I said that I was sorry that people felt let down by the service that they received. However, apologies aside, my main focus and that of the Executive have been the restoration of supplies and analysis of what went wrong and of the lessons that can immediately be learned. I will not satisfy the political opportunists whose primary interest in the incident was to see what political advantage it might afford them. Their calls for my resignation are widely recognised for what they are: cynical exploitation of people's misery and hardship.

Of course, it suits some not to understand the governance arrangements that direct rule Ministers created and I inherited in 2007. I understand the political realities behind that feigned ignorance, but the legal reality is that NIW is responsible for the delivery of water and sewerage services. In my role as Minister, I am responsible for the policy and legislative framework for appointing the NIW board to deliver water and sewerage services. That is not my opinion or my interpretation; it is what the legislation governing water and sewerage states. For those interested, article 65(1), together with article 91, of the Water and Sewerage Service (NI) Order 2006 refers to responsibility for water supply.

NIW owns the reservoirs, the treatment works, the chemicals to treat the water, the pumping stations and the pipes to supply water to customers. It employs the engineers, support staff, call centre operators and has the arrangements with contract staff necessary to deliver water. The Department does not have those resources, and it is not in charge of them. NIW's responsibility includes taking actions, making plans and having in place measures to preserve and maintain services. That is a heavy responsibility that must be discharged each and every day.

As a shareholder, I appoint people to the board of NIW to accept that responsibility, and they are remunerated accordingly. However, in case anyone was unclear about where responsibility lay for preserving services and dealing with civil emergencies, I issued a direction to NIW in August 2010 to make, review and revise plans to ensure the provision of essential water supplies in a civil emergency. That included requirements that training, backup equipment and materials, communications support and command and control arrangements be in

place. A copy of the direction was laid before the Assembly, so I reject accusations that I did not take the governance role seriously or that I was unconcerned. Various assurances that work was being taken forward and contingency plans were in place were received through normal departmental channels. The fact is that plans were in place, but those alone were not sufficient to cope with the exceptional circumstances that arose. However, as I said, the Executive have agreed the remit for a review of the emergency, including my role. I am content to await its outcome.

The Executive met on 30 December to discuss the emergency. Following that meeting, I undertook to put forward proposals for a review and to suggest immediate steps that NIW should take. On 6 January, the Executive agreed my proposal for a review by the independent Utility Regulator on the basis of terms of reference that were suggested by the regulator. Those set out that the purpose of the investigation is to establish the causes of the loss of water supply in the North during the adverse weather conditions experienced in late December 2010 and early January 2011 and to examine the performance of NIW in planning for and reacting to the event.

Some comments have been made through the media about the independence of a review that is undertaken by the regulator. I find those hard to understand. The regulator is an established independent body that already has statutory duties and powers to regulate water and sewerage services. It has experience, knowledge and access to a range of required industry skills as well as its own resources. Although the regulator has responsibilities that may overlap with the areas covered by the review, the alternative is to appoint a body or individuals with no background knowledge, experience or powers and that is dependent on my Department for appointment and resources. I believe that that would be less independent.

The Executive also agreed a second strand of the review that will be carried out by Heather Moorhead, who is the former chief executive of NILGA, and Philip Holder, who has 25 years' experience in the utilities sector with East Surrey Holdings. They will consider the broader governance issues, including my role and responsibilities as Minister for Regional Development and those of my Department in relation to the incident. The composite report, including the work of the regulator and the two

appointees, will be submitted to the Executive by the end of February, and, after consideration, the report will be published. Importantly, if any short-term recommendations are identified to improve performance, they will be implemented immediately.

As I said, I have asked for and obtained from NIW an action plan on the immediate and short-term improvements that it can make to its major incident plan. That is so that it is better prepared for any recurrence of that type of incident. Alongside that, I asked for key learning points from all public services represented on the civil contingencies group. I provided preliminary action points to the Executive for information.

I will move from the short term to the long term. Much comment has been made about the state of our infrastructure and the level of investment. I am not sure how well informed some of that is. I will have invested almost £1 billion in our water and sewerage infrastructure by the end of this financial year. Much of the investment has gone towards helping NIW to deliver the best drinking water that the North has ever enjoyed. Waste water treatment standards are also the best ever, and even overall leakage has reduced. Clearly, however, more is needed to catch up for the years of underinvestment. If justification were needed for continued investment, the recent situation demonstrates it. Unfortunately, the availability of funding will not allow us to make all the investment that we would like to over the next four years. To partially address that, I propose that additional funding be reallocated to water and sewerage from my Department's budget. I have done everything that I can as Minister for Regional Development to make sure that investment continues.

In my statement to the Assembly on 13 December 2010, I outlined proposals that were aimed at addressing the governance of the water industry in the short and longer term. I proposed a long-term review of the status of NIW, and I intend to submit recommendations to the Executive. In the short term, I proposed the amendment of existing legislation to stabilise current governance arrangements. The Executive have just agreed to my bringing forward a Bill to put short-term measures into effect. In addition, we have concluded agreements with the regulator and initiated a non-executive directors' appointments process, and officials are working

on a revision of detailed governance controls between DRD and NIW.

I do not claim that those arrangements would have prevented the recent emergency, but I believe that the structure that we inherited in 2007 has not helped. That legacy left us with a go-co model in law that is at odds with the public sector provision of water and sewerage services, which I believe most people support.

12.30 pm

It remains my view that governance arrangements should be based on water and sewerage services being delivered by a body clearly within the public service, subject to public sector controls and standards, and not set up to introduce separate water charges. I hope that those who have thus far opposed any change to the structures of NIW will now accept my argument that the organisation needs to be brought much closer to Government.

More broadly, we need to consider the roles and structures of all arm's-length bodies and whether they contribute to delivering public services. However, clearly that will be a matter for the next Executive.

I have attempted to cover all aspects of the emergency. There are many questions that need to be answered, and the public and their representatives in the Assembly are entitled to those answers. However, some of the issues are complex and require careful analysis. Leaping to conclusions will not help us to move forward, and that is why the Executive have agreed that there should be a thorough review of the incident. We need to leave space for the review to conduct its analysis and for NIW to put in place measures to ensure that our most basic service is preserved. Go raibh maith agat, a Cheann Comhairle.

The Chairperson of the Committee for Regional Development (Mr Cobain): I start by saying how grateful the Committee was for the heroic efforts by employees of Northern Ireland Water, councils and all the other organisations who worked long hours in very difficult conditions trying to bring some comfort to the tens of thousands of people who suffered during the debacle. The Committee also takes this opportunity to apologise to all customers for the hardship that they suffered over the Christmas period.

The performance of Northern Ireland Water over the past few weeks was a shameful episode for the company and an embarrassment for people in Northern Ireland. Most people, I assume, will be incensed when they learn that Northern Ireland Water had a wake-up call from the Utility Regulator just a few weeks before the crisis at Christmas. I quote from the Utility Regulator's cost and performance report on Northern Ireland Water, published on 14 December 2010:

"An exceptional period of cold weather in December 2009 and January 2010 resulted in widespread operational problems including a significant increase in the number of burst mains. The severe weather also adversely affected NI Water's ability to respond to and resolve these problems."

The company, the Department and the Minister were in receipt of the report in the weeks leading up to the crisis.

However, despite the clear warning from the regulator and despite forecasts for unusually severe and prolonged freezing temperatures, to be followed by a swift thaw, it appears that, on 23 December, Northern Ireland Water was content that it could continue with business as usual. Instead of being in a state of high alert, ready for each and every development, the head of customer service delivery sent the famous memo providing assurances that all was in hand and telling everyone to go off and have a happy Christmas holiday. The result, of course, was that there were not enough staff or senior management in place when the storm broke, leaving the organisation rudderless during the crucial first few days. The mind boggles to think that no one in the Department or in senior management in the company challenged the contents of the memo, even though the regulator had highlighted how the company struggled in less severe weather earlier in the year.

Northern Ireland Water was slow to acknowledge the scale and severity of the problem at a time when 40,000 households were without supply and 5,000 out of 6,200 calls to the call centre were unsuccessful. It was slow to escalate the response to others in the Northern Ireland civil contingency group and slow to ask for help available to it through the mutual assistance agreement with other water utilities. It appears that some members of the Northern Ireland Water management team did not know what help was available under the mutual assistance agreement, and it was Friday 31 December — six days —

before help with call handling was asked for. That help was provided within three hours.

Northern Ireland Water's internal and external communications broke down completely. At one point, only 1% of the hundreds of thousands of customers who called were getting through to the company. Even if you were one of the lucky customers who got through, there was no accurate information about areas that would be off supply, for how long they would be off and when the supply would be restored. That unfortunate situation lasted for a number of days, leading to anger and frustration among customers.

Mr Speaker: The convention has been to give Chairpersons of Committees some latitude. However, we are now running to almost four minutes, so I encourage the Chairperson to come to his question.

The Chairperson of the Committee for Regional Development: When will the Minister take personal responsibility for the debacle?

The Minister for Regional Development: I certainly concur with the Chairman's appreciation for a lot of people in NIW, some of the contractors that were engaged in the response and for people right across the public services, particularly in local government, who assisted in response to the incident and brought it to a conclusion. I also share his views and agree with some of the criticism that he has levelled against the operational performance of NIW.

He quoted the regulator. The regulator looked at the response to the cold weather spell in the early part of last year and, as is his job, made some directions to NIW, which it followed. NIW went into a category one response in the early part of December 2010. People will remember that there was an early freeze for a week or so before the more severe weather around the Christmas period. It went through that response, and it was stepped down again. NIW obviously believed that the suggestions of the regulator had worked during the response in the early part of December. Nonetheless, many of the issues that he raised will be subject to investigation. I am quite content about that.

The Chairman asked about my personal responsibility for the Department. He will know that on any occasion on which I have to take responsibility for what goes on in my Department, I do so. I have gone in front of his

Committee many times to answer questions about my role in all aspects of my Department, including NIW's performance. Representatives of that organisation were in front of his Committee for two hours last week. I watched the proceedings, and they got to the nub of where the issues lay, namely with the operational performance of NIW. I am quite happy to go to his Committee this week. I offered to go immediately after Christmas, but the Committee decided otherwise. I am quite happy to go this week and talk to his Committee about my role in the response.

We face some very serious issues. I have been pointing out for some time the issue of NIW's information-sharing with the Department, the procurement issues that we had to deal with and its operational response to an emergency situation. I have been suggesting that the organisation needs to be changed. I have not found a substantial degree of support from the Committee, particularly from the Chairperson. I hope that, rather than come out with sound bites about resignations and people taking responsibility, he and the Committee will seriously address some of the issues that I will put to them now that I have got clearance from the Executive to bring forward some emergency legislation in relation to NIW.

Mr Speaker: There is quite a bit of interest in this morning's statement, and, given the nature of it, quite a number of Members have indicated that they want to ask a question. I ask all Members to come to their question quickly. If they do so, we will get every Member in.

Miss McIlveen: The Minister has sought to micromanage Northern Ireland Water with a variety of sackings and appointments. However, this statement appears to show a chronic lack of communication between him and Northern Ireland Water, which apparently was not aware of what was available under Water UK's mutual aid scheme, which could have eased the suffering of many thousands of people much quicker. How much of that was to do with the Minister not communicating with Northern Ireland Water or his interference in appointing board members and a chief executive who clearly were not up to the job of handling a crisis?

The Minister for Regional Development: The Member has been a member of the Committee for quite some time and, therefore, understands well the relationship between NIW as an

organisation and myself. I appoint members to the board, specifically the non-executive directors. I do not employ, and I do not hire and fire people who work for NIW as an organisation. The chief executive was recruited and hired by the board. He was then recommended for appointment to the board by me. That was the situation.

The Member asked about communication. We communicate with NIW through the normal channels at quarterly shareholder meetings. As I said, I issued a direction in August last year, which, given her job in the Committee, the Member had an opportunity to scrutinise. That aimed to make sure that NIW had an emergency plan in place. As I said, a copy of that direction was placed in the Assembly Library and, obviously, with the Committee. It asked NIW to:

“review and revise such plans and take such measures as it considers necessary to ensure the provision of essential water supply or sewerage service in a civil emergency, and to ensure the preservation of services”.

That was the role and responsibility of NIW as an organisation. It was nothing to do with communications, which are quite clear, and I am sure that the Member is quite clear on where the issues and relationship lay. As I said, I observed the discussion between NIW and the Committee last week, and it seemed that the Committee members, including Miss McIlveen, were quite clear about where those issues lay.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas as an fhreagra sin. I welcome the Minister’s statement. Will he outline his roles and actions in the crucial days of the crisis? He indicated that £1 billion has been spent already on infrastructure, but that seems to have been spent on waste and sewage treatment works. Will the money that is to be allocated in the Budget go to upgrading the mains infrastructure, which needs upgrading, including the cast-iron pipes?

The Minister for Regional Development: As I said in my statement, I was informed about the situation by telephone. I was in touch with my Department, and, on Monday 27 December, I was directly in touch with the chief executive and senior officials in NIW. The deputy First Minister and I discussed the matter on the Monday evening. We felt that it was necessary for us to go out onto the ground to assess what was going on to show a level of interest in some

of the suffering that the public were facing. From that experience, we communicated directly with NIW and with the Scottish Executive to secure an additional supply of bottled water.

We went to NIW headquarters at Westland House on the Wednesday morning, and we were accompanied by my permanent secretary and the head of the Civil Service. At that time, the Civil Contingencies Group kicked in. From then on, while recognising that people faced enormous hardship and misery and, particularly, frustration because of the communication issues, there was a marked step change in that NIW recognised the scale of the emergency that it was in and in that it sought and received additional help from across the public sector and other agencies here.

On the question about investment, 70% of the bursts happened on people’s private infrastructure, so it is not necessarily the case that investment in water mains rehabilitation was the issue. Nonetheless, all Members know that we have inherited the results of underspending in water and sewerage infrastructure. They know that, with the support of the Executive, I have invested £1 billion in NIW since coming into office. As the Member quite rightly said, a lot of that has gone into sewage treatment works because we had to deal with that specific issue, given that we were one step ahead of infraction fines from the EU because of the pollution that the sewage treatment works were causing around the shorelines. A substantial amount of that investment has also gone into water mains rehabilitation.

Members will know that my Department in particular has been hit by the capital cuts to its budget, and, as a result, I have found the capital allocations for year two and year three to be quite short. I had sought to supplement that significantly for my Department to ensure that we continue with a substantial level of investment in the infrastructure of NIW. Of course, it is a draft Budget; it is out for consultation, and I look forward to hearing views from Members and the general public.

Mr McDevitt: The Minister will be aware that article 91 of the Water and Sewerage Services (Northern Ireland) Order 2006 places a statutory duty on Northern Ireland Water to supply water to domestic premises and that, under article 93 of the same Order, people can

take Northern Ireland Water to court if they feel that they have suffered loss or damage as a result of loss of supply. The Minister mentioned that he had issued a general direction in August 2010. Will he clarify whether the effect of the general direction that he issued last week under the new powers that he took last August will continue to allow people to take Northern Ireland Water to court for any loss or damage that they suffered during the crisis, or will Northern Ireland Water now be unable to be sued by tens of thousands of people who may have suffered loss or damage during the crisis?

The Minister for Regional Development: The Member's party has majored significantly on the issue of compensation but, strangely, not on the damage to Housing Executive properties and the compensation that its tenants might receive. His party seems to have a major issue to do with compensation for NIW supply. A number of questions arise when a party makes blanket statements looking for compensation for people. I have no issue with people pursuing NIW if they feel that they lost supply as a result of its activities. The SDLP has laboured the question of the damage that was done to a person's property if their private supply was interrupted or was burst. I will be interested to hear any proposals from the Minister for Social Development about burst pipes on people's properties that were not insured.

12.45 pm

Another issue relates to people who lost supply as a result of a mains failure, which is the infrastructure that belongs to NIW. The Member is correct that, under those circumstances, people can decide that they may want to pursue NIW. The other issue to which he refers relates to the direction that I made to allow NIW to rotate people's supplies temporarily to allow reservoirs to fill up. The Member thought that that was a lesser priority, when critical supplies to areas such as the Royal Victoria Hospital and other hospitals in Belfast were a point of some concern, or he thought that if we gave a direction to allow NIW to cut off supplies to people, they would not be able to apply for compensation. The priority for everyone to whom I spoke on the Executive and elsewhere was restoration of supplies and filling up the reservoirs to ensure that critical supplies to places such as hospitals were maintained. That direction allowed NIW to step outside its normal provision in respect of water supply. I

think that that was the right thing to do. The consequences would have been much more serious if we had decided that NIW had to fix the supplies itself and if we had not given them any direction to deviate from supplies and to let the Royal Victoria Hospital and other acute services suffer a loss of supply. Therefore, to try to dress up that clear and necessary direction as somehow offsetting the possibility of securing compensation or pursuing NIW for loss of supply clearly misses the point. However, the Member has missed the point so often in the past three or four weeks that it would take a separate ministerial statement to address all the points that he has missed.

Ms Lo: In addition to the failure to communicate with the public during the crisis, NIW also failed in its duty to distribute water to people who had no water for days. The initial response to open up centres and to supply water came from local councils. Will the Minister assure us that if anything such as this happens again, the distribution of water to people who need it will be actioned immediately and that engineers will be sent out to repair pipes and mains?

The Minister for Regional Development: I agree with the Member. Initially, the response was not what would have been expected, and it was compounded by communication difficulties. Therefore, although water supplies went to certain public centres, sometimes the communication was inaccurate, which meant that some people arrived when the water had not arrived, or people were not aware that water supplies were in certain locations. Therefore, a lot of lessons have been learned.

As well as drawing up the terms of reference for a review, the Executive tasked me with looking at the immediate lessons that were learned and seeking assurances from NIW on those lessons in relation to its response to the incident. I have been assured of the involvement with local government and the recognition that local government stepped up to the plate and played a constructive role and needed to be more centrally involved in the response.

If anything else happens between now and the review being conducted, there will be much greater involvement across all agencies, including local government, to ensure that that co-operation is there and, crucially, that information will be shared so that people know when water supply is available and what

emergency supplies may be available in the future. I hope that we will not go back to that type of situation, but the immediate lessons to be learned from this experience are that we need to be much better prepared, and there needs to be much better communication, particularly with local government.

Mr G Robinson: First and foremost, I pay tribute to all Northern Ireland Water staff for their sterling work over the prolonged period. The Minister states that he proposes to allocate additional funding to water and sewerage services. Where will that money be taken from? Does he feel that it is wise that 70% of his capital budget is being spent on two road projects?

The Minister for Regional Development: I presume that the Member refers to the A5 and A8 projects. I have noticed that some members of his party have certainly been vocal on the A5 project. People who live between Larne and Belfast might be surprised to know that they also have a question mark over the A8 project.

The two projects are joint ventures between the Executive and the Dublin Government, who are funding them. The projects are significant and of great importance to regional infrastructure. Mr Robinson asked about additional money. As a member of the Committee for Regional Development, he will be aware of the hand that the capital cuts have dealt us. I faced a significant shortfall for NIW of £100 million in year 2 and £100 million in year 3. The draft budget is out for general consultation and, in particular, for discussion by the Committee. The NIW infrastructure needs continued investment. I had to look elsewhere in my Department to supplement the allocation that I received. We have managed to increase that significantly, although it is still not at the level that I would like. However, when the Executive face a 40% cut in the capital budget across Departments, Departments with big capital spend will obviously bear the brunt.

Mr Leonard: Go raibh maith agat, a Cheann Comhairle. The Minister referred to one of the short-term changes to NIW's response. Can he explain other short-term changes that his Department has identified to improve NIW's resilience? Have the Executive been informed of those changes?

The Minister for Regional Development: The Department has not identified improvements to NIW's resilience; NIW has identified them itself.

At the Executive's first meeting over Christmas, I was asked to ensure that every effort be made to bring us out of that situation, which is what happened; to ask NIW's board, at its meeting, to look closely at short-term resilience issues; and to set in place terms of reference for an investigation, which I have also done.

The company's short-term resilience measures include better communication; quicker action to alert other agencies and to seek and receive the type of support that NIW needs in such circumstances; clearer and quicker use of the mutual aid system that exists between NIW, as a company, and other companies in Britain; and so on. There is a range of measures, which was communicated to the Executive, by way of information, at a subsequent meeting.

Mr I McCrea: In his statement and, indeed, in the previous answer, the Minister referred to short-term measures to improve communication. In Committee, officials admitted openly that communication was poor, to say the least. Can the Minister assure the House that he will take the necessary steps, if not to look to the future, to ensure that communication is at least brought up to twenty-first century standards so that that lack of communication does not happen again?

The Minister for Regional Development: Yes. The Member is quite correct: NIW representatives at the Committee meeting accepted major failings in communication. Failings occurred in a number of areas, one of which was the company's website, which did not have capacity to deal with the volume of hits that it received. Immediate work has been done and advice sought from NI Direct, which has much larger capacity and, perhaps, more experience and expertise to determine the type of website that is not only able to share information on a day-to-day basis but can cope with emergency situations and the impact of the volume of hits that are generated when a great number of people use the site at one time. That immediate step has been taken.

Arrangements for call centres and call handling have been beefed up in the short term in order to meet any issue that may arise between now and the end of winter. There was certainly a view that information that NIW released — in particular, on its website and perhaps even in response to calls — was more for its own engineers and staff, rather than being of any

relevance to customers who tried to get in touch with the company. That issue must be addressed.

Therefore, a range of short-term measures has been put in place to deal with communication. Help has been sought to improve it. NI Direct and other agencies that can assist have willingly offered that help. We have received solid assurances that immediate lessons have been learnt in that area, which was a particular source of people's frustration. Loss of water supply is bad enough, and it causes enough misery and hardship for people, but the inability to communicate with NIW multiplied that frustration many times over.

Mr Armstrong: In light of the effects that recent events had on Northern Ireland Water's infrastructure, will the Minister explain to the House why he has chosen not to meet the recommended level of infrastructural investment in his draft budget proposals, but is supporting the expenditure on the A5. He will know that only for the hundreds of bore wells across the Province, there could have been more problems. The infrastructure is not able to supply water to every household, but he is spending millions on the A5 project. Water is a life source for everyone.

The Minister for Regional Development: I presume that there is a question on the allocation of spend somewhere in the middle of that. The A5 project, in particular, is an agreed project between the Executive and the Government in Dublin. It has been discussed at Executive plenary meetings and at all the North/South ministerial meetings in transport sectoral format that I have attended. It is a project that the Executive as a whole have bought into. There is not the required allocation. As Mr Armstrong is a member of the Committee for Regional Development, he will know that I have sought finance for years 2 and 3 from within my departmental finances to supplement what was, in my view, much too low of an allocation for water and sewerage infrastructure. We have managed to increase that substantially.

As I said to other Members, this is a draft budget, so I look forward to hearing from the Member and from other Committee members. His view is that we should take the money from the A5 project and put it into NIW. That is a valid view, but the A5 is a project that has

been agreed between the Executive and the Government in Dublin.

Mr Speaker: I warn Members that we are straying slightly from the statement. Please ask questions on the statement.

Mr Dallat: I will refer directly to the statement. I see that the Minister has initiated a non-executive directors appointments process with the regulator. I presume that that includes hiring and firing. Can the Minister assure the House that anyone who puts themselves forward for a position as a non-executive director will not have their reputation and standing tarnished on the basis of claims that turn out to be erroneous? Will the Minister consider making an apology to Declan Gormley and others, who feel that they were wronged when they were non-executive directors? Will he avoid new appointments until the two reviews make recommendations?

Mr Speaker: I have allowed the Member quite a bit of latitude.

The Minister for Regional Development: I never cease to be amazed by the priorities of the Member and some of his party's members. I know that some party members were engaged with their priorities on the ground, which were the restoration of supply and helping people. Other members of his party were phoning my Department in the middle of the emergency and looking for an apology for Mr Gormley.

The appointment process has been initiated. It is not with the regulator; the appointment process is carried out in conjunction with the Commissioner for Public Appointments.

I am amazed that the Member is still beating that particular drum for people who were removed as part of a procurement issue, given that the Committee, of which he is a member, has not yet concluded its investigation into that. Therefore, it does not say very much for his judgement that he has pre-empted the outcome of his Committee's investigation, as has Mr McGlone, who has been ringing the Department looking for apologies for Mr Gormley.

The chairman who Mr Dallat wanted sacked and now wants reinstated was on record as saying, I think disgracefully, that the £28 million of procurement failings, which denied people an opportunity to bid for contracts in NIW, was down to getting the paperwork wrong. I wonder whether Mr Dallat, as a long-standing member

of the Public Accounts Committee, agrees with the view that the procurement for £28 million of contracts was not done properly simply because of the paperwork being wrong. Is he still calling for Chris Mellor's reinstatement and an apology to be given to him on the back of that type of statement? If he is, it does not reflect very well on him as a long-standing member of the Public Accounts Committee.

Mr F McCann: Go raibh míle maith agat, a Cheann Comhairle. I thank the Minister for his statement. I note that he said that all supplies were back on from last week. Unfortunately, the same cannot be said for the supplies of tenants of the Housing Executive, some of whom still have no heating, are not back in their houses and are living with collapsed ceilings. *[Interruption.]* I apologise; I will go on to the question. Can the Minister explain what improvements have been made to NI Water's major incident plan? Will he outline whether the problems are related to investment or whether there is also a problem with management in NI Water?

1.00 pm

The Minister for Regional Development:

Where the particular problems lie will be the subject of the investigation. I look forward to the outcome of that, which will be considered and published in due course. As I said, we have asked for immediate improvements. We have asked NIW to review and update its major plan for response to an incident. Bear in mind that, when that response plan was put in place in the early part of 2010 and in the early part of December 2010, it survived those incidents, albeit with some criticisms and requiring some improvements.

As NIW certainly failed in its response over the Christmas period, we asked it to review and update its plan. We also asked that the plan be externally verified to create some public confidence in NIW's ability to respond. NIW agreed to that, and it intends to have the plan verified and to respond to us by the end of this month.

Mr Ross: If the Minister is not prepared to take responsibility for the way in which Northern Ireland Water handled the crisis over Christmas, is he at least prepared to take responsibility for the performance of the non-executive board members whom he appointed to oversee the performance of Northern Ireland Water, or will he tell us that that is someone else's fault as well?

The Minister for Regional Development: The Member is correct in saying that I appoint the non-executive directors. I appoint all directors to the board, although NIW recruits the executive directors and recommends them for appointment to the board. Last year, I had to deal with the then directors on the basis of the evidence presented to me. When serious procurement issues were identified to me, I took action, where I had the ability to do so, against the people whom I had appointed to the board to represent the interests of the public and my Department. I felt that it was appropriate to take such action.

As I said, the people who are largely responsible for devising response plans are the professionals who work in NIW and are well paid to devise, test and implement them. The role and responsibility of the board members will be the subject of the investigation and, as I said, I am content to consider its outcome.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. It was an important crisis, and I know that the deputy First Minister called a meeting over the holiday period. I would be grateful if the Minister would tell us whether he raised the issue of NI Water's budgetary constraints with the Finance Minister at that meeting.

The Minister for Regional Development: I raised the issue of financial constraints plus that of the broad constraints that existed in my Department. Given that there was a 40% cut in the capital budget available to the Executive and that DRD is the main capital spender in the Executive, I anticipated difficulties. However, we had been through a lengthy process with the regulator and others to conclude the PC10 process, which identified what the regulator considered to be the requirement of NIW over the next number of years. Clearly, my initial budget allocation from the Department of Finance and Personnel fell substantially short of that requirement in years 2 and 3. I then had to look to my own resources to try to supplement that. I raised that and several other issues, specifically that of NIW, with the Finance Minister.

I accept that we all face difficulties. That is why I felt that it was important for the Executive to do additional work to identify other areas of revenue and income. We have been given a bad hand by the Westminster Government, and there is an onus on us to examine where we can find additional resources. We have managed

to identify about half of those resources, but a further £800 million have yet to be identified. The onus on all Departments and on the Budget review group is to get down to that work quickly so that we can continue to supplement our planned investment in important places, such as NIW.

Mr Campbell: The water crisis was an unmitigated disaster. The distribution centres for bottled water were inaccessible to many who were cut off from the main supply, NI Water's IT system was totally and utterly inadequate, and the chief executive had to resign. The Minister mentioned governance arrangements. He also said that there were:

"very significant failings in the delivery of a basic public service."

The buck stops with the Minister. Does he acknowledge that an inadvertent consequence of his refusal to resign and of his party's defence of the indefensible is that the entire Assembly system for the appointment and dismissal of Ministers will have to be reviewed?

The Minister for Regional Development: I agree with some of the Member's criticism of performance. However, I was somewhat alarmed by the proposals made by Mr McDevitt, who has now left us, perhaps to write his latest press release, and by the SDLP's willingness to change the system of governance here. He said that the SDLP would come back to those after the election. I wonder why they are not coming to them before the election and indicating their intention. Maybe that is some of the ugly scaffolding of the Good Friday Agreement that was referred to by his former leader.

I have heard the Member and other Members say that this would not happen in any normal system of democracy. The reality is that we do not have a normal system of democracy here, and the reason we do not have a normal system of democracy is that unionism cannot function in a normal system of democracy without abusing the power in that democracy. There is absolutely no chance that his party or other parties on that side of the House will have a veto over who is appointed as Minister here. The safeguards that were built into the Good Friday Agreement and the St Andrews Agreement, which the Member supports — it is a bit strange for him now to be criticising those safeguards — were built in for a very good reason: unionism cannot function in a normal democracy without abusing power.

We will not allow that power to be abused. We appoint our Ministers; the electorate will decide whether their performance is good enough.

Sir Reg Empey: It is widely accepted that the East Belfast constituency was one of the worst affected during the crisis. That constituency, along with others, also suffered from the flooding in 2007 and subsequently. It is my recollection that the Executive decided around late autumn 2007 to establish a single telephone number for subsequent emergencies and crises. Has any progress been made in implementing that decision so that the people can have a single point of contact for any subsequent emergency, instead of the chaos that ensued in the past few weeks?

The Minister for Regional Development: The Member should recall, because he was a member of the Executive at that time, that that was a flooding helpline, and the issue then was the flooding in east Belfast. When different agencies were responding — the Fire Brigade, NIW, Roads Service and the Rivers Agency — the Executive recognised at that time that a single flooding helpline would be required.

This was a loss of water supply issue, but I am sure that steps have been put in place in the short term for whatever issues arose from the incident over Christmas, and communication was clearly a key failing. In the longer term, however, those issues will be looked into as part of the review, which will be conducted largely by the regulator but also with the assistance of the independent persons appointed. If a single emergency line is one of the review's recommendations, that will come back to the Executive. However, the issue that the Member refers to was flooding, out-of-sewer flooding and street gullies as a result of heavy rainfall, and the telephone number was for the agencies that dealt with flooding issues.

Mr O'Loan: The independence and robustness of the review are crucial. Northern Ireland is a small place, and those at senior levels in public life form a small community who often know each other. The Facebook connection — I do not want to overstate it — illustrates that point. Will the Minister accept that, for full public confidence in the review, the two persons appointed alongside the regulator, who have a particular remit to look at the departmental function, should have been persons with no role in Northern Ireland's public or business life?

The Minister for Regional Development: The people were appointed by OFMDFM, not by me. One of them, who has been chief executive of NILGA, I assume has worked with all parties without any question.

The Member will know, as will any Member who uses social networking to advance information, that you probably have more enemies than friends on your sites. That is the case. People follow people to see what political statements are made or what political ideas or discussions are going on. That does not in any way indicate any type of relationship. So, although the Member does not want to overstate the issue, the fact that he raised it in the first place is an attempt to leave the question hanging and create some sense of a lack of independence.

The general proposition that anybody from the North cannot be trusted to be independent is incorrect. People who are asked to approach these things obviously have to give an undertaking to approach them in a professional way and that they are not conflicted in any way or bringing any baggage. We accept those assurances. Part of the problem with this place is that, for too long under direct rule, we were running to Britain, looking for people with absolutely no connection or understanding of this place to fill such public appointments. For the Member to advocate looking outside Ireland for people to fill those positions, particularly given his political perspective, is a little bit strange.

Mr Bresland: I thank the Minister for his statement. He mentioned that staff from Royal Mail and the local councils were providing help by reporting visible leaks. Does he agree that we need more local plumbing inspectors? Will he confirm that all plumbing inspectors who were available to Northern Ireland Water were called out during the crisis?

The Minister for Regional Development: I have been informed by NIW that over 500 members of staff were out on the ground. That figure includes NIW's own staff and contractors. Of course, one of the major difficulties with this incident, which all Members will be aware of, was that it happened over a holiday period when many premises were shut down. There were repeated public calls for people to inspect their premises. In one instance, we found a number of commercial or industrial premises that had been suffering from leaks for a number of days, which would have affected the supply

to between 10,000 and 20,000 households. There was a very general request put out for people to inspect their premises. I remember officials from NIW speaking on the radio during the freeze and warning people that there would be a thaw, that there would be burst pipes and that people who were off on holiday needed to regularly inspect their premises. Unfortunately, in some cases, premises were not inspected.

As I said, there were some major failings, particularly at industrial sites and even at one hospital site, which should have been detected earlier. That affected the levels of water in reservoirs and, consequently, the supply to other people, which made it a necessity to rotate supplies for longer periods. As I said, there were 500-odd people out on behalf of NIW and, as the Member rightly said, there were people from councils, building control inspectors and even postmen and postwomen reporting any leaks that they saw. That demonstrated willingness and a very good level of co-operation across all agencies. However, in some cases, the public response and people's own responsibility in the emergency fell short of what would have been expected of publicly minded people.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim leis an Aire as an fhreagra sin. I thank the Minister for his statement and for his assurance that the construction of the A5 road will proceed. That is a bit of an aside.

The chief executive of NIW offered his resignation, which was accepted. Many consumers would ask why he was not sacked.

The Minister for Regional Development: The chief executive offered his resignation. He was not subject to the NICS contract arrangements; he was subject to private company contract arrangements. Under those arrangements, he was obliged to provide six months' notice. The board decided to accept his resignation and to ask him to leave immediately. Therefore, he was entitled to six months' statutory pay. I wanted to ensure that that was the minimum requirement, because, given the degree of public annoyance and frustration over the performance of NIW, nothing more than the minimum that was required contractually should have been offered to the chief executive. Sacking him would have required suspension on full pay and, probably, a lengthy investigation into whether he was guilty of gross misconduct or there was simply an inept response from NIW, which may not have

provided grounds for the dismissal of anyone and would have led to the likelihood of an appeal.

When the opportunity of a resignation was presented to the board, the minimum requirement was six months' pay. That is what I wanted to satisfy myself about. I also wanted to satisfy myself that assurances were given by the former chief executive that he would remain available to assist the investigation in any way that was needed.

1.15 pm

Mr Lyttle: Does the Minister agree that it is frankly audacious for anyone to play politics with this issue? Perhaps, he will also take heed of that. This is a serious issue and, as my colleague from East Belfast Sir Reg Empey stated, East Belfast was one of the most seriously affected constituencies. I pay tribute to the NIW staff on the ground and to the community volunteers who were out delivering to some isolated people. For example, one nursing home with 40 older residents was without water for days.

Mr Speaker: The Member must come to the question.

Mr Lyttle: I will come to the question, Mr Speaker. The Minister said that there is some dispute about the accuracy of concerns surrounding the investment in our water infrastructure. Will he instruct the inquiry to investigate the adequacy of investment in our water system and report to the Assembly on that matter?

The Minister for Regional Development: We have already been through a lengthy price control (PC10) process, which is a discussion between NIW, the Department for Regional Development, the Department of Finance and Personnel and the Utility Regulator, to determine what NIW feels that it needs for the years going forward, my Department's view of that and, obviously, the Department of Finance and Personnel's view of what is available. The Utility Regulator has a specific role in identifying what it thinks are NIW's requirements. That process has been concluded, and a figure of approximately £200 million a year has been identified. We have had to set that against the reality of the capital cuts that are being brought in by the Tory Government in Britain and the 40% cut to our capital budget. That has meant that my Department's allocation to pass on to NIW is reduced and is less than that

recommended by the Utility Regulator. I have had to propose — it is a draft Budget — that additional moneys should go from my internal allocation to NIW for much-needed investment. That work has already been done and to do it again would be simply replicating a lengthy and detailed PC10 process on behalf of the Utility Regulator. I invite the Member to study that first, and, if he feels that there are still gaps in his understanding of the level of investment required, I will be happy to correspond with him.

Lord Morrow: The water service was not the only organisation that did not deliver. No doubt we can look forward to hearing from the Minister for Social Development about the shambolic nature of the Housing Executive, but we are dealing with Northern Ireland Water today. It has been said that the chief executive of that organisation has been made a scapegoat and that his is the easy head to roll. Surely the Minister has recognised that he is presiding over a shambolic organisation, namely Northern Ireland Water, which has demonstrated transparently that it cannot deliver a vital service to the consumer in Northern Ireland. Does he really need another inquiry?

I listened to the Minister's statement, and he spoke about a number of inquiries that have been initiated. Now he has initiated another one. Are we capable of learning from this experience? We heard during the crisis that we will learn from it, but I suspect that we will not and very soon we will be in another one. Can the Minister assure us that, whatever steps have to be taken, he will be up for it and there will be no hiding away on this occasion?

The Minister for Regional Development: I would not necessarily concur with the Member's view that Northern Ireland Water is a shambolic organisation. Its investment in our water and sewerage infrastructure certainly delivers, and people have been complimentary about the new treatment works that have been built and the investment that has been rolled out very efficiently on time and under the terms of the contract.

The response to the incident was not what could be accepted. I have been saying for some time that NIW is too far away from government and that it was set up for a particular purpose under direct rule — to become a self-financing privatised utility, like NIE or some of the organisations that deliver water and sewerage

services in Britain. The Executive, clearly, chose a different direction, and, although they took decisions about who would fund NIW's requirements, they did not take decisions about the organisation's structure. I have been saying for some time at the Executive table that that needs to change.

I brought forward propositions, which, thankfully, were agreed by the Executive last week, to go for short-term legislation on NIW's public accountability. In September 2010, before the issue arose, I made a statement in the House that I would undertake five different measures. Four of those measures have been completed. The longer-term relationship between NIW as an organisation and the Department and the Executive needs to be changed. That will require substantial legislation.

I intend to take a paper to the Executive before the end of this term so that the incoming Executive and Minister for Regional Development can be informed by the Executive's view of how they would like to see NIW going forward. For some time there has been a clear recognition and understanding in the Executive that NIW's financial arrangements were not suited to NIW now. There is now a clear recognition across the board that it is an organisation that needs to be changed. I am up for that type of change, and I hope that, perhaps in response to this incident, Members who were thus far resistant are now also up for that type of change.

Mr Beggs: The Minister indicated that some 70% of leaks were on private property. Does he accept that a leak in a mains pipe affects hundreds, if not thousands, of constituents? Will he indicate that an important change is needed there so that we not only manage information better and provide emergency responses but invest so that we do not face the same number of leaks again? Will that be done as the Budget stands?

The Minister for Regional Development: The Member is correct in that a substantial number of bursts were on private properties. However, that may not equate to the volume of water that was lost, and obviously mains supply affects many houses. As I said, however, at some industrial properties there were very significant bursts, which were the equivalent of mains supplies. They had been out for days, meaning that people had not checked their properties, despite public calls on all keyholders to do

so. There were some substantial leaks on the private side, but there is not yet an estimate of the volume of water lost.

A mains rehabilitation programme is ongoing. I am sure that, as part of the assessment of the incident, we will assess whether that needs more, rather than less, emphasis by considering what further incidents the infrastructure is likely to hold up against.

We have no very accurate weather predictions for coming years. We hear people saying that this will be the situation for the next six or seven years, and we hear other people with a different view. Weather prediction is a very chancy area to get a substantial degree of accuracy in. Nonetheless, we need to at least look to what the meteorologists can tell us about the future, and perhaps that will alter investment priorities.

When I came into office, the priority was around infraction costs, pollution and getting water and sewage treatment works right. It was to make sure that the prospect of EU fines, which would have substantially drained the resources available to the Executive, was headed off. That has been done successfully. I think that we need some assessment that is as good as we can get, given the precarious nature of weather prediction. If this is to be the type of winter that we are to have for a number of years, perhaps there will need to be reprioritisation and further infrastructure investment.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. First, let me thank the Minister for his statement and for coming before the House to respond. Hopefully, it will give a good example to other Ministers, such as the Health Minister and the Minister for Social Development, to do likewise.

Will the Minister congratulate Dungannon council — Dungannon having been the worst area and the first area hit by the shortage — on the work done by its staff, councillors and workers in responding to the failure of NI Water? Hopefully, he will condemn NI Water for its failure to deliver a service. To start off with, it failed to respond, and it failed to have a reserve of bottled water in place. In the Dungannon council area, for instance, one pallet of bottled water was on reserve in that time of crisis, even though there was a possibility of such a crisis occurring. The call centres had no strategy in

place except to act like the Samaritans and give people the opportunity of getting a response.

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

Mr Molloy: Will the Minister tell us how long it would take to wind up NI Water and bring it back under the Department?

The Minister for Regional Development: I have no difficulty congratulating Dungannon council, if only because it might soften relationships and encourage the gritting of paths, given that it is still a bit reluctant in that regard. I said quite clearly and publicly that I accepted that there were very substantial failings and that immediate lessons needed to be learned. The deputy First Minister and the First Minister also said that very clearly and publicly in the middle of the incident.

The response to the question about the long-term future of NIW is that, as I said, I circulated some proposals prior to Christmas to my Executive colleagues and to the Chairperson of the Committee for Regional Development on short-term legislative change that can bring much tighter control and public accountability to NIW. For the longer term, I intend to bring a paper to the Executive outlining options for NIW. Those options will be suited to the direction that devolved government has wanted to go with NIW. That will require a fairly substantial programme of legislative change. As I stated clearly last September, the purpose of that was to take the mind of the current Executive and, in doing so, to clearly inform an incoming Executive and Minister of the direction that people felt that NIW as an organisation should go.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Why is it that the Minister agreed an investment programme for Northern Ireland Water with the Utility Regulator on 13 December 2010 but has left the organisation £48 million short of what is required to fund that programme? Does the Minister agree that his statement clearly demonstrates that he failed to put in place adequate preparations, considering that the thaw was widely forecast for 26 and 27 December? If he will not do the decent thing and resign, will he at least apologise to the public for his failure in this matter?

The Minister for Regional Development: Yet again, we are back to the old chestnut of the SDLP on the attack. As for any failure, I was out

and about over the Christmas period, dealing with people. I am not sure where the Member was. He mentioned an apology; if he had been about or had paid attention to the media, he would have seen me standing in front of a mass of television cameras and news reporters on New Year's Eve giving a widely reported press conference during which I apologised to people. Perhaps that passed him by, wherever he might have been over the holiday period.

Clearly, the regulator, the Department and NIW agreed on the budget available to NIW. There are contradictions that I have been pointing out while the Member's party has been arguing against that type of change. One of the contradictions that I pointed out was that, although the regulator can tell us, because his function is to regulate NIW as a company and as a self-financing utility, what he thinks it requires, the Executive then have to agree the amount of money that is available. Mr McDevitt is shaking his head, but, when I made those propositions to the Committee, he asked whether I was throwing the baby out with the bath water. He said that it was simply a matter of some governance issues and that some people may need to change. Now, he is a radical proponent of change in NIW. I am glad that, somewhere on the road to Damascus, he had that recent conversion.

The point that the Member makes is erroneous — that is nothing new — because he is referring to only one year in the Budget period. He made the point that the regulator agrees with NIW on what is required. The Executive are faced with a different proposition, because the Westminster Tory Government have decided that 40% of our capital can be cut. Therefore, despite what the regulator and NIW agree is the required amount, the Executive do not have that unless they cut back on other services. Given that this is a draft Budget, if the Member and his party are critical of the allocation to NIW, I am more than happy to hear from them how that can be topped up and from what areas that will come. That will inevitably mean cutting other services. Therefore, rather than simple criticism, let us have some constructive proposals. If the SDLP wants the NIW budget to be added to, it needs to tell us where that should come from.

Mr Spratt: I thank the Minister for his statement. It is my understanding that, in the past, Northern Ireland Electricity brought in engineers from the United Kingdom to help to carry out repairs in an emergency. Given

the enormity of what happened with Northern Ireland Water, was any consideration given to bringing in engineers from the mainland or from elsewhere to help with the situation? If such a situation happens again, will the Minister ensure that that is one of the priorities that Northern Ireland Water will look at?

The Minister for Regional Development:

I consider us to be on the mainland. Nonetheless, I take the Member's point. Of course, it is an operational call for NIW what resources it needs in the middle of an emergency. I do not think that anyone in this Building is well placed to make a judgement on what is required operationally. In the middle of the situation, NIW's view was that it had sufficient engineers on the ground to detect and to deal with bursts. The major problem lay in communication, in call centre capacity and the ability to communicate with customers. There was also the issue of supply of emergency water. The investigation that the Executive have agreed can look at all of that and come up with recommendations.

I am sure that all those matters can be looked at under the mutual arrangements that NIW has with companies in Britain. Indeed, water supplies came from County Louth to the Newry and Mourne area. Mutual aid and what is required in the middle of an emergency is an operational decision; it is not something on which the Department is qualified to make a call. NIW, through its expertise, has to call on what it considers it requires.

1.30 pm

Mr Bell: We have heard a lot about the chief executive. However, what steps did the board, from the chairman down, take to ensure that we had an effective and efficient response? How does the Minister deal with the supreme irony that bottled water called Only Our Rivers Run Free was sold at his party's conference when the taps in Northern Ireland did not do so?

The Minister for Regional Development: I thank the Member for that advert for our bottled water. I am sure that sales will increase tenfold as a result of his mentioning it. As a matter of fact, the problem was not with the rivers. The issue was the mains supply.

The chief executive has obviously taken a decision and offered his reasons for doing that. The board has a responsibility to satisfy itself

and to get an assurance that the people who are tasked with devising, implementing and putting in place plans and revising them as they unfold actually do that. The plan that NIW put in place was a standard type of response plan used right across these islands. It was deployed in the earlier part of 2010 and was largely successful. However, there were some areas of criticism, and the regulator made some suggestions and issued some directions around that. The plan had also been deployed in the early part of December and had been responsive.

The board was responsible for assuring itself — and the Department, through discussions with the board, assured itself — that the professionals at NIW had the plans in place, as they very clearly said throughout December, were confident that they could handle arrangements and were prepared for whatever the weather might throw at them. The Member will have heard that if he observed the Committee proceedings. However, the reality is that that turned out not to be the case. The investigation will look into that.

Mr McDevitt: On a point of order, Mr Speaker. During answers about the statement, the Minister suggested that I was not present in the House. Is it in order for a Minister or a Member to suggest that another Member is not present in the House and then not to correct the record?

Mr Speaker: That is not a point of order, and I think that the Member knows it.

Draft Planning Policy Statement 23 (Enabling Development) and Draft Planning Policy Statement 24 (Economic Considerations)

Mr Speaker: I have received notice from the Minister of the Environment that he also wishes to make a statement to the House.

The Minister of the Environment (Mr Poots): With your permission, Mr Speaker, I wish to make a statement to the effect that, following Executive agreement in December, I am now issuing two planning policy statements (PPS) for public consultation. Those are draft PPS 23, which deals with enabling development, and draft PPS 24, which refers to economic considerations.

Draft PPS 24 contains text originally included in a statement on economic considerations that my predecessor, Sammy Wilson, made in the House on 11 May 2009, and which was quashed in court on 1 October 2010. As economic implications are already a material consideration in the process of planning applications, I have decided not to afford draft PPS 24 any weight in the determination of planning applications until such time as it is published in final form, after the end of the public consultation period.

Strengthening the economy has always been at the heart of the Executive's agenda, and there is no hiding the economic challenges that we face. We must all rise to the challenges by helping to promote sustainable economic growth. My Department plays a crucial role in making Northern Ireland a better place to live, work and invest, and planning is central to that.

The Planning Bill, which is being scrutinised by the Environment Committee, will create a modern, efficient and effective planning system that will support the Executive in their efforts to promote sustainable growth that will serve the needs of all the people of Northern Ireland and ensure the right level of protection for our built and natural environment.

Planning policy also has an important role to play. I recently published PPS 4 on economic development and draft PPS 16, which will help to manage sustainable tourism development. The draft planning policy statements that I am publishing today are also concerned with economic issues.

Draft PPS 23 provides a mechanism for subsidising the restoration and refurbishment of built heritage or other assets where there are clear public benefits and where the work cannot be funded by other means. It allows a development proposal that is contrary to established planning policy to be permitted where the development or its proceeds are needed to secure the long-term future of the heritage asset in the public interest. The enabling development subsidises the cost of the work needed to secure the asset where the cost of the work is greater than the market value of the asset after the work has been completed. The work could, for example, include maintenance or major repair of the asset or its conversion to the optimum viable use. Such works constitute the principal proposal.

The justification for allowing enabling development lies in the overriding public benefit to be derived from the implementation of the principal proposal, which would otherwise have little prospect of being carried out. Enabling development is often residential development, which is permitted only to fund the restoration. Draft PPS 23 proposes policy for assessing enabling development proposals. It allows for enabling proposals that include some elements that would not normally be acceptable under other planning policies but which can be justified where there are overriding public benefits to be gained from the development.

Enabling development is already a well-established planning concept, and some proposals have been approved in Northern Ireland. Draft PPS 23 sets out clearly the circumstances in which enabling development may be considered permissible. It also provides rigorous criteria against which enabling development applications can be assessed.

Whereas planning policies on economic development, tourism and enabling development are concerned with particular types of development, draft PPS 24 is relevant to any type of development. It states:

"Full account shall be taken of the economic implications of a planning proposal, including the wider implications to the regional and local economy, alongside social and environmental aspects, in so far as they are material considerations in the determination of the planning application to which they relate."

Where the economic implications of a proposal are significant, substantial weight shall be accorded to them in the determination of that planning application. In such cases, substantial weight can mean determinative weight."

That said, draft planning policy statement 24 will need to be read in conjunction with others, and economic considerations will need to be weighed up alongside other material considerations.

There will be times when other material considerations, such as environmental or health and safety factors, outweigh the economic implications of the proposals and make it necessary to refuse planning permission. The Planning Service will assess the economic implications of any proposal on the basis of the information that is provided with the application. That means that applicants must make sure that they include in their applications all the information that the Planning Service needs. Such information will be proportionate to the scale of a development.

Consultation on draft PPS 23 and draft PPS 24 will close on 6 May 2011. I encourage everyone with an interest to write to tell us what they think. We will consider the responses very carefully before finalising the policy.

My Executive colleagues have welcomed draft PPS 23 and draft PPS 24, and I commend the policies to the House.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. On behalf of the Committee, I welcome the Minister's statement.

The Minister is well aware of cases that are awaiting decisions that rely heavily on economic considerations. He said that that is a material consideration, but all those applications are sitting ready to go for refusal. If consideration cannot be given until the policy is in its final form, it will not be used. How does the Minister hope that Planning Service will assess and make a determination for those cases that are already sitting waiting? I welcome that planning policy statement but economic considerations are clearly not being taken seriously as a material consideration.

The Minister stated that draft PPS 23 will allow development that has overriding public benefit. Will he state who will assess that public benefit and on what criteria the assessment will be made, not just under the current planning

arrangements but when the arrangements are devolved to local government?

The Minister of the Environment: As planning policy exists, economic considerations can and should be taken into account. When my predecessor, Mr Wilson, made his statement on economic considerations, he wanted to emphasise that fact. He wanted to give guidance to planners that more substantive weight should be given to economic considerations compared with many other issues that came forward from, for example, Europe and elsewhere that were sometimes being given greater weight than economic considerations.

Unfortunately, that was challenged, and the court's interpretation of it was different from the previous Minister's. One issue was that we did not have a full public consultation. We are now going to have a full public consultation. After that is completed, whoever happens to be in this ministerial position after 5 May will be able to move this forward and make their decision on the basis of what has come back from the consultation. In the meantime, planners can still take economic considerations into account.

I turn to enabling development and the people who will make judgements on it. We will, for example, rely on the Northern Ireland Environment Agency (NIEA) to give us information on built heritage. Business opportunities — for example, significant tourist opportunities — will need to be supported by a business case and the "reasonology" as to why applicants require additional development to enable them to deliver something that considerably benefits the community. If it is a leisure facility for a district, an assessment will be carried out and that development will have to support local community needs. I trust that my answer has assisted the Member.

Mr Weir: I thank the Minister for his statement. Following on from what has been asked, I refer the Minister to the second paragraph of his statement, in which he referred to a statement by the previous Minister, Sammy Wilson. I want to ask about planning application decisions that were based on the planning policy statement that was quashed. What position are they left in?

The Minister of the Environment: Since 1 October 2010, planning offices were advised that decisions on planning applications should no longer take that statement into account. Before October, the statement was still in place,

and decisions on planning applications had, on some occasions, been considered. Therefore, in the absence of any individual legal judgement, such decisions remain valid.

Mr Kinahan: I thank the Minister for his statement. I start by declaring an interest in that I live in a historic building. The Minister's statement will be incredibly welcomed by everybody who lives in listed buildings, particularly after the recent cold weather patch did so much damage. Has the statement been put in place to replace the cuts regarding help with historic buildings, archaeology and archaeological sites that are coming through in the Budget?

The Minister of the Environment: It has not been put in place for that reason but it will help to offset some of the cuts that are coming in that direction. Unfortunately, the Westminster Government, formed from the Conservative/Liberal pact, have decided to instigate a series of cuts. That is a political decision, and we in Northern Ireland will have to take our share of those cuts.

When it comes to built heritage, we are also looking at issues such as the provision of tourist infrastructure. There are, perhaps, tremendous tourist opportunities that could help Northern Ireland but which just do not stack up financially without enabling development. It may be that there are educational or arts facilities, cultural facilities and leisure facilities that we in Government do not have the money to support but that could be supported through private development. Those opportunities may well be created. They may well be for an arts centre or for something of cultural significance, such as a museum, but that development can only happen with the support of enabling development. At the moment, we in the Executive do not have the capital investment or financial wherewithal to support some very worthy and worthwhile schemes.

Mr Dallat: I also thank the Minister for his statement. It is very welcome.

Given that all planning comes at a cost, and given that the Minister recently approved a planning application for a superdump in an area of outstanding natural beauty, will he tell the House how the draft planning policies will prevent that and how they will harmonise the best in planning and in job creation, particularly in tourism, which is very important on the north coast?

1.45 pm

The Minister of the Environment: I thank the Member for his question. As usual, he is very consistent in striking a negative note. The facility at Cam does not really have much to do with this issue, but I will deal with it anyway. Replacing a hole in the ground is not really regarded as something that will add to an area of outstanding natural beauty. Having that hole filled under International Panel on Climate Change (IPCC) regulations in a way that can be properly monitored and brought back to something that looks more natural should not really be viewed in a negative light. However, there is always opposition to those types of facilities, which I understand.

Nonetheless, these items will deal with economic issues. A group such as the North West Region Waste Management Group, for example, may say that, economically, we need to continue to create landfill and that that is the best landfill site. The Sinn Féin and SDLP members of that group may support that along with the unionist representatives, and so forth, and when all that happens, that makes a decision that adds up when it is put on my desk. Perhaps the Member would be better talking to his colleagues on that group and encouraging them not to proceed with the waste facility at that site.

Mr Lyttle: Does the Minister believe that the Northern Ireland Environment Agency has sufficient power and independence to ensure that draft PPS 23 will be applied in a way that strikes the correct balance between economic development and the protection of our built heritage?

The Minister of the Environment: As it stands, we already allow enabling development for built heritage. That has been the case on a number of occasions, and it is lifted from the policy that is in place in the rest of the UK. Through enabling development, we are looking to take that somewhat further. Enabling development is about creating opportunities to provide significant facilities that could not otherwise be provided for the benefit of the community. Those facilities may be significant at a local or regional level. Enabling development is for the benefit of the community, not developers. They may make something out of it, but the primary focus of enabling development is that it is for the benefit of the community. I, as a public representative,

will always want to fight for the benefit of the community. If others wish to take a different line, they might want to take that interesting case to the public during the elections in May.

Mr Ross: I thank the Minister for his statement. What policies can be set aside with the announcement of the new draft PPS 23?

The Minister of the Environment: When someone submits a proposal for enabling development they must demonstrate, in the first instance, why planning policy should be set aside. That is absolutely necessary to allow the Department and planning professionals to properly assess the merits of the proposal and to decide whether the benefits to the wider public decisively outweigh the disbenefits of setting aside other planning policies. Although it is for the decision-maker to weigh up all material considerations in issuing such a decision, draft PPS 23 aims to establish the instances where the relevant policy may be set aside to allow the enabling development proposal. The justification for allowing the enabling development element lies in the overriding public benefit of the implementation of the principal proposal, which would otherwise have little prospect of being carried out.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement, which I also welcome. Will economic weighting be given to nursing homes that are in listed buildings and that wish to expand, particularly those that are in the system awaiting decisions on the previous Minister's paper? Will the Minister outline how applications already in the system will be resolved? Furthermore, will the Minister outline the amount of jobs that will be created by implementing the policies?

The Minister of the Environment: Without getting into specific cases — I do not know which cases the Member is talking about, so I am probably on safe enough ground — the proposals are meant to support, not diminish, built heritage. If a nursing home that is in a listed building has a proposal that sustains that particular business model without detracting from the listed building, the proposal will be supported by the policy. I have to make it absolutely clear: proposals that relate to built heritage, but would end up detracting from it, will not be supported. The proposals should allow built heritage to be sustained and

enhanced, but not detracted from. Therefore, anybody drawing up proposals needs to do it on that basis.

We have not carried out an analysis of how many jobs the policies will support or create, but they generally support economic considerations. Let me make it absolutely clear in the House: Northern Ireland is under considerable financial pressure, and, at this time, we need to support business, the economy and job creation. That is why I am glad that these policies are being brought forward now.

Mr A Maginness: I thank the Minister for his statement, particularly in relation to draft PPS 24. I agree that it is necessary to attract economic development and investment. The Minister said that although “material consideration” will be given to economic decisions, “substantial weight” will be accorded to the economic elements of any planning application. Will the Minister evaluate what he means by “substantial weight”, because if that position is not different from the previous one, there is little point in having draft PPS 24?

The Minister of the Environment: Draft PPS 24, as I quoted in my statement, goes further than that. The weighting can be the determinative factor in a decision. If Invest NI, for example, were trying to attract a large company to Northern Ireland and to locate it on the top of Black Mountain, there would be a debate about whether the proposal should get planning approval. Even if the company had 400 or 500 jobs, the application would probably be refused. We cannot override environmental issues. However, if it were to be sited on the edge of an existing industrial estate, perhaps extending into the green belt, but without doing demonstrable harm, the economic factors would clearly indicate that that proposal should go ahead. Under current arrangements, the proposal would face greater challenge.

There have been incidents, such as Coca-Cola's investment in my constituency, which, by the way, took place prior to my becoming the Minister and which I supported strongly, when the proposed investment was outside existing development zonings but in the public interest. Draft PPS 24 will make it considerably easier for planners to come to that type of decision. However, we will not override key environmental issues exclusively in the interests of business, because that would, ultimately, have a negative outcome.

Mr I McCrea: I, too, welcome the Minister's statement. He referred to draft PPS 24, which states:

"full account shall be taken of the economic implications of a planning proposal".

It further states that full account will be taken of:

"material considerations in the determination of the planning application".

Will the Minister detail what he has done to progress the determination of planning applications throughout the system?

The Minister of the Environment: First, we are introducing legislative change through the Planning Bill. In addition, we are introducing a package of organisational changes and efficiency measures to bring about improvements in the handling of planning applications.

Key actions include the prioritisation of applications that are economically significant; pre-application discussion to improve the quality of applications; the streamlining of council consultation; the redirection of staff resources to meet priority demands, including the creation of a divisional support team targeted at areas of particular workload pressure; and improved monitoring of consultee performance. For example, the streamlined council consultation that was introduced to all 26 councils has reduced the average timescales for approvals to 24 working days.

Mr S Anderson: I thank the Minister for his statement. I welcome it. How are economic benefits assessed under draft PPS 24?

The Minister of the Environment: The key responsibility will remain with the applicants, because they will have to ensure that, with their application, they submit all the information that is needed by the planning authority and that the economists in the Planning Service will use to assess the positive and negative economic implications of the proposals, because, in some instances, the policy will stop development. For example, an application may create a modest number of jobs but be proposed to go beside a site where there is a facility to create considerably more jobs, meaning that the application would have a negative impact on that facility, with the potential to lose those jobs. In such instances, this planning policy gives Planning Service the teeth to say "no" very clearly.

Dr McDonnell: I welcome the Minister's statement. Although I could enjoy dissecting proposed PPS 23, my main interest is in PPS 24. Does it mean that planning decisions will be determined any quicker in the future? The framework is not the only important factor. The awful indecision and slow speed of making determinations — decisions often take years — grind people down and do significant economic damage.

The Minister of the Environment: I fully accept what the Member has said. There has been a historical pattern of elongated decision-making. In fact, I was dealing with a case this morning that has been going on for nine years. That is not satisfactory. On occasions — in fact, on virtually every occasion — not all the blame can be apportioned to Planning Service alone. Very often, a lot of it is down to the applicants and how information is provided or, indeed, poor quality applications in the first instance. Nonetheless, we want a system to be put in place through which assessments can be carried out in an effective and efficient way and in a timely manner that deals with all the issues. The Planning Bill will assist us in that.

As we move a lot of the decision-making, right up to all the major applications, back to local government, the planning system will be more focused towards meeting the needs of the community that it represents. Let us move away from the direct rule systems that were established and put in place for many years. We have our own Assembly here and our own local government. We will put the structures in place to introduce the protection in local government, and let us ensure that we proceed to pass planning powers back to local government and ensure speedier decisions.

Mr Bresland: What financial scrutiny will apply to enabling development?

The Minister of the Environment: Proposals for enabling development will be subject to the same degree of financial scrutiny, transparency and, indeed, accountability as cash grants from public funds. It will be absolutely necessary to exercise due diligence in whatever we do, because we cannot leave ourselves open to the charge that we are in the pockets of developers or are unnecessarily helping developers. First and foremost, this is about helping the public. We will not do that to the extent that developers

receive no benefit from it. However, it is primarily about delivering benefits for the public.

Mr Buchanan: I welcome the statement to the House today. Can the Minister give the House some assurances that in the drive for economic development, the environment will not be sacrificed but will continue to be protected appropriately?

2.00 pm

The Minister of the Environment: Absolutely, and the principles of sustainable development are at the heart of the planning system. That means that an appropriate balance has to be struck between the economic, social and environmental aspects of development. We already have a legislation policy to protect the environment from inappropriate and, indeed, insensitive development, so I assure the Member that the policy is not being brought about to override environmental considerations. It clearly gives economic considerations a greater weight than was the case heretofore, and that is why I am keen, at this time of recession, that we move forward with it as quickly as possible.

Mr Speaker: That brings to an end questions to the Minister of the Environment. I ask the House to take its ease as we move to the next item of business.

Public Expenditure: December Monitoring 2010-11

The Minister of Finance and Personnel

(Mr S Wilson): I am not as fit as I thought I was, because running from the canteen has left me out of breath. I want to make two statements. First, I will make a personal statement to correct some information that I gave in the Assembly on 15 December in response to a question by Peter Weir on the comparison of the health allocation in the draft Budget with the allocations to other areas of the UK. In my response I stated:

"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."
— [Official Report, Vol 59, No 3, p187, col 1].

In making that statement, I misread the Scottish real terms percentage. Instead of 3.03%, I should have said 0.303%. I wish to apologise for that, because I understand that it has caused many hours of sleeplessness to Members who were trying to work out how I calculated 3.03% instead of 0.303%. In addition, I clarify that the like-for-like comparisons with the devolved regions showed that the health budget faces a similar impact to that in Scotland.

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

I will provide a copy of the letter to the Speaker, and a copy will also be placed in the Assembly Library. I just want to make that clarification. I am sure that that will keep Members happy.

I will now move on to the December monitoring round. Mr Deputy Speaker, thank you for the opportunity to update the Assembly on the outcome of the 2010 December monitoring round. The starting point for the monitoring round was the conclusion of the September monitoring round. As Members will be aware, September monitoring concluded with a residual overcommitment of £16.8 million in respect of current expenditure and no overcommitment in respect of capital investment.

The 2010 UK spending review announced the closure of the existing end-year flexibility scheme. However, the settlement for Northern Ireland provided the Executive with a one-off facility, which granted us access to any underspends announced in the Estimates

stage in this financial year. During this round, an important strategic consideration for the Executive was, therefore, whether to allocate any reduced requirements in this year or to retain all or some for drawdown in the next financial year. Given the highly constrained public expenditure position next year, particularly on the capital side, the issue played a key part in the Executive's deliberations.

Before I go on to the outcome of the December monitoring round, I will highlight the reduced requirements surrendered and the bids submitted by Departments during the round. All the detailed figures are included at the end of the statement, which Members should have available to them. In respect of reduced requirements, Departments surrendered £28.8 million of current spending and £40.8 million of capital investment. In respect of current expenditure, the level of reduced requirements was slightly higher than it was last year at this point in the financial cycle, but it is still low in terms of recent trends. Full details on the reduced requirements are set out in the tables that have been attached to the statement.

In addition to the reduced requirements, the Executive also allow Departments to move resources across spending areas where the movement is reflective of a proactive management decision taken to enable the Department to better manage emerging pressures in their existing baselines and to facilitate better financial management. Departments that have made use of that mechanism should be commended in their efforts to deal with emerging pressures. Due largely to technical issues, it has also been necessary to reclassify some amounts between different categories of expenditure. Details of all those changes are also provided in the tables attached to the statement.

In addition to those technical changes, it was necessary to allocate a small sum of — I hope that I get it right this time — £0.3 million of current expenditure to provide budget cover to Departments that are responsible for administering statutory salaries and pensions. There is also a small technical transfer of £0.4 million from the Home Office to the Northern Ireland Executive in respect of the migrant impact fund.

Taking account of the September monitoring outcome, the net result of all the transactions was to make available £14.7 million of current

expenditure. For capital investment, the result was to make £38.2 million available for allocation or deferral into next year.

I will outline the bids and the allocations made by the Executive in a moment, but, first, I will update Members on the position relating to equal pay. Payment of the equal pay liability is now largely complete, and allocations to Departments were processed as part of the December monitoring process. The allocations were based on information from corporate HR equal pay team, and I can inform Members that the total cost of addressing the equal pay liability is now estimated at £129 million, which is slightly below the initial estimate of £131 million. However, Members should note that there are still some outstanding payments. Therefore, there is still some uncertainty over the final cost.

Departments submitted bids of £73 million in respect of current expenditure and £32.1 million in respect of capital investment. Some of those bids reflected pressures that had been identified as part of previous monitoring rounds in the current year, which were not met in full at that time. Full details of departmental bids are also attached to the statement, which has been circulated to Members.

As far as the allocations are concerned, on the current expenditure side, Departments submitted a number of inescapable bids that the Executive agreed had to be met. The largest allocation was of £16.5 million for the Department for Learning and Employment (DEL) to address the statutory student finance pressure. That has been created by additional demand for statutory student grants and allowances due to greater uptake as a result of the economic downturn. Allocations were also made to the Department of Agriculture and Rural Development (DARD), the Department for Regional Development (DRD) and the Department of Enterprise, Trade and Investment (DETI) to fund various inescapable pressures. Full details of those allocations are also attached to the statement.

Those current expenditure allocations facilitated a slight reduction in the remaining current expenditure overcommitment to £14.7 million. Given the tight in-year position, the Executive expect to use any reduced requirements that are surrendered as part of the February monitoring round to eliminate the current expenditure

overcommitment. In capital expenditure, there is a clear balance to be struck between meeting in-year bids now and deferring some or all of the reduced requirements until next year. Given the difficult capital position next year, the Executive agreed to allocate just £15.1 million now and for the remaining £23 million to be carried over into the next financial year. Of course, Members will already be aware of that, because it was announced in the draft Budget statement just before Christmas.

In fact, the largest capital allocation of £7.5 million was made to DRD to fund the A2 Broadbridge project and additional structural roads maintenance. Capital allocations were also made available to the Department of Education (DE), DEL and the Department of Health, Social Services and Public Safety (DHSSPS) to fund essential health and safety works, and, in the case of the DHSSPS, to replace medical and ICT equipment. Again, those decisions leave the Executive with zero overcommitment in capital investment.

The key consideration for the Executive in the current monitoring round was whether to defer any available funding into the next financial year. On the current expenditure side, the level of available resources was modest, and Departments submitted many competing bids. The Executive could, therefore, meet only those bids that were clearly inescapable. That has, undoubtedly, left many Ministers disappointed. However, that is inevitable when the level of bids far outweighs the level of available resources.

The Executive's focus for the remainder of the year will be to manage carefully the public expenditure position. I have, in effect, reminded colleagues of how important it is to avoid breaching departmental control totals. It is imperative that Ministers live within the resources available to them following the conclusion of the December monitoring process. The Executive's decision to defer £23 million of capital investment until next year allows us to build that extra funding into our draft Budget proposals. That will help to alleviate what will be a difficult capital position next year.

Members will be aware that the Executive were faced with £127.8 million of public expenditure reduction as part of the Government's £6 billion public expenditure reduction this year. Although the Executive were given the flexibility to defer those cuts to next year, our focus has been on

managing down the effect of overcommitment that resulted from that UK Government-imposed spending reduction. I can inform Members that, following Executive agreement, my officials have now confirmed to Her Majesty's Treasury that we will, indeed, implement our share of the public expenditure reduction in the current year. By taking those reductions now, we will avoid the imposition of further reductions next year, when public expenditure is set to become tighter.

As Members will be aware, I have highlighted continually the need to have a Budget in place as quickly as possible to allow public bodies sufficient time to plan for a challenging financial environment next year. I am, therefore, pleased that we now have a published draft Budget. However, the delay in publishing that draft Budget paper has resulted in a highly compressed timetable. I am aware that considerable criticism has been levelled at those Ministers who belatedly published their detailed budget plans.

In light of that, I informed the Executive of the need to extend the consultation period, and public consultation will run to 16 February. However, that means an even more compressed timetable for the Executive to get the Budget finalised and approved. I value the views of everyone who engages in the Budget process. However, the most important issue is that we get on with the job of finalising the Budget before the end of this financial year.

2.15 pm

I thank everybody who has engaged in the Budget process so far, and I encourage all sections of society to make their voices heard as we seek to finalise the proposals. I believe that the Executive's decisions in this monitoring round are very sensible and have contributed to an easing of a very difficult capital expenditure position next year. Therefore, I commend the December monitoring outcome to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. The removal of end-year flexibility (EYF) will make it even more important for Departments to declare their reduced requirements at the earliest opportunity. What measures could be put in place to ensure that those reduced requirements are declared at the earliest opportunity? Will the Minister update the House on any communication that

he has had with the British Treasury on the replacement scheme for EYF?

The Minister of Finance and Personnel: I thank the Chairperson for that question. Ministers were aware since June that it was important to declare reduced requirements during the December monitoring round. If we were going to carry any money forward, we had to inform Treasury in December. Any money that is declared after that, and that counts for the February monitoring round, will have to be spent this year, or else it will be lost to the Budget. The Chairperson made an important point. We will not know about the reduced requirements until the money comes through in the February monitoring round, but I hope that Departments are not carrying a lot of surplus spend that they are not going to be able to undertake before the end of this financial year. If they are, we will have to make sure that the money is allocated to Departments in the February monitoring round.

As far as the replacement for EYF is concerned, we have been in touch with the Treasury on a number of occasions and I have had meetings with Treasury Ministers. We do not yet know what the replacement scheme will look like. There needs to be some kind of replacement. For flexibility, if money is not going to be blown at the end of every year, there needs to be some carry-forward, albeit it might be much reduced because of the current economic circumstances. As soon as we are aware of that, the Committee will be informed.

Mr Hamilton: The Minister will know that the monitoring round process in its totality has its critics. However, does he agree that, as imperfect as the monitoring round process is, the ability of the Executive to use it to manage the additional cuts that were handed down in June by the coalition Government in the emergency Budget, to defer capital expenditure to next year and to reduce the overcommitment on the capital and current side proves its worth?

The Minister of Finance and Personnel: The Member has hit the nail on the head. The monitoring process, if conducted properly and if Departments declare at any early stage where there are reduced requirements, leads to much more effective spend, because we can move that money to the next best priorities that the Executive and Departments might have. The Member made an important point. The monitoring process has enabled us to deal

with the £127.8 million worth of demands that were made in June and not to have to carry it forward, because we have been able to manage it. I thank Ministers who co-operated in that way, because it enabled us to reduce the pressures that may otherwise have been imposed on us next year.

Mr McNarry: I thank the Minister for his statement, in which I noted the reference to the equal pay settlement. Last week, the Committee heard compelling evidence from retired civil servants who are excluded from that settlement. Is the pay settlement completely closed, or is the Minister willing to proceed with his Committee on the issue of those who feel that they have been excluded from the settlement in the manner that I have outlined?

The Minister of Finance and Personnel: I know that the equal pay issue has caused considerable anxiety and anger among people who have been outside the scheme, and the Member has quite rightly reflected that. However, I must make something very clear to him. As far as the scheme itself is concerned, we have met the legal obligations. Indeed, to go beyond the scope of the scheme as it is at present would actually take us outside the statutory abilities that we have to spend money on the claims that other people who retired before August 2008 would make.

According to the information that I have been given, around 8,760 staff left between February 2003 and July 2008, and 1,000 of those were retirees. So even if, statutorily, we could extend the scheme — and there is a High Court case on that — we would be including another 1,000 people in that, and, of course, the cost of that would be quite high. We already know that, for those who were affected — I think there were around 13,000 — the cost was £129 million, so there would be a huge amount of expenditure required, especially since some of them would have fairly long claims.

I know that there is a very strong lobby, but there is a legal requirement for us to abide by the pay legislation. If we were to go beyond that, we would not have the statutory responsibility to spend the money, and once we did go beyond it the question would be where do we stop and how far back do we go?

Mr O'Loan: I thank the Minister for his statement. I want to ask him about the remaining £23 million of capital money to be

carried over to next year. Is it possible that there might be further demands on that money in this year on account of the recent extreme weather? I am thinking possibly of demands from roads, from water and from the Housing Executive. If those demands were to be made in February, would he be able to meet them out of that money? I presume that, if it is carried to next year, we will have the flexibility to avail ourselves of it, but will he confirm that?

I relate that to the revelation — and the Minister was quite right when he said recently that it was only a revelation to some — that £300 million on which we thought we had flexibility is now lost to the Northern Ireland Executive. How much of that is globally lost to the Executive, and how much is attached to particular public bodies? Schools have been mentioned as an example, but are there many public bodies throughout Northern Ireland that thought they had money in their reserves and are now aware that they do not?

The Minister of Finance and Personnel: I will first deal with the £23 million capital. The capital spend in the draft Budget that went through the Assembly includes the £23 million. Of course, if the Assembly and Executive decide that that £23 million should come out of the capital spend next year and come back into this year, it is entirely possible for us to make that decision. It is not irrevocable; however, it was done after much consideration and for very good reasons. I would be very surprised, especially at the end of the financial year, if we brought £23 million or part of that £23 million back in to be spent on schemes that then had to be squeezed in at the end of the financial year.

I have been given no indication by the Department for Social Development (DSD) or DRD about the impact of the severe weather before Christmas on their budgets. Initially, it will be up to them to find that money within their existing budgets. Do not forget that, as I have already pointed out, we have the February monitoring round coming up, and there will be opportunities there — I am sure there is bound to be some money declared as reduced requirements — for Departments who have been affected by the severe weather to make bids, if those bids are deemed to be inescapable.

I do not have the breakdown of the EYF money. The global amount lost was £316 million. As the Member pointed out, some of that would have

attached to individual schools etc. However, it is money lost to Executive spend, and we are not able to draw it down. Of course, it could have been drawn down previously, with Treasury approval, for any kind of expenditure across the Executive. It was not earmarked for specific purposes. Although I am sure that the Education Minister will want to clarify the position for individual schools, I would have thought that where that money was set aside prudently by particular bodies as part of their long-term financial planning, we would not wish to disrupt that. It would probably be a retrograde step if we were to do so.

Dr Farry: Towards the end of his statement, the Minister rightly recognised the anger at the flawed consultation on the draft Budget and, in particular, the failure of certain Departments to produce their spending plans, with honourable exceptions such as Finance and Justice, despite Departments nominally having been working on them since the summer.

Will the Minister give the House a guarantee that the current consultation will be meaningful in the sense that responses from the public and organisations will be given due regard and consideration by the Executive and that there is sufficient time for the Executive and the Assembly to comply with their legal requirements and agree a Budget before dissolution?

The Minister of Finance and Personnel: The date of 16 February was set to ensure that we still could meet with our legal requirements to have a Budget by the end of this Assembly session. Indeed, as part of that agreement, the Executive have also agreed that we will have an additional Executive meeting so that we do not fall into the two-week cycle of Executive meetings, and are able facilitate the timetable. So, even with the compressed timetable and the additional week, that additional Executive meeting should give us the time to fit in all the requirements.

We have also factored into that the time needed to deal with responses. We do not wait until the end of the process anyway before we decide how we will deal with responses. By the end of next week, all the key interested parties in the Budget, for example, trade unions, business organisations, the Northern Ireland Council for Voluntary Action (NICVA) and the Consumer Council, will have been spoken to and consulted with. On top of that, the Department of Finance

and Personnel (DFP) alone has already received 17 submissions. I suspect that a lot of individual Departments have already received submissions that they have not yet sent in.

There has already been quite an interface with people about the consultation on the Budget. Committees will be doing their work in the interim. So, I am still convinced that, given the work that has been done already, the work that is planned and the responses that we have had from a wide range of organisations, the consultation will be meaningful.

Mr Deputy Speaker: As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. Questions to the Minister of Finance and Personnel will continue after Question Time.

2.30 pm

Oral Answers to Questions

Employment and Learning

Student Fees

1. **Mr McDevitt** asked the Minister for Employment and Learning if he can confirm that there will be no increase in student fees. (AQO 778/11)

The Minister for Employment and Learning (Mr Kennedy): It is not possible, at this stage, to confirm the level of tuition fees that will apply in Northern Ireland in the future. What I can confirm, however, is that the ultimate decision will rest with the Assembly. As the draft budget for my Department indicates, the financial situation is extremely difficult, and higher education must, and will, bear a significant proportion of the necessary reduction in expenditure.

If capacity and service quality in the higher education sector are to be maintained, student fees will need to be increased. However, subject to Executive approval, a forthcoming public consultation process on tuition fees and student finance will consider the implications of any changes to the existing arrangements. Until that work is complete and responses to the public consultation have been considered, no final decisions will be taken on any potential fee increase.

I have said consistently that the opportunity to enter higher education must be based on the ability to learn, not on the ability to pay. I am, therefore, committed to minimising the impact of any fee increase on Northern Ireland families.

Members need to be aware that the issue is not simply about fees; it is about the complete package of loans, fees and repayment arrangements that will be available to students and their families. I can confirm that no students, or their families, will pay upfront fees to attend university. As at present, they will pay only after graduating and when they are in work.

Mr McDevitt: Many in the House will feel that that was a speech of surrender from the Minister. He seemed to concede that fees would

increase instead of inviting us to unite, as an Assembly, against that happening. Will the Minister acknowledge that we need a regional solution? We need to be honest with young people and with ourselves that if we are serious about continuing to grow access to university and higher education and serious about continuing to open up opportunities that are afforded by that education, we must ensure that fees are not increased in this region.

The Minister for Employment and Learning: I hear what the Member is saying. I am working very hard to achieve a Northern Ireland-based solution.

If I was irresponsible, I would tell the House that there will be no increase in fees. If I wanted to politically grandstand, as it appears some people want to, I would tell the people in this House and the wider public that there will be no increase in fees. If I was unconcerned about the quality of our universities or if I wanted to play to the political gallery — as it appears the Member wants to — and effectively to mislead the public, I would not be honest about the situation that we find ourselves in.

I am trying to deal with the situation, and I will need the help and support of all Members, because, ultimately, it will be this House that decides whether there is an increase in student tuition fees.

Mr Bell: Does the Minister agree that the people of Northern Ireland want two things? It is a balancing act between ensuring that children from low socio-economic groups can still access university on their ability to learn, not on their ability to pay and, equally, universities in Northern Ireland remaining world-class British universities. Children with degrees from the likes of a Russell Group university should, throughout their education careers, be able to take them anywhere in the world on the basis that their knowledge is recognised as world class.

The Minister for Employment and Learning: I thank the Member for his contribution. That is exactly the point, and he made it in a mature and responsible way. I thank him for that and for his role on the Employment and Learning Committee.

We are in a situation that will require balance and a mature reflection on where we find ourselves on this important issue. My guiding principle is clear: access to university should be

based on the ability to learn, not on the ability to pay. However, I have to balance that with issues of affordability and extending opportunities to potential students from all family backgrounds in Northern Ireland. We have a very good record of widening participation in our universities in that regard. We have to balance that as well as to maintain the world-class status of Northern Ireland's universities. That is why we need help and co-operation not only from all parties in the House but from key stakeholders, the universities, student representatives and everyone else who has an interest in this important matter.

Rev Dr Robert Coulter: In view of what he has said, is it the Minister's view that a failure to increase fees would have a significant impact on the quality and competitiveness of Northern Ireland's world-class universities?

The Minister for Employment and Learning: The Member makes a very good and a very real point. That is the balance that we must find. At all times, we must maintain the high-quality, world-class provision that our universities currently offer. I know that on their recent trip to America, the First Minister and deputy First Minister were being lobbied by senior people with economic potential to offer to Northern Ireland to maintain, at all times, our university provision. I take that seriously, and in these straitened economic times, we have to keep the proper focus that means that we ensure that our universities retain and maintain their excellent standards.

DEL: Savings

2. **Mr McCarthy** asked the Minister for Employment and Learning for an update on his Department's draft savings delivery plan. (AQO 779/11)

The Minister for Employment and Learning: My Department's consultation paper on the Budget settlement and proposals to reduce expenditure was published on Monday 10 January 2011. That paper sets out very clearly how I would produce savings of £144 million in my budget by 2014-15. I have sought to protect key front line services over the Budget period by squeezing out unnecessary bureaucracy and concentrating resources on front line services; bearing down on pay and price inflation while recognising the benefit of public investment in services; seeking greater contributions from service users and

beneficiaries; and looking for improvements in efficiency from the higher education sector in particular, given the generous funding that has been allocated to it over the past five years.

Inevitably, some services will be affected. Given the proposed settlement, I will have little option but to withdraw funding for adult apprenticeships; seriously consider the affordability of the return to work credit for new claimants and the scale and duration of some of our Steps to Work NVQ provision; and bring forward proposals to better target educational maintenance allowances and to increase student fees. However, that will still leave me with a potential deficit of £40 million in year one of the Budget period and £31 million in year two.

If no further resources are made available, I will have to make some further and very difficult choices in order to balance the books. Although I will seek to protect front line services as far as possible, that could mean that we will struggle to maintain parity with Great Britain in our delivery of services to the unemployed; key projects and initiatives in research and innovation will be cancelled; funding to the further education sector will reduce further, with obvious consequences on capacity; our ability to deliver our proposed skills strategy, including the STEM — science, technology, engineering and mathematics — subjects, will be severely restricted and its implementation delayed; and higher education's funding will reduce further.

Mr McCarthy: I thank the Minister for his answer. Given the importance of investment in skills to the future of our economy, as failure to invest in that area would simply contribute to a false economy, what action has he taken to ensure that education and training are maximised?

The Minister for Employment and Learning: I thank the Member for his supplementary question. I understand his point.

As Minister for Employment and Learning, I believe myself and my Department to be in the engine room of our local economy, not only in dealing with the economic downturn that we face, but more particularly in preparing for the economic upturn. That is what I have sought to do with this budget: to protect, as far as I possibly can, skills and training services and to maintain those services so that, when we get the opportunity of economic upturn, we are in a position to deal with it.

Mr P Ramsey: Will the Minister elaborate on the Department for Employment and Learning (DEL) draft Budget statement, which outlined how the implementation of the proposed skills strategy will be severely restricted by the lack of resources? Does the Minister agree that those schemes in particular are most crucial during this economic downturn?

The Minister for Employment and Learning: I am grateful to the Member for his question and agree largely with the point that he makes. The answer that I gave Mr McCarthy in some way deals with that. I am aware of the importance of all those programmes, but I find myself in a position in which I need to seriously balance the books of my Department. We have looked closely at our budget, and it is right that all sectors within my remit contribute to achieving the savings that are required of me. However, in saying that, we have sought to maintain, and we will continue to seek to maintain, all the skills and educational programmes that we have, in order that we can not only give opportunities, particularly to young people, but prepare for an economic upturn.

Mr Kinahan: In his answers to the first question, the Minister has already touched on this matter a bit but does he agree that there is a responsibility on those who disagree with the proposals to tell the rest of us how they would fund their alternative proposals?

The Minister for Employment and Learning: I understand that point entirely and thank the Member for making it. I met the Committee for Employment and Learning last Wednesday. I had not gone public on my proposals before then, because, as a former Committee Chairperson, I know the importance of treating with proper respect the Assembly Committees and their considerations. What I said then, and I repeat now, is to those who criticise my proposals: please do not bring me problems, bring me solutions.

DEL: Budget 2011-15

3. **Mr Elliott** asked the Minister for Employment and Learning for his assessment of the potential impact of the draft Budget on the business-facing activities of his Department. (AQO 780/11)

The Minister for Employment and Learning: As the Assembly is fully aware, my Department

has been at the forefront of the Executive's response to the economic downturn over the past two years, and that position will not change in the foreseeable future.

Enhancing skills levels in the economy is essential if we are to reduce the productivity gap between Northern Ireland and the rest of the United Kingdom. The skills base of the local economy is also an important factor in attracting foreign direct investment. My proposals, therefore, provide for new investment of £3 million a year for Assured Skills, a new programme designed to attract new investment into Northern Ireland.

However, owing to the scale of the reductions in expenditure required, all areas of my Department had to make some contribution to my overall savings. That includes my Department's business-facing activities. I will want to retain the training place guarantee for 16- to 17-year-olds and to maintain support for apprenticeship training for young people up to 24 years old. That means that I have to look elsewhere for savings.

Given the Budget settlement, I will, unfortunately, not be able to sustain funding for adult apprenticeships. I will also have to consider the level of financial assistance offered to employers for other employee training programmes and the level of funding provided to the workforce development fora and sector skills councils in order to identify resources to support upskilling across the economy.

I want to reassure the Member and the Assembly that I plan to protect capacity in those essential services as far as possible, but my ability to honour that commitment will clearly be determined by the resources made available to my Department when the final Budget is agreed.

Mr Elliott: I thank the Minister for his answer, and I appreciate his commitment to business-facing services.

Obviously, I want the Minister to press the Finance Minister on some matters, particularly relating to the South West College. One example is the innovation fund, which the draft Budget does not continue. I want the Minister's commitment to raising that issue with the Finance Minister to establish whether there is any prospect of progress.

2.45 pm

The Minister for Employment and Learning:

I assure the Member that I raised with the Finance Minister the importance of continuing the projects that are supported by the innovation fund. Projects such as the InnoTech Centre at the South West College are strategically important to the growth of the Northern Ireland economy. I hope that those representations will bear fruit.

Mr Lyttle: What impact will the Minister's draft savings plan have on the Connected fund and the rapid response programme, given the contribution that they make to skills, innovation and enterprise?

The Minister for Employment and Learning:

I am concerned about the impact on all the programmes that, in some cases, I have to trim back. I will continue to look at that matter closely, and I will be interested in the representations that are made during the draft Budget consultation. I encourage everyone involved, in all sectors and areas, to make a contribution and to make their voices heard so that, at a higher level, we can bring those concerns to the Executive table to ensure that the programmes that the Member mentioned, and other services that we strive to maintain, are not directly and adversely impacted.

Mr O'Loan: The Minister's spending plan states:

"important and successful initiatives in innovation, knowledge transfer and research and development will need to be curtailed".

That must come as a surprise to all of us in light of the Executive's stated focus on the economy. Will the Minister tell us whether he believes that those critical areas will be adequately funded and, if not, to what extent and to what effect they will be curtailed?

The Minister for Employment and Learning:

Obviously, in an ideal world and with an ideal Budget, I would not have wished to have had to look so critically at some of the issues that the Member raised. However, we have to live in the real world, and I find myself having to balance my budget and to make sure that we maintain, as far as is possible, the services that we provide. That remains the case, and, of course, we will be interested in other ideas and to see where, if possible, we can offset some of those decisions.

Student Fees

4. **Mr P Maskey** asked the Minister for Employment and Learning if he can confirm whether there is a need to increase student fees, following the recent draft Budget announcement. (AQO 781/11)

The Minister for Employment and Learning:

The straight answer to Mr Maskey's question is, regrettably, yes. I refer him to my answer to question 1.

Mr P Maskey: I apologise that I was not in the Chamber for question 1, but I have posed my own question to the Minister on an important issue, and it deserves a detailed answer. Fees can restrict people, including those from my constituency, which is an area of social need, from attending university. Will the Minister state how the increase in fees could benefit students in our universities, considering that the vice chancellor of the University of Ulster stated that there should be no increase?

The Minister for Employment and Learning:

I am sorry that the Member was not in the Chamber for the answer to question 1. I will repeat it, to some extent. At this stage, it is not possible to confirm the level of tuition fees that will apply in Northern Ireland in the future, but I can confirm that the ultimate decision will rest with the Assembly. The draft budget for my Department indicates that the financial situation is very difficult, and higher education must bear a significant proportion of the necessary reduction in expenditure.

If capacity and service quality in the higher education sector are to be maintained, student fees will need to be increased. However, subject to Executive approval, a forthcoming public consultation process on tuition fees and student finance will consider the implications of any changes to the existing arrangements. Until that work is completed and responses to the public consultation have been considered, no final decisions will be taken on any potential fee increase.

The Member will know that I have said consistently that the opportunity to enter higher education must be based on the ability to learn, not on the ability to pay. I am committed to minimising the impact of any fee increase on Northern Ireland families. Members need to be aware that the issue is not simply about fees but about the complete package of loans,

fees and repayment arrangements that would be available to students and their families. I again confirm that no students or their families will pay up-front fees to attend universities. As at present, they will pay only when they have graduated and are in work.

Mr Gardiner: Does the Minister agree that the Members who are in denial about the need to raise fees have a responsibility to tell the public exactly how they would fund Northern Ireland's universities?

The Minister for Employment and Learning: I am grateful to the Member for his contribution, in which he makes an important point. I reiterate that once I am in receipt of Joanne Stuart's final report, I will bring a draft consultation to the Executive by, I hope, mid-February. I hope that that will be published in early March, subject to Executive approval. That would leave the way open for a consultation between March and May, approximately. Ultimately, there would be an Assembly debate and an opportunity for Members to vote at some point in June or July.

I have clearly indicated my guiding principle that places should be based on ability to learn, not on ability to pay. We must maintain Northern Ireland's excellent participation record for students from families with lower household incomes and our universities' excellent, world-class standards.

Higher Education: Access

5. **Mr McCartney** asked the Minister for Employment and Learning what steps he is taking to ensure that people from the 10% most deprived areas have equality of access to third-level education. (AQO 782/11)

The Minister for Employment and Learning:

My Department addresses the issue of fair access to higher education through a number of policy initiatives and a range of specific funding mechanisms.

Special project funding from my Department allows the universities to enter into partnerships with schools that traditionally have low levels of participation in higher education. Those projects include the University of Ulster Step-Up science project and the Discovering Queen's programme.

In addition, a widening participation premium is paid to the universities for students from less

advantaged backgrounds and a widening access premium is paid to them for students with learning difficulties to help with any additional costs associated with those students' needs.

My Department provides additional student support measures, including higher education bursaries and maintenance grants, and requires higher education institutions to produce access agreements, which include details of their student bursaries and funding for other outreach activities.

Furthermore, Queen's University, Belfast and the University of Ulster now recognise essential skills level 2 qualifications in literacy and numeracy as comparable, alternative qualifications to GCSEs for entry purposes. However, numeracy is at the discretion of individual heads of schools.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim leis an Aire as an fhreagra sin.

I welcome the Minister's answer and the number of schemes that he outlined. Given the Stuart report and the pending aspects of that, will he have enough finance to ensure that those schemes will continue, so that the ability to learn will not be replaced by the ability to pay?

The Minister for Employment and Learning:

I am grateful to the Member for his supplementary question. I continue to stress that my guiding principle in all this is ability to learn, not ability to pay, which brings with it protection for widening participation schemes. We have a very good record here, the best in the United Kingdom, for universities attracting and supporting students from less advantaged areas. I desperately want to maintain and to protect that.

Mr Campbell: Does the Minister agree that there is a problem when it comes to people in working-class areas accessing third-level education? Will he ensure that staff in his Department do whatever they can to assist in some of the projects that are being undertaken between the Department, local councils and others to try to effectively target those areas to ensure that there is a higher level of uptake?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question. I very much share his concern, particularly when it comes to

Protestant working-class boys. It is significant that Protestant working-class boys are among the most under-represented groups, particularly in higher education. Indeed, they are more likely to be involved in further education. Under-representation for that group is much more marked for students from urban backgrounds, from low participation areas and for students entitled to free school meals. Pupils in those categories are specifically targeted for inclusion in the special projects, which I mentioned, at the University of Ulster and Queen's University. Clearly, additional and ongoing work is required. If collaboration with others, including some of the agencies that the Member mentioned, helps, my Department and I are ready to get involved.

Mr D Bradley: Go raibh míle maith agat, a Leas Cheann Comhairle. The Minister has probably noticed that the coalition Government are suggesting that universities should pay the fees of first-year students who qualify for free school meals. Does the Minister agree that that measure does not go far enough to assist less-well-off students?

The Minister for Employment and Learning:

Although I am grateful to the Member for his supplementary question, its main focus appears to be on what the coalition Government are doing. I am concentrating on what the Northern Ireland Executive — effectively, the Northern Ireland Government — are going to do on the issue. That is why I am engaged in looking very closely at all the models that could best apply to the situation in which we find ourselves in Northern Ireland. I want to bring forward a Northern Ireland-based solution. Yes, we will look at what others are doing, and we are already looking at England, Scotland, Wales and the Republic of Ireland. However, fundamentally, we have to give ourselves the opportunity to apply a solution that best suits the needs of our situation in Northern Ireland.

Mr Cree: Does the Minister agree that widening participation in higher education is fundamentally dependent on the Education Minister addressing underachievement in our schools?

The Minister for Employment and Learning:

I am grateful to the Member for his supplementary question. Clearly, it is my very strong view that that is the case. By the time that places in further education colleges or higher education are being made available to

students, there are significant problems for too many pupils. Intervention at the earliest stage possible is a means of trying to address that. My Department will continue to work with the Department of Education on this important matter so that we can utilise the services that are available to us to maximise the potential for all our children and students.

3.00 pm

Enterprise, Trade and Investment

Mr Deputy Speaker: Questions 5, 11 and 13 have been withdrawn.

Tourism

1. **Mr Elliott** asked the Minister of Enterprise, Trade and Investment to outline how her Department educates and informs residents, living in areas of tourist interest, of the value which the tourism industry could bring to an area. (AQO 793/11)

The Minister of Enterprise, Trade and Investment (Mrs Foster): Raising the profile of tourism has been a priority during the past year. Activity has included the launch of the publication, 'Campaigning for Tourism', media coverage, television advertising and a range of other actions and initiatives involving my Department, the Northern Ireland Tourist Board and many other bodies and groups, all of which bring the concept of Northern Ireland as a tourism destination into every home.

Mr Elliott: I thank the Minister for that. Coming from Fermanagh, as I do, she knows only too well the importance of the domestic market. However, many of Northern Ireland's tourist attractions go unnoticed by our own people. Can the Minister give any indication of what the increases may be in that domestic market in financial terms? Has she any projections for the next three years?

The Minister of Enterprise, Trade and Investment: The Member is probably aware of the tourism strategy that my Department is finalising, and the projection there is that we will double the spend in relation to tourism by 2020 up to £1 billion. Undoubtedly, there has been a fall-off in the number of tourists coming to Northern Ireland, whether from Great

Britain, which is our biggest market, or from the Republic of Ireland, our second biggest market.

As I indicated in my previous answer, we have worked with the Northern Ireland Tourist Board to find ways of developing the message. We have also launched the One Voice One Team initiative, which gets everybody involved in tourism to say that tourism is there for everybody. It also aims to get private sector organisations, such as Fermanagh Lakelands Tourism, with which the Member will be familiar, to get involved with the Tourist Board to sell Northern Ireland as a good destination. There has been a lot of capital investment over the past number of years in the tourism product, now we really need to sell it.

Mr Butler: The Department's recently published budget proposals seem to show cuts in the tourism budget. Will the Minister give her assessment of how that will impact on the tourism strategy and targets set by the tourist body here to attract more people here? Go raibh maith agat.

The Minister of Enterprise, Trade and Investment: As I indicated in my answer to Mr Elliott's question, I believe that tourism is the business not just of the Northern Ireland Tourist Board, Tourism Ireland and the Department but of everybody in the private sector as well. I very much hope that the capital investment that has been put into the signature projects over the past three years will now bear fruit for us, not least across signature projects such as the Titanic Quarter project, which is making great progress, as I am sure many Members have seen as they drive past it. We also see the way that the UK City of Culture, Londonderry, has been developing over the past years. However, the Member is right: if there were more capital funds, I would certainly take them. Unfortunately, with the Budget as it is, I have to make do with what I have been given. I feel that we have been fortunate in so far as we have put a lot of capital investment into the tourism product over the past three to four years. We now need to get down to selling what we have and making sure that everyone is aware of Northern Ireland as a place to visit.

Mr Bell: In the tourism strategy, it has been suggested that we could maximise the income that we receive and make even more of it than we do today. I make specific reference to areas such as Strangford, with its Christian heritage

trail and the benefits of the lough and everything else. Will she confirm that, even in a recession, this is a major growth area? How much does she expect that growth to be?

The Minister of Enterprise, Trade and

Investment: As I indicated, the 2020 tourism strategy is being finalised by the Department. It was out for widespread consultation over, I think, the past 12 weeks. I am keen that we continue to grow the tourism product here, because, in that strategy, which was backed up by work carried out by PWC last year, the thought was that we will be able to increase the tourism spend to £1 billion, doubling the spend here by 2020. I am very committed to that, as are the tourist bodies and the tourism industry in the private sector. They have had a difficult time over the past 40 years, but they always stepped up to the plate, and I am confident that they will do the same again.

Mr McHugh: A Cheann Comhairle, I refer to the situation that we have seen happen to Michaela Harte while on honeymoon out of this country. Will the Minister seek guarantees, at the very least, from those who will come over here on a damage limitation exercise following the awful happenings to that family? Something good might come out of it if we can get guarantees that our people, our young people, on honeymoon or otherwise, can visit all of the places, including where that happened and many others, in safety and that we can get some guarantees that —

Mr Deputy Speaker: Order. That has absolutely no relevance to the original question.

Manufacturing

2. **Lord Morrow** asked the Minister of Enterprise, Trade and Investment for her assessment of whether the manufacturing industry grew comparatively to that for the whole of the UK in 2010 and of the indicators for 2011. (AQO 794/11)

The Minister of Enterprise, Trade and

Investment: The latest estimates from the Northern Ireland index of production show that, over the year to the second quarter of 2010, manufacturing output decreased by 0·4% compared to an increase of 3·6% for the UK as a whole. However, the latest employee jobs estimate shows that the manufacturing sector increased by 0·7% over the year

September 2010, with increases in the past two consecutive quarters. That compares favourably to the UK manufacturing sector, which experienced a decrease in employment of 3·8% over the year. With respect to 2011, independent forecasts estimate that the manufacturing sector is expected to grow by 3·7% over the year. However, that is being driven mainly by improvements in productivity.

Lord Morrow: I thank the Minister for her detailed response. I am sure that she agrees that the manufacturing part of our economy is vital. Is there any new initiative that her Department intends to use to stimulate the manufacturing industry even further? It is vital to our economic recovery.

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question. I am sure that he rejoiced with me at the opening of the new Linden Foods retail packing facility in Dungannon last week. The agrifood sector continues to grow. The subsectors of manufacturing that are linked to construction are still in a downturn, whereas those that are not linked to construction, such as the food, drink, tobacco and chemicals sectors, are growing and continue to perform relatively well. The parts of the manufacturing industry in which we have difficulty are linked to construction, and that is a much wider issue for us.

Statistics on the house-building sector were published today. That sector continues to cause us great concern, which is one of the reasons why I indicated to many construction firms that they may need to look beyond Northern Ireland for work in the interim and short term. I congratulate Graham Construction in Hillsborough on the way in which it was proactive in Scotland. It has been awarded a huge contract, which I hope will stand it in good stead.

Dr McDonnell: What is the Minister's assessment of the potential benefit that a reduction in corporation tax for Northern Ireland would have on the manufacturing sector?

The Minister of Enterprise, Trade and

Investment: The Member will know that, just before Christmas, we took receipt of the paper from Her Majesty's Treasury on corporation tax. We were disappointed that we had not been more closely involved in the development of that paper; however, we have it now. The Finance Minister and I are studying it, and we hope to

have a meeting with the Treasury Minister, David Gauke, next week.

The first thing that we need to see is how much a reduction in corporation tax will cost the Northern Ireland Executive; thereafter, we will assess whether we will be able to recoup that money and increase it in future. We are now working on figures from the Treasury to see whether something can be done in the medium to longer term. However, other matters need to be considered as well as corporation tax: capital allowances, research and development tax credits and air passenger duty, which continues to be a huge issue for us here in Northern Ireland. Those are the sorts of issues that the Finance Minister and I will discuss with Mr Gauke, hopefully next week.

Dr Farry: Will the Minister report on the initiatives that her Department is taking to promote manufacturing that is related to the green economy? I am mindful that the draft Budget contains a section on the green economy that is related solely to housing, but her Department's draft spending plans do not refer specifically to the green economy as a potential development area.

The Minister of Enterprise, Trade and

Investment: Most recently, we met Belfast Harbour Commissioners and developers to look at how we might develop the green economy, and Invest Northern Ireland is working proactively in that area. As the Member will know, we have attended conferences with those who are interested in developing the green economy here, be that in renewables or, indeed, in developing the smart grid idea for Northern Ireland, which is something that we are pursuing with companies. Therefore, there are a lot of issues. If the Member wishes to speak to me privately about the matter, I am happy to facilitate that. Commercial sensitivities mean that I cannot spell out a lot of issues in public, but a lot of initiatives are taking place in Invest NI, which is working closely with the energy section in my Department. I am happy to speak to the Member offline if he wishes to do so.

Research and Development

3. **Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment for her assessment of the local take-up of EU framework 7 research and development funding. (AQO 795/11)

The Minister of Enterprise, Trade and

Investment: Northern Ireland has a target to secure €50 million of research funding from the seventh framework programme, FP7, which operates between 2007 and 2013. To date, Northern Ireland has drawn down almost €25 million, and, as funding ramps up towards the end of the programme, we are on target to reach and potentially exceed the €50 million target. The opportunity for increased FP7 drawdown lies in encouraging greater collaboration between local industry and our universities. Invest Northern Ireland's collaborative services is pursuing that with other Departments to maximise that potential.

Mr P Ramsey: I thank the Minister for her response. I am sure that she will agree that, as local budgets tighten, it is important that we look to Europe to maximise and unlock funding. However, does the Minister agree that bureaucracy and an overload of funding information, particularly on the European Union's CORDIS website, acts as a clear barrier to participation, particularly by local small and medium-sized businesses? Will she also look at possible ways to streamline the process to make sure that it is more accessible to small companies?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question. The point is well made, because those are the very issues that we discussed with the European Commissioner for Research, Innovation and Science, Máire Geoghegan-Quinn, when she was in Belfast. During her visit, we very much pointed out that we wanted more innovation spend to come to Northern Ireland but part of the difficulty is that we are a small to medium-sized enterprise, so we need people to work collaboratively. Given that we have only two universities, our research base is obviously quite low. In addition, when people stepped forward to apply, the bureaucracy was never-ending. Therefore, although we may not get the money through for FP7, for FP8 there needs to be a focus on helping small to medium-sized economies, such as ours, to access it in a meaningful way. Hopefully, the Commissioner will take on board the representations that we made to her and they will be actioned in FP8.

Mr Frew: What can the Minister and her Department do to increase the number of research and development-based companies in

Northern Ireland? Can she give us some details of what has she done to date?

The Minister of Enterprise, Trade and Investment:

I thank the Member for his question. As I indicated, the research base in Northern Ireland is very modest and, therefore, although tens of universities and companies in England and Wales might apply, we have only two universities. Obviously, colleges can also apply, but participation is competitive, the cost of entry in up front resource commitment is high, and there is no guarantee of success. We have put all those points to the European Commission, and we have established an R&D liaison service in Brussels to link Northern Ireland more closely with the European Union. For some time since I came into this position, I have been talking about the fact that we need a strong voice at the heart of Europe, not just to deal with the issues that are before us now but to frame policies going forward, so that they are applicable to Northern Ireland and so that we can access the money that is there.

Mr Armstrong: Should the Department more proactively encourage renewable energy projects to access funding from EU frameworks 7 and 8?

The Minister of Enterprise, Trade and Investment:

We have been proactive in encouraging those involved in the renewable sectors to access money. We asked them to work together, and I was pleased that the first organisation to receive help under the MATRIX scheme was the Global Maritime Alliance, through which people in that sector came together to ensure that they had the maximum capacity when applying for funds. Therefore, we are being proactive, and I encourage all others to do the same.

3.15 pm

Petrol Prices

4. **Mr Burns** asked the Minister of Enterprise, Trade and Investment for her assessment of the increase in the price of petrol and the potential impact this may have on the transport industry. (AQO 796/11)

The Minister of Enterprise, Trade and Investment:

The recent rise in the price of petrol and diesel represents an additional constraint on the Northern Ireland economy as it emerges from recession. Although the most significant impact is expected to be on

the local haulage sector, there will also be implications for the wider economy, to the extent that rising costs are passed on to business customers. It is, therefore, essential that the coalition Government take forward their previous commitment to introducing a fair fuel stabiliser as soon as possible.

Mr Burns: The increased prices of fuel at the pump particularly affect the transport industry, but they also affect the entire Province. Therefore, has the Minister had any discussions with Westminster on how to ease the pain for every household in Northern Ireland?

The Minister of Enterprise, Trade and Investment:

I thank the Member for that question. As I said, the indications were that the coalition Government were looking at the introduction of a fair fuel stabiliser. On 6 January 2011, the Consumer Council called on them to launch a consultation so that we could consider the issues. We are disappointed that, to date, no consultation has been carried out. However, I intend to raise that issue when we meet Mr Gauke next week. The increase impacts disproportionately on Northern Ireland, because our prices are high to start with. Interestingly, we do not have the highest diesel prices; those are in Scotland and Wales. However, apart from London, we have the highest petrol prices.

Mr Campbell: I thank the Minister for her reference to the need for a fair fuel stabiliser. However, if it is appropriate, will she undertake to take the matter up with the Treasury and even at the British-Irish Council to find out whether there is a possibility of getting a fuel deal similar to the one that some of the Scottish highlands and islands managed to obtain? The same principles and a similar geographical location apply to Northern Ireland.

The Minister of Enterprise, Trade and Investment:

When the fuel stabiliser was talked about, the Government were also considering plans for a rural fuel duty to help with fuel costs in remote areas. The Member referred to Scotland, but I argue that the case for Northern Ireland is even stronger. I hope to be able to put that case to the Treasury Minister next week.

Mr Lyttle: Will the Minister elaborate on how the rural subsidies might apply to this region of the United Kingdom?

The Minister of Enterprise, Trade and

Investment: The thought behind a fuel stabiliser is that the Government could gain additional revenue as a consequence of the increase in oil prices. That could be used to offset the rise in prices at the pump through a reduction in fuel duty. Unfortunately, the Office for Budget Responsibility has looked at that and believes that the impact on the economy would not be such as to give it a taxation pay-off. I think that there has been a change in the Government's view on a fuel duty stabiliser. I hope that I am wrong, because it would benefit us here in Northern Ireland. A couple of weeks ago, the Prime Minister said that he felt that a stabiliser may be too complex. It should not be dismissed in that way, and I hope that we will be able to discuss the matter with the Minister next week.

Mr Deputy Speaker: I remind Members that question 5 has been withdrawn.

Invest NI: North Down

6. **Mr Easton** asked the Minister of Enterprise, Trade and Investment how many new businesses in the North Down area have been assisted by Invest NI since 2007.
(AQO 798/11)

The Minister of Enterprise, Trade and

Investment: Between 1 April 2007 and 30 November 2010, 323 new locally owned businesses were supported directly and indirectly by Invest Northern Ireland in the North Down parliamentary constituency. Of those projects, 15 were supported directly by Invest NI. The remaining 308 projects were supported indirectly by Invest NI through the enterprise development programme, formerly the Start a Business programme, which is delivered in conjunction with Enterprise Northern Ireland. During the same period, Invest NI also offered support to one new inward investment project in the north Down area, which plans to invest £6.3 million over the lifetime of the project. However, the project has not yet commenced.

Mr Easton: I thank the Minister for that news. In light of the economic downturn and the Tory cuts coming from Westminster, is the Minister looking at any new initiatives to boost the setting up of new businesses across Northern Ireland?

The Minister of Enterprise, Trade and

Investment: Everyone's budget has been hit,

and, in particular, my budget for capital spend has suffered quite significantly. If companies are now looking for capital spend, it may well be that I have to take the matter to the Executive to look for additional funding, unless the draft Budget is changed dramatically when it is ratified. In respect of resource, however, we will continue to search for new businesses to come into Northern Ireland and to make good the way in which other companies, such as NYSE, develop. As the Member knows from his constituency, Steria Services Ltd in Holywood has plans to invest £6.3 million and create 60 new jobs. We look forward to that development over the next while. It is a difficult Budget, and no one has got all of what they asked for from it. Northern Ireland is open for business, and we will continue to search for that business to come to Northern Ireland.

Mr Cree: The Minister referred to the cut in the capital budget. Now that INI's capital budget is likely to be reduced significantly, is she aware that land that has been owned by the Department in north Down for many years could be developed for business use?

The Minister of Enterprise, Trade and

Investment: I do not have the details about the land in north Down, but I am happy to write to the Member and take that issue up.

Mrs M Bradley: Will the Minister give us an assessment of the impact of the budget cuts on start-up businesses?

The Minister of Enterprise, Trade and

Investment: The start-up business budget comes from a resource budget and, therefore, will not be hit as dramatically as the capital budget. I want to continue with the old Start a Business programme — it is not called that now — because I have seen a good take-up of that. Indeed, many people are stepping forward who have become entrepreneurs of necessity because they have lost their job. We need to be there to support those people, and I want to support them if they believe that they can start a business.

Corporation Tax

Mr Deputy Speaker: I call Miss Michelle McIlveen.

Miss McIlveen: Thank you, Mr Deputy Speaker. I thank — sorry.

7. **Miss McIlveen** asked the Minister of Enterprise, Trade and Investment for an update on the potential reduction in the level of corporation tax for Northern Ireland, including the expected date for publication of the Treasury paper. (AQO 799/11)

The Minister of Enterprise, Trade and

Investment: The Exchequer Secretary to the Treasury wrote to the First and deputy First Ministers on 16 December, enclosing a draft version of the Government's consultation paper on rebalancing the Northern Ireland economy. I intend to raise that matter when the Finance Minister and I meet David Gauke to discuss the draft paper in early February. It has raised a significant number of issues for the Executive, and we are currently engaged with the Treasury and the Northern Ireland Office with the objective of the consultation paper being available for publication as soon as possible.

Mr Deputy Speaker: I call Michelle McIlveen for a supplementary, now.

Miss McIlveen: Take two; thank you. My face is probably the same colour as my jacket.

I thank the Minister for her answer. Can she provide her assessment of the recent PWC report on corporation tax and an indication of the possible costs of any reduction in corporation tax?

The Minister of Enterprise, Trade and

Investment: As Members will know, the PWC report, which was published on 7 January, was somewhat critical in relation to corporation tax, but it is a useful contribution to the debate on whether we should seek a reduction in corporation tax at this time.

Although it is clear that matching the rate of corporation tax in the Republic of Ireland would act as a significant additional incentive for inward investors, there is uncertainty about the actual outcome. Therefore, it is important that we continue to look at the option of corporation tax. We take in all the information that is given to us, but, as I said earlier, we also need to consider alternative options rather than just focusing on one issue. We need to look at other issues, such as research and development, tax credits, capital allowances and air passenger duty, which may seem like a small thing but is not when I speak to representatives from some of the airports here.

Mr Kinahan: The Minister nearly answered my question. Nevertheless, does she believe that lower corporation tax will work by itself? She mentioned a cocktail of other ideas that can come into play, but will it work by itself or do other things need to happen to encourage private sector investment?

The Minister of Enterprise, Trade and

Investment: I believe that, if we had the ability to lower corporation tax and we could take that decision in the light of all the information before us, it would be an additional incentive. However, it should not be taken in isolation. There are many reasons why firms come to Northern Ireland and invest here, be it the skills of our people or the fact that we have such good connectivity in our telecommunications infrastructure. We may need to look at other issues such as capital allowance, research and development, tax credits and training credits. It would be a much stronger proposition if we looked at a wider piece of work rather than simply looking at corporation tax.

Mr A Maginness: I welcome the Minister's careful pursuit of the whole issue. Will she comment on a recent conference called by the Irish Congress of Trade Unions at which the matter was discussed? The conclusion of the conference was quite negative towards bringing about a lower corporation tax in Northern Ireland. What is the Minister's reaction to that?

The Minister of Enterprise, Trade and

Investment: The PWC report and some other voices have been quite negative. I hope that the House will excuse me, but I cannot recall the name of the other economist who has been working with some of the trade unions and has been quite negative about the corporation tax issue. We need to put everything into the equation and study it carefully because, before those voices were heard, it was taken as a done deal that the lowering of corporation tax would be a good thing for Northern Ireland. Therefore, I do not think that we should go into it blindly. We need to listen to all the voices, take a decision in the round and look at the forecast for the Northern Ireland economy. It is always difficult to look much further than the next year or two years ahead, but some forecasters are looking as far as 15 years ahead. I am not sure how they can do that, given what has happened over the past two years.

Mr Neeson: Last week in Committee, departmental officials dealt with Budget issues. Will the Minister accept that members of the Committee for Enterprise, Trade and Investment are still very much committed to a reduction in corporation tax? Will she support the Committee on that issue?

The Minister of Enterprise, Trade and Investment: I thought that I had made it clear that the lowering of corporation tax comes in two phases. First, we are granted the power, and then we have to decide how much to lower it by. We need to take all those decisions in the light of the fullest information. That is one reason why we are disappointed that there has not been as good an exchange of information as we would have liked between us and the Treasury.

The paper started out in August 2010, when the Finance Minister and I met the Treasury Minister. At that stage, we thought that it would be a joint paper as we moved forward. As it happens, it has not been a joint paper, which is disappointing, and it does not enhance my confidence in the respect agenda about which we heard so much after the formation of the coalition Government. However, we will have the meeting next week and see what comes forward from the Treasury, and we, in turn, will have to put forward our ideas for rebuilding and rebalancing the economy.

Question for Urgent Oral Answer

Department of Health, Social Services and Public Safety

Swine Flu: Vaccination

Mr Deputy Speaker: The Speaker has received notice of a question for urgent oral answer to the Minister of Health, Social Services and Public Safety. Although the convention is that only the Member who tabled the question and the Chairperson or Deputy Chairperson of the relevant Committee will generally be called to speak, the Speaker has agreed that a representative from each party will be given an opportunity to ask a supplementary question on this occasion.

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, in light of recent deaths associated with swine flu and the public concern about arrangements for vaccination, what discussions he has had with the Joint Committee on Vaccination and Immunisation and whether he is minded to widen the policy for vaccination to include all children under five years of age.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I begin by offering my sincere sympathies to the families of the two children who died of swine flu. My thoughts are with them, and, indeed, with other families who have suffered bereavement, at this difficult time.

In Northern Ireland, any children under five years of age who are in at-risk groups are already offered the seasonal flu vaccine; that has been the case for a number of years. The seasonal flu vaccination policy is based on recommendations from the Joint Committee on Vaccination and Immunisation (JCVI), which is an independent expert advisory committee that advises the four UK Health Ministers on matters that relate to the provision of vaccination and immunisation services. The process involves a vigorous, transparent and systematic appraisal of all available evidence from a wide range of sources.

JCVI does not recommend that the seasonal flu vaccination programme be extended outside at-risk groups. On 30 December 2010, at the request of the Secretary of State for Health in England, JCVI reviewed that position specifically with regard to healthy children who are under five years of age. JCVI confirmed that its advice remained unchanged but that the situation would be kept under review. On Friday 14 January 2011, I asked the Chief Medical Officer to write to JCVI on my behalf to request that it review that advice further. This morning, I received its response, which confirms that its previous advice is unchanged. I will continue to be guided by JCVI advice when setting vaccination policy.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. The Speaker's ruling on the question for urgent oral answer shows that it deals with a major issue that affects all our constituencies. I want to join with the Minister and, on behalf of my party, express my sympathy with the families of those who died recently of swine flu, including the two young children.

The Minister will accept that there is immense public concern. Given the fact that, last year, children under five years of age were offered the vaccination and that, this year, the advice seems to be different, is it true — and I believe that it is — that the Assembly can make decisions independently of the joint committee? If so, will the Minister consider making such a decision?

I have received information that a number of children have presented at local hospitals with swine flu-like symptoms not once, twice, but three or four times before they are tested. We need to calm people down, and I express my gratitude to Health Service staff in that regard. A great deal of confusion exists as to why, last year, children under five years of age were given the vaccination and, this year, they were not.

The Minister of Health, Social Services and Public Safety: Last year, there was a pandemic. The decision was taken early that everybody would be vaccinated. Members will recall that as vaccines became available, we began the vaccination process by treating at-risk groups and then working through the healthy population. We vaccinated those groups up to children under five years of age until March 2010, when the advice was to cease the

vaccination process. We based our response on that advice.

Two thousand and eleven is not a pandemic year. We have, therefore, reverted to normal practice for flu. We follow the advice that is provided to us. Policy is set by the Minister; however, the Minister cannot determine policy in a vacuum. Policy comes to me by way of the Joint Committee on Vaccination and Immunisation. That is an independent panel of experts who weigh up the evidence and make recommendations. A separate panel advises in the Irish Republic, and its advice is exactly the same. That is the advice that is followed by the four home countries: England, Scotland, Wales and Northern Ireland.

I agree that there has been some concern, and that concern has manifested itself since the beginning of the year. We began our vaccination process on 1 October. That process was working extremely well up until Christmas, and we were tailing off by the beginning of December. That would be expected in a normal vaccination for normal flu. Last year, we vaccinated 350,000 people. By the end of November, we were up to almost 300,000. Everything was going according to plan. Then, with all the discussion and speculation since Christmas, particularly since early January, we have seen a surge. The Health Service is coping with that surge. I share the Member's view on how well the Health Service staff cope. Imagine how they cope with winter pressures. Then, they had to cope with the fact that the water went off in a number of hospitals, and now they are coping with the vaccination programme.

The virus is the same as last year's virus. It is a mild self-levelling illness for an overwhelming majority of people. Most at risk are those in the at-risk groups, and those are well documented. The uptake rate has been very good in that area.

I would normally have expected patients to go to GPs. There are presentations with a flu-like illness in intensive care, for instance, but I am advised that they are not out of the ordinary from other flu years.

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

First, can the Minister provide us with an assurance that he and his Department are keeping a daily watch on the situation to ensure that the Public Health Agency and the trusts are ready to move if the situation changes?

Secondly, can he clarify the situation regarding the second child who died over the weekend with swine flu? The difficulty is that the authorities in the Irish Republic have decided in the interests of confidentiality not to reveal anything about the nature or otherwise of the underlying conditions of the young child. We must respect that wish, but the HSE in the Republic could reveal that there were underlying conditions, without specifying what they were. I think that that would retain the confidentiality of the patient and the family. Finally, if the situation does change, and the JCVI recommends the vaccination of under fives in Northern Ireland, is there sufficient vaccine in stock in Northern Ireland to enable that to be done?

The Minister of Health, Social Services and Public Safety:

A daily watch is ongoing and has been routine since we began the initial process back in July, when the Chief Medical Officer wrote to the service. The vaccination process began on 1 October, when I issued a press release and advice. I have put out around nine press releases; the Chief Medical Officer has written to the service seven times, and always provides updates on the situation; and the Public Health Agency has written 16. In addition, we put out a weekly flu bulletin, so that everyone is well informed. As I said, the vaccination process was going extremely well and according to plan.

The Member asked about the second child in the Irish Republic, but, because of the parents' request for confidentiality, I am loath to give further details. The wee one was a citizen of the Irish Republic. The child took ill and was taken to the nearest A&E, which was Daisy Hill, and, from there, was taken to the Royal. Tragically, the outcome was difficult and terrible for the family. I really cannot go into more detail than that. It is clearly a matter for Mary Harney and the authorities in the Irish Republic.

In relation to the other issues that the Member was talking about, concerning the JCVI and vaccination, I can tell him that I have adequate supplies of safe vaccine that will deal with swine flu, as, indeed, I had adequate supplies to deal with seasonal flu as well. I can also add, because of the concern, that if any parent is not sure whether their child is in an at-risk group, or, indeed, if they have any concern, they need to talk to their GP. Ms Ramsey made the point earlier about presentations and consultations.

If people have any concerns whatsoever they should go to their doctor.

Mr K Robinson: Although I am saddened to see any deaths as a consequence of swine flu, it is particularly tragic to hear of young children passing away at such a delicate age. I would like to express my condolences and sympathy to the parents and wider family circles of the children involved.

As the grandparent of a child who was taken into hospital at 5.00 am this morning with some indeterminate condition, I am relieved to know that the Minister, his Department and the folk in the hospital are very active in looking for the symptoms of swine flu and trying to mitigate any difficulties that a child might present. Has the Minister spoken to the Health Ministers in the other parts of the UK? What is their approach to the problem? Will he give us his up-to-date advice so that parents who are in a bit of a quandary at the moment — not just with under-fives but with young children generally — will know exactly what they should look for and what procedures they should follow if their child is to get the attention that they may need should swine flu be involved?

The Minister of Health, Social Services and Public Safety:

I can confirm that I have spoken with all the Health Ministers and that, in England, Scotland, Wales and the Irish Republic the steps and the advice are consistent. We vaccinate over-65s and under-65s in the at-risk groups. Those at-risk groups have been published relentlessly by the Public Health Agency, the Chief Medical Officer, and the Department and through the flu bulletins.

It is a sad fact that we lose people every year to flu. There are normally around 400 flu-related deaths per annum in Northern Ireland, and the fact is that every year there are people with no underlying health conditions who succumb to flu. Last year, for example, around 20% of the deaths were of people who had no underlying health conditions. If people have concerns, the best port of call is always the GP, who can advise them. GPs are the ones who know people's children's history and are best placed to provide the advice and information that parents require and whatever treatment children need.

Mr Callaghan: As the parent of a very young child, my heart — like that of every Member, I am sure — goes out to the families involved in

the most recent death and all the other deaths to swine flu this winter and previously.

On Thursday, the Health Committee learned that the numbers of people present in Altnagelvin and Daisy Hill hospitals with swine flu was markedly higher than in other major hospitals around Northern Ireland. It seems to me that arming local communities with relevant information about the problem in their local area is an important part of dealing with swine flu, because it helps to create awareness, and that stimulates a reaction on the ground, with people helping to prevent the virus by being sensible and taking precautions and instilling an uptake in the vaccine. However, it seems to me that there is still a bit of a problem with localised information being brought out, including information on fatalities.

Mr Deputy Speaker: Question please, Mr Callaghan.

Mr Callaghan: Will the Minister's statement about Daisy Hill Hospital being the point of admission for that child and a Belfast hospital being the point of death become part of standard policy for the Department?

3.45 pm

The Minister of Health, Social Services and Public Safety: I am not entirely sure that I understood the question. We record on a regional basis. We are a small region, and it is important that our records are kept on a regional basis. We certainly keep a watch on a hospital-by-hospital basis, and at this time of the year, as the Member will understand, Intensive care units (ICUs), for example, are busy.

We operate as a network, but let me give the Member an example: on 16 January, of 81 people in ICUs, 26 were there with flu-related conditions. Not all those cases would have been swine flu. That gives the Member an example, which covers right across the region. In the recent case that I discussed, it would be normal for a hospital to send a very sick child to the Royal Belfast Hospital for Sick Children. That is the proper step for it to take.

I am not aware of specific higher-than-regional incidents at Daisy Hill Hospital in Newry or at Altnagelvin Hospital. All hospitals are very busy at this time of year as a result of winter pressures, including flu. There was a huge increase in A&E and fracture business during the very bad

weather leading up to Christmas. We then had the problems of getting over the interruptions to the water supply. Some of our hospitals lost water, and that was a very difficult time.

There is a significant decrease in the number of children getting flu this year compared with last year. The figures are well down on where we were last year. There is no evidence to suggest that the under-5s, for example, are being disproportionately affected. In fact, the opposite is the case.

Mr Lyttle: May I, on behalf of the Alliance Party, also extend our thoughts and prayers to those families bereaved through the swine flu virus? Has the Minister's Department considered new or innovative ways to share the vital information that the public need to feel reassured about the issue?

The Minister of Health, Social Services and Public Safety: We have gone to considerable lengths to share the information. That began, as I said, with the Chief Medical Officer's letter, warning everybody about the vaccination programme, going around the Health Service in July. Vaccination from the previous swine flu year stopped on the advice of the JCVI in March or April 2010, although I could be corrected on that. However, we continued to vaccinate pregnant women the whole way through.

The new vaccination programme began on 1 October, and I issued a series of press releases about vaccination and about preventative measures, such as good hand and respiratory hygiene. From the beginning of October through to January, I issued nine press releases. The Chief Medical Officer issued seven bulletins, including letters to the Health Service. The Public Health Agency, which drives a lot of this through the trusts, issued a further 16 press releases about swine flu, vaccination and all the rest. In addition, we have the weekly flu bulletin, which is very detailed in the information that it provides.

The proof of that is in how well the vaccination programme is being taken up. We were very pleased with the way in which people had come forward to be vaccinated — until early January, when heightened speculation and comment created a surge. That presented difficulties for GPs, but they dealt with the surge, as one would expect. We have a very good system in Northern Ireland. I cannot remember the precise date, but

a short media campaign is planned soon to tidy up the end of the programme.

So, I am interested always. All that information is published on websites and in documentation that comes out across the entire Health Service, such as posters in GPs surgeries etc. I am interested to see how much more we can do. We certainly seem to have got the message over as far as those who are at risk are concerned.

I always accept that more needs to be done, particularly on issues like good hand hygiene and respiratory hygiene. If people feel ill, they should go into self-isolation, stay at home and ring the doctor. Those are the sorts of simple messages that some areas of our society appear to be slow at taking up.

Ministerial Statement

Public Expenditure: December Monitoring 2010-11

Business resumed:

Mr McDevitt: Picking up from where we left off, will the Minister confirm the figures set out in table A, which show that Northern Ireland Water declared a reduced requirement of £24.9 million in the monitoring round? Will he provide the House with any detail that may be available to him on the circumstances of that reduced requirement or on the rationale behind it?

Were any bids received from the Department for Regional Development (DRD) to indicate that it was in need of resources to prepare itself for severe weather, for example, bids on extra gritting provision and bids for extra allocation of preparedness resources for Northern Ireland Water or the like?

The Minister of Finance and Personnel

(Mr S Wilson): First, the detail of the reduced requirements from Northern Ireland Water would be best addressed by the Regional Development Minister. However, I have asked why that amount of money was returned. Where money is not used for the original purpose for which it is allocated, the Minister is obliged to return it, because that is what the Assembly voted on.

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

The information that I have been given is that it was not possible for Northern Ireland Water to spend the amount of money that it had originally planned to spend on capital investment, because, in some cases, there were planning delays and, in other cases, the downturn in the construction industry meant that better, or lower, than expected tender prices had been received. There had also been increased efficiency, which led to some reductions, and there was an increased performance in procurement. Those are the reasons that have been given to me. However, if the Member wants more detailed information, he should ask the Minister for Regional Development.

As far as the bids from the Department for Regional Development are concerned, if the Member looks at the table provided, he will see that there were a number of bids from the Department for Regional Development for the A2 Broadbridge for £4.5 million. There were

also bids for some money for roads structural maintenance of £12 million, of which, I think, £3 million was actually met.

Ms Lo: The Minister may recall that last year I asked about the £1 million received by the Housing Executive from the Home Office for the migrant impact fund. According to the Minister, as no bids came from Departments for that fund at the time, the money went into the general pot for public expenditure. Is the £0.4 million that he said was transferred from the Home Office the second tranche of the money from that fund? Will he assure the House that that money will be spent specifically on migrant initiatives by the Departments?

The Minister of Finance and Personnel: I cannot confirm whether that money forms part of a second tranche or is simply another one-off payment from the Home Office. I do not have the details of that matter to hand, but I will write to the Member. However, when money comes to us as a result of Barnett consequentials, it is up to the Executive to decide how that is spent. In my statement, I made it clear that that money became part of the pot that we had available and it was distributed on the basis of the bids that were submitted and the allocations that were made.

Lord Morrow: During a briefing given to the Committee for Justice by officials from the Department of Justice on the December monitoring round, the Committee was advised that the current forecast for the cost of police hearing loss claims in 2010-11 is £23 million. That estimate would result in a claim of £11 million from HM Treasury's reserves under the terms of the devolution settlement and an expectation that the Department of Finance and Personnel (DFP) would confirm that the remaining £12 million cost would fall to the Department of Justice. I ask the Minister to outline the current position on that matter and whether confirmation has been received that the £11 million has been provided from the Treasury's reserves. Furthermore, will he confirm that the Department of Justice will continue to have access to the end-year flexibility (EYF) stock?

The Minister of Finance and Personnel: In answer to the Member's last question, the undertaking was given that EYF for the Department of Justice would be separate from the treatment of EYF for the rest of the Budget. That access is available to that Department

with application. The hearing loss claims and the matter of the £11 million and £12 million amounts are issues that the Member should take up with the Minister of Justice, because they concern the details of his budget.

The Department of Justice's budget is ring-fenced, which means that it does not take part in this monitoring round as far as reduced requirements are concerned. The Department of Justice is allowed to maintain and keep its reduced requirements, and those moneys do not have to go into the general pot. Nevertheless, the Department of Justice does notify DFP where reduced requirements exist and how they have been allocated. That data is important for the officials in both Departments, because at some stage, of course, the Department of Justice's budget will no longer be ring-fenced and will be subject to the same monitoring arrangements as those of other Departments. At present, it is simply keeping DFP informed. We made that decision in order to allow the Department of Justice's budget to be settled and to ensure that the pressures on that Department do not have an impact on the other Executive social programmes.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I also have a query about end-year flexibility. In his statement, the Minister dealt with the provision in the comprehensive spending review of access to underspends declared at the Estimates stage. It is not clear to me whether that meant access to the entire end-year-flexibility fund or simply those underspend totals that were announced at that stage.

The Minister of Finance and Personnel: I am sorry if I did not make that clear. It does not mean access to the entire amount of money, because we have lost £316 million. The provision was made for access to moneys that were not spent in this particular year and were declared by December. Those moneys were available for carry-over into next year.

4.00 pm

Executive Committee Business

Damages (Asbestos-related Conditions) Bill: Second Stage

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

That the Second Stage of the Damages (Asbestos-related Conditions) Bill [NIA 10/10] be agreed.

As its title suggests, the object of the Bill is to deal with certain asbestos-related conditions. As Members may know, there was a time when asbestos was regarded as the miracle mineral because of its heat-resistant qualities. However, with time, it was discovered that asbestos could cause a number of different conditions, some of which are fatal. Three conditions are covered by the Bill: pleural plaques, pleural thickening and asbestosis.

Pleural plaques are non-malignant, small, localised areas of fibrosis found within the pleurae of the lung. Pleural thickening is a non-malignant disease in which the lining of the pleura becomes scarred. If it is extensive, it can restrict the expansion of the lungs and lead to breathlessness. Asbestosis is a non-malignant scarring of the lung tissue that impairs the elasticity of the lungs, restricting their expansion and hampering their ability to exchange gases, leading to inadequate oxygen intake to the blood.

Earlier decisions had allowed for an award for damages for negligent exposure to asbestos that resulted in pleural plaques. However, in the case of *Johnston v NEI International Combustion Ltd*, the House of Lords ruled that pleural plaques do not constitute actionable damage for the purpose of the law of negligence. That meant that following the decision in the *Johnston* case, it was no longer possible to bring a negligence claim for the condition. The judgement in the *Johnston* case was welcomed by the insurance industry. However, there were calls for the decision to be overturned.

On 29 November 2007, the Scottish Government announced that they would legislate to ensure that the decision did not take effect in Scotland, as it was possible that the courts might look to the *Johnston* case as authority in relation to

claims in respect of other asbestosis-related conditions that do not give rise to symptoms; that is, asymptomatic conditions. The Scottish Government also decided to legislate to ensure that asymptomatic pleural thickening and asymptomatic asbestosis, when caused by wrongful exposure to asbestos, would continue to give rise to claims for damages.

The Damages (Asbestos-related Conditions) (Scotland) Act 2009, which covers all those conditions and which effectively sets aside the decision in the *Johnston* case, came into force on 17 June 2009. The Scottish Act is being challenged by the insurance industry, and I will speak to the nature of that challenge shortly.

The continuing criticism of the decision in the *Johnston* case prompted the Ministry of Justice for England and Wales to consult on the issues arising from it. The consultation raised the possibility of legislative change and, indeed, pending the outcome of the consultation, there were several attempts in the UK Parliament to secure corresponding legislation to that in Scotland via private Member's Bills. However, those Bills fell when the UK Parliament was prorogued, and, in the end, the Ministry of Justice opted for an extra-statutory payment scheme, which allows for payments of £5,000. The scheme applies only in England and Wales, and payments can only be made to individuals who had already begun but not resolved a legal claim for compensation for pleural plaques at the time of the Law Lords' ruling in October 2007. The scheme was launched on 1 August 2010 and is set to run until 1 August 2011.

My Department also consulted on the issues arising from the *Johnston* case, and following that consultation, it was decided that Northern Ireland would follow the Scottish lead and restore pleural plaques as an actionable condition. That decision was endorsed by the Executive, and on 2 December, the Executive agreed to the introduction of the Bill that is before Members and which is modelled on the Scottish Act of 2009.

Members will see that the Bill is small and targeted. However, it has already generated a significant amount of debate, and before I turn to its provisions, I wish to say a few words about the main issues that have been raised to date.

As Members will know from the explanatory documents, the Bill is retrospective. That is necessary to ensure that pleural plaques claims

that were discontinued or withdrawn post-Johnston are not time-barred and precluded from being brought before a court. It is true that most legislation is forward looking. However, there have been occasions when the UK Parliament has made retrospective legislation and, indeed, there is no absolute bar on legislation of that nature.

I mentioned that the insurance industry was challenging the Scottish Act. It is doing so on a number of grounds, one of which relates to the retrospective nature of the legislation. At first instance, the insurers' case was dismissed. However, they have appealed, and a decision on that is awaited. Having carefully considered the options, my preference is to proceed with the Bill, on which the Department has consulted, with its retrospective elements, based on the Scottish model. If, however, the insurers win their appeal in respect of the Scottish legislation, on the basis that the retrospective elements are outside the competence of the Scottish Parliament, I will reconsider those aspects of the Bill and, if necessary, propose amendments to ensure that the Bill continues to be within the competence of the Assembly.

I turn to the provisions of the Bill. Clause 1 addresses the central reasoning of the Johnston judgement by providing that asymptomatic asbestos-related pleural plaques are actionable damage that may be the subject of a claim for compensation. That clause also disappplies any rule of law, such as the common law principles referred to in the Johnston case, to the extent that their application would result in pleural plaques being considered non-actionable. It also ensures that the Bill does not otherwise affect the operation of statutory or common law rules for determining liability.

Put simply, the Bill merely allows for a claim to be submitted to a court and precludes any argument that asymptomatic pleural plaques do not constitute damage under the law of negligence. The Bill does not introduce any new arrangements, such as an entitlement to compensation, and it will still be for a claimant to make his or her case to show that a defendant was subject to a duty of care, that a defendant had breached that duty, and that a claimant has developed pleural plaques as a result of that breach. Likewise, the Bill does not stipulate the level of compensation to be paid if a claimant successfully makes his or her case. It is, therefore, for the court to determine the

appropriate level of compensation, and there is no guarantee that the level of compensation will revert to that pre-Johnston.

I mentioned that the Scots had identified the potential for the ruling in the Johnston case to be extended to other asymptomatic asbestos-related conditions. Clause 2 aims to prevent such a development, thus ensuring that claims can continue to be made with regard to asymptomatic pleural thickening or asbestosis. In clause 2(1), the phrase "for the avoidance of doubt" is used because there is, in fact, no authoritative decision to the effect that asymptomatic pleural thickening and asbestosis are not actionable. Clause 2(3) and (4) make similar provisions to clause 1(2) and (3) regarding the disapplication of certain common law principles and the continuing application of statutory or common law rules for determining liability.

Clause 3 provides that the period between the date of the decision in the Johnston case, 17 October 2007, and the date on which any change in the law comes into force does not count towards the limitation period for raising an action for damages in respect of the three conditions covered by the Bill. That means that the Bill may cover claims that were withdrawn or discontinued on foot of the Johnston case, as well as future claims. However, clause 3(1) (b) makes it clear that the clock stopped only in respect of an action that had been commenced but not determined. Therefore, for example, if a claim was already out of time before the Johnston case, this provision will not adjust the position in respect of that claim.

Clause 4 sets out the provisions for commencement and retrospection. Clause 4(1) provides that the substantive provisions of the Bill will come into force on a date appointed by the Department of Finance and Personnel (DFP) by commencement Order. The remaining subsections explain the retrospective effect of the provisions of the Bill. Clause 4(2) provides that clauses 1 and 2 are to be treated for all purposes as having had effect. This is necessary in order to fully address the effect of the decision in the Johnston case, because an authoritative statement of the law by the House of Lords is considered to state the law as it has always been.

Subsection 3 qualifies the effect of subsection 2 by providing that clauses 1 and 2 do not

have effect in relation to claims settled or legal proceedings determined before the date when the Act, if made, comes into force. So, if a claim has already been settled or determined, the Bill will not allow that claim to be revisited.

Clause 5 gives the short title of the Bill and provides that the Act, if made, will bind the Crown.

The Bill seeks to support a fundamental principle of our justice system, namely, access to justice for those who have suffered wrong. I trust that Members will recognise the importance of that principle and will offer their support to the Bill.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle.

I thank the Minister for explaining the general principles of the Damages (Asbestos-related Conditions) Bill, and I welcome this debate.

The Committee for Finance and Personnel has been proactive in seeking to engage with the Department on this Bill in advance of its introduction to the Assembly. As we have heard, the purpose of the Bill is to negate a decision taken by the House of Lords in October 2007, which held that symptomless pleural plaques do not constitute an injury for which compensation may be sought. Pleural plaques, caused by asbestos exposure, are a thickening of the lining of the lung.

On 7 October 2009, the Committee received a briefing from DFP officials on the outcome of the 2008 policy consultation on proposals to introduce legislation. During that evidence session, DFP officials informed members that similar legislation passed by the Scottish Parliament, which came into force on 17 June 2009, was the subject of a judicial review. The challenge was brought by several leading insurance companies that alleged that the legislation is incompatible with the European Convention on Human Rights. Although the judicial review was dismissed in January 2010, the companies have since appealed, and the Committee understands that the legal challenge is ongoing. Having undertaken its preliminary consideration of the evidence from the policy consultation, the Committee wrote to DFP, indicating that it was, at that time and on the basis of the view of the majority of members present, supportive of the introduction of legislation to make symptomless pleural

plaques a matter for compensation. In so doing, however, members noted that similar legislation introduced in Scotland in June 2009 was the subject of judicial review and, consequently, urged the Minister to take note of the outcome before proceeding here.

The Department conducted a relatively short consultation on the draft legislation. It began in July 2010 and ran over the summer holiday period, with responses due by 6 September 2010. On 15 September 2010, the Committee received a briefing from DFP officials on its initial analysis of responses to the consultation on the draft legislation. During this evidence session, departmental officials advised members that, although the insurance companies' challenge to the legislation in Scotland had failed, the insurers had appealed and the outcome of the latest challenge was unknown. DFP officials also informed members that, with regard to England and Wales, in February 2010, the Secretary of State for Justice announced that he had determined that the decision in the Johnston case should stand and that he would introduce a limited extra-statutory payment scheme. That scheme allows for a one-off payment of £5,000 to people who, prior to the Johnston case, had commenced but had not concluded a claim for pleural plaques.

DFP received 13 responses during the consultation period and one late response, which was also given consideration. Those submissions highlighted the differences of opinion on this Bill, although members noted that the majority of respondents opposed the Bill's introduction. The objections covered a wide variety of areas, including alleged incompatibility with the European Convention on Human Rights, the potential cost to the public sector and the possibility of being out of step with international best practice. Those in favour of the Bill, including members of the public, welcomed the legislation. They noted that the financial impact will lessen over time as the number of asbestosis-related diseases is expected to peak and then to subside.

4.15 pm

The Committee commissioned the Assembly's Research and Library Service to investigate the number and costs of previous and potential claims in relation to pleural plaques, and to examine whether pleural plaques is a compensable condition in other jurisdictions.

On 13 October 2010, members were briefed by the Research and Library Service on its paper. The paper considered the methodologies applied by DFP, the Ministry of Justice and the Association of British Insurers (ABI), which had also submitted evidence on costs. It concluded that it is not possible to develop a robust methodology on the basis of the available evidence. However, it noted that a proportion of the overall costs would directly impact on public finances through the liability of the Department of Enterprise, Trade and Investment (DETI) in respect of Harland and Wolff. The research paper also found that there is no clear evidence of specific legislation relating to pleural plaques outside Scotland. However, there were examples in other jurisdictions of compensation funds and arrangements around employers' liability.

The Committee wrote to the Department to highlight a number of concerns arising from the draft legislation, with particular reference to the ongoing legal issues in Scotland; potential challenge by insurance companies if similar legislation is introduced here; equality considerations; cases that had been withdrawn following the Johnston ruling; potential financial impact of the legislation; and the potential for including tariffs in the legislation to determine the level of compensation payable.

Members considered the DFP response at the Committee's meeting on 3 November 2010. At that time, the Committee became increasingly concerned about the Department's delay in introducing the Bill, given the limited time remaining for its passage. On behalf of the Committee, I wrote to the Minister to express that concern and to highlight the considerable pressure that the delay would place on the Committee in providing sufficient time at Committee Stage for rigorous scrutiny of the Bill, particularly given the Committee's current focus on the draft Budget and the completion of other outstanding issues and business.

During the pre-introductory briefing, members again questioned DFP officials on the merit of bringing the legislation forward while legal proceedings are ongoing in Scotland. Members also expressed their reservations about the timetabling of the Bill. However, acknowledging the time constraints, members agreed to publish an early call for evidence following the Bill's First Stage on 14 December 2010. At its meeting last Wednesday, the Committee received oral evidence from representatives

of Thompsons McClure Solicitors and Francis Hanna and Co Solicitors, both of which have experience in representing people affected by asbestosis-related conditions.

I have deliberately relayed to the House the history of the Committee's engagement with DFP on the Bill so that Members are fully aware of everything that the Committee has done to expedite the legislation. In doing so, I have outlined the many issues and concerns that were presented to the Committee, even before Committee Stage has officially commenced. Of specific concern are the issues around the human rights considerations. Paragraph 22 of the explanatory and financial memorandum that accompanies the Bill states:

"The provisions of the Bill are considered to be compatible with the European Convention on Human Rights."

However, that is presented without any analysis and is contrary to the concerns raised by a number of organisations interested in the legislation.

The Committee will need to give that matter careful scrutiny and has, therefore, invited evidence from the Human Rights Commission and has written to the Minister to ask that he shares the advice that he has received on the Bill from the Attorney General. Indeed, the Minister may also wish to share any legal advice that he received from the Departmental Solicitor's Office or elsewhere so that the Assembly has the full information. The Committee is also aware of the option to take independent legal advice on the human rights aspects of the Bill from the Assembly's Legal Services.

At its meeting last Wednesday, the Committee noted that all the remaining written and oral evidence relating to the Bill needs to be received this week for Committee Stage to be completed in time and to ensure that the Bill stands a reasonable chance of passing all subsequent stages under normal procedures before the Assembly's dissolution. After careful consideration, members agreed that it would not be feasible to complete the evidence-gathering within such a short time frame. To afford the Bill full and proper scrutiny, the Committee will consider requesting an extension to Committee Stage.

Finally, I should point out that, in light of the range of issues that have arisen even before

formal Consideration Stage begins, the Committee decided to reserve its position on the principles of the Bill. No doubt individual members of the Committee will wish to outline their perspectives on the Bill's principles during this debate.

Mr Hamilton: It is impossible for Members in the House to understand or to fully appreciate what must go through an individual's head when they are diagnosed with pleural plaques, unless they or a close member of their family has been through that. Certainly, when scrutinising the Bill, all the evidence that I have heard or read about pleural plaques suggests that the condition is asymptomatic. It is an injury or scarring to one's lungs that is indicative of having been exposed to asbestos. It might not, in itself, cause any pain, harm or injury. However, anxiety, anguish, concern and worry must go through the head of somebody who is told that they have pleural plaques because of what that might mean. Pleural plaques do not necessarily lead to a condition in later life, but a percentage of those who suffer from pleural plaques go on to develop other asbestos-related diseases. Nonetheless, that individual will know from that moment that they had been exposed to asbestos. They may have worked in a certain industry, but, until then, they would not have known for sure that they had been exposed to it.

Of course, as a society, we know about the cost of asbestos exposure to the personal health of, perhaps, family or friends. In particular, those involved in heavy industries, such as shipyard work, know very well about the pain, anguish, physical hurt and, let us be frank, death often caused by exposure to asbestos. It is, therefore, difficult for any of us to put ourselves in the shoes of those people.

In some ways, as legislators, we need to be somewhat distant and remote from and, in many respects, dispassionate about what goes on, and we must try to look at the issue in a much cooler, calmer and collected way. As sympathetic as I am to the individuals affected, that is certainly the approach that I have always tried to take to this legislation.

I have a number of concerns about the Bill that I have expressed at various stages when the Finance Committee, of which I am a member, has looked at it. Those concerns split into two broad areas, and I want to deal with and put them on the record. They are, on the one

hand, the process and, on the other hand, the principles and other broader issues.

On the process side, my first concern is the time available to the Committee and to the House to do their jobs of scrutiny well. I have been on the Finance Committee for nearly four years, no doubt as some sort of penance or punishment. I have been there the whole time, and I remember the Bill being talked about during the tenure of the former Chairperson, not the current one.

Mr McLaughlin: You probably deserved it.

Mr Hamilton: No doubt I did. I will probably be stuck on it for a while longer.

I remember Committee members talking about the Bill many years ago, after various cases and, in particular, the Johnston case. However, here we are, with nine weeks left of this Assembly term, only now discussing the Bill's Second Stage. I know that there are good, legitimate reasons for that. Various delays were caused, not least by the other court cases, which I will come to in a second or two.

The Finance Committee is in the midst of discussing a very difficult Budget. We have a role to play in tying together all the other Committee responses to the draft Budget, scrutinising the Department of Finance and Personnel's budget for the next four years and looking at the strategic elements contained in the Budget. So, we have all that going on — we had a lengthy meeting last week that was almost entirely dominated by that alone — and here we have a piece of legislation that will come to the Committee after today's debate. To be fair: the time available to us may not be sufficient to conduct the necessary scrutiny of the legislation.

Other legislation has gone through the House in quite quick order. However, generally, those Bills have involved little controversy. I am not talking about controversy across the Chamber, between parties or within parties, but controversy generally. This legislation has not necessarily caused conflict or controversy between us in the House, but there are others externally who would be affected by it, who have an interest in it and who want to have their say. I am concerned about our ability to give those people their proper say in the time that is available to us. I am thinking particularly of insurers

and those business organisations that have concerns about elements of the Bill.

The second process issue that I am concerned about is the ongoing court cases. In her opening remarks, the Committee Chairperson mentioned the Scottish case that has been judicially reviewed on the basis of human rights compliance. Never mind human rights compliance — you will have to ask somebody who understands all that about that — I do know that that case is going through the judicial process as we speak. Yes, I understand that we would need separate legislation for Northern Ireland. However, clearly, the outcome of the case in Scotland will have serious ramifications for what we do here in Northern Ireland. Therefore, we need to be very mindful of that case and we might be better advised to await its outcome. I seek some assurance from the Minister as to what the ramifications of the Scottish case verdict might be.

Mr McLaughlin: The Committee has been made aware that the insurance industry, for example, would certainly take legal action if we were to enact the legislation in this jurisdiction. That is germane to the point that the Member is making about the Scottish process.

Mr Hamilton: If the Scottish judicial review rules in favour of the insurance industry's position, it may have an implication as to whether this legislation goes forward at all. Even if the Bill is passed, the intimations that I have seen in correspondence from the insurance industry suggest that it would probably take a case anyway. Therefore, if the legislation goes through smoothly in the next eight to nine weeks, we can expect that.

The Minister of Finance and Personnel: The Member is making an important point. He should bear in mind that it was a commitment from the Executive to deliver this within the current Assembly term. However, should there be a ruling by the Scottish court that makes it quite clear that the legislation as designed is not competent, I assure Members, as I said in my speech at the beginning of Second Stage, that we will revisit that retrospective aspect of the Bill.

Mr Hamilton: I thank the Minister for that point.

I want to raise three other issues, which are linked but separate, and on which I seek some assurance from the Minister. The first is about

cost. Throughout the scrutiny of the legislation, and before it even became legislation and the principle of it was being discussed by the Finance Committee, I continually raised the issue of cost and what the cost implications would be for Northern Ireland. Up to this point, it has been completely unclear as to what the cost implications are. Again, that is entirely understandable given the nature of the condition that we are dealing with. Many people who have pleural plaques do not even know that they do. Therefore, it is impossible to come up with the precise number of people who are suffering from pleural plaques, let alone extrapolate from that what the likely compensation might be. No estimate is available, not even a ballpark figure.

4.30 pm

I note that DETI has set aside some £31 million for asbestos and pleural plaques in the draft Budget, although there has been some suggestion, again in correspondence with the insurance companies, that they think that that may be on the conservative side of what may be paid in compensation. As I said, the asymptomatic nature of the condition means that we cannot possibly know that figure. However, I seek assurance from the Minister on whether he believes, on the basis of further consultation between his Department and others, that £31 million is sufficient to cover the anticipated compensation as a result of the Bill's being passed.

The second concern that I have and others share is the old floodgates argument. If we legislate to compensate in this case, in which there is an asymptomatic condition, we are legislating almost because of the anxiety caused when individuals are told that they have pleural plaques. It is not the pleural plaques themselves for which we are legislating but the anxiety caused by the exposure to asbestos, as well, obviously, as the lung damage. However, does legislating for that in this case make a persuasive case for similar conditions, in which someone may have an asymptomatic, physiological change that, in itself, perhaps highlights exposure to another poisonous material? Are we then in a position of having to compensate in such cases? Again, I seek assurances from the Minister that studies have been carried out and that he does not anticipate a rush to open the floodgates, which would lead to further similar or, indeed, completely different cases later.

My third concern is one that I share with my colleague Mr Frew. I will not steal his thunder; I will let him make his point. However, he and others have questioned whether compensation is the best way to deal with such problems. Given that the condition is asymptomatic and it is more the case that it causes anxiety or trauma, which may be of a mental nature, is monetary compensation, in itself, the best approach? Are there other means, methods or approaches that we can take better to address the problems that emanate from people suffering from pleural plaques and from becoming aware that they have the condition?

At last week's Committee meeting, I mentioned something that I will repeat now, as Mr O'Loan is here today. I compliment Declan O'Loan on his choice of language in this respect. Throughout the Committee's discussions on this issue, he and I raised our legitimate concerns. Several months ago, he said that he thought that the Bill would pass but almost out of sympathy rather than through any particular support for it. I also find myself in that position. I go back to my opening comments: it is impossible for any of us to know what is in someone's head when they are told that they have pleural plaques as a result of exposure to asbestos and what that may mean for them in the future. There is a huge amount of sympathy for them, even if there are some legitimate concerns about issues such as cost and opening floodgates. There may also be some legitimate concerns about the current legislative process.

I have such sympathy, as have others. In the past days, I have been thinking about the expectation that even the drafting of the Bill and the discussions about this legislation in the past years have placed on people. I thought about that because of the evidence that we received last week, as the Committee Chairperson outlined, from two solicitors' firms. I took exception to many parts of that evidence, but I noted that one firm in particular had some 80 cases held in suspension because of the ramifications of the Johnston case. Many people's expectations have been built up and to knock those expectations, on top of everything else, would be cruel of the Assembly.

I wanted to place my concerns on the record. I have put those points to the Minister, and he has already offered some assurance on one of them. I hope that he can do so on some of the others as well. Mr O'Loan said in Committee

— he may do so again today — that he has a great deal of sympathy for those at whom this legislation is directed. I also have a great deal of sympathy for them, and I will, therefore support the Bill's Second Stage.

Mr O'Loan: I am pleased to speak on this important legislation. It should pass its Second Stage and be fully debated in Committee, but, as Simon Hamilton said, it needs to be a very full debate. All Committee members would be very assertive about that. There are problems with the timetabling, and the Bill comes to the Committee very late in the day. The time that the Committee has been allowed is now less than the normally agreed time for the Committee Stage of a Bill. The Committee will be assertive about its right to give full and proper consideration to the Bill, including hearing the views of all relevant parties to that consideration.

Many questions were raised in Committee about the Bill. Even those who, at this stage, might declare support for the Bill raised many questions, so there has been a considerable air of questioning, one may even say scepticism, about the Bill.

The Bill arises from a House of Lords judgement in the Johnston case, which was heard in 2007. In that case, five Law Lords concluded unanimously that pleural plaques were not actionable damage. It seems that the Bill is asking whether there is an adequate general law to address the issue of compensation on grounds of negligence and whether there is a unique weakness in relation to pleural plaques that makes particular legislation necessary. If we were to say that it is a general point and there is a problem with the law on compensation on grounds of negligence, the way to address that would be to alter that law. However, nobody is really arguing that. I have not heard anyone saying that, so I think that people are agreed that the general principles of the law in that area are sound. That leaves us in the position that the Bill has to pass a demanding test and that the situation regarding pleural plaques is so special and unique that it cannot be addressed by general law and needs and deserves specialised treatment in law. It may be that it needs and deserves that, which is up for examination in Committee. However, as I said, we should not make any mistake. I regard that as a very demanding test.

We should reflect on what the Law Lords said in rejecting pleural plaques as a cause for action for damages. Lord Hoffmann, who made the opening speech in the adjudication, said:

"The question is whether someone who has been negligently exposed to asbestos in the course of his employment can sue his employer for damages on the ground that he has developed pleural plaques. These are areas of fibrous thickening of the pleural membrane which surrounds the lungs. Save in very exceptional cases, they cause no symptoms. Nor do they cause other asbestos-related diseases. But they signal the presence in the lungs and pleura of asbestos fibres which may independently cause life-threatening or fatal diseases such as asbestosis or mesothelioma. In consequence, a diagnosis of pleural plaques may cause the patient to contemplate his future with anxiety or even suffer clinical depression."

He also said:

"Proof of damage is an essential element in a claim in negligence and in my opinion the symptomless plaques are not compensatable damage. Neither do the risk of future illness or anxiety about the possibility of that risk materialising amount to damage for the purpose of creating a cause of action, although the law allows both to be taken into account in computing the loss suffered by someone who has actually suffered some compensatable physical injury and therefore has a cause of action."

Furthermore, he said:

"It follows that in my opinion the development of pleural plaques, whether or not associated with the risk of future disease and anxiety about the future, is not actionable injury."

That is the argument in a nutshell.

There is no question that pleural plaques are a physiological change; they are an effect of exposure to asbestos. As one of the other Law Lords, Lord Hope, said in the same judgement:

"pleural plaques may be described as a disease or an injury ... Their physical effects cannot, in any normal sense of the word, be described as harmful."

It is important to be clear about the medical evidence regarding pleural plaques. As Lord Hope said, pleural plaques are benign; they are not and do not become cancerous. They do not, in general, diminish lung function in any way, and if they should do so, they would, of course, become actionable in themselves. We had medical evidence from Dr Shepherd,

a consultant respiratory physician, in which he made essentially the same points.

That brings me to the issues of risk and anxiety and to the concept of aggregation, the argument that, even if pleural plaques on their own are not actionable, the combined effects of their occurrence, the risk perceived by the affected person and the consequent anxiety if all those factors accumulate to something ought to be remedied in law. We need to analyse further the issues of risk and anxiety.

There is no risk from pleural plaques for the medical reasons that have been advanced, which are challenged by no one. However, they are absolute evidence of exposure to asbestos. Therefore, a person who is told that they have pleural plaques may say that they are at risk because they have been exposed to asbestos. I look at it as follows: if one compares a group of 1,000 people who do not have pleural plaques with a group who do, the incidence of serious asbestos-related diseases in the group with pleural plaques will undoubtedly be greater. One can then debate whether that is attributable in any way to the pleural plaques or whether, as others say, that is not the point and exposure to asbestos is the issue. Even in discussions about risk, there are various arguments.

There is no question that many people who are told that they have pleural plaques suffer serious anxiety, including clinical depression. However, as far as the Assembly is concerned, to some degree, that argument cuts both ways. We can respect that position as an argument for a remedy in law, but the contrary argument is that, if we make it a remedial issue, the anxiety that people feel is enhanced because they feel that, if it is so serious that it is subject to financial compensation, there must be something seriously wrong with them. That is not an easy issue for the Committee to assess on balance.

The Law Lords reject the aggregation theory. I take it that that is a principle of law. Indeed, it might be considered an argument for making the mere existence of pleural plaques actionable, because one might say that all those things ought to add up to something, so if, in law, they do not, perhaps we need provision in law to address it.

It should not be thought that the House of Lords judgement in the Johnston case was the first time that a judge found pleural plaques not to

be actionable. In an earlier hearing, Mr Justice Holland said:

"I start by rejecting any notion that pleural plaques per se can found a cause of action."

Of course, not all judges agree. The first consultation document issued by the Department contains a very useful statement by Lady Justice Smith. Before quoting from it, I shall make an aside: I thought that the initial consultation document was extremely informative and balanced in its approach, although I do not regard later contributions from the Department to be so even-handed. They are more loaded. I do not say that just because the Department was moving to a position where it was going to introduce legislation. As I say, I think that the presentation is somewhat more loaded and less clearly evidence-based.

The explanatory and financial memorandum to the Bill says:

"Following consultation in Northern Ireland ... it was decided that the law should be amended".

It does not make clear what that process was, although the Minister told us today that it was on foot of a departmental decision, which I take was his, and that the Executive endorsed that. I want to make a general comment about that. Many matters and proposals for legislation come before the Assembly. Although the Executive may agree to those, I am sure that, in every case, they recognise that, at the end of the day, the Assembly makes the law and that any proposed legislation will be subject to detailed scrutiny by an Assembly Committee and, in the end, by the Assembly in a plenary session. I make the point that it is the Assembly that will decide whether the law should be amended.

4.45 pm

I will turn to the quotation from Lady Justice Smith that I wanted to give. It very usefully presents the opposite argument to that of the Law Lords in the Johnston case. She says first of all that all the High Court judges who had previously considered the actions found in favour of the claimants and had:

"found a way of making an award."

She goes on to say:

"The intellectual processes by which they have arrived at their conclusions have differed but each has arrived at the same result. I venture

to suggest that is because, having seen the claimants and having heard their evidence, they felt it would be just to award damages and unjust not to. I also venture to suggest that most people on the Clapham omnibus would consider that workmen who have been put in the position of these claimants have suffered real harm. I do not think that they regard these consequences of asbestos exposure as trivial and undeserving of compensation."

Once again, I think that that puts the argument in a nutshell very well. However, I also think that it requires a bit of examination. It is good to hear the expression of that view, which is contrary to the Johnston case.

The man on the Clapham omnibus is much used by lawyers as a test of what is reasonable. I would like to think that, if the man on the Clapham omnibus were asked for his view on pleural plaques and legislation on them, he might say, "Excuse me, but could you tell me a little bit more about pleural plaques?". I am unsure whether that would be the exact language of the average man on the Clapham omnibus, but it ought to be the position of any reasonable person. I do not think that we can escape by saying that we should go by our first instinct. There is no escaping a detailed examination of the evidence on the matter before we come to a conclusion. Again, that is for the Committee to do.

I will make a few other points, the first of which is about the situation in Scotland. The Committee has been very cautious with the Bill and has made some reference to the situation in Scotland. On 7 October 2009, a majority of the Committee expressed support for the Bill but advised the Department to look at the Scottish situation very closely. Members obviously wanted some kind of finality on the situation in Scotland before making a final decision here. Incidentally, as the Chairperson probably said, last week the Committee was somewhat more cautious in its view and took the position of not presenting any definitive view other than to say that it will be happy enough if the Bill survives its Second Stage.

What is the situation in Scotland? As we know, the Scottish Bill was introduced and is now an Act. A judicial review was taken and failed. That is now under appeal. We know that, irrespective of the outcome of that appeal, it may go to the Supreme Court and, from there, may go to the European Court of Human

Rights. That may take some time. I have been told today, because I asked, that cases in Scotland are now in abeyance and have been stayed, pending the resolution of the legal position. I must take that point seriously, and the Committee and the Assembly ought to take it seriously. It puts a large question mark over the Assembly's deciding to proceed rather than await the outcome in Scotland. Those tests are being made for us, and it might be prudent to wait. It can even be argued that, if one were keen for legislation to go through, it would be better to wait to see the outcome because that might determine the nature of the legislation. Everyone can see the alternatives, and I will not go into them further.

I wonder whether some other remedy might be looked at — for example, a potential compensation scheme, which is referred to and, somewhat cursorily, rejected in the explanatory and financial memorandum on the grounds that the insurers will not contribute to it. I saw a remark that the Scottish expectation is that a case might typically cost £25,000. Based on past cases, awards to claimants might be expected to be between £5,000 and £7,000. The rest of the money goes into the hands of lawyers. We have to look at whether we want to create an Act from which the financial implications are that a relatively small proportion of the award will go to the people whom we are trying to assist. If we feel sympathetic to the degree that something ought to be done, should some sort of straightforward, no-fault compensation scheme, funded by government, not be considered?

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

Are we entitled to consider at all the cost to the public purse? Are there overwhelming moral or legal arguments for the legislation? If there are, we should do it anyway. I will take an issue that is not as emotional. The cost to the Northern Ireland Executive of the recent equal pay settlement was very great. It was painful, but there were legal reasons why we had to do it. I do not think that there are legal reasons for this legislation, but, if there were fundamental justice issues, I would say that we would have to carry it, irrespective of the cost. Some things it is right to do and they must be done. The arguments are so balanced that this cannot be placed in that category.

We note that the Department of Enterprise, Trade and Investment has set aside £31 million in its budget for the next four years to cover potential liability claims for asbestosis and related conditions. We do not have a breakdown between asbestosis and something that might emerge from pleural plaques, and it would be useful to have an indication of how much of that £31 million would relate to this legislation.

The Minister of Finance and Personnel: There has been an element of uncertainty around the issue, and DETI's estimate is for £1.8 million a year.

Mr O'Loan: That is useful information from the Minister. The Assembly researchers have looked at that on behalf of the Committee and found it difficult to quantify. There could be a burden on other Departments. Who knows what buildings and so on they have been responsible for? It may be that those Departments have not even considered the issue but may have liability.

We have been told that the Attorney General's view on the legislation is not available to us and that it is confidential. I was struck by the fact that the Attorney General's view on the Energy Bill, which has been going through the Assembly recently, was offered by the Minister. That view contributed to certain amendments that were made, and that is useful. We are in the early days of our relationship with the Attorney General, and it is rather important for us to know whether we can receive advice from the Attorney General. I would welcome that advice, and I say to the Minister that, if that advice is not given to us, it creates a suspicion, perhaps unjustified, that there is something in the Attorney General's advice that might make it harder to deliver the Bill.

I am happy to defer to the Minister now if he wants to tell me the Attorney General's view on the matter, or he might want to consider that. I am serious when I say that the Committee would like to know that information. I certainly do, and I think that that would be the general view in the Committee.

There is much to consider in the Bill. It is fair that it goes to the Committee for examination, but I repeat the earlier view that that consideration must not be rushed. The Committee must be given due respect and full and adequate time for examination of the difficult issues presented by the Bill.

Dr Farry: I appreciate that the Bill's Second Stage will be agreed today and that it will move forward to Committee Stage. However, like other Members, I am extremely sceptical about some of the principles behind the Bill and the implications that arise from it. Indeed, the Committee Chairperson's statement setting out the current approach and thinking is indicative of the considerable uncertainty around aspects of the Bill.

It is important that, like others, I stress my concerns regarding the timing of the Bill. The Johnston case goes back as far as 2007, which is almost four years ago. The issue has been kicking around in Northern Ireland from the time of the Department's first consultation, which was as far back as 2008. I am not aware of the Department's approach having fundamentally changed from that time. However, the First Stage of the Bill only took place before Christmas, and now, almost in the teeth of dissolution, we are trying to rush it through in order to meet the promise of the Executive to legislate within this term. Given some of the issues that still need to be properly scrutinised, addressed and potentially resolved, I am concerned about the implications of rushing the Bill and coming up with flawed legislation. Surely it would be better to leave the Bill until the beginning of the incoming term and to deal with it in a manner that is expeditious at the beginning but allows for the full scrutiny that a Committee Stage provides.

I recognise that the presence of pleural plaques is a subject of deep concern. Both inside and outside the House, there is considerable regard and understanding for the people who have been identified as having pleural plaques in their lungs. We must recognise that, for those affected, that leads to considerable anxiety about what the implications may be, and there is a wider understanding of the risks that people who worked in unsafe environments in the past have been subject to.

We also have to be realistic and accept that pleural plaques are asymptomatic and do not in and of themselves create a sense of harm. They are a pointer to asbestos exposure, but they are not an indication of enhanced risk. The risk comes from the exposure that a pleural plaque confirms, rather than the presence of the pleural plaque accentuating the risk. I believe that the points that I just made are reflected in the medical consensus. Even the lawyers who have

argued for the legislation have not disputed what seems to be the medical consensus on the issue. That said, we recognise that there is a sense of violation of bodily integrity as a result of having foreign substances appearing in the lung and that anxiety arises from that. Those are direct issues for people, and one would not wish to dispute that.

The Minister needs to address a number of issues as the Bill proceeds. In the light of the Johnston case, is it right that something that gave rise to compensation in the past must be viewed as always being compensable in the future? Our understanding may change, circumstances may change and legal frameworks may change, for example, through the passage of the European Convention on Human Rights into our domestic law.

The Assembly should also note that the Governments of England and Wales have not sought to overturn the Johnston case despite considerable pressure from the public and from elected representatives. Of course, the Scottish Government are trying to do that and have passed legislation. However, as Members mentioned, that legislation is currently subject to a legal challenge. I certainly concur with the point that the Assembly needs to take into account the implications of that process and the possibility that the finality of any decision that it takes may put it in a position in which it might face similar legal challenges. Furthermore, given that legal challenge in Scotland, to what extent has the Minister confidence in the Bill's statement that it is compliant with human rights?

5.00 pm

Will the Minister also outline what he understands to be the basis for compensation? That seems to shift around depending on who one speaks to, even when one speaks to those who advocate the legislation. Indeed, last week, during an evidence session, four different rationales for compensation were put forward in the space of around two minutes. Is it that the Assembly is trying to compensate people for exposure or for the risk that comes from that exposure? Is it that the Assembly is trying to compensate people for the anxiety that is related to the exposure or for the damage or injury that may result from pleural plaques when, in fact, the presence of pleural plaques is not in itself harmful?

It is important, therefore, that the Assembly is clear about what the legislation is actually trying to do. It must also ask itself whether the approach that it takes on the matter creates any further precedents for similar situations in which people have worked in risky environments in the past. For example, it could be argued that people who worked in pubs, clubs and bars during past decades and were exposed to passive smoking may have enhanced anxiety about having lung cancer. Does the Assembly propose to make that exposure itself compensable or, rather, to wait until lung cancer is evident and there is a clear basis for compensation potentially being sought? I am sure that people can think of similar examples.

There is also the issue of uncertainty about financial liability. It is important that we discuss the implications for the public sector and the private sector. The Bill's explanatory and financial memorandum states that the potential cost of compensation for pleural plaques would be just under £2 million. Again, the Minister confirmed that in his statement. Obviously, reference has been made to the DETI budget for the next four years and to £30 million for a range of asbestos-related conditions. It is worth making the point that both the Bill's explanatory and financial memorandum and DETI's draft spending plans for the next four years refer to the costs as being impossible to quantify at present. The figures that have been put forward are estimates. They may be conservative estimates, or they may be overgenerous. We do not know.

The Assembly is moving into a situation in which there will be a tight public expenditure framework with no certainty about what it will create. Indeed, if it creates additional financial liabilities for the private sector and the public sector, particularly in light of the, shall we say, slightly uncertain basis on which it is doing so compared with the basis for other forms of default where compensation is clearly accepted, is that a wise thing to do? The Assembly must also take into account the views of the business community on the implications of that for business confidence and, indeed, on the cost pressures to which business would be subject.

Given that anxiety is clearly present in those who suffer from pleural plaques, the Assembly must also ask whether it is correct to compensate for that anxiety and, in some respects, reinforce a misapprehension or

misunderstanding of the condition and, in doing so, take counterproductive action. Would it not be better to invest in public education on the condition and try to downplay people's unfounded worries?

There are also potential knock-on costs in the health sector, because, given the enhanced anxiety that the Bill may advertently reinforce, people will, perhaps, seek X-rays to examine whether they have pleural plaques.

There is a wider issue that we have to take into account. It relates to whether the uncertainty over the presence of pleural plaques will create a situation in which some people who may have inadvertently been exposed to asbestos will miss out, if its presence is used as an indicator for that wider exposure. Could there be a situation in which someone who does not have pleural plaques, but has been exposed to asbestos, may eventually develop a condition down the line? Do we have a situation in which there is potential for discrimination? Will people who have pleural plaques receive compensation, and will those who do not have them not receive it, even though both parties have been subject to the same degree of risk? That goes back to the issue of risk and exposure that we are seeking to compensate.

As other Members have said, it is important that we use the opportunity of the Bill to look at alternatives, if it rolls forward into Committee Stage. As a compromise way forward, although I recognise the interests and concerns in society but, equally, the potential unlimited financial implications, I have some sympathy with the idea of whether we want to encourage the parties involved to reconsider some option around a fixed sum payment. In other parts of the UK, a notion of £5,000 has been put forward for those cases already in the system. Perhaps we could look at extending the eligibility criteria for that in Northern Ireland.

We look forward to discussing the Bill in greater detail in Committee and seeing where it goes.

Mr Frew: I have great concern and sympathy for people who have pleural plaques. Even though the condition is symptomless, it is a confirmation that a person has been exposed to asbestos, which, in itself, is considerable. It is a frightening concept to have to come to terms with, and it causes great anxiety.

I worked in the construction industry and had the opportunity to work on old, large-scale buildings, such as schools, factories, warehouses and hospitals, and in the shipyard in Belfast. Having known people who had asbestos-related conditions, I am only too aware of the problems and anxieties that the conditions cause for them and their families and loved ones.

It is only right that the Assembly looks at the issue to see what assistance it can provide directly or indirectly to people with the condition. However, there is a concern that there is not enough time to scrutinise the Bill, take it through the proper processes and give it the respect and time that it deserves. We paint ourselves the biggest picture that we can in order to make sure that this is good law and that it will provide a service to the people whom it is supposed to target. We are also in a position of flux with regard to all of the legal implications. We have to be careful that we do not raise expectations and hopes. The headlining on the news or in the newspapers of such a debate could raise people's expectations. We have to be careful about what we do in that regard and in respect of the legal implications ahead of us.

We have to be mindful of the financial implications for the Government and the Department of Enterprise, Trade and Investment. It is good to see the Minister here, and I give credit where it is due to the Chairperson of the Committee for Enterprise, Trade and Investment for being present for the debate.

My colleague spoke of a floodgate opening, and a colleague from North Antrim, Declan O'Loan, said that we have to do it if it is morally right, regardless of the financial implications. I agree with that.

If I were to put myself in the shoes of someone who has that condition, I am not 100% sure that a financial payout would ease my anxiety one bit. I know that there are legal implications, in that if people were told to do something in their employment and they fulfilled those duties, but there was a lack of awareness that asbestos was there, and they were not protected as they should have been, there is an argument that they should be compensated. However, we have to remember that we are discussing pleural plaques, which is a symptomless condition. It is the people who know that they have been

exposed to it for whom I have the greatest sympathy.

As I said, I am not sure whether a financial payout would help with the anxiety. I do not think that it would assuage my fears at all. In fact, I would much rather know that the Health Service provided to us would cater for my needs and anxieties, whether through regular check-ups with a GP or consultant, regular scans or X-ray screening, or simply education to make me aware of the condition, what it might lead to and what it might not lead to.

Of course, we are talking about percentages too, as the Committee has witnessed in recent weeks. We need to look very carefully at that. I have great sympathy for the people involved, and I believe that we need to do something for them, but I am yet to be convinced on the Bill. I agree with its principles and that we need to do something for people affected, but I am not sure whether the Bill is the right thing for that. We should be able to bear that out in Committee. That is why it is important that the Committee be given the time to debate and scrutinise the Bill as much as possible. People whom the conditions affect need to get recognition, so we must concentrate on the Bill as much as we can.

Mr A Maginness: I declare an interest as a member of the Bar, although I have no particular experience of these types of cases and no particular expertise in this area. I understand that it is a difficult issue for Members and that many complex legal issues are involved. However, it has to be said that there has been extensive consultation on and discussion of the matter. The Bill's basic principle is that people who have developed pleural plaques should be compensated. If that principle is accepted by the Committee and the House, there should not be any particular problem with the Bill. Either Members accept the principle or they do not.

I hear all the points about process, lack of time, and so forth, but I do not believe that additional time is required for colleagues in the House to make up their minds. The issues have been made fairly plain in the consultation papers, the responses and during debate in Committee.

5.15 pm

I understand the anxiety of people in the House to get things right. I also understand the fact that insurers in Scotland have brought an action in the Scottish courts, and that is now under

appeal. However, we stand on our own here, and we should be able to make our own decisions. We should not be constantly looking over our shoulders at what other people are doing. We can learn from what other jurisdictions are doing, but we should not be tied to what they are doing.

As for the threat of legal action by the insurance companies here, insurance companies will always try to apply pressure. They have a clear vested interest in stopping this legislation, and we should not be intimidated by the threat of legal action by insurance companies. The Minister has made the right decision about this matter, namely that people so affected should be compensated. The Bill is relatively simple in that it enshrines that principle. To dispense any doubt, it also refers to pleural thickening and asbestosis. That is a sort of belt-and-braces clause. That, in essence, is what the Bill is about.

However, the Bill also has to refer to the period in which those actions could have arisen, and to actions previously taken that may not have continued because of the decision in the Johnston case. The Minister has reassured the House that, in effect, clause 3 deals with the retrospective nature of claims and the whole issue of retrospection.

I want to be further assured by the Minister because if somebody, for example, took an action, the Smith judgement came out, and they were then told by their solicitors and, indeed, by the defence solicitors: "Look, if you continue with this action, we are going to pursue you for costs. If you withdraw your action now, we will not pursue you for costs", would that amount to the discontinuance that the Minister referred to?

I want a reassurance that those who entered into what could be termed a contract with the defence could continue with their actions. It would be only right and just in such circumstances that those actions should be allowed to continue. So I seek an assurance from the Minister. I am sure that the Minister will reflect on what I have said, and perhaps can give further advice to the House and to me on that.

The Minister referred to actions being discontinued. If that is not the case, and if there is a situation where people have been effectively coerced or pressed into discontinuing their actions because of the question of costs and a cost liability against them if they continued, there has to be an amendment to the

Bill to cover that. It would be very important for that to be covered. It should be stated explicitly that any contract not to sue in respect of pleural plaques would be null and void. I ask the Minister and the Department to consider that.

There are other victims of pleural plaques. The relatives of people who worked in certain industries and who were exposed to asbestos have been affected by asbestos-related medical conditions, including pleural plaques. That exposure is caused by someone who comes home from work in their working clothes, takes them off and then puts them into the washing machine. A mother or another member of the family could come in to contact with those clothes and be exposed to an asbestos-related condition as a result of coming in to contact with asbestos. Therefore, there has been asbestos exposure in those situations. It would be right, fair and proper for some people, such as members of the immediate family, to be effectively covered by the legislation.

If there is negligence in any of the cases that I am describing, it continues for the person's family members. Therefore, I cannot see any argument against that on the part of either the defendants or the insurers. I ask that the Department look at the extension of liability to members of the immediate families of those affected. If the Department is in favour of that, an amendment should be tabled to make it explicit in the Bill.

There is one other aspect of the Bill that I want to refer to, although it is probably not that relevant to pleural plaques. If a workman brings an action during his lifetime, claims for loss of earnings and then dies, his family could have a case for taking an action for loss of dependency. In those cases, provision should be made for the family concerned to bring an action for a loss of dependency. That action would not be for the workman's loss of earnings; it would be for the loss of earnings that the family sustained as a result of his death due to asbestos exposure. However, that matter is perhaps not quite as relevant to the Bill as the other two issues that I raised.

There is a general argument that says that the House of Lords has made a determination on the issue, so that is the end of the discussion. People were able to sue for pleural plaques, and the courts regarded that as actionable and compensable. Where is the justice in removing

that avenue for people who have been exposed to asbestos, perhaps even in contemporaneous situations, when other people have already received awards? Where is the justice in that? Dr Farry said that just because something has been compensated for, it should not necessarily be compensated for in the future. However, that argument can be reversed to say that the condition was compensable and that it should remain so, because it is just and right that people be compensated.

As Mr Frew eloquently stated, it is a difficult and frightening situation for people to be in. Surely such people should be compensated. All of us in the House, I would say, are committed to a sense of justice. It is unjust and unfair that people should not be compensated in such a situation.

It was said during the debate that the legal profession is getting huge sums of money from the situation. Awards and settlements for asbestosis and mesothelioma are much bigger, but those for the injury — I use that term quite properly — of pleural plaques are, in fact, very limited. There is not a lot of money to be gained by lawyers or anyone else involved. That should not be a relevant determining factor when considering the Bill.

I do not believe that there will be a serious drain on the public purse. A figure of around £2 million per annum has been suggested. There is £31 million in the DETI budget, but that, as I understand it, relates largely to other forms of ill health caused by exposure to asbestos. The bulk of that money is for a liability that arises from the shipyard because of the insolvency of the insurance company that was dealing with claims. That, in a sense, is a red herring when discussing the Bill, and I want the Minister to take that into consideration.

It was said during the debate that we would be opening the floodgates, but I cannot see where that would happen. I am not certain that Mr Farry's cause of action on smoking is apposite to this type of situation. If there is a floodgate argument, let us see what it is. One cannot simply say that the floodgates will be opened if there is nothing that is identifiable. I do not see the floodgates being opened. This is a justice issue, and we should be compassionate and just. It is true that money will not fully reassure a person. It is not a remedy for a person's ill health or condition, but it does at least

provide some basic comfort to that person. It is important that such persons be properly and justly compensated.

The Minister of Finance and Personnel: I thank all Members who took part in what has been a very thoughtful debate. Although almost all Members who spoke indicated their support for the Bill, they raised a lot of legitimate questions that I can possibly answer today. That will allow Members to proceed with the scrutiny of the Bill at Committee Stage with some confidence.

I want to make it clear at the outset that this is a short but focused Bill. As the last contributor to the debate indicated, it is designed to give redress to ordinary working people who, because of their employer's negligence, have been damaged in some way. It is important that we bear that in mind. It is something that the Executive have committed themselves to doing. Moreover, I know that some Members raised the issue of timing. I want to address those issues if I can.

5.30 pm

I will turn first to the comments made by the Committee Chairperson, who is not in her place at the moment. She indicated that, by and large, the Committee had been supportive of the Bill and the work to date, and I thank the Committee for that. She, along with a number of other Members, including Mr O'Loan and Mr Farry, asked whether I was happy that the Bill is legally competent. There were also requests to hear the Attorney General's views on it. As Members well know, it is convention that the views of the Attorney General are not shared. The Attorney General gives advice to Ministers and the Executive that is not available under FOI, which, again, is indicative of the fact that it is not for sharing.

At the end of the day, it is the responsibility of a Minister to make a decision, based on the legal advice that they are given, as to whether a Bill is legally competent. When doing that, he or she will take into consideration the views of the Departmental Solicitor's Office and the Attorney General. In this case, I am happy to say that, in light of all the information that is available to me, in my view, the Bill is legally competent.

Indeed, one only has to look at the way in which similar legislation has progressed in Scotland. The Scottish Executive, a body with similar powers to this body, deemed it to be

legally competent. The Scottish equivalent of the Attorney General deemed it to be legally competent. The courts, as far as the challenge has gone in the courts in Scotland, have deemed that the Scottish Parliament had brought forward legislation that was legally competent. This legislation reflects what was brought forward in Scotland. Therefore, on all those grounds, I am satisfied that the Bill is legally competent. I hope that that answers the questions that have been raised by a number of Members on that issue.

The second issue raised by the Committee Chairperson, which was also reflected by a number of other Members, was the timing of the Bill. She asked why it was being brought towards the end of the Assembly term. She suggested that it was being rushed and was, therefore, not being allowed the degree of scrutiny that a Bill of its nature should be given.

The Member for Strangford Mr Hamilton pointed out that when he was put — well, he described it as being punished — on the Finance Committee four years ago, this issue was being discussed. He is quite right. The Bill has taken some time. However, the Committee has had the benefit of the consultation on the general policy and the follow-up by officials who talked to members about the results of that consultation. There was then the consultation on the Bill itself and the follow-up by officials, as well as all the consultation responses.

Members have asked why we would rush the Bill through at the end of this Assembly mandate. Again, I will point out that all the timings for the Bill meet with the requirements in Standing Orders and give the Committee the proper time. I would not wish it any other way. The Bill is not going through by accelerated passage. It is going through the normal process. A Committee is allowed, under the Standing Orders of the Assembly, a certain amount of time to deal with legislation. All the background information has been available for a long time, so the issues have been well aired.

The quality of today's debate has been very good, and the points that have been raised demonstrate Members' depth of knowledge on the various arguments. That indicates that in no way can Committee members say that they cannot fully appreciate the implications of the Bill. Therefore, I believe that Committee members are well equipped to deal with the

work that they must do at Committee Stage to bring the Bill to a satisfactory conclusion.

The Executive are committed to this legislation, and we have met the requirements for consultation. I would like to have received clearance from the Executive sooner. That has not been the case, and that is true of some other Bills. However, given the commitment, the work that has been done, the expectations that have been raised, and the expertise that the Committee has acquired on the Bill, it is perfectly reasonable to say that the time that is remaining in this mandate should be sufficient to deal with this matter.

The Committee Chairman and others raised the issue of what exactly the cost of this measure will be. The insurance industry has said that the costs have been underestimated and will be much higher. However, I would have thought that if the insurance industry knew that the costs had been underestimated, and it had some hard evidence to that effect, representatives would have made it available.

A wide range of estimates has been provided. I do not want to misquote the figures but there is, I think, a multiple of about five between the lowest and the highest amount of money that the insurance industry has estimated. That shows that, really, it is a bit of a guess. I accept that, because of the nature of the disease, we cannot be sure of the number of people who will be affected, but we have made our best estimate. Indeed, I think that research by Committee staff indicates that the figures that we are looking at are probably not too far away. However, the Assembly's Research and Library Service papers, to which I may return, show that the figures are difficult to estimate.

I turn to Mr Hamilton's points. He raised the issue of timing, and I hope that I have given him a clear answer on that. He and a number of other Members raised the issue of what happens if, although the Scottish Parliament and the lower courts have deemed the legislation competent, the appeal court decides that it is not. I made it clear that I believe that, if that happens, we still have time to make a decision to change the provisions of the Bill that refer to retrospective decisions and its general retrospective nature. However, as I think Mr Maginness pointed out, the court process could go on for years. It could eventually go to the European Court. What do we do in the

meantime? This is a policy that has been decided by the Executive, that we believe is competent and that we believe reflects the views of the Executive and the Assembly. Do we simply sit back to wait for the whole judicial process to be spun out or do we clearly show our intention that we believe that this is the right thing to do, that we should reinstate the decisions that have been made in the past and the actions that were available to people in the past? Do we simply sit and wait for the courts to decide what our policy should be? I would have thought that Members would want to be in control of the legislative destiny of this House and, therefore, make the appropriate choices. Of course, if amendments have to be made in light of future legal decisions, we will have to deal with that.

Mr Hamilton also raised the issue of costs. As I indicated, the estimates that DETI has at the minute amount to £1.8 million a year. I accept that they are estimates. However, they are based on figures that the Scottish Parliament has produced on compensation per case and the number of cases identified in Scotland, with a pro rata reduction for the population of Northern Ireland. Given that, in the past, the industrial composition of Northern Ireland was very similar to that of Scotland, we would expect to see the same kind of pattern here. Therefore, I do not think it an unreasonable judgement that the costs envisaged for Scotland can be scaled down to produce the figure of £1.8 million.

Mr Hamilton and Mr Farry raised the issue that the Bill might open the floodgates and that all kinds of unforeseen forms of compensation might then descend upon us here in Northern Ireland. The Bill is very focused. It makes clear what we believe should be compensated. We refer also to the historical situation, whereby it has been only those with pleural plaques who have had the opportunity to get compensation.

Dr Farry: I appreciate the Minister's point that the Bill is tightly defined around one particular condition. I will let Mr Hamilton speak for himself, but my point is that if we endorse in one piece of legislation the principle that exposure to something or the risk of something is suitable for compensation even when no physical harm is caused, it will create public pressures in other circumstances that may, in turn, create demands for the House to legislate similarly.

The Minister of Finance and Personnel: The last sentence of the Member's intervention indicates where the safeguard lies. The House would have to take a conscious decision to introduce legislation for similar conditions. It could not be forced to do so, but it would have to take a conscious decision to do so, because it would, in that case, be a political decision.

The Bill was not drawn up on some whim or fancy. The background to the Bill is that, historically, employers were compensating and were forced to compensate people for negligence that led to their contracting pleural plaques. Historically, that was the situation. Indeed, their insurance premiums reflected that liability, and I will come to that point later. The reason why this legislation is now before the House is not because of a general principle that if one is exposed to something that is harmful, there should be compensation. Historically, that was the case. It was accepted. Premiums were paid by employers to the insurance industry to reflect that. Payments were made, and suddenly, as a result of a decision by the House of Lords, that was snatched away. If the Member is fearful that we are opening the floodgates, let me say that we are only doing so in so far as Members of this House might decide to extend the legislation in the future. However, I imagine that the same kinds of argument will have to be gone through. I want to look at the background and why pleural plaques in particular were deemed to be suitable for compensation and actionable. I will come to that point in a moment or two.

I will finish with one last point that Mr Hamilton and Mr Frew made, which is whether money is the best way to compensate people for the impact of pleural plaques. It was almost presented by a number of Members that if we give people compensation, we should not do other things, such as informing them through literature, leaflets or advice from the Health Service that the anxiety that they have about pleural plaques might be misplaced. I do not see it as an either/or option. I hope that those measures will run in parallel as we seek to assure people. In his introduction, Mr Hamilton talked about how people were scared, worried and anxious. Mr Frew made exactly the same points about the various thoughts that people may have as a result of their exposure to asbestos. I think that the two approaches can run in parallel.

5.45 pm

In his usual way, Mr O'Loan was forensic in making his points. I actually enjoyed listening to his speech. He knocked on the head the lie, or fear, that Members may have about not having enough time between now and the end of the Assembly term to scrutinise the Bill, acquaint themselves with all the arguments and make proper decisions on it. He demonstrated that there is a deep level of knowledge of the issues involved. He talked about whether there is enough time, which I mentioned and do not want to emphasise again. I hope that I have made the point that I believe that the time left allows us to comply with Standing Orders and will enable proper scrutiny of the Bill.

Mr O'Loan asked about the legal basis on which the compensation was formed and why we treat pleural plaques in this way. He asked whether the principles on the law of negligence are sound and, if so, whether those are not enough. He questioned why special consideration has to be given to pleural plaques. He also talked about people who ride the Clapham omnibus. I have travelled on omnibuses in Clapham and across all the other parts of London, but I have to say that I have never heard a discussion of the nature that he described. Mr O'Loan said that the man on the Clapham omnibus would ask not only whether it should be compensable but why should it be compensable. He said that there would be a great discussion on pleural plaques. Those are not the types of conversations that I hear on buses in London, but we will leave it there for the moment.

Mr O'Loan talked about the legal basis for compensation. First of all, medically, there is an acceptance that pleural plaques are injuries for which people should be compensated. Indeed, medical books refer to pleural plaques as a disease. That is why one of the Court of Appeal judges L J Smith said that the bodily change in the form of pleural plaques amounts to an injury.

He quoted Justice Holland to try to back up his case that compensation should not be made. However, what Justice Holland actually said was that the level of payment was too high. He reduced it from £7,000 to £4,000 or whatever. Justice Holland ruled that the permanent penetration of the chest by asbestos fibres, coupled with the associated anxiety, could properly cause a form for action. Therefore, even those whom the Member quoted to

defend his doubt about whether compensation should be payable have made the judgement that compensation is justifiable on the medical basis that it is a disease and a penetration of a person's body by harmful substances. Justice Holland did judge, though, that the level of compensation was too high given the circumstances.

Mr O'Loan: I may be correcting the Minister by saying that Mr Justice Holland very clearly said that he did not count pleural plaques on their own as actionable or as being worthy of action. However, as the Minister quotes him as saying, when the anxiety factor is added, and both are taken together, there is justification for action. In other words, he would appear to be accepting the concept of an aggregation approach. I said that that is one thing that the Committee will have to consider. Given that the law, which is ultimately determined by the House of Lords, says that an aggregation approach is not the proper one, the mere presence of pleural plaques might be deemed to merit an action. That is one of the key areas of debate for the Committee to look at.

The Minister of Finance and Personnel: I am sure that the Committee will look at those issues. Nevertheless, it was deemed that pleural plaques were actionable and eligible for compensation.

Mr O'Loan also raised the issue of compensation and of whether it would be better to have a compensation scheme, like the one in England and Wales, where a certain amount of money would be paid out. I noticed that Mr O'Loan did not glance at the Member for North Belfast who is sitting beside him when he said that. However, he brought a smile to that Member's face when he said that we do not want lawyers to get fat fees. At that point, there was a broad smile spread across the face of Mr Maginness, who thought that that is a great idea. His speech perhaps reflected that later on.

My point is — Mr Farry also raised this — that the cost of such a compensation scheme would fall totally on the public purse. That would be unfair, because the premiums that the insurance industry has got from and charged to various employers over the years have reflected the risk that was being factored in for a long time before the Johnston case. Payments were being made, and, therefore, I think that it would be unfair. The insurance industry would be quite

happy if we introduced compensation, because it would pocket the premiums and we would bear the cost. However, that is not really fair or reasonable.

A compensation scheme has been accepted in England, which indicates that, even without such legislation, there is an acceptance that payments should be made. However, what that would do here is ensure that although those who are in the system would be eligible for compensation, anybody who had not already made a claim would not be eligible for compensation, thereby ruling out a lot of people. I do not think that that is a reasonable way forward on the grounds that it would rule out certain people, would cost the public purse and would provide the insurance industry with a windfall. Those are reasons why we did not go down that route.

Mr Farry raised a number of points. First, he said that just because it was right before does not mean that it is right for ever. Mr Maginness probably answered that better than I can. Nevertheless, we have to bear in mind that even in England and Wales, where such legislation has not been introduced, nobody is denying that there should be some form of compensation, and compensation is, in fact, paid there. The Scottish Parliament's view is similar to ours. As Mr Maginness pointed out, it could be said that the right that was removed should not have been removed.

Mr Farry also raised the issue of whether the Bill is compliant — I have dealt with that — and whether compensation would be paid on the basis of negligence, injury or the impact on the individual. I have made it quite clear that pleural plaques are defined as a disease. The basis for compensation is, and has been, regarded as where damage has been done to people as a result of negligence. The real basis for compensation is where people who have a duty of care for their employees did not fulfil that duty of care and, as a result, their employees were damaged. That was the basis for compensation, and would be the basis for future payments if the Bill goes through.

Mr Farry also raised the issue of people who may not have been diagnosed with pleural plaques, but who may, down the line, as a result of their exposure to asbestos — I think that that was the term that he used — contract a disease. Those people would be eligible for

compensation in that case anyway, because they could make a claim. Therefore, I am not so sure that the Bill would disadvantage them in that way.

Mr Frew dealt with the issues of time and how we can give greater comfort to people who find that they have contracted pleural plaques. I hope that I dealt with those issues.

Lastly, I come to Mr Maginness, whom I thank for his much more warm-hearted support of the Bill than, perhaps, other Members who said that they support the Bill, but who then raised, albeit legitimate, questions. I thank Mr Maginness for his much fuller support for the Bill. However, he did raise the issue of people who have continued, on the advice of their solicitors, to pursue employers for costs. I am not sure whether that is covered in the Bill. I do not have an answer to that. Mr Maginness has raised an important issue that I will probably have to look at during the passage of the Bill. I thank him for that comment from his area of expertise. That is something that we need to look at. I have already covered many of the other points that he raised in my previous remarks.

I thank Members for their contribution to the debate. I look forward to the work of the Committee in ensuring that the Bill is properly scrutinised. The Executive and I believe that this is an important Bill that addresses a problem for many working people whose lives have been blighted as a result of their employers' negligence. Those people deserve proper compensation. The Bill, if passed, will reinstate the position that those people had before the Johnston case, a position that I believe is still defensible.

Question put and agreed to.

Resolved:

That the Second Stage of the Damages (Asbestos-related Conditions) Bill [NIA 10/10] be agreed.

Mr Deputy Speaker: That concludes the Second Stage of the Damages (Asbestos-related Conditions) Bill.

Employment (No. 2) Bill: Consideration Stage

Mr Deputy Speaker: I ask Members to stay in their places otherwise we will lose our quorum and be unable to proceed with business.

I call the Minister for Employment and Learning to move the Consideration Stage of the Employment (No. 2) Bill.

Moved. — [The Minister for Employment and Learning (Mr Kennedy).]

Mr Deputy Speaker: No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group the Bill's 18 clauses for the Question on stand part, followed by the Question on the four schedules and the long title.

I will now put the Question. The Question is that clauses 1 to 18 stand part of the Bill.

Notice taken that 10 Members were not present.

House counted, and there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Mr Deputy Speaker: OK, let us try again.

Clauses 1 to 18 ordered to stand part of the Bill.

Schedules 1 to 4 agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Employment (No. 2) Bill. The Bill stands referred to the Speaker.

Energy Bill: Further Consideration Stage

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

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

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Energy 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.

Waste and Contaminated Land (Amendment) Bill: Further Consideration Stage

Mr Deputy Speaker: The Speaker has been advised that the Minister of the Environment is unable to be in the House this evening and has asked Minister Foster to move the Further Consideration Stage of the Bill.

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

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Waste and Contaminated Land (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.

Safeguarding Board Bill: Further Consideration Stage

Mr Deputy Speaker: I call on the Minister of Health, Social Services and Public Safety to move the Further Consideration Stage of the Safeguarding Board Bill.

Moved. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Safeguarding Board 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.

Committee Business

Autism Bill: Extension of Committee Stage

Mr Deputy Speaker: As the Member is not in his place, the item of business falls.

Adjourned at 6.03 pm.

Northern Ireland Assembly

Tuesday 18 January 2011

The Assembly met at 10.30 am (Mr Deputy Speaker [Mr McClarty] in the Chair).

Members observed two minutes' silence.

Executive Committee Business

Dogs (Amendment) Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of Agriculture and Rural Development to move the Consideration Stage of the Dogs (Amendment) Bill.

Moved. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

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 the 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, 8, 9, 11 and 12, which deal with Assembly control of Order-making powers and the amount of fixed penalty. The second debate will be on amendment Nos 2 to 7, 10 and 13, which deal with the control of dogs, including attacks on livestock, certain other animals and people.

I remind Members who intend to speak that, during the debates on the two groups of amendments, they should address all the amendments in each group on which they wish to comment. 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.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4 (Fees)

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 8, 9, 11 and 12. The amendments deal with the Assembly's control of Order-making powers and the amount of fixed penalty. Members should note that amendment No 1 is a paving amendment to amendment No 9 and that amendment Nos 11 and 12 are consequential to amendment No 9.

The Minister of Agriculture and Rural

Development (Ms Gildernew): I beg to move amendment No 1: In page 3, line 24, leave out from "and" to end of line 26.

The following amendments stood on the Marshalled List:

No 8: In clause 14, page 9, line 26, leave out from "in pursuance" to end of line 32 and insert

"to a district council in pursuance of a notice under Article 36 in respect of an offence to which Articles 36 to 38 apply—

(a) is the amount specified by the district council; or

(b) if no amount is so specified, is £75.

(2) A district council may under paragraph (1)(a) specify different amounts in relation to different offences.

(3) A district council may make provision for treating a fixed penalty payable to that council in pursuance of a notice under Article 36 as having been paid if a lesser amount is paid before the end of a period specified by the council.

(4) The Department may by regulations make provision in connection with the powers conferred on district councils under paragraphs (1)(a) and (3).

(5) Regulations under paragraph (4) may (in particular)—

(a) require an amount specified under paragraph (1)(a) to fall within a range prescribed in the regulations;

(b) restrict the extent to which, and the circumstances in which, a district council can make provision under paragraph (3).

(6) The Department may by order substitute a different amount for the amount for the time being specified in paragraph (1)(b).’ — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 9: After clause 14, insert the following new clause:

“Assembly control of orders made by Department

14A. For Article 54 of the Dogs Order substitute—

‘Orders

54.—(1) Except as provided by paragraph (2), orders made by the Department under this Order are subject to negative resolution.

(2) No order shall be made under Article 7(6), 8(4), 23(7)(b), 25(2)(f), 25(4), 25B(1), 28(3)(b), 29(5)(b), 33(3)(c), 35(2), 38(6) or 46 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.’ — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 11: In schedule 1, page 11, line 9, leave out paragraph 4. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 12: In schedule 2, page 11, column 2, leave out lines 18 to 20 and insert

“In Article 8(4) the words ‘, subject to affirmative resolution’.

In Article 23(7)(b) the words ‘, subject to affirmative resolution,’.

In Article 25(4) the words ‘, subject to affirmative resolution,’.

In Article 25B(1) the words ‘, subject to affirmative resolution,’.

In Article 35(2) the words ‘subject to affirmative resolution,’.

In Article 46 the words ‘, subject to affirmative resolution,’ — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

The Minister of Agriculture and Rural

Development: Before I speak on the first group of amendments, I take this opportunity to thank the Chairperson, his predecessor and members of the Agriculture and Rural Development Committee

for their very detailed and constructive scrutiny of the Bill. The amendments are the result of the Committee’s hard work and the efforts of the Office of the Legislative Counsel, legal advisers and officials in my Department. I thank everyone involved for their efforts. In particular, I thank the many stakeholders who contributed to the development of the Bill. Their advice and contributions have been invaluable.

I believe that the amendments that I tabled will strengthen the Bill, which, in turn, will further improve the dog control system established by the Dogs Order 1983. We have discussed and agreed the key elements of the Bill in the Chamber before: compulsory microchipping; a system of control conditions for problem dogs; an increase in the dog licence fee; and increased fixed penalties for offences under the 1983 Order. The amendments will not change those key features.

I will discuss the amendments in detail in a moment. First, I want to remind the Assembly why the Bill is before us. The Dogs Order 1983 was ahead of its time, establishing a system of local authority dog wardens funded in part by the licence fee. The system has significantly reduced the number of stray dogs, the number of attacks on people and livestock worrying. However, more could be done. Far too many owners still allow their dogs to stray, and far too many stray dogs impounded by councils are unidentifiable and owners unaccountable.

Amendment No 1 is one of a group of amendments — amendment Nos 1, 8, 9, 11 and 12 — that make changes to certain Order-making powers under the 1983 Order and to the system of fixed penalties for offences under that Order. I have agreed with the Agriculture and Rural Development Committee that certain Order-making powers in the Dogs Order should be subject to approval in draft by the Assembly, as opposed to the negative resolution procedure. Previously, those powers were used to make Orders exempting the Prison Service and security forces operating in a public order role from various provisions of the 1983 Order. The Committee felt that those powers were too significant to be subject to the negative resolution process.

With that in mind, amendment No 9 introduces a new clause, substituting for article 54 of the Dogs Order 1983 a new article that provides that the draft affirmative procedure, rather than

the negative resolution procedure, will apply to any Order that exempts dogs used for specified purposes, such as police purposes, from certain requirements of the Dogs Order. To maintain consistency, Orders that previously were subject to affirmative resolution also need to be made subject to approval in draft. Amendment Nos 1, 11 and 12 make the appropriate consequential changes to the Bill. I am grateful for the Committee's contribution on that and on the other amendments that I tabled.

Amendment No 8 is the final amendment in the first group. Under the Dogs Order 1983, certain offences may attract fixed penalties ranging from £10 to £25. When the Bill was introduced, clause 14 proposed a penalty of £50 for all fixed penalty offences under the 1983 Order. However, the Environment Minister's Clean Neighbourhoods and Environment Bill proposes a slightly different system to deal with dog-fouling offences, which, in many council areas, will also be enforced by dog wardens. The Committee suggested that the two systems should work along the same lines, and I was happy to table amendment No 8 to implement that suggestion. Amendment No 8 provides for councils to set fixed penalties at a level to suit local circumstances or, where they do not, for a fixed penalty of £75. The amendment also provides for councils to vary the level of fixed penalty for different offences under the Dogs Order and for reductions for early payment of fixed penalties.

Under the system proposed in amendment No 8, the Department may make regulations specifying a range within which fixed penalties may be set and regulating the reductions for early payment that I mentioned. Amendment No 8 also provides for the Department to make Orders altering the default amount of fixed penalty where councils do not set a limit. The amendment will improve the Bill's provision on fixed penalties. It allows for flexibility to suit local conditions, acknowledges that councils are best placed to identify particular problems facing their district and increases the maximum fixed penalty that can be applied. However, the Bill also retains an important provision that was introduced in May that allows councils here to retain the proceeds of the fixed penalty system for the first time. That will lead to a better resourced dog warden network and more effective enforcement of the law. Once again, the amendment, which has been agreed with

the Committee, will improve the enforcement of dog control here.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray): As I will refer to local government councils during the debate, I declare an interest as a member of Craigavon Borough Council.

I thank the members of the Committee for Agriculture and Rural Development, the Assembly and departmental Bill teams and supporting officials, those who provided evidence to the Committee and, finally, the Committee support team for the time and effort that they have put into getting us and the Bill to where we are today.

Mr Deputy Speaker, with your latitude, I will refer briefly to clause 2, which is entitled "Microchipping", which now stands part of the Bill. It is important to provide Members with a little clarity on that matter and to reassure them that the Committee consideration of that subject was not as fleeting as it was in the introduction of the Bill today. Rather, most of the debate on the Bill centred on that issue and whether we should have microchipping, whether there is there a need for licensing and whether dual systems are needed. The Committee concluded that microchipping would make a significant contribution to reducing the, quite frankly, disgraceful number of stray dogs euthanised in Northern Ireland each year. However, the Committee sought and has received agreement from the Minister and her Department that they will extensively consult local councils over the next 12 months to further assess the need for dual identification systems of microchipping and tagging.

This group of amendments will not only set the amount of the fixed penalty but, importantly, allow the revenue derived from that penalty to be paid directly to local councils and make a contribution to the support of dog warden provision in council areas. I emphasise that it will make only a contribution towards the supporting of council dog wardens because, frankly, it will not be sufficient, even with licensing revenues, to cover the costs of the service that is currently provided or that is required as a result of new enforcement obligations introduced by the Bill.

Despite what the Minister and her officials will claim, the licensing fee was originally proposed at a level of £50. However, following uproar from Committee members, that fee was

reduced to a more realistic level of £12·50, with exemptions for those on income support and for senior citizens. That might have been close to providing cover for the service, but the additional enforcement requirements will result in escalating costs for councils. For example, a licence will not be issued until a dog has been microchipped. That will require wardens to conduct checks on dogs to ensure that they have been chipped, and that will either require handling facilities at council premises or require wardens to undertake additional visits to examine dogs at owners' premises. Although the Minister and officials will claim that the fixed penalties will cover those additional costs, they do so with little evidence to prove their argument since the sourcing of those fixed penalties as revenue is a new concept introduced in the Bill. In addition, council officials have provided evidence that the number of exemptions to licensing being introduced may reduce the overall income below the current levels sourced from the £5 licence fee. The Committee has, therefore, recommended that the Minister and her Department consult council members to assess whether there are other revenue-raising sources that will allow for the discontinuation of the licensing regime.

The Department also originally proposed that the fixed penalty be set at £50. Members were aware that a similar regime was proposed in the Clean Neighbourhoods and Environment Bill, though it sets the level at £75 to allow councils to make abatement for prompt payment. Members agreed that, for consistency purposes, the same regime should be applied to this Bill. I am pleased that the Committee was able to get consensus on that matter with the Department.

Finally, I will refer to the amendment on Order-making powers. That amendment changes the process from negative resolution to the affirmative process for future subordinate legislation. Again, the Committee is content that that has been agreed to in this amendment as, in our opinion, it allows the House and the Committee a greater level of scrutiny. The Committee for Agriculture and Rural Development supports the amendments.

10.45 am

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Chairperson of the Committee and the Committee staff for guiding

us through the Committee Stage. I also thank the departmental officials and the Minister.

My comments will be pretty brief, because many of the controversial aspects will not be discussed today. We dealt with aspects of microchipping, licensing, banned breeds and responsible dog ownership. At the Bill's Final Stage, we will probably get a better input from Members. The councils have a considerable lead time for many elements of the legislation, and it is important that councils and officials continue to engage in delivering the change. A huge responsibility will be placed on councils, and that has to be widely recognised.

Given that a lot of extra powers are coming from the Assembly to local authorities, one of the main issues was the need not to put financial burdens on councils. I declare an interest as a councillor on Down District Council. It is important that we mitigate the huge financial burdens on councils.

One of the main aspects of this group of amendments is increasing the fixed penalty from £50 to £75. I welcome that because it is a good opportunity for councils to use a carrot-and-stick approach and to bring people with them on the journey. We want responsible dog ownership and, at times, it is hard to convince the general public about what we are trying to achieve. The upper limit for severe cases is a useful tool for council officials and enforcement officers.

A wider debate on fixed penalties is needed, and my vision is to have a sliding scale, where people's ability to pay is configured in the fixed penalty. Someone who earns a huge amount of money — an MLA, for example — will be better able to pay than someone who is on benefits. A £50 or £75 fine or fixed penalty is huge for people who live on around £55 a week. Such a fine would be a huge chunk of their disposable income, but, for a person who earns £100,000 or £200,000 a year, a fine of £75 is less of a disincentive; they would just pay it. That wider debate is not for today, but the fixed penalty will give greater flexibility to councils, so I welcome the amendment.

Mr Beggs: I declare an interest as a local councillor because, ultimately, the legislation will be enacted and worked on by local council officers, who will try to regulate dogs in each area. I suspect that the fact that some 9,000 stray and unwanted dogs were identified by

councils in 2009 and the associated problem of dog fouling, which is a big issue locally, are the reasons behind this attempt to increase regulation and give additional means of controlling dogs, as well as other aspects of public safety. An unacceptable number of dogs have had to be destroyed.

I read amendment Nos 1, 9, 11 and 12 as improving accountability to the Assembly, in that they widen the requirement for affirmative resolution, through which changes have to be brought to the House and approved, rather than the Minister's being able to introduce changes by negative resolution and the Assembly's having to pray within six months to overturn them. That is a welcome change.

Amendment No 8 enables councils to adopt fixed penalty notices on some occasions. That is another option for councils to consider. Fixed penalty notices can be brought in relatively quickly. They are also an efficient method of bringing about improvement at an early stage of that activity so that, hopefully, owners would adopt corrective action at a very early stage.

I have had occasion to provide evidence in court in other areas where fixed penalty notices have not been available, and I am aware of the huge amount of bureaucracy involved if an issue goes to court. It involves huge cost to the council and to the justice system. Therefore, the ability to use fixed penalty notices on occasions determined by councils and to have a low level of fine similar to that in the Clean Neighbourhoods and Environment Bill, which has been mentioned, is entirely appropriate.

As has been indicated, the fee could be retained by the council, but the biggest benefit would be the saving in council officers' time. They may be able to use much speedier means of addressing issues with owners whose behaviour is not as good as it should be. That improvement could be brought about without the involvement of the courts. If fixed penalty notices are not accepted, there is an option of going to court.

Mr Molloy: Does the Member agree that the idea of microchipping and the council being able to identify a dog can happen only if the dog warden can catch the dog? The fact that they have to put the scanner against the dog's body means that a lot of stray dogs will remain strays, because the idea that people have that a dog can be identified at a distance with a scanner is a bit of a myth. The problem will still

come down to the dog warden being able to catch the dog.

Mr Beggs: I will come to your point when I have finished talking about fixed penalty notices. Fixed penalty notices are an important tool in bringing about improvement in how the failings of dog owners are addressed. Hopefully, corrective action can be brought about without the involvement of courts and expensive bureaucracy. Therefore, it is that effective tool that I view as being the most important area and not the fact that fixed penalty notice fees would go to councils. If you were to count officers' time involved in any court action, you would quickly get a sense of where I am coming from.

Microchipping is widely recognised as being a good long-term method of identifying a dog. On occasions, tags fall off and dog owners become highly stressed if their dog goes missing. Therefore, I am sure that microchipping will provide a sense of security for any responsible owner who has lost their dog and wishes to find it again, as the dog will be more easily identified and can be brought back to them. Therefore, that aspect is to be welcomed.

I recognise that too many dogs are unlicensed, and anyone examining the detail of the Committee's hearings will see that tagging and microchipping were widely discussed to see whether there was a neat method of coming up with one system. However, until we reach the stage where councils decide not to license dogs at all, I do not see how we can move that way. There would need to be wider consultation on the issue and greater thought put into it before we take that drastic step, because it has its function. I am aware that that is what has happened in England and elsewhere, but we need to have that debate before we decide to remove our licensing system.

There is a need to ensure that there is better identification. The fact that dog breeders will be required to microchip their dogs in the future will increase the number of dogs whose owners can be easily identified. Right from the start, a dog will be identifiable. I expect that that will take time to build up. I suspect that there will be heightened activity to try to increase the number of licensed dogs. That work will largely fall to councils. I believe that the number of stray dogs has started to reduce. Neutering is playing an important role in that. Complex inter-relationships can work for and

against the identification of dogs when it comes to neutering. For example, will people come forward voluntarily to get their dogs neutered and microchipped? There is a huge question mark over whether they will. Nevertheless, on balance, a judgement had to be taken. The Assembly is going in the right direction at this time. In an ideal world, it might have been nice to do things differently. However, I support the direction of travel in the Bill and the amendments.

Dr Farry: I speak as a non-member of the Committee for Agriculture and Rural Development. However, I have considerable interest in the subject. Obviously, it is an important issue for the many dog lovers in Northern Ireland. Certainly, we all appreciate the importance of responsible dog ownership. We are also conscious of the importance of animal welfare issues and the avoidance of cruelty and difficult situations for dogs. There have been heavily publicised cases where things have gone badly wrong for dogs.

I want to comment particularly on issues that relate to licensing and fines, which are covered by the first group of amendments. It is important to stress that the primary purpose of a licence is to control and regulate dog ownership. Although revenue raising is important, it is probably secondary to that. There is clearly a problem with stray and unwanted dogs in Northern Ireland. It is worth commenting and reflecting on the fact that destruction figures here are much higher than in every other part of the United Kingdom. Indeed, in Northern Ireland, destruction figures vary massively among councils. It is important that the Assembly drill down and try to understand why that happens. There are lessons to be learned not only from elsewhere in the UK but from how one council deals with the issue differently from another. No one wants high numbers of dogs to be destroyed.

Dog ownership must be seen as a privilege rather than a right. Although it is important that the Assembly consider and reflect on the cost of a dog licence or microchip, if, indeed, it moves in that direction, that must also be considered as part of the annual and, indeed, lifetime investment required by dog ownership. The cost of a licence will easily be dwarfed by the amount of money that a dog owner will spend on, say, dog food. Obviously, the bigger the dog, the bigger the bill. The inoculations

that a dog should get will also cost money. Vets' fees can also be substantial. Therefore, lifetime investment in a dog can run into thousands of pounds at least. It is important that the Assembly consider licensing in that regard.

The most compelling point about licensing is that it is designed to maximise public knowledge about dog numbers, identification and owners. Therefore, if a lower licence fee can be helpful, that is certainly favourable. My party has perhaps gone further and suggested that it may even be better to consider, say, a £100, one-off cost for a dog licence, rather than to have an annual cost. That may be a cleaner administrative way to deal with licensing, and, indeed, it may produce a higher number of licensed dogs. My party colleague Trevor Lunn made that point at Second Stage.

11.00 am

I favour microchipping, because a microchip is much more modern than a licence and gives much more information. I noted with interest Mr Molloy's intervention on the need to catch the dogs. I am not aware of dog wardens having problems getting hold of a stray dog if they come across one. There are ways and means of doing those things. It is an art; in fact, it is a successful art for most of the dog wardens across Northern Ireland.

We also have to recognise that there is a financial aspect to the licence fee and that it is an important contribution towards council coffers. Our party is happy to support the amendment giving flexibility to councils over the level of fines. In the same light, the purpose of fines is to regulate behaviour and deter irresponsible dog ownership rather than to be a means of trying to raise revenue. Although we will want to encourage the maximum amount of licensing, we will, probably, want to minimise the level of fines that are imposed for unlicensed dogs, because if there is a high level of fines, it will mean that we are not being successful in ensuring that dogs are being registered.

I declare an interest as a member of North Down Borough Council. When commenting on the financial aspects of the issue, it is important to acknowledge that the revenue from licensing or fines will never cover the costs of providing dog wardens and investing in kennelling, regardless of whether those services are carried out by individual councils or collaboratively across

councils. A financial burden will, therefore, always fall on the ratepayers.

I was interested to hear the Committee Chairperson's opening remarks. He made comparisons with other legislation that is going through, such as the Clean Neighbourhoods and Environment Bill. We can also cite the example of the Welfare of Animals Bill, which is causing a degree of controversy between the Department and councils. I am not going to dwell on either of those Bills, because we are not discussing those today, but it is worth making a general point that arises out of this Bill and which is, perhaps, held in common with those other Bills. There is a need for better understanding between central government and local government over financial matters. In a simple sense, it does not matter whether the cost is being borne by the taxpayer and worked through the Assembly, or borne by the ratepayer through councils, so long as the public service is provided effectively and cost-effectively with the relevant level of efficiency.

In the real world, particularly in Northern Ireland today, there is an ongoing tension between councils and the Assembly. That is probably accentuated in this difficult financial climate. Councils feel that they are being asked to take on more and more responsibilities, without the resources coming down from the Assembly. In some respects, it is, perhaps, reasonable to shift that burden from taxpayers to ratepayers. However, the fear comes from the fact that we have an Assembly that is trying to run a very tight budget and, suddenly, councils are being given additional pressures and functions, and costs go up, with a resultant burden on rates. All of a sudden, fingers are being pointed at councils for being inefficient, because rate bills are going up, but the real reason for that is the passing over of additional functions. If there was a degree of confidence that there was not going to be such finger-pointing between different levels of government and a reflection that everyone was working in partnership, the path would be smoother for councils taking on greater responsibilities, regardless of whether those responsibilities relate to dog regulation, the more general welfare of animals or clean neighbourhoods. It is important that we bear that in mind as we look to other Bills and at this Bill as it goes through.

We are happy to support the amendments as they stand. They could have been a bit more

creative in respect of a one-off £100 fee, but it is important that we focus on the goal of maximising our understanding and knowledge of dog ownership and regulating that. If the amendments before us today represent the view that that is the most effective way of doing that, I am happy to give our party's support.

The Minister of Agriculture and Rural Development:

Go raibh míle maith agat, a LeasCheann Comhairle. By and large, the comments this morning recognised the great work that went into the Bill to make good legislation. One of the most productive meetings that we had was at the start of the process when, in order to ensure a good piece of legislation, we brought dog wardens from all 26 councils in to speak to us about their ideas and the challenges that they face.

Members have been broadly supportive of the Bill. Although most Members who spoke declared an interest as a member of a council, I have also had to ensure that we recognise that the dog warden service is one that we all, as ratepayers, hold dear. Were it not for the dog warden service, we would have far more problems with stray dogs and dog fouling. The Bill is an attempt to ensure that not only the licence fee but revenue from fixed penalties goes back into councils. Stephen Farry spoke at length about the relationship between central and local government. The Bill recognises the important role of local government and ensures that resources are made available to enable our dog wardens to provide an even better service than they do already.

By and large, the tone of the debate has been very good. Members spoke about the practical operation of a system of microchipping, the level of the dog licence fee and other issues. I am very glad that we have been able to reach agreement on the way forward on many issues, whether or not through the agreed amendments that we are debating today.

I do not want to labour any points. Willie Clarke came to the crux of the Bill when he spoke about responsible dog ownership. That is what we want. We want to change the culture of decades and ensure, as Stephen Farry pointed out, that owning a dog is a privilege, not a right, and that it comes with responsibilities. If we get a change in the behaviour of dog owners, we will see an improvement in the behaviour of dogs and what they are allowed to do and what they

are controlled in doing. We recognise the need for tools to be available to wardens to bring about responsible dog ownership.

The Chairperson made the point that the identity of dogs — being able to know where a dog belongs — is very important in recognising that the dog is a problem and being able to do something about it by going back to the owner. The legislation needs to do two things: identify problem dogs that need to be dealt with; and reunite a much-loved and valued pet with its owner, as Roy Beggs pointed out. Things go wrong; people leave gates open and dogs get out despite every precaution. It can be heartbreaking for an owner who does not know where their wee dog — their companion, their life perhaps — is or what has happened to it.

Microchipping will help to do both those things: identify the problems and unite owners with their loved pets. It is a tried-and-tested way of permanently identifying an animal, and it will make it easier for council dog wardens to identify and return stray dogs and hold irresponsible owners to account.

We have all worked very hard together on the Bill, and I would not dismiss any of the issues that arose concerning it. There has been a great deal of debate and discussion among Members on increasing the amount payable for fixed penalties under the Dogs Order to £50 and for councils to retain the money accrued from that. The licensing fee is also an issue. At the beginning of the process, the media focused on the cost of a dog licence; nobody considered the other important elements of the Bill. Having discussed it with the Committee, we ensured that we talked about all the elements of the Bill and that people were not distracted by one particular part of it.

So, I again thank the Chairperson and all members, and some who are not members, of the Committee for Agriculture and Rural Development. I am very grateful for the Committee's contribution to this and the other amendments that I have tabled. I call on Members to support the amendments in this group.

Question, That amendment No 1 be made, put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Clause 6 (Setting on or urging dog to attack)

Mr Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 2, it will be convenient to debate amendment Nos 3 to 7, 10 and 13. These amendments deal with the control of dogs, including attacks on livestock, certain other animals and people. Amendment No 4 is consequential to amendment Nos 2 and 3. Amendment Nos 6 and 7 are consequential to amendment No 5, and amendment Nos 10 and 13 are consequential to amendment No 3.

The Minister of Agriculture and Rural Development:

Go raibh míle maith agat, a LeasCheann Comhairle. I beg to move amendment No 2: In page 4, leave out lines 16 to 31 and insert

“ ‘Attacks on livestock and certain other animals

28.—(1) *Any person who sets a dog on—*

(a) *any livestock, or*

(b) *any other animal owned by another person,*

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) *If a dog—*

(a) *worries livestock, or*

(b) *attacks and injures any other animal owned by another person,*

the keeper of the dog and, if it is in the charge of a person other than its keeper, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) *This Article does not apply to a dog while being used—*

(a) *for police purposes;*

(b) *for such other purposes as the Department may by order specify.*

(4) *A person is not guilty of an offence under this Article by reason of anything done by the dog if at the material time—*

(a) *the livestock or other animal is trespassing on any land; and*

(b) *the dog is—*

(i) *kept by, or in the charge of, the occupier of that land; or*

(ii) in the charge of a person authorised by the occupier to remove the livestock or other animal from that land.

(5) The keeper of a dog shall not be convicted of an offence under paragraph (2) if he shows that at the material time the dog was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of the dog.’.”

The following amendments stood on the Marshalled List:

No 3: Leave out clause 7 and insert

“Attacks on persons

7. For Article 29 of the Dogs Order (attacks on persons and worrying livestock) substitute—

‘Attacks on persons

29.—(1) Any person who sets a dog on any other person is guilty of an offence or, if the dog injures the person attacked, an aggravated offence, under this paragraph.

(2) If a dog attacks any person, then—

(a) the keeper of the dog; and

(b) if it is in the charge of a person other than its keeper, that person,

is guilty of an offence or, if the dog injures the person attacked, an aggravated offence under this paragraph.

(3) A person guilty of an offence under paragraph (1) or (2) other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or to both.

(4) A person guilty of an aggravated offence under paragraph (1) or (2) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(5) This Article does not apply to a dog while being used—

(a) for police purposes;

(b) for such other purposes as the Department may by order specify.

(6) A person is not guilty of an offence under this Article if at the material time—

(a) the person set on or attacked is trespassing on land; and

(b) the dog is—

(i) kept by, or in the charge of, the occupier of that land; or

(ii) in the charge of a person authorised by the occupier to remove that person from that land.

(7) The keeper of a dog shall not be convicted of an offence under paragraph (2) if he shows that at the material time the dog was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of the dog.’.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 4: In clause 8, page 5, line 11, leave out sub-paragraphs (c) and (d) and insert

“(c) Article 28(1) or (2) (dog attacking livestock or certain other animals); or

(d) Article 29(1) or (2) (dog attacking person).” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 5: In clause 8, page 6, line 12, at end insert

“(f) that the keeper, with the dog, attend and complete a specified course of training in the control of dogs before the end of the period of 6 months from the date on which the notice takes effect.

(2) In paragraph (1)(f) ‘specified’ means specified, or of a description specified, in the notice under Article 30A.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 6: In clause 8, page 6, line 30, leave out “30B(e)” and insert “30B(1)(e) or (f)”. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 7: In clause 8, page 7, line 27, at end insert

“(9) If a control condition imposed by virtue of section 30B(1)(e) or (f) is complied with to the satisfaction of the council, the council shall—

(a) remove the condition from the notice served under Article 30A; or

(b) (if there are no other control conditions imposed by the notice) cancel the notice,

and shall notify the licence holder in writing of that fact.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 10: In schedule 1, page 11, line 6, at end insert

"2A. In Articles 25C(2)(a) and 33A(1) for '29(1A)' substitute '29'." — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 13: In schedule 2, page 11, line 21, at end insert

"The Dangerous Dogs (Northern Ireland) Order 1991 (NI 21) Article 4.
Article 7(3) and (4)."

— [The Minister of Agriculture and Rural Development (Ms Gildernew).]

The Minister of Agriculture and Rural

Development: Amendment No 2 is the first of the group of amendments that substantially alter the Bill's proposals for changes to dog control here. This second group of amendments comprises amendment Nos 2 to 7, 10 and 13. Once again, I am grateful to the Chairperson and the Committee for their work and for their contribution to these amendments, which I am sure Members will also agree make for a better Bill and a more robust dog control system on the ground.

To begin with amendment No 2, during my review of dog control legislation, many people urged me to penalise irresponsible owners whose dogs attacked dogs owned by others. I consulted on such a proposal, and it received widespread support. However, the Committee proposed that the law should go further and extend that protection to all domestic animals, not just to dogs. I fully support that proposal. It recognises that such attacks frequently cause great distress to pet owners as well as great frustration when they find that no offence has been committed under existing dog control laws here. I am happy to bring forward amendment No 2, which affords that protection through a reworking of article 28 of the 1983 Dogs Order.

Article 28 of the Dogs Order deals with the offences of setting a dog on people and livestock. The new article 28 proposed by this amendment deals with setting on or attacking livestock and domestic animals. It provides that anyone who sets a dog on livestock or domestic animals will be liable to a fine of up to £2,500, and anyone whose dog worries livestock, or attacks and injures someone else's pet, will be liable to a maximum fine of £1,000.

While looking again at clauses 6 and 7 of the Bill, in order to incorporate the Committee's proposal to extend the protection of the Dogs Order to all domestic animals, the opportunity

was taken to address a few anomalies and inconsistencies in the Order's provisions on dog attack offences. Amendment No 3 substitutes for article 29 of the Dogs Order, which deals with attacks on people and livestock, a new article dealing only with attacks on people. This provides that the maximum penalty for setting a dog on a person is now the same as that available in the case of a dog attack. Under the 1983 Dogs Order, the maximum penalty for setting a dog on a person was lower than that for simply owning a dog that happened to attack a person, or cause a person to fear being attacked.

Amendment Nos 4 and 10 are consequential to amendment Nos 2 and 3. They ensure that references to the offences dealt with in articles 28 and 29 of the Dogs Order now follow the restructured articles 28 and 29. Amendment No 13 makes certain changes to schedule 2 of the Bill, repealing minor provisions of the 1991 Dangerous Dogs Order, which the Bill supersedes.

In particular, it repeals provisions that made a dog attack in a public place a more serious offence than one on private property. Unfortunately, as the House is well aware, attacks in domestic settings can be devastating. The Bill's provisions on dog attacks no longer acknowledge any distinction in the gravity of offences based on where they take place.

11.15 am

I have already dealt with amendment No 4, which is consequential to amendments Nos 2 and 3.

Amendment No 5, along with amendment Nos 6 and 7, amends the Bill to make changes to the proposed system of control conditions. The introduction of control conditions is one of the key features of the Bill. If enacted, they will allow dog wardens to do more than just caution, issue a fixed penalty or, in the worst cases, prosecute irresponsible owners. Wardens will be able to require a dog to be controlled more responsibly by attaching one or more of a menu of conditions to its licence. The Bill introduces controls on dogs, regardless of breed, whose behaviour has shown that they are a risk.

The conditions listed in the Bill have been widely discussed, and they were supported by stakeholders and Members. Some supporters of the measure, including the previous Committee

Chairperson during debate on the Bill's Second Stage, argued that in some cases a warden might want to require that a dog and its owner receive training.

Amendment No 5, therefore, introduces a requirement to attend a training course as a possible control condition. More precisely, it introduces a requirement for the dog and its keeper to undergo training. Members will agree that, often, dog-related problems need to be addressed by improving the behaviour of the owner rather than that of the dog. The necessary training must be completed within six months of the date on which the condition was imposed.

Amendment No 6 provides that, in the event of an appeal against a notice that imposes a control condition that requires attendance at a course of training, notice shall not come into effect until the appeal has either been determined or abandoned.

Amendment No 7 provides that a control condition requiring attendance at a course of training shall be removed from the dog licence once it has been complied with to the satisfaction of the council.

As with all the other control conditions, failure to fulfil the terms of the condition is an offence that carries a maximum penalty of a fine at level 4 on the standard scale, which is £2,500. Of all the proposals in the Bill, the system of control conditions had the most widespread support from stakeholders and consultees.

The amendments increase the scope of development, which will be widely welcomed, and I urge Members to support them. Hopefully, the amendments will reduce the number of fatal dog attacks, examples of which we have seen across the water. If a dog is showing behavioural problems, the amendments will allow us to do something about it before it goes on to attack. That is something that the House is very keen on, so I urge Members to support the amendments.

The Chairperson of the Committee for

Agriculture and Rural Development: As the Minister said, the amendments will introduce offences for attacks by dogs on people, other dogs and, of equal importance, other animals. Those controls are necessary as they directly confront the heinous crime of dog fighting and give the legislative power to bring criminals

involved in that despicable practice to justice. That is something that the Committee, and I have no doubt every Member, will want to support the Department and the PSNI in stopping.

However, when considering the Bill, the Committee believed that the clause was too restrictive and concentrated on setting or attacking another dog, a person or livestock. The Committee asked for that to be extended to include other domesticated animals, and I am pleased that that was agreed to by the Department.

This group of amendments will also introduce control conditions that can be applied to a dog licence. That will afford greater security and health and safety to the public and to other animals. However, there was an important aspect that the Committee wanted to change. The Committee was concerned that although the controls focus on the dog, much of the fault lay with the owner. The Committee therefore recommended that the keeper of the dog could be obliged to attend a training course. The Department has agreed to that amendment.

That will allow for the imposition of that condition on dog owners who continually allow their dogs to stray, and, therefore, may help to reduce the number of strays and the number of dogs that are euthanised each year in Northern Ireland. The Committee for Agriculture and Rural Development supports the amendments.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I welcome amendment No 2 to clause 6, which extends the offence of setting a dog on another dog, a person, or livestock to include other pets. The setting of dogs on cats and other animals, such as pet rabbits, can have a devastating impact on the owners of those pets. Very often, dogs are the main attackers of cats, and, although they are natural predators, it is outrageous to set a dog on a pet.

All Members will be aware of incidents in their constituencies in which a child's pet has been mauled by a dog owned by unscrupulous people. Large dogs have been set on cats that have no opportunity to escape. I know of a number of cases in which that happened to pet rabbits as well. Such incidents can have a massive impact on people's well-being, particularly that of young children. I am also aware of an incident in Castlewellan in which a number of dogs were set on a pet that belonged to an elderly constituent who was dying of cancer. That incident had a devastating impact on that person's

well-being in the final days of their life. In those situations, a £2,500 fine would not be enough.

I welcome the fact that the legislation is being extended. There has been talk that a £2,500 fine is draconian, but it is a disgusting thing for an irresponsible dog owner to set a dog on livestock, a pet, a child or an adult. The £2,500 fine may not be the proper amount, but it certainly goes a long way towards being a deterrent.

The introduction of control measures is very welcome, as has been outlined by the Minister of Agriculture and Rural Development and the Chairperson of the Committee for Agriculture and Rural Development. The issue of control has little to do with the dog, but centres on irresponsible dog owners who allow their dogs to run amok, be aggressive and attack people. I welcome amendment No 5, which allows council wardens to impose control conditions on an owner's licence. According to those conditions, the owner has to undertake training within a six-month period. That will lead to the building of better relationships between wardens and dog owners, including those who own a number of dogs, so that wardens can ensure responsible dog ownership. I welcome the amendments.

Mr Beggs: I support the amendments.

Originally, it was an offence to set a dog on another dog or a person. The Committee rightly identified that there are other animals and pets that could be set on by dogs belonging to irresponsible owners. That has been recognised in amendment No 2. During the Committee's discussions it was identified that there was a risk that a homeowner who was being burgled or attacked and who allowed his dog to drive off the criminals could be prosecuted. It is right that an exemption has been added to the Bill that covers incidents in which a person acts against a trespasser on private property. That exemption makes the Bill better, because it would be a gross injustice if, as a result of court action, a burglar ended up with a small penalty while a homeowner, who had been burgled, faced the penalty of imprisonment. It is appropriate and follows natural justice that the amendment is made.

Amendment No 3 is in a similar vein. I see amendment No 4 as a technical adjustment.

Amendment No 5 relates to a very important area. It was suggested by the Committee, and I am pleased that the Minister has identified it as a useful tool. It sets an option whereby dog

owners have to be trained. Therefore, instead of court action or issuing fixed penalty notices, appropriate training might be the best solution, which would lessen the likelihood of repeat offending. As others said, frequently, the dog may not be at fault, and there may be a need for additional training and interaction between owner and dog with additional levels of control possibly being required. I view this as a very important and lesser earlier intervention that will, I hope, correct inappropriate behaviour of dogs at that earlier stage and therefore lessen the future need for intervention by dog wardens and other statutory agencies.

Amendment No 6 is another technical amendment. It provides for an appeal mechanism if someone objects to a training requirement. Amendment No 7 indicates that, once training is complete, the issue is over with. However, unless other control mechanisms have been specified by councils at the time, there may be a need to retain such information on file for a period. It gives an option to councils, at the time of setting a training requirement, depending on the level of the original offence, to deem that the issue is not over and done with completely. In general, it will be over and done with, but councils have an option.

Amendment Nos 11 and 13 are technical adjustments. I support the proposed amendments.

Mr Burns: I declare an interest as a member of Antrim Borough Council.

When the Dogs (Amendment) Bill was first introduced to the Assembly in May 2010, little did anyone believe that it would turn out a number of contentious issues, especially given that Committee members agreed unanimously that amendments were required to the Dogs (Northern Ireland) Order 1983. The Order has not adequately dealt with all the problems caused, not only by dogs, but, in the main, by irresponsible dog owners. Some of the issues dragged on so long that there were times when, in the interests of progress, some members used the term "reluctantly agreed" in order to avoid further delay.

The main principle of the Dogs (Amendment) Bill is the microchipping of dogs to protect the public and animals from attack and to improve control by dog owners. There is no disagreement about the need for tremendous improvements to be made to the Order to protect innocent people from out-of-control dogs. Some dogs

are absolutely on the loose and no one knows who owns them. Microchipping will improve the situation greatly by introducing a means of tracing the ownership of the dog.

My original speech was probably more to do with the earlier amendments, but I support the amendments to the Dogs (Amendment) Bill to improve the safety of everyone as regards dogs.

Some dogs are beautiful pets. Their owners treasure them and they will not in any way attack anyone or cause interference. However, unfortunately, there are a few dog owners who do not abide by the rules and keep the dogs as vicious animals that wish to attack.

When the owners do not have those dogs under control, they put absolute fear into residents and into people who are in open parks or forests and see fierce dogs bounding towards them, out of control. It is an impossible job for council dog wardens to trace the owners of those dogs, but microchipping will help to improve that. I support the amendments.

11.30 am

Dr Farry: Before speaking on the second group of amendments, I declare an interest as a member of North Down Borough Council.

I warmly welcome the prospective strengthening of the regime. We need to be mindful of two particular situations. One is dog fighting, which is an absolutely heinous and barbaric practice. It is utterly beyond me how anyone gets any enjoyment from dog fighting and anything that we can do to crack down on it is extremely welcome.

We also have dog-on-dog attacks or, indeed, as we are now talking about, dog attacks on other animals. The law in Northern Ireland has had a major gap in that regard over the past number of years. We are all aware of well-publicised cases of pet dogs being mauled by other dogs, around which there is a sense of almost utter impunity. Indeed, there is a real sense of frustration among elected representatives due to the inability of councils and dog wardens to take action. The law simply does not provide for an answer to that.

There was a very well-publicised case only a few months ago in Ballywalter in the constituency of my colleague Kieran McCarthy. Those are the cases that we read about in the newspapers and hear about on the radio and television, but

there many other cases right across Northern Ireland daily. It is important that people who own dogs are able to keep their dogs under control, whether on or off a lead. Any owner should have 100% control over their dog and ensure that it does not inflict harm on anyone else.

I do, however, have a couple of reservations about how the amendments are worded. I hope that the Minister will address that in her response. I am slightly concerned about what comes across as a 100% defence in the case of a dog-on-dog attack or a dog attack on a person if the dog or person who is attacked is viewed to be trespassing on land. There needs to be some sense of proportionality. That is a very black-and-white approach, but there can be a whole host of prevailing circumstances. For example, a dog wandering on to land that is owned by someone else could be a quite benign incident. A person could be walking their dog through the countryside, keeping it under reasonable control, when that dog happens to wander on to someone else's land. The trespass may not cause any harm or threat, but my reading of the amendments is that, if that dog is attacked subsequently, the application of the law provides 100% exemption. I do not think that that meets the sense of natural justice.

Similarly, take Mr Beggs's scenario in which a person, a burglar perhaps, invades a home. Again, we have to have a sense of proportionality. The instinct is to want to see the maximum use of force against anyone who invades a home. That force may take the form of a householder using some sort of weapon against an intruder or setting a dog on an intruder. There may well be circumstances in which the courts deem that to be an appropriate response. However, I do not think that you can argue for a blanket exemption. There may be situations in which setting a dog on a person who is trespassing is an utterly disproportionate response.

Let me give one possible example: a person with Alzheimer's or dementia who has no sense of where they are could inadvertently go into a house where they pose no threat but in which they are trespassing. If they were, in turn, attacked by a dog or, even worse, if a dog were set on them, most reasonable people would view that as utterly wrong. However, my reading of the legislation is that such a situation would not be regulated. We need to reflect, perhaps at Further Consideration Stage, on the aspects of and the exemptions to the law on trespass and

to think through some of its subtleties rather than having what appears to be a black-and-white presentation.

Mr Gibson: As a sheep owner, I declare an interest and support the second group of amendments.

Dog ownership is, of course, cherished by millions. Dogs occupy a special place in the affections of many, and no other animal has the relationship with humans that they do. Nevertheless, dog ownership is not to be taken lightly. It is a serious business. The privilege of owning a dog comes with the responsibility of controlling it. Unfortunately, too often a minority fails to exercise adequate control over its dogs. Some even regard their dogs as chattels to be used and abused.

Many of us will recall the excellent documentary shown some time ago that lifted the lid on the murky world of dog fighting, which is an affront to any civilised society. Society is looking to the Assembly to take a lead on the control of that heinous offence. The amendments will increase public consciousness of just how seriously dog ownership should be taken.

Too many people ignore the potential of uncontrolled dogs. Like many sheep owners, I have been on the receiving end of uncontrolled dogs, and sheep mutilation caused by such dogs is not a pleasant sight. Sheep worrying is a control, welfare and economic issue. There have been occasions when the very livelihood of sheep keepers has been threatened because of uncontrolled dogs and the failure of certain dog owners to keep their dogs under control. Hopefully, the Bill will help to bring the annual ritual of sheep worrying to an end.

Dog ownership has many benefits: to an elderly person living alone, a dog brings companionship; to a blind person navigating a busy street, a dog brings direction and confidence; and to a shepherd on a bleak mountainside, a dog may be invaluable. However, the message must go out to the public that keeping dogs is a serious business, and the amendments will help to do that.

The Minister of Agriculture and Rural

Development: Go raibh míle maith agat, a LeasCheann Comhairle. I thank the Members who contributed to the debate and the Chairman of the Committee for Agriculture and Rural Development. It is clear from listening to

comments made this morning that this group of amendments has the support of many Members in the House today.

I want to clarify the point that Stephen Farry made. People should not be penalised because a dog has been allowed to stray onto their land. We looked at that issue, and, a lot of the time, it is not black and white. If a dog strays onto somebody's land, the same controls would not be used. The difficulty that we have is that we are trying to get legislation that is common sense and works. As I said earlier, one thing that we had to change was the offence of a person being attacked on somebody else's land versus in their own home. There was a difference in the seriousness of that. However, in recent years, we have seen that children are attacked by dogs mostly in their own homes or those of their grandparents and by dogs that are owned by somebody in their family. If, for example, an uncle has a dog that has inappropriate strength and temperament and that dog has access to children in the home environment, we had to ensure that those attacks were seen in as serious a light as others. We have looked at all the detail of that to ensure that we get clear and useful legislation.

Issues came up around dogs attacking other domestic animals or pets. Many Members have alluded to the fact that we need to understand that those attacks frequently cause great distress to pet owners and, when they find that no actual offence has been committed, huge frustration. I have heard complaints from constituents, as I am sure that many Members have, that dog wardens cannot do anything because the legislation is not there. Therefore, I was very keen that we bring in legislation to enable dog wardens to do their job and to ensure that those offences are included.

It needs to be said that the legislation is not about penalising the natural behaviour of dogs. It is about discouraging and penalising irresponsible owners who fail to control their dogs. That distinction has to be made. We see dogs' natural behaviour, but owners know what is not acceptable in society and should not allow their dogs to be involved in behaviour that can cause risk to other people.

Obviously, there has been a lot of interest in these issues today. The whole point of dog control legislation is to deter irresponsible or negligent dog ownership. I firmly believe that

the law should allow for the robust punishment of owners whose negligence results in injury to other people. Therefore, setting the same maximum penalty for those offences allows the courts to take the specific circumstances of individual cases into account.

At this stage, I should say that this is about dog control for all dogs. Dog fighting is specifically covered in the Welfare of Animals Bill, which will see tighter controls and higher penalties for that. The Committee has been scrutinising that Bill, and I look forward to working with them on that and bringing that Bill through the Assembly.

I am grateful this morning for the opportunity to table the amendments, which, I believe, will make the Bill, as introduced, much more robust. The Executive Ministers have agreed to the changes that they made to the Bill, and I have tabled those at the request of, and in agreement with, the Committee for Agriculture and Rural Development. Therefore, I urge Members to support the amendments in this group and the Bill itself.

Question, That amendment No 2 be made, put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 (Attack by dog on a person or another dog)

Amendment No 3 made: Leave out clause 7 and insert

“Attacks on persons

7. *For Article 29 of the Dogs Order (attacks on persons and worrying livestock) substitute—*

‘Attacks on persons

29.—*(1) Any person who sets a dog on any other person is guilty of an offence or, if the dog injures the person attacked, an aggravated offence, under this paragraph.*

(2) If a dog attacks any person, then—

(a) the keeper of the dog; and

(b) if it is in the charge of a person other than its keeper, that person,

is guilty of an offence or, if the dog injures the person attacked, an aggravated offence under this paragraph.

(3) A person guilty of an offence under paragraph (1) or (2) other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or to both.

(4) A person guilty of an aggravated offence under paragraph (1) or (2) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(5) This Article does not apply to a dog while being used—

(a) for police purposes;

(b) for such other purposes as the Department may by order specify.

(6) A person is not guilty of an offence under this Article if at the material time—

(a) the person set on or attacked is trespassing on land; and

(b) the dog is—

(i) kept by, or in the charge of, the occupier of that land; or

(ii) in the charge of a person authorised by the occupier to remove that person from that land.

(7) The keeper of a dog shall not be convicted of an offence under paragraph (2) if he shows that at the material time the dog was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of the dog.’” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 (Control conditions on dog licences)

Mr Deputy Speaker: Amendment No 4 is consequential to amendment Nos 2 and 3, which have already been made.

Amendment No 4 made: In page 5, line 11, leave out sub-paragraphs (c) and (d) and insert

“(c) Article 28(1) or (2) (dog attacking livestock or certain other animals); or

(d) Article 29(1) or (2) (dog attacking person).” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Amendment No 5 made: In page 6, line 12, at end insert

“(f) that the keeper, with the dog, attend and complete a specified course of training in the control of dogs before the end of the period of 6 months from the date on which the notice takes effect.

(2) In paragraph (1)(f) ‘specified’ means specified, or of a description specified, in the notice under Article 30A.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Mr Deputy Speaker: Amendment No 6 is consequential to amendment No 5. Amendment No 5 has already been made.

Amendment No 6 made: In page 6, line 30, leave out “30B(e)” and insert “30B(1)(e) or (f)”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Mr Deputy Speaker: Amendment No 7 is consequential to amendment No 5. Amendment No 5 has already been made.

Amendment No 7 made: In page 7, line 27, at end insert

“(9) If a control condition imposed by virtue of section 30B(1)(e) or (f) is complied with to the satisfaction of the council, the council shall—

(a) remove the condition from the notice served under Article 30A; or

(b) (if there are no other control conditions imposed by the notice) cancel the notice,

and shall notify the licence holder in writing of that fact.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 13 ordered to stand part of the Bill.

Clause 14 (Amount of fixed penalty)

Amendment No 8 made: In page 9, line 26, leave out from “in pursuance” to end of line 32 and insert

“to a district council in pursuance of a notice under Article 36 in respect of an offence to which Articles 36 to 38 apply—

(a) is the amount specified by the district council; or

(b) if no amount is so specified, is £75.

(2) A district council may under paragraph (1)(a) specify different amounts in relation to different offences.

(3) A district council may make provision for treating a fixed penalty payable to that council in pursuance of a notice under Article 36 as having been paid if a lesser amount is paid before the end of a period specified by the council.

(4) The Department may by regulations make provision in connection with the powers conferred on district councils under paragraphs (1)(a) and (3).

(5) Regulations under paragraph (4) may (in particular)—

(a) require an amount specified under paragraph (1)(a) to fall within a range prescribed in the regulations;

(b) restrict the extent to which, and the circumstances in which, a district council can make provision under paragraph (3).

(6) The Department may by order substitute a different amount for the amount for the time being specified in paragraph (1)(b).’” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Clause 14, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 9 made: After clause 14, insert the following new clause:

“Assembly control of orders made by Department

14A. *For Article 54 of the Dogs Order substitute—*

‘Orders

54.—*(1) Except as provided by paragraph (2), orders made by the Department under this Order are subject to negative resolution.*

(2) No order shall be made under Article 7(6), 8(4), 23(7)(b), 25(2)(f), 25(4), 25B(1), 28(3)(b), 29(5)(b), 33(3)(c), 35(2), 38(6) or 46 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.’” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

New clause ordered to stand part of the Bill.

Clauses 15 to 18 ordered to stand part of the Bill.

Schedule 1 (Minor and consequential amendments)

Mr Deputy Speaker: Amendment No 10 is consequential to amendment No 3, which has already been made.

Amendment No 10 made: In page 11, line 6, at end insert

“2A. In Articles 25C(2)(a) and 33A(1) for ‘29(1A)’ substitute ‘29’.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Mr Deputy Speaker: Amendment No 11 is consequential to amendment No 9, which has already been made.

Amendment No 11 made: In page 11, line 9, leave out paragraph (4). — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Schedule 1, as amended, agreed to.

Schedule 2 (Repeals)

Mr Deputy Speaker: Amendment No 12 is consequential to amendment No 9, which has already been made.

Amendment No 12 made: In page 11, column 2, leave out lines 18 to 20 and insert

“In Article 8(4) the words ‘, subject to affirmative resolution’.

In Article 23(7)(b) the words ‘, subject to affirmative resolution,’.

In Article 25(4) the words ‘, subject to affirmative resolution,’.

In Article 25B(1) the words ‘, subject to affirmative resolution,’.

In Article 35(2) the words ‘subject to affirmative resolution,’.

In Article 46 the words ‘, subject to affirmative resolution,’.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Mr Deputy Speaker: Amendment No 13 is consequential to amendment No 3, which has already been made.

Amendment No 13 made: In page 11, line 21, at end insert

“The Dangerous Dogs (Northern Ireland) Order 1991 (NI 21)

*Article 4.
Article 7(3) and (4).”*

— [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Schedule 2, as amended, agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Dogs (Amendment) Bill. The Bill stands referred to the Speaker.

Executive Committee Business

Construction Contracts (Amendment) Bill: Final Stage

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

*That the Construction Contracts (Amendment) Bill
[NIA 16/09] do now pass.*

The Questions on the amendments emptied the Public Gallery, and I do not know whether this Bill will bring people racing back in. Nevertheless, it is quite an important Bill as far as the construction industry is concerned.

I introduced the Bill, comprising nine clauses, to the Assembly on 26 April 2010, and the subsequent processes of scrutiny and debate have been extremely thorough and productive. I want to record my gratitude to the Committee Chairperson and former Chairperson, as well as the members of the Committee for Finance and Personnel, for the work that they undertook in considering the Bill. I also want to record my gratitude to all other Committees and to Members for their contributions at previous stages of the Bill's passage.

The Bill is an important and necessary piece of legislation. It addresses measures in the Construction Contracts (Northern Ireland) Order 1997 that were required to be improved. It will enable Northern Ireland to maintain parity with GB following legislative changes that have now been enacted at Westminster. It contains eight miscellaneous provisions requiring primary legislation. The provisions include measures to increase the transparency of the process and to improve payment practices in the construction industry.

The Bill allows for greater access to adjudication on the resolution of disputes about contracts. It will also help to facilitate contractors in exercising their right to suspend work when they have not been paid. It will not have any overall quantum effect on public expenditure in Northern Ireland.

No amendments were tabled at Consideration Stage, which I am sure Members were pleased to hear. I anticipate that Members who engaged in the legislative process will support the Bill as

it clears its Final Stage. Therefore, I commend the Bill to the House.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. The Minister has highlighted the purpose of the Bill, so it is up to me to give the Committee's view on it. The reforms aim to further improve payment practices and to address restrictions on access to adjudication on contractual disputes in the construction industry.

The Committee actively examined the policy intentions behind the Bill at an early stage. It received briefings from Department of Finance and Personnel (DFP) officials in June 2008, prior to the public consultation on the draft proposals and the consultation outcome in September 2009. The Bill was introduced by the Minister of Finance and Personnel on 26 April 2010, and it was referred to the Committee on completion of its Second Stage on 17 May 2010. Following commencement of Committee Stage, a public notice was placed in the main newspapers on 19 May 2010, inviting written evidence on the Bill. The Committee also notified a number of key stakeholders that had responded to the Department's earlier consultations.

Given the pressure on its work programme, the Committee sought the Assembly's approval to extend the Committee Stage to 26 November 2010. However, I am pleased to report to the House that the Committee was able to complete its deliberations well within that time.

Although the Committee received no written evidence and no comments were made on any of the clauses after the Committee's public call for evidence, members sought clarification on the House of Lords judgement in the case of *Melville Dundas v Wimpey*. Committee members also requested more information on how reviews of the scheme for construction contracts might impact on the legislation. The scheme is a set of measures that are complementary to the Construction Contracts Order 1997, which, if amended, would require corresponding amendments to be made to the scheme. DFP officials advised members that it would be necessary to amend the scheme here before the Bill, once passed, could come into effect. The officials also informed the Committee that any proposed amendments would be subject to further consultation. That will take place once

agreement has been reached on the scheme in Britain.

During Committee Stage, members received assurances from DFP officials about the prompt payment of subcontractors. The Committee welcomed measures that are being introduced in conjunction with the Construction Industry Forum (CIF) through a revised code of practice for government construction clients and their supply chains. The code includes a fair payment charter. The Committee will examine further the issue of prompt payment before the end of the mandate. I emphasise that the Committee felt that that was a very important issue because although main contractors were receiving prompt payments, some of the subcontractors — perhaps the smaller ones — were not, and that was having an effect on some businesses.

I thank DFP officials for their positive engagement and the timely assistance that they provided to the Committee. I also thank Committee members for their time during the consideration of the Bill. On behalf of the Committee for Finance and Personnel, I formally support the Bill's Final Stage.

Mr O'Loan: I support the Bill, which has been well addressed in Committee, as the Chairperson said. I do not think that there are any significant concerns. Obviously, the construction sector is a very important part of our economy. It is also important to the public sector, because government is a major client on many occasions.

It is important that there is a good framework of law to facilitate the delivery of construction contracts, big and small. It is also important that there is a proper level of fairness between the client and the contractor.

12.00 pm

The matters that are presented in the Bill have been well tested, particularly through experience in Great Britain, which this proposed legislation follows. The response to the consultation was quite modest. I notice that there was broad agreement, although there was some divergence of opinion and some strongly expressed views. However, I believe that those have been taken on board and addressed through certain clauses.

The Bill states that construction contracts may still be enforced even if they are not in writing. That is a good provision and has received support. As the Minister said, there are clauses that ease the process of adjudication and give a

contractor the right to suspend work if payment is not made. Those are sound provisions. Taken as a whole, I am happy to support the Bill.

The Minister of Finance and Personnel: I thank the Members who contributed to the debate. It has been a short one, which is an indication that there is widespread agreement that the improvements are necessary, timely and address the issue.

The Chairperson of the Committee raised the issue of prompt payments to contractors, which is especially important as there is a lot of pressure on small and medium-sized firms in Northern Ireland. The Committee has drawn that issue to my attention in debates about procurement. For example, in reports on procurement, the emphasis has been on how we can ensure that the cash flow for small businesses comes through. The Bill provides for improvements in cash flow in respect of the presentation of payments that are due, enabling firms to remove their services from a scheme in which payments are not being made as they should and making adjudication cheaper and easier for firms that are in dispute to access.

This is a short but necessary piece of legislation. It will increase the transparency of the process. It will, as I said, improve payment practices. It consists of separate amendments that relate to various measures contained in the original Construction Contracts (Northern Ireland) Order 1997. By facilitating access to the process of adjudication, the Bill will allow disputes to be resolved without parties having to resort to more costly arbitration or litigation. However, we have to accept that there will be occasions when firms will have to go beyond adjudication and use the more costly ways of dealing with disputes. The legislation will not do away with that necessity in some cases in which disputes are complex and perhaps require going to court.

The measures will improve cash flow by improving the transparency of the procedures and removing ambiguity on issues of notices of payment. They are intended to resolve a number of the shortcomings that have been observed in the working of the originating legislation in GB and have been replicated here in the 1997 Order. The proposals relate to important issues and, if enacted, will provide real and practical benefit to the construction industry in Northern Ireland.

As Mr O'Loan pointed out, some people said that there should be no regulation and that

it should just be a free-for-all, and others believe that the regulation should be tighter. Nevertheless, we believe that we have got the balance right, and the fact that, when the Committee looked for responses, there was not a huge outcry or a huge number of people wanting to talk to the Committee about the Bill is probably an indication that they were happy with the legislation as proposed.

I hope that I have gone through most of the points that were raised. On that note, I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Construction Contracts (Amendment) Bill [NIA Bill 16/09] do now pass.

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Accelerated Passage

Rev Dr Robert Coulter: I beg to move

That the Allowances to Members of the Assembly (Repeal) Bill proceed under the accelerated passage procedure.

I am sorry for my late arrival, Mr Deputy Speaker, but we were busy with other business upstairs.

Members may recall that a motion seeking accelerated passage for the Allowances to Members of the Assembly (Repeal) Bill was tabled originally in June 2010. However, it was not moved because a number of parties were seeking further information on the implications of changes to the existing allowances regime. Those issues have now been clarified, and Members will recall that, on 13 December 2010, the Assembly approved the Assembly Commission's 'Report on the Financial Support and Pensions for Members of the Northern Ireland Assembly (December 2010)', which included the Northern Ireland Assembly (Members' Expenditure) Determination 2010. That determination makes provision for allowances to replace those repealed by the Allowances to Members of the Assembly (Repeal) Bill and for it to come into force at the earliest opportunity. The Commission wishes to seek accelerated passage for the Bill.

The policy content of the Bill is very low, because it is just one part of a package. It is a relatively technical Bill which repeals existing provisions so that we can put new provisions in their place through the Northern Ireland Assembly (Members' Expenditure) Determination 2010 until such times as an independent financial review panel is established. The Commission has not taken its request for accelerated passage lightly but feels that, as the Assembly has already approved the Commission's report and determination, it is wholly appropriate that we move to repeal the Allowances to Members of the Assembly Act (Northern Ireland) 2000 now that a new determination on allowances has been agreed. The consequences of not proceeding by accelerated passage are straightforward: the proposed calculations for allowances outlined in the Northern Ireland Assembly (Members' Expenditure) Determination 2010, agreed by the Assembly in December 2010, would not have effect.

Members will note that the Commission introduces legislation only when required to do so and in line with its obligations under section 40 of the Northern Ireland Act 1998. Members should note that the Commission is currently bringing forward the Assembly Members (Independent Financial Review and Standards) Bill to establish an independent body to set Members' future salary, pension and expenditure arrangements. That Bill is currently in Committee, and we have not sought accelerated passage for it. At Second Stage, I will explain the background to this Bill and outline its provisions in more detail.

In summary, the use of accelerated passage will ensure that this technical Bill can give effect to the agreed allowances, as detailed in the Northern Ireland Assembly (Members' Expenditure) Determination 2010, in preparation for the establishment of the independent financial review body.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. I will speak on behalf of the Committee today.

The Assembly Commission originally wrote to the Committee for Finance and Personnel on 4 June 2010 advising that it intended to seek the Committee's agreement to accelerated passage for the Allowances to Members of the Assembly (Repeal) Bill. The Committee understands that that issue was referred to it for consideration primarily because the predecessor Finance and Personnel Committee handled the original legislation in 2000 and, that being the case, a precedent exists. In addition, it did not seem practical to set up an Ad Hoc Committee simply to consider the issue of accelerated passage for this short Bill.

Concerns were raised by some members about a potential conflict of interest in Committee members considering the Bill and about the request for accelerated passage. However, advice on that issue confirmed that the Assembly's code of conduct does not set out any requirements that either prevent or limit a Member's ability to discuss matters that relate equally to all Members of the Assembly. The Committee also noted that, under the existing legal framework, only the Assembly can consider the matter.

The Committee took evidence from a representative of the Assembly Commission and

senior officers of the Assembly at its meeting on 16 June 2010. The witnesses explained the reasons why accelerated passage was necessary to repeal the existing legislation. They also explained that that would pave the way for the Assembly Commission to take forward further legislation to establish an independent statutory body to determine future pay, pension, financial support and allowances to former Members if the Assembly so agrees.

During the session on 16 June, confirmation was also provided that consultation had been undertaken with political parties on those issues. The witnesses also assured the Committee that the related legislation to establish an independent body would be subject to full Assembly procedures for public legislation, including the Committee Stage. Following the evidence, the Committee agreed that it was content to support the Assembly Commission in seeking Assembly approval for the Bill to proceed by accelerated passage, having been satisfied by the explanations and assurances provided as per Standing Order 42(3). However, the motion was not moved on 21 June as expected.

Members will be aware that the related legislation to establish an independent body, the Assembly Members (Independent Financial Review and Standards) Bill, was introduced to the Assembly on 15 November 2010 and is currently in Committee. At its meeting on 12 January 2011, the Committee noted correspondence from the head of the Commission's support and compliance unit that advised that, following approval for the Assembly Commission's report on financial support and pensions for Members of the Assembly on 13 December 2010, the Commission intended to move forward with the Allowances to Members of the Assembly (Repeal) Bill.

I should also point out that the Finance and Personnel Committee's considerations have been confined to the issue of accelerated passage. It has not been involved in the wider policy development work in that area, the lead responsibility for which has rested with the Assembly Commission. Moreover, the Finance Committee has not had detailed briefings in that regard. I will not, therefore, speak on behalf of the Committee during the Second Stage debate immediately following this motion. On behalf of the Committee, I support the motion that

the Allowances to Members of the Assembly (Repeal) Bill be granted accelerated passage.

Mr Deputy Speaker: No other Members have indicated that they wish to speak. Before I put the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Allowances to Members of the Assembly (Repeal) Bill [NIA 27/09] proceed under the accelerated passage procedure.

12.15 pm

Allowances to Members of the Assembly (Repeal) Bill: Second Stage

Rev Dr Robert Coulter: I beg to move

That the Second Stage of the Allowances to Members of the Assembly (Repeal) Bill [NIA 27/09] be agreed.

Given that the Bill's Second Stage immediately follows the motion to agree accelerated passage, Members will be familiar with some of my comments, but I trust that they will bear with me as I address the Bill's proposals in greater detail.

I shall provide some background to the Bill. The current framework for paying allowances to Members of the Assembly is governed by sections 47 and 48 of the Northern Ireland Act 1998. Section 47 of the Act allows the Assembly to make provision for allowances for current Members of the Assembly, and section 48 allows the Assembly to make provision for payment of allowances to or in respect of any person who has ceased to be a Member of the Assembly; that is, a former Member. Three such allowances are provided for in the Allowances to Members of the Assembly Act (Northern Ireland) 2000, and they are referred to as the 2000 Act allowances. They are resettlement allowance, ill health retirement allowance and winding-up allowance. Under section 40 of the 1998 Act, the Northern Ireland Assembly Commission is required to provide the Assembly with or ensure that the Assembly is provided with the necessary property, staff and services for the Assembly's purposes.

The Commission has recommended changes to the 2000 Act allowances in its report on financial support and pensions for Members, which was agreed by the House on 13 December 2010. In that report, the Commission recommended changes to the existing calculations used to determine resettlement allowance, ill health retirement allowance and winding-up allowance as proposed by the Senior Salaries Review Body. The Bill itself does not make any provision on the new allowances. It repeals the Allowances to Members of the Assembly Act (Northern Ireland) 2000 and makes consequential repeal to the Statutory Rules (Northern Ireland) Order 1979.

Members will note that the Bill details commencement on 1 September 2010, as the Bill was originally printed for consideration before

last summer's recess. Prior to Consideration Stage, the Commission intends to table an amendment to change the commencement date to the date of Royal Assent. On that date, the replacement allowances provisions, as agreed by the Assembly on 13 December 2010, will also come into operation.

As Members are aware, the Commission also proposes that the Assembly pass a Bill establishing an independent statutory review panel that will determine the future pay, pension and financial support arrangements for Members or former Members of the Assembly, including any allowances for former Members, similar to the 2000 Act allowances. Such a body cannot be empowered to pass primary legislation for Northern Ireland and, therefore, could not itself repeal the 2000 Act. The repeal of the 2000 Act is, therefore, a necessary step in the process to establish and empower such a body.

Question put and agreed to.

Resolved:

That the Second Stage of the Allowances to Members of the Assembly (Repeal) Bill [NIA 27/09] be agreed.

Mr Deputy Speaker: That concludes the Second Stage of the Allowances to Members of the Assembly (Repeal) Bill.

The Business Committee has arranged to meet on the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The sitting was suspended at 12.19 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Environment

Planning Bill

1. **Mr Doherty** asked the Minister of the Environment whether there will be sufficient time for the Planning Bill to progress through all its stages in the Assembly before dissolution, given its size and complexity. (AQO 808/11)

The Minister of the Environment (Mr Poots):

Yes, there is sufficient time for the Planning Bill to progress through all its stages before dissolution.

Mr Doherty: I thank the Minister for his brief answer. Given many local councils' grave concerns about the time available to make a meaningful contribution to the process and given the fact that the Minister believes that the Bill will be implemented, can he advise us what measures he proposes to take to capacity-build and train councillors in the working of the new planning arrangements? Can he clarify the position on third party appeals?

The Minister of the Environment: The Planning Bill will come into force, and councils will receive responsibilities only when I deal with the local government issues. Those include the establishment of codes of practice, ethical standards regime and all that. All being well, that legislation will be introduced early after the election, and we are currently consulting on it.

We will offer training to local councillors, and RICS, which is a professional organisation, has offered its assistance. Therefore, we are very keen to ensure that councillors are properly trained in those issues.

Mr Kinahan: Can the Minister give a breakdown of the resources that are necessary to help councils to take on planning responsibilities?

The Minister of the Environment: Very simply, finance must follow function. The Planning Service is receiving subsidy from other parts of government, which was not the case for a number of years but is necessary now because

of the downturn in planning applications. To compensate for that, we are reducing the number of Planning Service staff, because there are now 19,500 applications instead of 28,000 applications. We are also looking at a different fee structure, and we hope to raise an additional £3 million to £4 million from that. When responsibility for planning is handed over to councils, we want to ensure that the Planning Service is fit for purpose and financially capable of supporting councils.

Mr Speaker: Question 2 has been withdrawn.

Recycling

3. **Mr Girvan** asked the Minister of the Environment for an update on how Northern Ireland is performing in meeting the targets under the European Union directive on recycling. (AQO 810/11)

The Minister of the Environment: The latest official data indicate that, in 2009-2010, Northern Ireland achieved a 35.6% household recycling rate, which was up from 34.4% in the previous year and is a significant improvement on the 4.9% rate achieved in 1999. Based on historical trends, Northern Ireland is on track to meet the 50% EU household recycling target by 2020. I am aware that, in 2009-2010, a number of councils met or are close to meeting the 50% target; namely, Magherafelt District Council at 50%, Banbridge District Council at 49.6% and Antrim Borough Council at 47.5%. However, several councils are achieving rates well below that and below the Northern Ireland average. All councils must achieve sustained improvements in their recycling performance if we are to ensure that we meet the 50% EU target.

I am pleased to advise that I have allocated more than £5 million of funding through the Rethink Waste fund in this financial year to assist councils. Through that funding, it is estimated that an additional 27,000 tons of household waste will be recycled each year by councils across Northern Ireland.

Mr Girvan: I thank the Minister for that answer. There will be penalties if we do not achieve the targets set by the EU, and the Minister referred to council areas that are potentially falling behind. How will penalties be imposed? Will they be imposed regionally, where Northern Ireland as a whole will have to pay, will they be

imposed on a UK-wide basis, or will each area be dealt with individually?

The Minister of the Environment: Setting aside the additional penalties for a moment, councils that underperform already impose a penalty on their ratepayers, and they will continue to do so. By 2013, it will cost roughly £100 a ton to tip waste into landfill sites. Therefore, it is in the interests of councils and ratepayers for that waste to be diverted either to generate energy or to be recycled. If some councils achieve 50% now while others achieve only 27% or 28%, people should recognise that there is a significant gap to be filled. If it comes to the point where Northern Ireland as a whole ends up being fined because councils are lagging behind, we will have to look at fining or imposing that burden on particular councils to incentivise them to meet the targets that are set.

Mr Speaker: Members need to rise in their place if they want to ask a question; that is what they must do. I am pausing proceedings to give them the opportunity to do that.

Mr McDevitt: Clearly, we were on holiday for too long, Mr Speaker.

Given the excellent progress that has been made in meeting recycling targets, is it now time to fundamentally review landfill policy? Can the Minister give the House any indication of whether, in the months and years ahead, he anticipates approving fewer landfill sites? If so, would that be a major part of his efforts to continue to incentivise councils to recycle more?

The Minister of the Environment: I have made it clear on a number of occasions that landfill is the last option that I want to use. I want to reach a position in Northern Ireland where less than 10% of waste is sent to landfill. That will be good news, because landfill produces leachates and methane. Although the sites can be properly managed and facilities can be well run, instead of producing those unpleasant effects, materials can be much better used either to recover energy or to be recycled.

Vehicle Testing

4. **Mr Bresland** asked the Minister of the Environment whether he intends to consider privatisation of the vehicle testing scheme. (AQO 811/11)

The Minister of the Environment: I have no plans to consider privatisation of the vehicle testing scheme.

Mr Bresland: I thank the Minister for his answer. It is very clear. Can he outline how the cost of the MOT test for a private car in Northern Ireland compares with the cost in the rest of the United Kingdom?

The Minister of the Environment: In Northern Ireland, the cost is £30·50, whereas in GB, although the private test fee varies, a statutory limit is set at a maximum of £54·85. The test is carried out in 20,200 separate private sector garages. I have always had the view, "If it ain't broke, don't fix it". Although the system is operated by government in Northern Ireland, I think that it works particularly well. Test centres are open at night and on Saturdays. People can book their cars in quickly. It is done at a reasonable cost, and it leaves a modest return for government. It will be up to the Executive and others to decide whether they wish to privatise that service. I think that the service performs well and that it should be retained in the Department.

Mr O'Loan: I note what the Minister said. He has taken a very definitive position. Does he consider that it would be at least worthwhile to look at other places where the MOT system is carried out well in the private sector and to recognise that privatisation offers the possibility of financial gain for the Executive? If he looked at that, would he not feel that governance and regulatory issues could be addressed that would assure the customer that a quality service would be available to the public that, perhaps, offers better value for money?

The Minister of the Environment: I see that Mr O'Loan has clearly put his cards on the table in favour of privatisation. I will seek to resist that. He asked me to look at other areas where there might be examples of better practice. I lay down a challenge: show us an area where it is done better, and we will certainly look at that. In comparison with the rest of the UK, Northern Ireland has a better system that performs better for the public. It is a public service. It is delivered by the public sector. We are doing it well and very cost-effectively. Therefore, I challenge the Member to show us where it is done better.

Mr Speaker: Once again, I warn Members that they must rise in their place if they want to

ask a question. A number of MPs are in the Chamber; if Members watch some of the MPs in the House, they will see how it is done.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. As you know, Sinn Féin MPs do not take their seats in Westminster, so we are not used to that type of system.

I am curious about whether the Minister can provide any detail. The findings of the PAC's report on the issue a while ago were favourable. Have comparisons been made to determine whether additional jobs would be created if local garages were to carry out MOTs?

The Minister of the Environment: I do not know about additional jobs. We want to ensure maximum efficiency, so that the public do not have to pay through the nose for additional staff to hang around. I am keen that the service be carried out efficiently.

In the Republic of Ireland, testing is carried out under the auspices of the National Car Testing Service and outsourced to a Spanish multinational called Applus+, which carries out vehicle testing in various countries on five continents. The company has a 10-year contract in the Republic of Ireland, and its test fee is €50. Once again, therefore, people who live in Northern Ireland get a much better deal than those in the Republic.

Councils: Adverse Weather Conditions

5. **Mr Givan** asked the Minister of the Environment for his assessment of the preparedness and response of local councils to the adverse weather conditions experienced during the Christmas period. (AQO 812/11)

The Minister of the Environment: In my judgement, councils were highly effective in responding to the adverse weather conditions and in providing humanitarian assistance to communities affected by the severe weather and subsequent water crisis. I had been monitoring the growing weather and water emergency, and I was concerned about its impact on the public over the Christmas period. As my unease grew, I asked councils to activate their emergency response plans on 23 December 2010 to ensure that emergency reception centres were available to people who needed urgent help. It was fortunate that action was taken, because we witnessed people queuing for water and bottled supplies being delivered to the elderly

and vulnerable. Council staff assisted in those deliveries. I understand that agencies are reviewing the level of response, as lessons must be learned. However, in my view, councils played a fundamental role in planning, co-ordinating and responding with lead agencies to aid recovery at a local level.

Mr Givan: I commend the Minister for his action in the run-up to the thaw and for ensuring that councils were put on an emergency footing and preparations put in place. People in Lisburn were particularly hard hit, and I put on record my thanks to the mayor, Paul Porter, for his work in leading the council's response.

When the thaw took place, what measures did the Minister take to monitor how councils were implementing their emergency plans? How was their response managed and monitored after the Minister had placed them on an emergency footing?

Mr Speaker: I encourage the Member to finish.

Mr Givan: Will the Minister share with the Minister for Regional Development the information from the current review, so that he can learn from the good practice in DOE?

The Minister of the Environment: Throughout the crisis, I was in regular contact with my officials, who monitored the situation through the local government emergency management group. They then reported to the meetings of OFMDFM's civil contingencies group and the multi-agency tactical group, and I was briefed on the collective outcomes of those meetings.

During the crisis, I also took the opportunity to visit Belfast City Council's emergency operations room to see the practical responses being made at a local level across the city. I have commended them by letter, but I put on public record my thanks to Belfast City Council, in particular, for its tremendous response to the crisis and to councils across Northern Ireland. Their response was in stark contrast to that of the Water Service. The difference between the response of councils and local government and that of DRD and Water Service was preparation. Preparations were made in one place but not in another. We must be prepared to meet crises as they arise.

Mr Lyttle: I join the Minister in recognising the sterling work of Belfast City Council during the recent water crisis. However, will the Minister

take further action to create clearer agreements between councils and DRD on footway and road gritting?

The Minister of the Environment: The gritting of footpaths was not an emergency but an inconvenience that was eventually resolved, again by local government. There should have been greater preparation so that local government could respond more quickly. There is a gap in responding to crises in general, and it is for the new Assembly to take up the challenge in May by looking at the development of a civil contingencies Bill and by putting the correct structures in place — they are in place in other jurisdictions — to enable us to respond better, with clear, definitive roles for people in the future, to other crises that may arise.

2.15 pm

Mr McGlone: Before the adverse weather conditions, what discussions did the Minister have with the Minister for Regional Development with a view to having some degree of harmony between Departments and right across the board to ensure that there was proper preparation for the poor weather? What discussions have been held since on preparation for similar circumstances in future so that we can avoid the debacle that there was, with Departments criticising each other, and ensure that the really important factor — the people — are looked after?

The Minister of the Environment: I thank the Member for elevating me. I am just the Environment Minister; I am neither the First Minister nor the deputy First Minister and, therefore, do not have that responsibility. However, since I have responsibility for local government, I sought to ensure that local government was well prepared to respond. It is for OFMDFM to lead on those issues and to deal with DRD.

War Memorials

6. **Mr Humphrey** asked the Minister of the Environment for his assessment of whether war memorials represent a vital element of our natural heritage which deserves protection. (AQO 813/11)

The Minister of the Environment: War memorials are an important part of our national heritage. They stand as symbols of past sacrifice and are often very beautiful and moving structures. They

are held in high regard by the community, which ensures that most are well maintained. That is the best form of protection that a historical structure could have, and I am supportive of their continued preservation. Moreover, my Department has protected the most special examples by statutory listing. There are 26 listed war memorials in Northern Ireland, with others protected either as part of a listed building or because they lie in a conservation area.

Mr Humphrey: The Minister will be aware that there are many hundreds of war memorials across Ulster that pay tribute to the courage of the men and women from Northern Ireland who served in the cause of freedom and protecting this country. Is the Minister aware that Northern Ireland is the only part of the United Kingdom that does not have a publicly funded scheme for the preservation and restoration of war memorials? Will he consider the establishment of such a scheme in Northern Ireland under the Northern Ireland Environment Agency?

The Minister of the Environment: As I said, most war memorials are well preserved and looked after. We can look at the issue and have an open mind on how those pieces of our history are properly and adequately protected and cared for. The Department will be happy to work with Members if they bring forward proposals for looking at those and ensuring that there is proper and adequate protection for them.

Planning Decisions

7. **Mr Gallagher** asked the Minister of the Environment to outline his Department's policy on releasing information about any future planning decisions. (AQO 814/11)

The Minister of the Environment: In announcing decisions on article 31 major planning applications where I am the decision-maker, I follow a standard procedure, which is to inform in writing the Speaker of the Northern Ireland Assembly, the Chairperson of the Environment Committee and all Members. A copy of the letter announcing my decision is also placed in the Assembly Library.

My Department also follows a standard procedure in relation to information about future planning decisions on non-article 31 planning applications. Following an internal development management group meeting, at which a preliminary opinion will be formed indicating the

likely decision, the Department's opinion on the proposal is made available when the application is presented to the local council on a publicly available schedule or list of applications. When a planning decision issues, the nature of the decision and the reasons for it will be provided to those who commented on the application during the planning process. All information relating to the process of a planning application, including the Department's decision, can be viewed by appointment with the open file unit in each divisional planning office.

Mr Gallagher: Does the Minister accept the finding of the Audit Committee report that the Planning Service is not fit for purpose? Given that that is the case, will he give an undertaking to the Assembly that, when he is issuing information about planning decisions, he will consult the Assembly Committee and the Assembly itself in advance in order to restore confidence instead of going on a solo run?

The Minister of the Environment: If the Member is suggesting that the Planning Service is not fit for purpose, that does not concern this issue. Over the past number of years, we made substantial changes to the Planning Service. A Planning Bill is also before the House, which will make further considerable changes.

In the decision-making process, we have professional planners who view sites, take advice from the NIEA, Roads Service and all relevant bodies and make recommendations. Article 31 applications come to the Minister for final decisions, so I make those decisions. I will not fluff about for months on end going backwards and forwards to those who want to play to the lowest common denominator and to engage in publicity shows that are not in the public interest. I will engage in the public interest and have decisions made in this country.

Mr Campbell: The Minister takes a deep interest in trying to progress major planning applications across Northern Ireland. However, will he assure the House, with major uncontroversial planning applications with which other Departments and agencies may have outstanding issues — for example, Roads Service or local councils — that his Department and others will make every effort to ensure a speedy resolution?

The Minister of the Environment: Absolutely. Other Departments have response targets, and they have a number of working days to

achieve those. Predominantly, Roads Service and the NIEA have poor records, but they have been improving, Roads Service in particular. However, there is room for further improvement. We will continue to press for timely responses, having given proper consideration to the issues raised. We want timely decisions that allow our economy to grow.

Ms Lo: Did the Minister notify the Chairperson of the Committee for the Environment before his decision to increase the cap on seats for sale at Belfast City Airport?

The Minister of the Environment: I will notify the Chairperson when I make decisions on article 31 applications.

Local Government Reform

8. **Mr Brady** asked the Minister of the Environment whether the draft Budget 2011-15 will have an impact on his plans for the reform of local government. (AQO 815/11)

The Minister of the Environment: I do not believe that the draft Budget 2011-15 will have an impact on the Executive's plan for the delivery of the local government reform programme, and I remain confident that the programme will proceed and deliver a more effective, efficient and responsive system of local government for the people of Northern Ireland. That is why, with the agreement of the Executive, I have brought the Planning Bill before the Assembly, and I am consulting on policy proposals to underpin the reorganisation of local government.

In June 2010, at the Executive's request, I sought local government's view on its willingness to pay for the local government reform programme. Local government indicated its willingness to do so, recognising the fact that the considerable savings and other material benefits that will flow from the delivery of local government will accrue to local government and ratepayers, not the Executive and taxpayers.

My Department will continue to support local government in the delivery of reform by managing the reform programme, working with the Departments and organisations due to transfer functions to local government and providing the necessary legislative framework to facilitate the transition from the existing 26 councils to the 11 strong and effective new councils.

Mr Brady: I thank the Minister for his answer. There is a Budget proposal to reduce net current expenditure by 6%. With that cut in mind, does the Minister think that he will have the proper resources to implement local government reform, including planning reform?

The Minister of the Environment: We must recognise where the cut came from: our friends to my right here are aligned with the Conservative-Liberal coalition that imposed that cut on the people of Northern Ireland. We must all play our part in meeting the swingeing blow that that source landed on our community.

Can we do it? Yes, we can, because we will prioritise and ensure that sufficient resources are available to achieve local government reform. We have already made considerable savings in our budgets. We will continue to do that. Unfortunately, we will have a smaller Department and fewer staff as a result, and it will be ever more challenging. However, we will meet whatever is required to achieve it.

Mr Ross: How will local government meet the considerable upfront costs associated with the reform of local government? What practical support can the Minister and the Executive offer?

The Minister of the Environment: The local government sector is engaging in the improvement, collaboration and efficiency (ICE) programme. That programme is about how councils can work better with each other to ensure that there is sufficient funding to achieve all of that and to accrue benefits post-amalgamation. There are real savings to be made, and we continue to work with local government to press them to bring the ICE programme proposals to a conclusion so that they can start to be implemented. There are 7.5% savings to be achieved, and the local government sector agrees. Many of those savings can be achieved up front before we engage in the amalgamation process.

Mr Cree: The Minister has partly answered my question. Will he detail what hurdles remain before he can be confident enough that the reform of local government will go ahead?

The Minister of the Environment: Obviously, we still have Bills to complete. The Local Government Finance Bill is going through the House. We still have the Bill on local government reorganisation to complete; it will be introduced to the House early in the new

term. We also have the boundaries issue to bring to the House. Those are the issues that need to come before the House. Once those have been dealt with, it is a matter for the Executive, in conjunction with local government, to decide when is the appropriate time to start to transfer powers.

Mr Dallat: I am sure that the Minister agrees that the reform of local government has been about for a very long time. To update us, will he give us an idea of how many millions of pounds have been spent on RPA? Can that be justified?

The Minister of the Environment: The RPA programme is still ongoing. It is much better to get the programme right instead of having a rush through to the elections this year without having everything in place and without having the councils adequately prepared.

The Member must remember that there were £118 million of upfront costs, which the House did not have, unless he knows of some magic pot of money that has been hidden away. The local government sector also indicated that it did not have that money.

We will be in a much better position if we can start to get efficiencies driven through and savings derived before the responsibilities are passed over and build in a package whereby the ratepayer can remain unaffected by the amalgamation. Perhaps the Member wants to have areas where there are 15% or 20% rate rises that hit the public hard. It is the wrong time to hit the public hard. In the time that we are in, we should ensure that people have modest rate rises.

Development: Protected Areas

9. **Mr O'Loan** asked the Minister of the Environment to outline any plans for the protection of coastal towns and villages affected by inappropriate and unbalanced development. (AQO 816/11)

The Minister of the Environment: All proposals for development within coastal towns and villages are considered taking account of my Department's regional planning policy statements and the provisions of the relevant local area plan, both of which are prepared within the strategic context provided by the Department for Regional Development's regional development strategy, which is under review.

Members may be aware that I recently published an addendum to PPS 7 entitled 'Safeguarding the Character of Established Residential Areas'. That has introduced greater control over the conversion of property to flats and apartments, including properties that are converted to enable multiple occupancy. The addendum has also reinforced existing policy by ensuring that new residential schemes are sensitive in design terms to people who live in existing neighbourhoods and are in harmony with the local character of the established residential areas, villages and smaller settlements. I am confident that the addendum will have a positive impact on settlements across Northern Ireland, including coastal towns and villages.

In addition, my proposals to return key planning powers to councils under planning reform and local government reform will provide locally elected representatives with the opportunity to bring forward specific proposals through new-style local plans, which may assist in the protection of coastal towns and villages.

2.30 pm

Finance and Personnel

Mr Speaker: Questions 1 and 8 have been withdrawn. Questions 5, 6 and 7 have gone to other Departments for answer.

VAT

2. **Mr Moutray** asked the Minister of Finance and Personnel whether he has discussed the implications of the recent increase in VAT with the Treasury or with counterparts in other parts of the United Kingdom. (AQO 822/11)

The Minister of Finance and Personnel

(Mr S Wilson): The way you are going, Mr Speaker, I will not have any questions left to answer today.

Value added tax is a reserved matter. Therefore, I carry no responsibility for it, nor does the Assembly or the Executive. The most recent discussions with the Treasury took place during the British-Irish Council meeting in December when we met the Deputy Prime Minister and the Secretary of State. We discussed the economy, the impact of spending cuts, the spending review and areas of mutual interest, but the VAT increase was not raised.

Mr Moutray: I thank the Minister for his answer. The recent VAT hike resulted in a 14% increase in the amount of tax paid on many items of necessity. Given the impact of VAT on inflation and consumer spending and the fact that it hits the poorest the hardest, does the Minister agree that if any party actively joined the Tories in denying plans for that hike, it is something that it should now regret?

The Minister of Finance and Personnel: There are many things that have been a source of regret in the past for those parties that allied themselves to the Tories and sought to be their franchisees, and will be regretted in the future.

The Member is quite right. Any indirect tax tends to have a regressive impact, and, therefore, hits the poorest and those on low incomes hardest. That will be the case with the VAT increase and I am sure that many families in Northern Ireland will find that their real income is reduced as a result. However, because it is a reserved matter and is an issue that the Government have decided is a means of helping to reduce the deficit, it is not within the competence of the Assembly. I do not believe that the Westminster Government intend to change the direction in which they are going. Some people will, perhaps, argue that there are other ways in which that money could have been raised, such as a more effective tax on bankers' bonuses, rather than taking it from the poorest in society.

Mr A Maginness: I thank the Minister for his answer. I ask him to consider raising this matter once again with the Treasury and the British Government. In particular, I ask him to talk to the Government about a variation of VAT for Northern Ireland. Along with some other fiscal instruments, it would be very useful in trying to stimulate, for example, the construction industry here, particularly in relation to extensions and refurbishment.

The Minister of Finance and Personnel: The Member makes a very good point. Sometimes, targeted changes in VAT could have an impact on the construction industry, to use the Member's example. Opportunities to speak with the Treasury should be taken to try to effect change in things that can be changed. From my experience and from the responses that I have had from the Chancellor, I do not believe that there is any chance of getting a change in VAT. There are other specific taxes that have a local impact on Northern Ireland that I need to pursue

with the Treasury. Any conversations that I have with the Treasury will be about the aggregates tax, for example, which is very important to the construction industry in Northern Ireland, and about ways in which the Barnett consequential have been applied, whereby very real money can be made available for spending here. If we get opportunities to speak to the Treasury, it is much better to target areas from which we can get some return and some prospect of change, rather than national policies that will not be changed.

Mr Speaker: The Member is not in his place to ask question 3.

Rates: Lone Pensioner Allowance

4. **Mr Hamilton** asked the Minister of Finance and Personnel how much money has been paid out under the lone pensioner allowance since its introduction. (AQO 824/11)

The Minister of Finance and Personnel: Since the introduction of the lone pensioner personal allowance on 1 April 2008, the total amount that has been awarded to eligible persons is £11.082 million.

The scheme is available to all pensioners over the age of 70 who are living alone, and 28,000 pensioners across Northern Ireland have benefited from it since 2008. It is probably a saving of about £160 a year or £3 a week, which is a welcome respite for those who are on pension income. It is not means-tested. It allows for a 20% allowance on rates bills, and we seek to make the application for it as simple as possible. We have worked extensively with the voluntary sector and others to try, as far as possible, to make pensioners aware of the scheme and the allowance available.

Mr Hamilton: I thank the Minister for his answer. The figure of £11 million worth of benefit to lone pensioners is fantastic. In my constituency, over 1,500 pensioners have benefited from lone pensioner allowance. Does he agree with me that this policy intervention has been one of the best that the Assembly and the Executive have brought in during this mandate to help some of the most vulnerable people?

The Minister of Finance and Personnel: I agree. Not only have we introduced the scheme, but my Department and Land and Property Services (LPS) have worked very hard to promote it. That is why, according to the indications that I have

been given, there is about an 80% uptake of the benefit, which is very high. I have been involved in some of the roadshows that LPS has put on in my constituency, in community centres, etc. Great enthusiasm has gone into promoting the scheme and, as a result, the uptake has been high, and working with voluntary and community groups in getting the information out has been helpful.

Mr Callaghan: The Minister has mentioned the figure of, I think, an 85% uptake of the lone pensioner allowance. Does he agree with me that it would make more sense to make an automatic trigger apply to the allowance? Will he inform the Assembly what consideration he has given to making it and various other rates reliefs automatic?

The Minister of Finance and Personnel: We have no record of the number of people who are over 70 and live alone. That is the first reason why it is difficult to have an automatic trigger. Secondly, in certain circumstances, we will make it available to lone pensioners who have a carer living with them. That is a variation on the scheme. It sounds like a contradiction to say that a lone pensioner can have a carer living with him or her, but I am sure that the Member will appreciate what is meant. For that reason, it has not been possible to make the benefit automatic. Obviously, it would be much more desirable to make it automatic, but there are good reasons why that has not been possible. That is one reason why we have put a lot of effort into promoting the scheme through the voluntary and community sector.

Government Property

9. **Mr Dallat** asked the Minister of Finance and Personnel for his assessment of the adequacy of the proposed expenditure of £16.8 million on the Civil Service estate in year 4 of Budget 2011-15, and whether he would consider private finance for this purpose. (AQO 829/11)

The Minister of Finance and Personnel: So many questions have been withdrawn that I am having difficulty in finding my brief.

I can only respond to the Member about the property owned and leased by the Department of Finance and Personnel (DFP), and that means the Government office estate, which is managed by the properties division of DFP. We have an accommodation plan that focuses on two areas.

The first is reducing the overall footprint, and, therefore, the operational cost, of the estate. That means that we vacate premises where, for example, it is possible to increase spatial densities and get more people working in the same amount of space, and, therefore, we can find that properties are redundant.

Secondly, within the budgetary constraints that we have, we prioritise the upgrading of the poorest accommodation. That, in turn, reduces the running costs of those properties. We have identified a number of major works that we want to carry out over the medium term. The DFP budget for that is fairly constrained. People ask me whether I, as Minister, show favouritism to my Department when it comes to the bids. The figures show that that is not the case. A bid was made for £50 million this year, but, because of the capital situation, £16.8 million was all that we could grant.

Mr Dallat: I would be the last one to accuse the Minister of being Mr Moneybags. The Minister explained where he has tried to make better use of property, and none of us can disagree with that. However, where it is absolutely necessary to upgrade or to provide decent accommodation for our workers, has he considered the private sector as a source of funding?

The Minister of Finance and Personnel: We have. In fact, if the Member recalls, we indicated during the Budget process, and in the announcements, that part of the capital that we hope to have available will come from looking at the government estate. Sale and lease back, for example, would enable us to get properties upgraded and to rent them back from whoever has taken them over. There are opportunities for that. It had been anticipated that Workplace 2010 would treat about 70% of properties in that way. That was not possible because of economic conditions, judicial reviews, etc, and did not happen. However, we are now looking at whether we could do it with individual parts of the estate, thereby improving accommodation, reducing the amount of accommodation that we need and getting better value for money. There is a downside in that, although that might release capital for us, there will be revenue consequences for Departments in the longer run.

Dr Farry: It has been said that the Minister is a much better Minister of Finance than he ever was a Minister of the Environment, but he has made a few mistakes in past weeks. Will the

Minister report to the House on what steps he is taking to promote energy efficiency in the government estate, particularly in light of the declining Budget and the need to find savings wherever we can?

The Minister of Finance and Personnel: I dispute the Member's assertion that I am a better Minister of Finance than I was a Minister of the Environment. I showed as much care for the environment as I do for the public purse. Let me put that on the record before the spurious myth that the Alliance Party is trying to spread about my role in the Department of the Environment some time ago gets around.

We already look at how we can improve energy efficiency. I do not have any figures for what we have done in respect of energy costs. However, regardless of one's views about global warming or whatever, it makes good economic sense to conserve energy and not to waste heat and energy in our buildings. That is one of the ways in which we can reduce the energy bill. One of the benefits of improving the quality of the public sector estate — the route that Mr Dallat tried to take me down with his question — is that we can include in the buildings the latest technology that will help us to conserve energy and to reduce Departments' running costs.

Adverse Weather Conditions

10. **Mrs D Kelly** asked the Minister of Finance and Personnel whether he will make funding available to Departments to help address the problems created by the recent adverse weather conditions. (AQO 830/11)

The Minister of Finance and Personnel: It is up to the individual Ministers to decide on, and identify, any additional funding that is required to address the adverse impacts of the severe weather conditions that we had before and during the Christmas and new year period. If costs have been identified, it is up to Ministers to see how the demands for additional expenditure might be met from within their existing budgets.

If costs have been identified, there is also the option for Ministers to put in bids in the February monitoring round for whatever resources might become available. However, given the experience of the past number of years, there is not likely to be a huge amount of money available. Indeed, even if there is money

available, I know of pressures that Departments have already identified. I would, therefore, not be hopeful about that option at this stage. I want to point out that no Minister has yet come to me with demands for additional cash. However, even if additional needs were to be identified, we cannot guarantee that those could be met in the February monitoring round.

2.45 pm

Mrs D Kelly: The Minister somewhat pre-empted my supplementary question. I was going to ask him to outline whether Minister Murphy in particular had sought any money for road repairs. Notwithstanding the difficult financial and economic constraints that exist, will the Minister outline where some of the inescapable pressures will be for Departments?

The Minister of Finance and Personnel: The detail of that question would be better answered by the Minister for Regional Development. However, I will say that — again, I hope that I am quoting correctly from memory — £3 million was made available to the Department for Regional Development (DRD) in the December monitoring round for structural maintenance. That brought the total available to DRD for structural maintenance in this financial year to £50 million. We have all seen the ravages and the impact of the severe weather on the roads in our constituencies, and the Minister has one or two options open to him. He may either reallocate money within his budget or make an application in the February monitoring round for additional money.

Traditionally, DRD has benefitted greatly from capital money that has been available at the end of the year, because it is one of the few Departments that is capable of spending large amounts of capital in the short time that remains after every February monitoring round. That has been the normal approach in the past. However, I do not know whether such a bid will be made or whether huge amounts of resource will be made available as reduced requirements in February. Nevertheless, that mechanism and approach are available to the Minister should he identify a need for road repairs.

Ms Lo: I wish to ask the Minister a question about the longer term. The recent water crisis was very much due to years of underinvestment in the water infrastructure. Does the Minister agree that there needs to be more investment in that? Does he also agree that it would be

imprudent for the Department for Regional Development to cut investment in Northern Ireland Water by 25% in years two and three?

The Minister of Finance and Personnel: I point out to the Member that the severe weather conditions experienced were unprecedented and were bound to have an impact on the infrastructure. Not all the burst pipes were old. Indeed, I remember looking at footage of some of the new infrastructure that was also affected by the severe weather, which had an impact on the water in the pipes and, thereby, caused damage. Therefore, let us not put it down purely to a lack of investment in the infrastructure.

There is, of course, a requirement for investment in the infrastructure. Indeed, the Utility Regulator has pointed out that work needs to be done. European demands will also mean that work will increasingly need to be done. I point out to the Member that Northern Ireland Water surrendered, I think, £24.9 million worth of capital in the December monitoring round, because that had not been spent in this financial year. DRD faces some pressures in years two and three of the next four years of spending because of severe reductions in capital. However, the allocation of capital moneys to DRD is still quite generous, and that Department is one of the better equipped when it comes to capital spend in the next four years. Of course, the Minister has the flexibility to move money around if he deems that investment in the Water Service has a higher priority than investment in some of the other areas for which he is responsible.

DfP: Staffing Reductions

11. **Mr O'Loan** asked the Minister of Finance and Personnel to outline the anticipated level of any job reductions resulting from his departmental savings plan and how these reductions will be achieved. (AQO 831/11)

The Minister of Finance and Personnel: The latest forecast, as set out in the Department's consultation document, which was published — let me make this very clear — on 22 December 2010, within the five-day deadline for savings plans laid down by the Executive, is a reduction of 90 posts as a result of the savings that are required over the next four years.

Of course, there is a difference between discontinuing a particular post and a member of

staff losing his or her job. Some of those posts will be lost through natural wastage or through turnover of staff due to retirement, resignation, moves to other Departments, and so on. Our statisticians have worked out that although we will shed 90 posts over the four-year period, we should not have to make any compulsory redundancies.

Mr O'Loan: I congratulate the Minister on getting his departmental spending plan out so quickly and on the fact that it was such a substantial paper. As an aside, the variation in the style, content and manner of the different departmental papers is a concern.

I will confine my remarks to the Civil Service, rather than commenting on the whole public sector. The non-filling of vacancies and redeployment raises questions about maintaining the integrity and quality of service across the Civil Service. How does the Minister feel that that can be managed over the next two- or four-year period? Will he give some assurance that we will get a better quality Civil Service, despite the financial constraints?

The Minister of Finance and Personnel: There is always a conflict between trying to retain the people who are already in jobs and making every post available for general advertisement and competition. That has always been the case and is not particular to this point in time. However, even with a freeze on recruitment, Departments can still make the case that if specialist staff or staff with the required skills cannot be found in the available pool of labour, those posts can be advertised. Indeed, from reading the newspapers, one can see that although we have encouraged Departments not to advertise all posts publicly but to try to reallocate or allocate posts internally, there are occasions when Departments have to advertise posts.

The organisation is big enough to ensure that there is enough movement and churn within it to get the people with the proper skills. However, there is always a safeguard. That is why there has been no general declaration on freezing all recruitment. Where specialist skills are required, it would be foolish for Departments not to look for them.

Mr I McCrea: The Minister will be aware that the Minister of Health, Social Services and Public Safety made a statement that if he had to make the cuts that are coming from the Tory/Liberal Democrat coalition, up to 4,000 Health

Service jobs would be lost. Has the Minister had an opportunity to assess the validity of those 4,000 job cuts, and are they, in his opinion, as in mine, pie in the sky?

The Minister of Finance and Personnel: At present, it is the job of all Ministers to try to be as responsible as possible in the face of what is a difficult economic situation. All Ministers have a responsibility, but especially one who belongs to a party that advocated voting for the Conservative Party, which imposed the cuts. He probably has a double duty to react responsibly.

A Minister cannot, on the one hand, walk down the street canvassing for a party that cuts costs and spending, and, on the other hand, doff the cloth hat and join the trade unions in protesting against those very cuts. The public sees through that.

The Member's question would probably be better addressed by the Health Minister. However, I become extremely uncomfortable when a Minister talks about enforced redundancies, especially for 4,000 people, but, when asked to give some detail, talks about it being a rough calculation. That does a disservice to staff, who become worried about whether their job is one of those 4,000 to be cut based on a rough calculation.

Mr Speaker: That ends questions for oral answer to the Minister of Finance and Personnel because the Members who were to have asked questions 12, 13 and 14 are not in their place. I have warned party Whips that Members, from whichever party, who put down questions should realise the resources that go into researching answers. If those Members fail to turn up in the House to ask their questions, they are treating the House — *[Interruption.]* Order. They are treating the House with total and absolute contempt. I have to say that. I have warned Whips of that in the past. Even today, questions were withdrawn, and Members did not turn up in the House and did not give the House a reason. That is wrong, and it has to be condemned.

Committee Business

Young People (16 to 24) Not in Education, Employment or Training

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

The Chairperson of the Committee for Employment and Learning (Mrs D Kelly): I beg to move

That this Assembly approves the findings and recommendations in the report from the Committee for Employment and Learning on its Inquiry into Young People (aged 16 to 24) who are Not in Education, Employment or Training; and calls on the Minister for Employment and Learning, in conjunction with his Executive colleagues, to ensure that the findings and recommendations within the report are reflected in the NEET strategy which is being developed.

It gives me great pleasure, as Chairperson of the Committee, to bring forward the report on its inquiry into young people not in education, employment or training, or NEETs, as such young people are collectively known. "NEET" is not an attractive label, but it is useful for the purpose of abbreviation.

The Committee for Employment and Learning has gained a reputation not only as one of the Assembly's hardest-working Committees but as one that actively seeks to move issues on and to develop policies in co-operation with the Department that it scrutinises. In short, this inquiry will move the issue of NEET young people on and has resulted in a strategy being started for them, which potentially makes it one of the more significant Committee inquiries undertaken in this mandate

I thank the Minister for attending the debate and his predecessor, Sir Reg Empey, for responding to our call for the issue of young people who are NEET to be addressed. I also thank the Minister's officials who assisted the Committee and numerous stakeholder groups that contributed to the inquiry and built up significant momentum on the issue. My thanks also go to the Committee staff, who

worked tirelessly to ensure that the inquiry was thorough and insightful.

The Department for Employment and Learning (DEL) was informed and involved by the Committee throughout the inquiry, and it accepts that it must take the lead in any cross-departmental NEET strategy. With the Executive's support, DEL officials have begun dialogue with other relevant Departments to start work on a NEET strategy. A stakeholder forum has been established that will feed into the strategy being developed by Departments, which provides an inspiring example of how effective an Assembly Committee can be.

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

Over the past couple of years, the Committee received briefings that highlighted the plight of young people who are NEET. Members were regularly presented with evidence that that group is continuing to grow, a situation exacerbated by the economic downturn and one that is not likely to improve significantly, even when the economy begins to recover more noticeably. That and other factors prompted the Committee to begin its NEET inquiry in February 2010.

I am not a fan of speeches that drip with statistics. However, it is worthwhile sharing some figures. The economic cost alone of youth unemployment in Northern Ireland is approximately £250 million a year. A Prince's Trust report concludes that unemployment in the 18 to 24 age group costs the UK economy upwards of £90 million a week. Youth crime presents a bill of a staggering £1 billion for the UK taxpayer each year. Depression caused by underachievement at school may cost the NHS in the UK between £11 million and £28 million a year.

The latest Labour Force Survey (LFS) figures for people aged 16 to 24 in Northern Ireland show that 18% of them are not in employment, government training schemes or full-time education.

3.00 pm

However, not only is there a financial cost, but there is a human cost. Members are acutely aware of the frighteningly high rates of youth suicide here. It is clear that those issues are linked. An unacceptably high proportion of our care-experienced young people also end up NEET. The essence of the inquiry has been to

discover who NEET young people are, why they find themselves in that situation and how best they can be helped and supported. Stemming the growth in the flow of NEET young people will ultimately reduce the pressure on resources later, when those young people may become economically inactive adults.

The Committee has been deeply moved by the stories it has heard, particularly when young people recounted their own experiences. From the beginning, the Committee realised that the core of any NEET strategy must involve Departments looking beyond their own remits towards greater collaboration. The NEET strategy must be about co-ordination, co-operation, multi-agency working, referral and collective accountability. All stakeholders must work together within a framework. Duplication is not always identified and dealt with.

Against a backdrop of spending cuts, the Committee is acutely aware that it is unlikely that significant additional money will be made available for a NEET strategy. Obtaining additional finance was not the Committee's focus when beginning the inquiry. Members wanted to create awareness and momentum and to build consensus on the way forward for a NEET strategy. Simply securing additional funds for individual groups to continue to work in isolation was neither the point nor an option.

Although the Committee draws conclusions and makes recommendations in the report, it will be the Departments and the stakeholder groups who will work out the fine detail of a NEET strategy and the framework that needs to be developed. The Committee believes that there is a window of opportunity that will close soon and must not be allowed to go to waste.

It is clear that NEET young people do not form a homogeneous group. It is also clear that being NEET has a tremendous knock-on effect on young people. It affects their self esteem, emotional stability and overall well-being. They are likely to be less happy with friendships, family life and health than those in education, employment and training. The characteristics and experiences of young people who are NEET and the barriers that they face are many and complex.

The inquiry highlights serious issues in our education system, which sees so many young people leave compulsory education with few, if any, qualifications and with a negative attitude towards mainstream, structured education

or training provision. The home environment and community context in which a child or young person exists is also likely to have a considerable impact on their attitudes and behaviours. Community representatives contributing to the inquiry suggested that deficiencies in parental support for education are a cultural issue. The situation is exacerbated by young people leaving school without any effective identification of their skills, options or opportunities.

Interventions for NEET young people should focus on general basic skills, with technical skills being introduced gradually as appropriate. Provision should also include personal and professional development skills and a preparation-for-work approach related to market or job opportunities. Interventions will generally be more successful when they are tailored to the needs of the individual.

Members also heard from a number of respondents who suggested that the current provision of careers advice and guidance in our schools and colleges is not always consistent or adequate. The Committee heard from the Careers Service, which has traditionally focused its efforts on pupils in year 12. However, there needs to be more intervention with younger pupils, particularly those in year 10 who are making decisions about their GCSE subjects. It was acknowledged that the tracking and monitoring of young people who are NEET is also an issue. The Committee was pleased to hear that the Careers Service is working closely with the Department of Education to try to overcome difficulties in sharing data.

We must undertake a transformation of the learning environment to make it more stimulating and to offer more flexible, personalised learning opportunities with appropriate recognition; greater recognition of underachievement and its causes; greater support for learners; more focus on developing employability in our young people; and a focus on outcomes.

The Committee has highlighted possible structures to bring together government and stakeholders to develop the NEET strategy. Those structures are relatively simple, comprising a forum for stakeholders, with the same structure for Departments and their agencies and bodies. The forums would feed into a steering group that would then develop and implement a NEET strategy.

The Committee makes 41 recommendations in its report, and I want to highlight a few key ones. The Committee recommends that those who develop the NEET strategy ensure that the pivotal role of mentors, key workers and support workers be deeply embedded in the systems of the strategy. The NEET strategy should contain robust systems for measuring, monitoring and assessing the achievement of its aims. The Careers Service should have access to all post-primary pupils in Northern Ireland, including those in alternative provision and in colleges. Access should not be denied by schools, because that reinforces an inconsistent and unequal approach to the provision of careers advice and guidance.

The Department for Employment and Learning should re-examine its programmes as part of the development of the NEET strategy and assess whether there are gaps in its provision that should be addressed. That should be done with reference to relevant stakeholders. Volunteering can and should be a key element of the NEET strategy, and the Committee recommends that those who develop the strategy examine its potential for incorporation.

The Committee recognises that study for GCSEs and A levels is not appropriate for all our young people. As a result, members recommend that those who develop the NEET strategy examine the reasons behind pupil disengagement in our schools and consider whether a 14-plus vocational route for young people in schools should be developed. Such a route should be regarded as equal in quality to the academic route and should contain agreed levels of English and STEM subjects. That route should connect with a continuation of education or training at college or university.

As well as making recommendations, the Committee reached a number of conclusions in its report. I will outline the key conclusions, beginning with participation and joined-up working. A NEET strategy must be based on the development of structures that encourage co-operation, collaboration, co-ordination, multi-agency working, well-considered referral, signposting and collective responsibility. The Departments, their agencies and other bodies must work with the community and voluntary sector and the various education sectors, including further education and higher education, and, indeed, business. That is

the only way in which a NEET strategy can be properly developed and managed.

Strategies without an action and implementation plan can easily wither on the vine. That is why the Committee will expect those who are involved in developing the NEET strategy to create such plans.

On educational experience, significant evidence was presented to the Committee that suggested that a negative experience of education was a primary cause for young people disengaging from the system. Members were encouraged to look at ways in which education in school could be made more relevant and stimulating for young people. To that end, a number of respondents to the inquiry suggested that a 14-plus vocational alternative to GCSEs and A levels be examined, as I mentioned.

I turn to social and economic factors. Young people who are NEET are not a homogeneous group. They are also more susceptible to external social and economic factors, and a strategy must take that into account. Interventions must not only be about individuals, but must encompass families and communities. Often, the barriers that young people who are NEET face are cultural and inter-generational. It may be the case that there is no family history of further or higher education, and, in some cases, unemployment can span the generations.

On mentoring and key workers, the provision of role models and the consistent presence of a key worker or support worker has made a huge difference to a large number of young people who had disengaged from the system. Young people who are NEET may not have any other significant adult in their life, and they desperately need that type of support from someone whom they trust and respect. Those role models must be at the heart of provision for young people who are NEET.

There is a real need for counselling and pastoral care provision to be improved in schools, colleges and universities. Often, at key transition points between sectors of education or between school and employment, young people are not able to find the necessary support that might help them to remain engaged.

Poor careers advice and guidance at transition points can result in wrong choices, which cause young people to disengage. Professional careers

advice and guidance should be available to all young people.

The Committee received overwhelming evidence during the inquiry that early intervention to support young people who may be at risk of disengagement at a later stage is sensible and cost-effective. Members suggest that prevention is considerably cheaper than the cure. Support in primary schools for those with literacy and numeracy difficulties is likely to pay dividends later.

Departments and stakeholders need to give consideration to information sharing and data protection and find ways that allow better recording of the interventions that young people receive, as well as better tracking of their progression. For a NEET strategy to work, there must be proper information sharing that allows a more complete picture of the interventions that a young person has received.

The Committee saw some excellent examples of the use of volunteering as part of NEET strategies in other jurisdictions. Members are aware that volunteering is used here, but the Committee believes that there is considerable scope for volunteering to be better used as part of a NEET strategy.

Where spending cuts and duplication are concerned, the current squeeze on public finance will be a further complication for those who are working on the development of the strategy. As I indicated, the inquiry is not designed to be an exercise in drumming up more funds for provisions for the group of young people in question. It is about collecting evidence of the need for a strategy, and, once that is secured —

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

The Chairperson of the Committee for Employment and Learning: — it is about becoming more focused on what a strategy should contain.

Education maintenance allowance must be protected for those who are most in need. There I end my remarks, Mr Deputy Speaker.

Mr Weir: As with a number of other members of the Committee, I was not there at the start of the inquiry; I joined the Committee in April 2010. However, I got a strong flavour of what was involved. I commend all those who have been involved in the production of the report. As

the Chairperson indicated, it is very substantive, with, I think, about 41 recommendations that cover a wide range of areas.

As the Chairperson indicated, the first step is to look at why the NEET issue is so important. Like the Chairperson, I do not favour the term “NEET”, but it is a lot better than the term “status zero”, which was used elsewhere. That seems to be an incredibly insulting term. As was indicated, once we get behind the statistics, we see that there is a very major incentive for us as an Assembly and a society to deal with the issue. That is because massive societal issues arise from NEETs. As was indicated, there is a whole host of reasons why the matter is vital. For example, young people are deprived of the ability to contribute productively to the economy, and there is an impact on issues of crime and suicide and on the Health Service and our education services. Beyond the impact on society as a whole, as the Chairperson indicated, the impact on individuals should be considered. Indeed, falling through the net and remaining outside the system can lead to a horrendous life for people and to a destruction of their life chances. That is why we need to tackle the issue.

A wide range of issues is covered in the report, so I will touch very briefly on a few. Where co-ordination is concerned, it is clear that a range of agencies need to be involved. In the first place, however, we need to get a clear indication of the scope of the problem. Although work in that regard is happening already, we need to see further improvement. There have been major advances in recent years in monitoring, particularly through the careers service, but we need to ensure that something is there to cater for everyone who is affected. We can do that only if we have robust data to allow us to deal with it in the first place.

Secondly, from a societal, an individual and even an economic point of view, it is undoubtedly the case that early intervention pays dividends in the long run. It is genuine investment to save. The links in the careers sides of DEL and the Department of Education are particularly important. As a lot of the evidence that was given to us indicated, young people who are likely to fall into the NEET category can be identified at a very early stage. Early intervention in primary schools, which, again, is happening but needs to be built on, can lead to the prevention of problems at a later stage.

3.15 pm

It is also undoubtedly the case that there is no magic-bullet solution to the problem. There is no particular thing that will, overnight, deal with all the problems facing NEETS. A cocktail of measures is required. In particular, one piece of evidence that became clear to the Committee is that a lot of good initiatives are happening on the ground. It is about sharing a degree of knowledge. In particular, in Northern Ireland, we saw — I think that it was representatives from the Strangford constituency, and my colleagues may refer to them later — good outreach systems in schools to tackle the problem. Again, there is a knowledge barrier. We need to make sure that information about good practice and what happens well in one area is spread across Northern Ireland.

In addition, the Committee conducted brief visits to a range of bodies in Scotland and Wales. There are initiatives that are happening outside Northern Ireland that we can draw experience from. We should not be so arrogant as to believe that all the solutions are available in Northern Ireland. We can learn from best practice elsewhere; perhaps, at times, we can learn what to avoid from the mistakes of others. It is critical for the future of the next generation that there is a commitment across the Assembly to tackling the issue properly. The report was drawn up with a high level of co-operation among all parties and everyone on the Committee and, indeed, with the co-operation of the Department.

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

Mr Weir: Consequently, I commend the report to the House, so that we can start to focus and bear down on what is a very difficult but important issue for society.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I want to take this opportunity to thank the Committee staff, the departmental officials and those from the community and voluntary sector for their help, support and guidance in the course of the Committee's inquiry into this important subject. I also want to give special mention to the young people who worked closely with the Committee over the past number of months. Without their input, we would not be able to put a human face on the issue. We could talk about statistics all day long, but talking to those young people

had a serious impact not just on me but on the whole Committee. We realised that, whatever they were going through, there is always hope because of the work done by the Department and the community and voluntary sector.

Like other Members and, I assume, the rest of the Committee, I welcome the report, because the Committee took on board the fact that the NEETS inquiry was one of the most critical and crucial pieces of work that it has done in a while. As the Chairperson said, we are not shy about coming forward on some of the social justice issues that impact on our community. On the back of what Peter Weir said, the NEETS issue is not just about young people not in education, employment or training; it is about the serious knock-on effects that that has on constituencies. It is about people having the sense that they have no future and no hope. I know from my constituency that you can touch on the devastating effects of suicide on some of these young people. So it is a bigger issue which touches a lot more people and issues.

Too often, we talk about young people not in employment, education or training as though it is their choice. It sometimes comes down to a personality clash with a teacher. Some people have issues in their home life, some are in care, and some go down the road of antisocial and anti-community behaviour and into criminality. So, when we talk about young people not in education, employment or training, it is not just a matter of young people who are bad. There are other reasons why kids are there. The issue is the lack of hope for the future, which leaves them prone to being targeted by people who want them to get involved in criminality. They can be prone to alcohol and drug misuse and so on. The devil makes work for a lot of idle hands out there. We need to target and focus on that.

It is not an easy task to reach out to young people or to people who come through second and third generation unemployment, but it is a critical one. The Minister has said a few times over the past few days that he believes that DEL is the “engine room” for the road to economic recovery. It is crucial that we look at the amount of young people who are NEET. If we talk about the engine room of economic recovery, we cannot afford to forget about this generation. In 20 or 30 years, those kids will have families, and, unless we break that cycle, there will be another cycle of young people who have no hope and no future and who do not see the benefit

of going into apprenticeship schemes or further and higher education.

The Chairperson mentioned a number of statistics and mentioned the more than 40 recommendations. It is important. The issue is not just a DEL one. Unfortunately, DEL has to deal with much of the fallout. It is important that there is an Executive response. I commend the previous Minister, Sir Reg Empey, who was open to all this. I know that the current Minister, Danny Kennedy, is willing to take it forward, but it is important that all Ministers play their part. We, as a Committee, are well aware of the fact that all Ministers need to play their part.

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

Ms S Ramsey: Career advisers need to get in at an early age and give proper career advice. That is not a DEL issue, but DEL can take the lead. As a Committee member who has been there from the start, I am proud to be part of this inquiry, and I commend the motion to the House.

Mr Lyttle: I also commend my colleagues on the Employment and Learning Committee for their work in bringing this important matter to the Assembly's agenda. I agree that the collaborative work that the Committee has facilitated between the Department and service providers is a good example of how the Assembly and its Committees can contribute to better outcomes for our community. I reserve particular recognition for the significant contribution made to the report by Committee staff.

We have heard that the consequences for our young people of disengaging with education, training and employment are severe. They include increased economic inactivity for society but, most importantly, have serious detrimental effects on individuals' health and well-being and lead to an increased risk of depression and criminal activity. I find the term “NEETs” less than flattering. The last thing that young people in this position need is further stereotyping, which unfortunately, has been exemplified by some.

It is right that our welfare system is a safety net and not a replacement for the positive benefits of education or employment. However, our elected representatives need to provide leadership on that issue, not demonise our young people. I am glad that our current Minister, as has been mentioned, is demonstrating a positive approach

to that serious matter. For all those reasons, it is only right that my colleagues on the Committee for Employment and Learning have shown leadership for our young people by conducting a full inquiry to better inform the Assembly as to how we might improve interventions to help young people to fulfil education, training and employment opportunities.

The Committee for Employment and Learning's NEETs inquiry has found that many community and voluntary sector organisations conduct exceptional work on behalf of our young people, and there have been some great success stories. Barnardo's and the Prince's Trust are obvious examples of such organisations, and, in my constituency, some great work is going on to connect young people with creative industries such as gaming and programming as ways to link skills acquisition with relevant and rewarding employment for our young people.

As has been mentioned, the key feedback from the inquiry is that, despite all this great work, we need improved co-ordination by Departments. There is significant support for the key recommendations of the report and agreement that, if we are to give our young people the assistance that they deserve, we need a cross-departmental strategy that sets clear aims and objectives and timescales in which to achieve them as a matter of urgency.

The report makes a number of specific proposals for the relevant Ministers to consider. It is clear from the feedback that improved early intervention in post-primary education is essential in identifying and addressing why a pupil is becoming disengaged at an early stage.

Another key piece of feedback was on the need for improved careers guidance. That has been mentioned a number of times, and the Department for Employment and Learning seems to have a robust menu of options for careers guidance teachers and professionals. However, concerns remain about how well those are being utilised across the board and about the lack of monitoring and tracking of the educational, training and employment outcomes that result. As has been said, that will, by definition, require co-operation between the Department for Employment and Learning and the Department of Education.

A NEET steering panel is a further recommendation of the report, and the community and voluntary sector has recognised

the need for a more collaborative approach at sector and government level, with the potential for improved outcomes. As was also mentioned, we will not resolve disengagement or youth unemployment overnight, and the report may not have all of the solutions. However, it is high time that we caught up with our counterparts in Scotland and Wales and made sensible arrangements for an improved and more co-ordinated response from our Government.

Put simply, our young people are the future of this society, and we have to provide them with leadership and with the opportunities that they need to make a contribution to it. Therefore, I join my Committee colleagues in calling for the Minister to use the findings and recommendations of our report to lead the delivery of a NEET strategy for Northern Ireland without delay.

Mr Newton: I thank the Committee, the Minister and the Department for this valuable report. I am pleased to say that, when I was on the Committee, I made a small contribution to the initial work. I come to the debate as an East Belfast MLA, as someone who is passionate about addressing the issues and, indeed, as someone with a real concern about the young people who have fallen out of the system and are in danger of becoming long-term economically inactive.

The statistics show that Northern Ireland has the highest level of economic inactivity in any region of the UK, and we cannot allow another generation of young people to be condemned to a life of inactivity and poverty. That is why I particularly welcome this inquiry and report by the Committee for Employment and Learning and the priority that has been given to the issue under the lead of the Department for Employment and Learning. I agree with the earlier comment that the importance of DEL must not be underestimated. It is an engine for driving the economy in the future.

The issues involved are complex and many, and preventing our young people from becoming NEET through better education and qualifications should be the driver for all of us to give them the confidence and desire to follow pathways out of their situation. That and tackling the barriers that prevent young people, such as those with a disability, from entering the workplace are just some of the key challenges that the report identifies as requiring action.

That will involve a range of Departments and the cross-cutting work of the Executive.

All research suggests that there are three significant factors in young people's becoming NEET: having few or no educational achievements; living in a household in which there is long-term poverty and long-term unemployment; and having a disability. Those are also the factors that make it most likely that a young person who is NEET will move into long-term economic inactivity. Of the young people who are most at risk and have experienced long-term poverty, 50% are still economically inactive after five years.

The Executive's key priority is to grow the Northern Ireland economy. The building of a better, brighter and shared future for all in Northern Ireland necessarily entails ensuring better opportunities for young people in education and training.

3.30 pm

Young people are the future business leaders and entrepreneurs who will drive the economy. Time and time again, it has been clear that the qualities and strengths of our workforce bring investment to Northern Ireland. The quality of our young people attracts that investment.

We cannot afford to ignore the cost that was highlighted by the Audit Commission. It suggests that every young person who is not in education, employment or training costs £160,000 in lost revenue and benefit costs. We cannot ignore that. We need to address the issue as one of economic development. That is why we need to ensure that the training and apprenticeship opportunities that we offer young people are relevant and will create economic growth.

Peter Weir spoke about the potential of the massive societal issues. We need to address those issues or we will see their outworking in the future. There is a link between child poverty and young people who find themselves not in education, employment or training. That is why I want to see the NEET strategy developed to feed into the child poverty strategy so that no child, young person or family is left behind.

The proposed new social investment fund could be used to develop projects that work with young people who are not in education, employment or training, to develop proven models of good practice, to re-engage young

people, and to make a tangible difference to young people in the most disadvantaged communities. The ministerial subcommittee on children and young people could act as a vehicle to co-ordinate whatever mechanism the Minister for Employment and Learning develops to move the strategy forward.

I thank the Committee and the Minister. The report is valuable, and I lend my support to it. I wish the Committee and the Department well in taking it forward.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. I welcome the report on the inquiry into young people who are not in education, employment or training. The report was initiated on the basis of the economic downturn and the high incidence of youth unemployment. Graduates who have first-class honours degrees face long-term unemployment. Youth unemployment doubled from 10% in 2006 to 20% in 2009-2010. It now accounts for the biggest percentage in the overall unemployment figures.

Not everyone grasps the term "NEET", as it is a mixed group: some are graduates, some have long-term illnesses or disabilities, and others are not in education, employment or training because of family break-up. I hope that the Minister takes on board that the issue of young people not in education, employment or training needs to be tackled. Hopefully, arising out of this report, the North of Ireland will have a strategy similar to those in Wales, England, Scotland and the South of Ireland.

Young people who are not in education, employment or training and who have no route into employment are left with a permanent scar, not just a temporary blemish. I fear that some of our young people face many years of unemployment.

The Assembly must address that. The Committee's focus in its report is not primarily financial. It is about trying to get systems in place to monitor and track young people. However, financial assistance and incentives, such as the educational maintenance allowance and the future jobs fund that operates in England, need to be available. The Labour Government committed £1 billion, I believe, to set up that fund. I am not sure where it stands now under the Conservatives. Such a fund is needed here.

There are also social costs to being NEET. A director general in the Department for Children,

Schools and Families put forward a telling statistic, and although it applies to England, it aptly describes the social cost here. His Department had carried out research over 10 years. He said that that research had made one profoundly shocking finding. Of those young people who were long-term NEET — those who were outside the system for a long period because they had been excluded permanently or had simply dropped out at the end of compulsory education — after 10 years, 15% were dead as a result of suicide or ill health. That is the social cost of being NEET.

We, as politicians, have a responsibility to try to address the problem of many young people disappearing from the education system, as some Members, such as my colleague Sue Ramsey, pointed out. The system needs to keep track of those young people. It can end up not knowing where young people in the NEET category are because they have dropped out. A cross-departmental strategy is needed. Many issues arise during early-years education. Some issues arise due to poverty and ill health. I hope that the Minister will take on board what is said in the debate and that we will see positive developments.

Mr S Anderson: I fully support the motion. I congratulate all my Committee colleagues for their hard work and achievements on this important issue. I also want to place on record my thanks to the Committee secretariat and to other officials, including those from the Department for Employment and Learning, and all those who presented evidence to the Committee during its lengthy consideration of the issue.

Northern Ireland, quite rightly, prides itself on its high academic standards. On this side of the House, we wish to see those standards maintained. However, there is another side to the coin. Like many Members, I do not like the term “NEET”. Nevertheless, it has caught on. It is a label that is now widely used to describe the growing category of young people who leave school to face life without any qualifications, skills or career prospects.

If things were bad enough when the Committee began its inquiry into the issue, they are now worse as the economic recession bites. Young people who are aged —

Ms S Ramsey: I thank the Member for giving way. I want to clarify his last point. Not all young

people who are NEET leave school without any qualifications. The Committee received a presentation — I believe that it was before the Member joined the Committee — from a young girl who had achieved something like nine A grades in her GCSEs. Therefore, some people who are NEET have great qualifications.

Mr S Anderson: I certainly take the Member's point. I believe that I can recall the presentation that she mentioned. Young people who are NEET find it much more difficult to attain skills. Any who achieve those skills are, certainly, to be congratulated. They need that great help.

As I said, the recession has made the situation much worse. Latest figures reveal that 18% of young people who are between 16 and 24 years old are categorised as NEET. That is totally unacceptable. It is also frightening. It leaves thousands of young people in utter despair. Social exclusion causes some to turn to drugs, drink and crime, and, tragically, as has been mentioned, to suicide. The Committee took evidence on those situations, which was moving and challenging. A NEET strategy is long overdue.

In the limited time that is available to me, I will concentrate on a couple of the Committee's key recommendations and conclusions. We have to face up to reality. In these times of austerity and cuts, the levels of funding that we regard as desirable will not be available, so we have to think more strategically. However, a lot can be done without additional funding. In that context, it is vital to have a joined-up approach at all levels. As Assembly Members, we and the Executive have a duty to set a good example. Key Departments must pool resources and work closely together and with agencies on the ground, and someone must co-ordinate and lead. The junior Ministers of OFMDFM are best placed to do that.

The inquiry also highlighted the need for early intervention. The Welsh NEET strategy correctly recognises the fact that there is clear consensus that, because most young people do not become NEET overnight, early identification and preventative work can reduce vulnerability and the need for future support.

Schools have an important role to play, and we should not wait until pupils get to secondary level. Primary-school teachers can identify literacy, numeracy and other learning difficulties at an early age, and remedial programmes, including pastoral care and counselling, can be

put in place. Such interventions would surely help to address some of the problems that manifest themselves later.

Greater care must be taken in secondary schools to maintain a counselling and careers advice regime that is designed to help young people to choose the right courses of study. I am keen to encourage our young people to attend university but I accept the fact that it is not for everyone. Sometimes, our schools are more concerned with league tables and such things than with what is best for our individual young people. Perhaps that is a bit harsh, but I am sure that Members know what I mean. I remember school advisers in my school days. We need more of that to guide our young people towards trades such as plumbing, electrical work and general building.

The conclusions and recommendations of the Committee's report mark the beginning of what could be a productive process, but it requires action. I look forward to hearing the Minister's response.

Mr B McCrea: I welcome the opportunity to speak on the report. As Members will know, I am not a current member of the Committee for Employment and Learning, but I was a member for some time. The Committee has been investigating a particularly important issue. I read the report with interest, and it was extremely helpful. Members will have accepted the fact that the current Minister, my party colleague Danny Kennedy, and Sir Reg Empey previously have been enthusiastic in contributing to and supporting the issue. It is an exemplar as a way forward for Committees and Ministers to work together.

Young people who are NEET do not suddenly emerge at the age of 16. Many of them have been travelling right the way through the process. We have to take action at all levels. Education is a key steer to help people, and, in that regard, I have just had a discussion with the Minister of Education about budget challenges. The Assembly must deal with the issue in a joined-up manner. The NEET issue does not fall only to DEL, although that Department may provide leadership.

One of the most disconcerting statistics that was presented to me was the fact that today's young people who are NEET are tomorrow's parents and that we run the risk of another cycle of NEET individuals. When we get some

good news about an economic upturn, we must recognise the fact that many people will undoubtedly have missed out completely. We must find a way to deal with that.

I will put this gently because my party colleague is the Minister concerned: aspirations are all well and good and identifying the problem is helpful, but the challenge is to find money to tackle the issue. Many Members pointed out the long-term loss and the annual cost of a NEET individual. If we are to act strategically, we need to allocate appropriate funds. That will require delicate, or perhaps robust, negotiation among Members from different parties as we try to find the appropriate resources.

3.45 pm

I am struck by the fact that recent figures show that 15% of 16- to 19-year-olds in Northern Ireland are NEET. That is significantly lower than the 25% in Wales and the 19% average across the United Kingdom. I know that other Members have used the statistics for 16- to 24-year-olds, in which case the differences between Administrations narrow slightly. However, it is still unacceptable that some 20% — over 45,000 — fall into that category, and we need to find a way of doing something about that.

Finding employment is the key issue. Who of us in here has not been inundated by people who come along with good qualifications and ask for a job placement or for this, that or the other? Everybody is trying to get some form of experience. The real problem for those who we might traditionally perceive to be NEET — it may be the point that was made across the Benches — is that, when the upturn comes, those with good qualifications, good education and good contacts will undoubtedly suck up the first jobs available, and those without any education, with few contacts or with a disability will be left behind. That is a really serious problem for us.

I will make the point for the sake of argument — I have been asked to make it — that not everybody who is NEET actually needs our attention. Some people are taking gap years, for example. We need to make sure that when we identify the amount of money that we put to this matter, we target it appropriately. All in all, the only real way to tackle the issue is to find some way of getting coherence and cross-cutting initiatives across Departments. We have to take the matter seriously, and I have no doubt that the Minister will do that.

While I was reading the Committee's report, in addition to the report that was previously prepared and presented by the Department to the Executive Committee, I was really pleased to see that there was a general recognition of the problem.

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

Mr B McCrea: That is the key issue, and if Northern Ireland produces its own specific plan for dealing with the issue, it will have the wholehearted support of me and my party.

Mr P Ramsey: Like other Members, it was a privilege to participate in and contribute to the inquiry over recent months. This is an opportunity to thank the Minister and Sir Reg Empey for their full co-operation and the departmental co-operation throughout the inquiry and also to thank our Committee staff for their diligence throughout. More important — as other Members have said — was the significant contribution from the voluntary and community sector, which, across so many different areas and difficult circumstances, tries to make a difference to young people's lives and to get funding for its operations. We have heard about the cocktail of funding that is required to do that.

We now have a report, and we spent considerable time looking at options and at recommendations. It is clearly not an issue for the Minister for Employment and Learning alone to deal with. It is for the wider Executive, collectively and collaboratively working together, to set the action points and delivery.

Young people under 25 have borne the brunt of the recession and have seen unemployment rates treble in the past year. Too many young people, even those with excellent qualifications, find themselves unable to gain employment and having to seek unpaid and voluntary work to gain experience until there are signs of economic recovery. It is clear now that that is a long way off. Wider youth unemployment should concern us all in the Assembly, because it can have devastating effects and consequences for individuals, their families and communities. The last time we saw unemployment levels like this, we lost a generation of young people to long-term economic inactivity, and it is essential that we do not let that happen again.

It is also essential that the Executive prioritise youth unemployment and are seen

to be prepared to address it. However, youth unemployment and being NEET are not one and the same. A proportion of young people are unemployed and do not have qualifications, skills and experience that are likely to lead to employment in the near future. During the recession, they may well have taken less-skilled and lower-paid jobs or be undertaking those jobs part-time while gaining further qualifications.

However, the young people for whom I have most fears are those in the core group of young people who are NEET — young people who face multiple barriers and difficulties, and for whom, without additional help, economic recovery is unlikely to bring improved outcomes.

Mr Callaghan: Does the Member agree that the community and voluntary sector has a particularly useful role to play in that type of intervention, especially given that it can provide cost-effective, timely and early interventions in tackling issues around youth unemployment and other problems identified in the report?

Mr P Ramsey: Most members of the Committee would concur with that. We saw a range of models of good practice across Northern Ireland that make a difference for young people. The Member's point is well made.

The most vulnerable young people who are NEET will not re-engage without additional help and support. However, we say to the Minister that it is not for him alone to deal with the matter. It is for the wider Executive team to come together in a meaningful way to make a difference to vulnerable young people across Northern Ireland.

The Committee felt that a mapping exercise was important in some areas, looking at an audit trail. We have good mapping exercises at present, but as a result of the NEET inquiry, we need a proper and effective strategy to look at mapping to ascertain the full scope and to determine the provision of interventions required.

Some Members raised the issue of the education maintenance allowance. It was clear from a number of contributions from the same groups that make that difference in Northern Ireland how hugely important the education maintenance allowance is for them. We heard about the financial difference that it makes in encouraging and stimulating young people back into education, and particularly the difference that it can make to young people at risk and their families.

I understand that the Committee will tomorrow hear a briefing on the review of the EMA from officials from the Department for Employment and Learning and the Department of Education. We look forward to that. The SDLP will strongly urge and insist that the education maintenance allowance continue to attract and to give assistance to the most vulnerable families and young people to help to provide a significant incentive for them to re-engage.

We heard how important access is for young people in rural areas. Specific challenges put them at risk of being NEET. The NEET strategy must be consistent with that. Transport was a difficulty for them. Financial support for going to further education colleges, particularly in rural areas, was hugely important, as were IT facilities. Broadband access and mobile phone coverage were highlighted by a number of young people throughout the inquiry. Childcare was another hugely important issue.

It is reassuring to see our Minister, Danny Kennedy, here.

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

Mr P Ramsey: I know how passionate he is about the subject, but we need the wider Executive to make a difference.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. The report on young people aged 16 to 24 who are not in education, employment or training is very important. Other Members made that point, and I certainly want to concur with them.

I want to commend, as other Members have done, all those who contributed to this sizeable report. It runs to something like 1,300 pages. An awful lot of work went into it. The Committee Chairperson and other Committee members referred to that point. The Committee heard briefings and presentations from many groups. The briefings from young people were particularly insightful. I also commend the Committee staff for the two large volumes that have finally appeared in print.

I want to touch on a couple of issues. The rationale for the inquiry, which is in the report's executive summary, was that the Committee wanted evidence to bring to the Executive so that the Executive would take control of this, see the importance of it, see the importance of

developing a strategy and, more importantly, see the importance of bringing that strategy to some type of fruition that would be meaningful for those young people who are not in employment, education or training. That was the rationale, which is, very helpfully, referred to in the executive summary.

Sir Reg Empey, the previous Employment and Learning Minister, has already been mentioned. The executive summary states:

"This need was also recognised by the former Employment and Learning Minister, Sir Reg Empey, who took his Department's ... scoping study to the Executive to seek support to the Executive to seek support for joint action, subsequent to the Committee beginning its Inquiry. The positive reaction from the other members of the Executive has allowed the Department to proceed. The Committee is pleased that the structures to organise those who will develop the ... strategy are beginning to establish themselves."

This is an important point, and it may have been referred to by the Chairperson. We might hear about it in the winding-up speech and in the comments from the Minister. What stage is that process at? It is important to know what stage that is at.

It was very positive that the scoping study was brought to the Executive. Junior Minister Newton was present earlier and made a contribution, which, in itself, was one practical step in bringing the strategy to some kind of positive fruition. Indeed, in the Committee's report, the very first recommendation on strategic issues is:

"OFMdFM Junior Ministers should fulfil this role as Children and Young People fall under their remit".

So, the Committee thought that out and made it the first recommendation on strategic issues. That is very important. The Employment and Learning Minister, Danny Kennedy, is also present. So, there has been some collaboration, even at the early stages.

I want to comment briefly on the situation in education. Throughout all the briefings and presentations that we had, there was a clear theme that something is not right in the education system. Many of the references were to post-primary education, but there are clearly some issues before it gets to that stage.

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

Mrs McGill: I just want to finish on this point. There is reference in the report to some young people who said that there was no respect —

Mr Deputy Speaker: The Member needs to finish.

Mrs McGill: No respect for them within the school system and elsewhere. That is a big indictment.

I very much welcome the report and commend it to the House. Go raibh maith agat, a LeasCheann Comhairle.

Miss McIlveen: The debate has focused on the very many young people in our community who have found themselves not in education, training or employment and the serious consequences of that for their physical, emotional and mental health.

I am not a member of the Employment and Learning Committee and never have been, but I have an interest in the area. As the last Member to speak before the Minister responds, and in an attempt to avoid duplication of what has been said, all of which I welcome, I want to specifically focus on a group of young people who face significant barriers and are at the highest risk of becoming NEET.

Recent research by the Department for Education in England found that young people who were NEET for more than a year were twice as likely to have a disability and that disabled young people who were NEET were at greater risk of moving into long-term economic inactivity.

That clearly links to the greater levels of poverty faced by families with a disabled child or adult.

4.00 pm

I very much welcome the Committee's inquiry report and the ongoing work undertaken by the Department for Employment and Learning to develop a NEET strategy. It is critical that the strategy links to good practice that is already in place and learns from it in moving forward. Last week, I visited Dr B's Kitchen, which is a social economy project run by Barnardo's in the heart of Belfast. It has been in existence for the past 20 years and provides training and employment opportunities in the catering industry for disabled young people who would otherwise be NEET.

According to the young people there, the key difference between Dr B's and other

programmes that they had been on is that it is not just the usual training situation in a contrived kitchen in a college but is, in fact, a working cafe that is open to the public. In Dr B's, the young people are expected to be able to cover all aspects of the catering trade, be it cooking, front-of-house duties or safety and hygiene. That gives them an opportunity to decide what they want out of life while their training hones in on their individual skills.

Dr B's has also given those young people the opportunity to undertake basic skills training and gain qualifications. It is essential that they are enabled to gain the independence that will allow them to find employment. Once they have gained confidence and a level of skill, all the young people can broaden out into other employment placements. They also have the support and assistance of a mentor, which is vital. The placements are as diverse as the young people themselves, with contract caterers and others in some of Northern Ireland's most prestigious hotels and restaurants.

I was impressed by the commitment and the enjoyment of the young people who I met. They all wanted to do better. They had entered catering competitions and had been successful, and, although that meant giving up their Saturdays and Sundays, they did not care, because they were doing something that they thoroughly enjoyed. Those young people had been disaffected and disengaged. Over 83% of the young people who go through the doors of Dr B's will leave and remain in stable employment. That is the kind of success rate that we need from programmes that work with young people who are NEET. It is clearly achievable with the right model and the right approach.

It would be remiss of me not to mention Daisies Café in Newtownards, which is in my constituency. It is a similar social economy enterprise, which provides training and employment opportunities for people with learning difficulties and mental illness. Again, the outcomes of personal development and opportunities and increased self-confidence and self-esteem are truly amazing. I encourage Members to visit both projects to see for themselves the great work and dedication of the trainers, to meet the trainees and, obviously, enjoy a cup of coffee.

As Members have recognised, the strategy is about addressing the outcome of educational underachievement. In that vein, I look forward to the recommendations from the Committee for Education, which is looking specifically at underachievement in our schools. The need for early intervention has been spoken of time and again in the Chamber, and, to cite an old adage, prevention is better than cure. I welcome the inquiry report and hope that it will lead to a strategy that will make a difference for the greater number of young people who are NEET.

The Minister for Employment and Learning (Mr Kennedy):

I very much welcome the opportunity to speak to this important motion and support it. Before I begin, I want to express my thanks to those members of the Committee for Employment and Learning and other Members who contributed to the debate on what is a vital issue for all our futures. I particularly appreciate the recognition in the report and in the remarks of Members of the work of the officials in my Department and my ministerial predecessor, Sir Reg Empey. As the report says:

"The momentum that has built up behind this Inquiry has been tremendous".

I commend the substantial work that was done by the Committee in articulating concisely the mountain of evidence that was provided throughout the inquiry. The thoroughness of the Committee's investigation and its pursuit of information and meaning in what is undoubtedly a complex area are also to be commended.

I am also gratified that the NEET scoping study into the numbers of young people not in education, employment or training, which was drawn up during 2009 and 2010 and which Reg Empey took to the Executive, has also been acknowledged as supporting the production of the Committee's report. I am very pleased to report that, based on that scoping study and with the support of Executive colleagues, my officials have already begun work with other Departments and stakeholders' groups to develop a strategy that will align well with the report's recommendations. I hope that that addresses some of the points that were made, particularly Claire McGill's. I will say more shortly about where we are and where we plan to go with that strategy.

I also applaud the progression from the scoping study to the Committee's report and the practical

work that is already under way in constructing a strategy. All that earlier work has helped to get us to the point where we can have a debate that is as constructive and well focused as today's. The House is at its best when Members of the House and the Committee, Ministers and departmental officials all work together. There are clear lessons for us there.

The report rightly makes the central thrust of the strategy abundantly clear. It:

"must be about co-ordination, co-operation, multi-agency working, referral and collective accountability."

It will require:

"all stakeholders to work together within a framework".

That is also my intended continuing focus going forward. I firmly believe that it is evidence of a spirit of collaboration, which is the bedrock of a successful strategy. The collaboration between Departments and the voluntary and community sector, among voluntary and community sector organisations themselves, and between my Department and the Committee, augurs well for the future success of the strategy.

I have no hesitation in agreeing with the motion. Moreover, from my perspective as the Minister for Employment and Learning, I will reflect the Committee's findings and recommendations as a strategic framework emerges and is developed further. Indeed, I will go further and suggest that we have already begun to formulate the strategy, which will take into account as far as possible what we have learned through the Committee's work. As an example of the two-way progression, my officials briefed the Committee in September and in return attended a consultation event in October that the Committee organised. As Members are aware, I am progressing our strategic approach on behalf of the other main Departments that have a key role to play in reducing the numbers of young people most at risk of falling into this category. It will be important to seek those Departments' views on any recommendations that fall to them, and I will ensure that that happens.

I turn to the Committee's report. My Department's overall aims and objectives help to set the scene for my initial response. DEL's role is:

"to promote learning and skills, to prepare people for work and to support the economy."

Our objectives are:

“to promote economic, social and personal development through high quality learning, research and skills training and to help people into employment and promote good employment practices.”

I believe that those are all very relevant to the subject that we are debating today, as is much of our current provision. That includes, for example, programmes such as Steps to Work; Training for Success; the work of the Careers Service; work with the Department of Education on the 14-to-19 curriculum; further and higher education provision; employment brokerage, advice and guidance through the employment service; and support for essential skills, which is very relevant for those young people facing this type of barrier.

Although we have a major role to play, we are not complacent, and we realise that there is more work to be done to help our young people. We also realise that we need to do that with other Departments. That was a consistent theme among all Members who spoke.

The strategic framework that we are formulating takes the DEL scoping study, which I mentioned earlier, as a major starting point. The study outlines the wide range of activities that are already being undertaken by Departments, the community and voluntary sector and other organisations such as local government, which the Committee report rightly references. The Committee’s recommendations on how to take the strategy forward through a co-operative and collaborative approach dovetail very well with the work that is already under way.

Since the Executive endorsed my Department’s lead in July 2010, the Department has undertaken a considerable amount of work. My officials have undertaken a series of bilateral meetings with the principal service-delivery Departments to elicit their views on the mechanism and development of a strategy and action plan. Those meetings have been positive and confirmed the recognition that greater coherence is required across Departments and delivery organisations to maximise their impact on reducing the number of young people in this category. Further, more detailed, contributions from other Departments now flow from that engagement. My Department has also engaged substantially and productively with representatives of the community and voluntary

sector, whose constructive and insightful contribution has, in turn, been very welcome.

Aligning our comprehensive emerging work with the Committee’s recommendations will, of course, require further work and consideration. The report contains a great deal of information and many recommendations — 41 in total. I will highlight three of the report’s key findings, which give an overall flavour of where we are heading as regards reducing the numbers of young people who are not in education, employment or training. Initially, I will concentrate on generic recommendations about the content of the strategy that deal with building a potential framework for further joint working.

Even at this point, I stress, and I hope that you are beginning to see, that our work so far has already put in place many of the building blocks. We will consider the recommendations positively as the strategy develops. I also want to emphasise the crucial issue of collaboration. As I have indicated previously, my officials are involved in successful collaborative working arrangements or relationships with the community and voluntary and sector, which has been very enthusiastic and receptive. We are all engaged in building that collaboration further with encouragement and support. That is being done, in particular, through a NEETs strategy forum that is being facilitated by Barnardo’s.

As the report indicates, that work is crucial in dealing with the issues, as non-governmental organisations have a key role in reaching individuals whom mainstream organisations find hard to reach. Indeed, almost by definition, those who are alienated from the institutions may be reached only by those who operate outside formal government agencies. In constructing the emerging strategy, we are building on that vital and practical work, and we will continue to do so.

We have planned a pre-consultation meeting with the forum as part of our process of engagement and participation. That should be organised and take place over the next few weeks. Moreover, my officials have been in contact, individually and collectively, with organisations that work in the sector, including Children in Northern Ireland, the Youth Council, and Participation Network. As highlighted in the Committee’s report, we anticipate that the work of the sector will be crucial to the better co-ordination,

sharing, and collaboration that is required and, ultimately, to the success of the strategy.

Collaborative work is vital when we take one of the main factors into account: young people who are not in education, employment or training are not a homogeneous group. The Committee makes that point clear again. The barriers that they face can be multiple and compound, often involving complex personal circumstances. We will target the causes for those at most risk to better co-ordinate effective actions.

4.15 pm

The Committee report proposes structures comprising a forum group for stakeholders, with the same structure for Departments and their agency bodies to help to co-ordinate those actions. The findings and recommendations are broadly consistent with current departmental thinking. However, they will, of course, be subject to consultation and further consideration in the formulation of the strategy to ensure that they are fit for purpose.

I will quickly touch on the issues of information and tracking that the Committee rightly highlighted. Rigorous and meaningful information will make a crucial contribution to informing us as we look at ways to further reduce the number of people who are in the NEET category. We need to know better which young people are most at risk of disengaging and about their history, characteristic and needs, and then, as far as possible, support them individually. Given the importance of that strand to the strategy, my officials are investigating the current data requirements of the tracking system used in Great Britain. I want to see what similar information is available in Northern Ireland and where information gaps exist.

I agree that a lot of the evidence, not least from the scoping study, supports the fact that the circumstances that affect young people's participation between the ages of 16 and 19 often have their roots much earlier in life. That was a point well made by a number of Members. Most people readily agree that young people are strongly influenced by the aspirations and norms of their families, peers and communities. That indicates that, if we are to reduce the number of young people who are not in employment, education or training, we will need to take into account prevention measures.

I have reams of speech-making material. However, I wish to quickly thank Members for their contributions, all of which were very constructive and useful. Specific points were mentioned by, in particular, the Chairperson of the Committee, who led the debate, Sue Ramsey and Chris Lyttle. I was pleased at the contribution from Robin Newton, albeit in his capacity as an East Belfast MLA. However, given that he is a junior Minister, I think that that means that we can look forward to co-operation and collaboration with other Departments. I also thank Paul Butler, Sydney Anderson, my party colleague Basil McCrea, Michelle McIlveen and Claire McGill for their contributions.

I believe that we will move forward together. I intend to bring this report to Executive colleagues, because it is important for other Departments to have an opportunity to consider the recommendations. When we have completed our draft strategic approach document, I also plan to take that to the Executive to gain their agreement before releasing the document for public consultation as soon as possible thereafter. I am confident that we are well on track to produce an agreed, successful strategy. I thank all those who have worked with the Department on this important issue. I commend the Committee for its good work and look forward to working with it in the future.

The Deputy Chairperson of the Committee for Employment and Learning (Mr Bell): A lot of what has been said could be characterised by our saying to young people that we are taking them very seriously and are offering them a second chance, because we believe that no young person in Northern Ireland should have to live without self-esteem, inspiration and the motivation of proper training, education or employment. That is the goal that we strive for. We recognise the sense of shame felt in Northern Ireland because of the fact that almost one in every five young people is not in education, employment or training, which is wrong.

To me, devolved government is at its best when it recognises a problem, does not shy away from that problem and tries to bring about solutions. If we make a difference to any one of those one in five young people out there, and create the conditions, which I have no doubt that Northern Ireland has the skills set to create, to bring them back into education, back into training and into sustainable employment, the House will have done its job.

The Chairperson, with her customary eloquence — indeed, fragrance — outlined where there are many deficiencies in parental support for our young people and correctly identified the issue of young people in our care system. Many young people are in care through no fault of their own and have been victims of sexual exploitation, emotional abuse and neglect. In many cases, that drives young people psychologically to go in one of two directions: in the direction of overachievement or, sadly and more often, in the direction of underachievement.

The Chairperson brought to the forefront looked-after children, who are key among our young people not in education, employment or training. She also mentioned research into the pathways for young people at the age of 14. The careers that young people who do not go down a purely academic route at age 14 choose are equally valid, equally necessary and play a role of equal importance in our society as those chosen by young people who do go down the academic route.

I put on record our thanks as a Committee to the Chairperson, Dolores Kelly, and to Sue Ramsey, who chaired the Committee in my initial time on it. I also thank the former Minister, Sir Reg Empey, and Minister Kennedy. I also thank the Committee staff, who themselves have a skills base, knowledge and experience from their previous careers, which they brought to the table with a lot of energy and enthusiasm. They made comfortable the young people who came to speak to the Committee and, therefore, helped with the person-centred nature of our report, which, as Sue said, is based on what the young people told us and on their real experiences. It was their skills set that brought validity and authenticity to the report. We thank them for that.

Mr Weir talked about scoping the problem and achieving robust data. As Mr McCrea pointed out, it is not just about missing out those children on a gap year or volunteering programme, but about getting a robust system in place so that children stay in focus. If they drop in, we will know when they have dropped in, and if they drop out, we will know when they have dropped out. That way, we can measure effectively and come back with data.

As a former Chairperson who led the Committee, Sue Ramsey mentioned that the needs of young people must be front and centre. When I had the privilege of coming to the House, the

first Committee meeting that I attended was in Lisburn at the Lagan Valley Island Conference Centre. There, we met a young person who had educational skills and the certificates to prove it. However, the problem is that some of our young people are self-medicating, whether that be with cocaine, temazepam, diazepam — the blues and yellows — or alcohol. Young people, even those with real educational ability, can get caught up in that, and it is those young people whom we must look towards. The joy of Lisburn that day was that we saw a young person who had been caught up in that, but who had, with help and support, managed to come out of it and get back into full-time training. That was an inspirational time.

Sue brought to the table the idea of the poverty of aspiration. Some of our young people, whom many of us worked with in previous careers as social workers, teachers, and so on, aspire to disability living allowance (DLA), aspire not to work and, at times, aspire to create the symptoms of mental illness to achieve DLA. That is the poverty of aspiration that Sue mentioned, and that is what we have to tackle head-on. That is where the Minister is absolutely correct in his response, and where DEL has been proactively working to ensure that those young people are placed at the engine room of economic recovery.

As has been pointed out, it is not a question of whether we can afford this report in these straitened times. With youth unemployment costing £250 million a year, it is more a question of whether we can afford not to have it. Chris Lyttle warned against demonising young people, many of whom, whether or not in the care system, are more sinned against than sinners. It is not a question of giving them a handout; it involves their non-demonisation and the leadership, which he talked about, in giving them a hand up.

It is welcome that both junior Ministers are present for the debate. However, junior Minister Robin Newton hit the nail on the head when he said that this society cannot afford to lose another generation. If the report only gathers dust, that is all that it will have done. We must move now. As someone said, if it takes a week to cut down a tree, two days should be spent sharpening the axe. In this case, the axe has been sharpened, and we must use it.

Our future businesses and entrepreneurs are, in many ways, key, and the necessary skill sets will be found in the creativity and ability of young people currently defined as NEETs. If the report's recommendations were followed, we would love to say to so many of those young people that, to quote Alan Sugar: "You're hired".

Junior Minister Robin Newton brought the child poverty agenda directly to the table. We have to look at that and at the good work that has been undertaken by Save the Children and others. The Minister asked not for yesterday's problems but for solutions, and there were some solutions in what he said about addressing the social investment fund. As Paul Butler said, not doing so will become a scar on the lives of many young people. The social cost of depression is estimated at between £11 million and £28 million. That includes the social cost of young people without hope who self-anaesthetise on all forms of chemicals, and, sadly, some young people commit suicide. That is why Sydney Anderson said that we needed to look to the Welsh model, to co-ordinate what we do and to intervene to address the key strategies of literacy and numeracy.

Basil McCrea was correct to say that we should target resources directly where they are needed, with a proper map to get young people out of the system. Pat Ramsey underlined the relevance of the social and voluntary sector, and we can all quote many examples. In my area, that includes the Link Family and Community Centre; the work of family and childcare social workers; the work of the community-based Youth Justice Agency; and the churches, with their BBs, GBs, Sunday schools and youth clubs. All provide something that says to those young people that they have something of value. Whichever church, social or voluntary organisation is involved, often at their own expense, whether in the north, the south, east or west, we salute their work.

Claire McGill brought into focus the practical steps needed to take forward such work. Michelle McIlveen brought to bear her expertise in addressing how disabled young people end up in poverty. It is not, as she rightly said, a question of reinventing the wheel. It is a question of learning from good practice, of which there are numerous examples. One such example is that of the young girl who gave a good presentation on how she came out the other side. She did so by finding the mentoring support to work in the

Kitchen bar in Belfast. She got at job at which she was talented and the hours of which suited her creativity. In her, we saw a young person whose life had been transformed through education, employment and training.

It is, as Minister Kennedy said, about taking that proactive approach to employment and learning. It will be warmly welcomed that DEL is ahead of the game in being receptive to the report's recommendations, which, as he said, reflects the House at its best and recognises the work of non-governmental organisations.

Today, I plead that we seize the day and the opportunity — the sense of *carpe diem* that the report provides — by allowing our government to be joined up so that the right hand knows what the left hand is doing right across Departments.

We appeal to the parents, grandparents, caregivers, uncles and aunts, foster carers, social workers and church leaders who support and help young people.

4.30 pm

I was inspired by a story from when Minister McGimpsey was Minister of Culture, Arts and Leisure. It centres on the 'Unlocking Creativity' document; I do not know whether Members remember it. A professor of education lectured on it, and I will never forget him saying that he was going to give the example of a person that everyone knows, a highly successful millionaire comedian. The professor related the story of that person's educational underachievement at school. He related how a teacher had told him that he had something of value and that, instead of disrupting the class, perhaps he should write down his jokes and use his creative skills to record them. That young person decided that he had something of value, because someone told him so. A teacher recognised that spark of creativity. The professor asked people to raise their hand if they knew of Lenny Henry. Everybody put up their hand. He then asked people to raise their hand if they could name the English teacher who told him that he had something of value. Nobody could.

People in Sunday schools, the BB, the GB, youth organisations or cub scout movements tell our young people today in their schools and homes that they have something of value and that they are making a difference. We encourage that collective and holistic approach.

We will hear more tomorrow about the educational maintenance allowance. That issue was underlined by Pat Ramsey. That point, as many of us who have worked with young people know, can make the difference between a young person deciding to stay on at school or not. We appreciate that the Minister has been given a smaller cake than he might have expected and there are only so many ways that he can slice it, but, as Pat Ramsey said, we need to look at that very carefully.

We are in the age of second chances. The House can make a difference and provide a devolved response to the one in five of our young people who are affected. We will not look away from the cost of youth crime, estimated at £1 billion a year, and we will not spend £250 million keeping them out of employment when we could redirect resources into bringing them back into it. We will help to signpost them; we will provide them with all possible career guidance; we will put the pastoral, emotional and mentoring support all around them. We will recognise volunteers in our society and provide sustainable opportunities in the future.

It is now for us to take the report and put legs on it and continue to drive it at every part of government. We must ensure that, at the end of our time, we will not be looking at statistics of one in five of our young people not in education, employment or training.

Mr Deputy Speaker: Your time is up.

Question put and agreed to.

Resolved:

That this Assembly approves the findings and recommendations in the report from the Committee for Employment and Learning on its inquiry into young people (16 to 24) who are not in education, employment or training; and calls on the Minister for Employment and Learning, in conjunction with his Executive colleagues, to ensure that the findings and recommendations within the report are reflected in the NEET strategy which is being developed.

Motion made:

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

Adjournment

Glengormley Town Centre Regeneration

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 approximately five minutes.

Mr McCausland: The debate has been prompted by the concerns of traders and businessmen in the Glengormley area. It has also been prompted by the publication of a draft Newtownabbey regeneration strategy and by recent meetings in the Glengormley area at which the issues raised by traders and businessmen in the community were discussed.

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

The village of Glengormley was once a thriving business area. It was once a strong, vibrant village with a strong commercial core. Since then, we have seen an immense amount of housing development in the surrounding area as Glengormley has expanded. However, at the same time, the range of businesses in the heart of Glengormley and the available retail offering there have declined. Even in the past few weeks, shops in the area have closed and businesses have moved.

We have seen a proliferation of hot food outlets in the area. Although those are businesses and they are welcome, it is not a healthy retail mix when there is such a concentration of hot food outlets. Driving or walking around the area, one can also see the number of vacant premises. That, again, is a sign that things are not as they should be. The remaining traders and businessmen are concerned about the retail offering and the future viability of the area.

One of the issues that impacts on Glengormley is the number of major shopping centres nearby. There is a major retail concentration in the Abbey Centre area, as well as shopping provision at the Northcott shopping centre. We all know the impact that such major shopping centres can have on adjacent or nearby smaller commercial centres. There is a tendency for business to be drawn into the major centres and

out of the smaller retail areas. That has been exacerbated by parking difficulties in the area. We are in an age when people want to be able to park almost outside the door of a shop. That is the big attraction of the shopping centres: people go into the car park, and they are there outside the shops.

It is clear from looking at the area that there has been a lack of investment over the years, and there is a feeling among traders that the area lacks a sense of identity and focus. A number of those things have been picked up in the draft regeneration strategy. In November 2009, the previous Minister for Social Development announced funding for a regeneration strategy for Newtownabbey, Glengormley and Ballyclare. Since then, the Department, Newtownabbey Borough Council, Glengormley Chamber of Commerce and Ballyclare Chamber of Commerce have been working together to bring that strategy to the point of near completion. It is in two complementary parts: one for Ballyclare and one for Glengormley. There seems to be a consensus that the Ballyclare element is fine and appropriate and that people in that area are satisfied. However, there are some concerns about the Glengormley section, and some little bits of work still need to be done.

There are some very good things in the strategy. For example, it identifies clearly the opportunity to develop a focus on leisure. It recognises the opportunity for Glengormley to become a leisure-focused area that meets the needs of the very large area adjacent to it, namely north Belfast. That is highlighted in the strategy, and it is an area for potential opportunity and growth. The strategy also acknowledges that Glengormley would become a leisure and service destination, rather than a town centre. It would become, as the report says:

“a destination of choice and a focal point for the surrounding communities, providing an accessible and convenient range of high quality leisure and entertainment, banking and professional financial services.”

It is clear that there is already significant leisure and entertainment provision, including a cinema, bowling and so on. There are also quite a number of professional financial services. That is legitimate, in so far as it goes. However, I suggest that, although the report is overwhelmingly good and to be welcomed, there are some weaknesses that could be addressed to make it even better. There should be some

reference to a strong statement about a shared and better future for the area. In the past, there were difficulties around sectarianism and so on. Fortunately, those have diminished substantially, but a strong and positive commitment to the creation of a shared and better future in Glengormley would enhance and strengthen the report. That should be a cross-cutting theme across all areas of activity.

There are some errors in the report that need to be corrected. Reference is made to a restaurant and bar outlet called the Thunderdome, with the suggestion that it should move across the road to another location. However, the owner indicated that he does not want to move; he is quite content where he is. There is also mention of the PSNI station being a development opportunity. At the last meeting, the police stated clearly that they intend to remain there. Correcting those minor errors would enhance the report.

References to the future retail offer need to be refined. It should be more than just local services, financial services and convenience stores. We should not sell the area short. We acknowledge the fact that some types of store will gravitate towards the major centres. Nevertheless, there is a market for niche shops that could be met in Glengormley. For sustainability, a good diversity of shops is needed to ensure a good retail offer.

There is also a failure to acknowledge one of the advantages of Glengormley. The report states that the two centres are interrelated hubs that draw on a single catchment area. It is true that there is a common catchment area, but, as was already mentioned, Glengormley also has the benefit of being able to draw on north Belfast in a way that Ballyclare cannot for leisure and retail markets. I have lived most of my life in north Belfast. To be honest, we would not normally think of shopping in Ballyclare because it is some distance away. However, someone who lives in north Belfast may well think of shopping in Glengormley. Many people do. That additional advantage that Glengormley has requires greater acknowledgement.

Nevertheless, it is clear in the report and from meetings with the traders that some things could be done very quickly. Certainly, work needs to be done to improve the appearance and attractiveness of the area. Mention was made of cleansing, lighting, the general

appearance and the shopfronts. There is an opportunity to link into the fact that Glengormley is a very short distance away from Belfast Zoo, which is one of the biggest tourist attractions in Northern Ireland. Day after day, it draws a huge number of people throughout the year. If people visit the zoo, perhaps they will wish to do other activities in the area afterwards. Glengormley should seek to draw on that.

Marketing, branding, a central focus and a sense of identity are needed. At the moment, the sense is of some place that one drives through, not of a place with a sense of community identity. That is to do with the appearance, available activities, marketing and branding of the area. That could be addressed in the short term.

Traders are concerned. A number of them have said that they cannot afford to wait. One trader stated clearly that, if nothing is done, Glengormley could become a ghost town in two years' time. Surely there is a sense of urgency in that plea. There are also medium-term considerations. It has been indicated that a report could be produced on the parking needs, the road network, the walk-ability, the need for good design and the importance of Glengormley being safe and attractive for pedestrians and drivers. Surely, work on a report focusing on parking and the roads network could be accomplished within the next 12 months.

4.45 pm

There are also long-term development opportunities, especially around the leisure offer, and there are important development sites with the potential to bring greater vibrancy and life to the area. The Living Over the Shop (LOTS) project could bring more life to the area and increase the viability of shops so that the owners of premises would have income not just from retail businesses on the ground floor but from renting out flats above. If work could be done to ensure that the Planning Service was more accommodating to the Living Over the Shop scheme, it would benefit traders and bring life to the area.

The local business community must be at the heart of what is done to regenerate Glengormley town centre. The local council, Newtownabbey Borough Council, has a central role to play, as do several Departments, including DSD, with its remit for regeneration; DOE, which is responsible for certain planning issues — the

proliferation of hot food outlets has been highlighted as an issue by traders; and the Department for Regional Development, which is responsible for roads and lighting. Furthermore, we should look outwards, possibly towards opportunities for European funding for some of the projects identified in the strategy. Therefore, a holistic and co-operative approach is required from local traders, the council and Departments, and we should also look to benefit from opportunities in Europe.

I wanted to highlight regeneration issues in Glengormley, and the opportunity for all political parties to contribute to the debate is a good thing. We cannot allow the area to become marginalised. We want to keep the focus on it, and I believe that the opportunity afforded to us by the draft strategy and its implementation will be good for Glengormley.

Mr Deputy Speaker: Owing to the number of Members who wish to speak, each Member's contribution will be confined to four minutes.

Mr McLaughlin: I thank the Member for securing the topic for debate. He gave a full and accurate assessment of the master plan. I also welcome the attendance of the Minister for Social Development, Mr Attwood. I appreciate his interest.

The point has been made that Glengormley is an established and well-defined community. However, it is in need of a strategic commitment from the Assembly and local government, and Newtownabbey Borough Council has indicated that it is ready and willing to introduce some short-term programmes that will be good for the morale of the area. However, we are realistic enough to know that that is not the answer to all the problems.

In a sense, we have a 1960s-style development — 50 years old — so there is an argument for improving infrastructure and traffic management arrangements, which are seriously detrimental to the long-experienced and entrepreneurial dynamic in the community. Local people have demonstrated that they can do business and that they can meet challenges, including the general challenges of the economic downturn. However, they are being let down by services that can be delivered only by government, and government resources can be marshalled only by operating in line with a strategic commitment. Clearly, none of that can be fixed overnight.

The master plan identifies strengths and weaknesses, and Mr McCausland pointed out a number of elements that were criticised at public meetings. However, it would have been surprising if the master plan had avoided those local dynamics. In a sense, it has already achieved its first strategic objective in that it has created and encouraged a very lively debate and a breadth of opinions and solutions.

Glengormley needs to see a demonstration that the Government have a vision of growth there. As well as investment in business — not cosmetic change but investment in the infrastructure that will support and encourage further investment — the area needs the community to grow. We need social housing as well as private housing, and we need to give Glengormley its own character, not just as an adjunct of Belfast or, indeed, north Belfast. People there view themselves as somewhat distinct. Encouraging developments in Ballyclare should not be seen as a threat to Glengormley but as an encouragement, because of the vision that has been deployed. I congratulate all who were involved in that process, including those who brought forward substantial investment in the roads infrastructure as well as in housing. If practical measures such as those were also applied to Glengormley, they would provide very significant benefit.

I welcome the Minister. I am watching the clock and will not abuse the patience of the Deputy Speaker. However, I am glad about today's debate and about the wide attendance of Members from both Assembly constituencies that have a direct interest in the well-being of Glengormley. I give my personal commitment to continue to work in that direction.

Mr Kinahan: I welcome Minister McCausland's raising this matter. All of us here see similar problems throughout many other areas in our patch, whether in Crumlin, Doagh, Antrim or Ballyclare. I urge people in Belfast who do not think about it to come to Ballyclare to shop. Now that a great chunk of Glengormley is no longer in my patch, I want to say, "Glengormley, we miss you".

Many of us have heard much about the master plan and much about the problems that there are. Glengormley is one of the main routes through to Belfast for those who are avoiding the motorway, and, since I was a child, I have watched it change from a thriving neighbourhood

to what it is today. In the past, people drove through it; now they can bypass it. It is too easy to forget what is there. We know that there are 48 takeaways there and that another two are planned. We know that it has many parking problems. We know from other people that it has overzealous traffic wardens, with one side trying to keep the other side happy. We know that there is little there for the youth. We know that there are many problems there, yet we know that it still has high rates.

My concern about a master plan is that we do not want it merely to raise hopes. We want it to be a master plan that drives and succeeds. It should not be there as a placebo to show that we are trying, as an election gambit for all of us or as a dream. It should be there for all of us to work together to change things. During my brief experience in politics over the past six years, I have seen many master plans. However, very few of them get down to the detail. Many of them miss out on speaking to everybody. We have heard great things about this master plan and heard about many people in the community who have been talked to. However, there are always people who are left out or missed. Whether through the council or the Department, we have to find ways of talking to and listening to everybody. That is a challenge to all of us. We must keep reviewing how we are doing it to make sure that we are getting to everybody. Departments need to keep reviewing the consultees, and councils need to keep thinking about how to get to people. For example, in Doagh, the council tried to speak to everybody and found it extremely hard. We needed evening meetings, day meetings and complete and thorough door-to-door leafleting there. The council did not have the resources or the time to do that. However, it illustrates the point that we must get to everybody, listen to everybody and make sure that we succeed in the end.

Some 20 years ago, I got involved with a group called the Prince of Wales Community Planning Body, which was led by the very able John Thompson. He had helped to sort out a chunk of East Berlin and other planning areas in Vienna, London, Aberdeen and, much more importantly, on the Shankill. They had a system that I would like us to think about when considering how we use a master plan in that they got all the people who can make the decisions into a building over five days. That included planners, those responsible for water, the Housing Executive and community groups. They did that so that they

could discuss everything and carry it through. They discussed in groups until 3.00 am until they had a plan that everyone owned. That happened quickly.

We heard that one of the traders said that we cannot afford to wait. We need to look at how we can do things a bit more dynamically and a bit faster so that we achieve the end product. The master plan system is fantastic —

Mr Deputy Speaker: Draw your remarks to a close.

Mr Kinahan: — but it needs a really good wind-up, because we want to ensure that we really achieve things. Let us keep reviewing and see how we can do it better.

Mr Burns: I thank Nelson McCausland for bringing the debate to the Floor of the House. It affects the two constituencies of North Belfast and South Antrim, although what we used to refer to as Glengormley village is in North Belfast. The days when anyone referred to Glengormley as Glengormley village have long since past; it is very much a suburb of Belfast and is on one of the main arterial routes into the city. It links the Sandyknowes roundabout, going right down the Antrim Road, into the city. It is part of a major bus route, with regular Metro buses.

Traders in Glengormley are getting it extremely tight, and the recession is biting deeply in the area. Nelson McCausland said that we do not want Glengormley to turn into an area purely for hot food carry-outs. The traders who are trying sell goods during the day do not want Glengormley to have only a night-time economy. The whole place shuts during the day, and, at around 4.00 pm, it all reopens into hot food carry-outs.

It is not that there are not enough people in Glengormley. The one thing about Glengormley is that it there is a huge population in Glengormley itself, as opposed to Ballyclare or, to a lesser extent, north Belfast. I refer to Glengormley's uniqueness. There are enough people there, but there are huge shopping centres, including the Abbey Centre and the Northcott shopping centre.

One of the things that I find difficult about Glengormley is parking. I welcome the master plan, and I know that a lot of work is being put into it and that parking is being considered as part of it so that Glengormley is not made into

a drive-through area. People will stop and shop there, but they should not see it purely as a place for driving through.

The zoo is a huge tourist attraction. People have to feel that they are able to go into places in Glengormley, and I am not talking only about McDonalds. People take their children to the zoo, go to McDonalds and drive home. There has to be something more to attract visitors to Glengormley and spend money so that the traders can make a living out of it.

I support those traders, and I do not want to see them go out of business. They have a genuine problem, and they see that they need investment in Glengormley and a new master plan to spruce it up and make it more attractive.

5.00 pm

Mr Ford: As someone who has been representing Glengormley in this place from 1998 and will do so until May 2011, I congratulate my North Belfast colleagues, especially Nelson McCausland, for having recognised the existence of what will now be part of their constituency. In doing so, I declare my interest as a business tenant and ratepayer in Glengormley, where my constituency office is located, though I may have to move it after May.

Any regeneration scheme has to look at a number of key areas: it has to encourage a thriving local community; it has to protect and restore the local character of an area; it has to support existing local businesses at the same time as encouraging new businesses; and it has to create a safe and secure environment for shoppers, shop owners, local residents and people who use the other services. The work that is being done in Glengormley seeks to do that, and I welcome that.

Nelson McCausland outlined at great length the key points of the regeneration proposals, which are vital to seeing the master plan carried through for the benefit of Glengormley and all its people. We need to pay close attention to one point that he highlighted, which is not in the master plan, and that is the need to develop Glengormley as a shared space, as part of our shared future.

People who live in the general Glengormley area come from a wide variety of backgrounds. They come from a number of different areas in the sense that Glengormley is a mix of old

Glengormley, with people who remember it when it was a small village surrounded by fields and farms, of people who moved out around the 1950s, mostly from Belfast, and of people who have come from further afield in more recent years as it has developed as a suburb. However, one of the key things about Glengormley is that it is an area where people from different backgrounds mix, as those of us who canvas the streets of Glengormley find by the political responses that we get on different doorsteps. That is to be valued and welcomed, and it is something that the regeneration of the village should continue to play a key part in.

Significant issues need to be addressed. I am not going to repeat everything that colleagues have said, but there is clearly a significant need to build up private investment from outside and from existing businesses. However, in the unlikely event that we will see things such as rates relief for people who invest in an area such as Glengormley, there will also need to be public realm investment, whether through DSD, whose Minister is here today, or through some of the work that needs to be done by DRD or other Departments.

There are significant planning issues. We have already seen the problems that have arisen from the excessive number of hot-food takeaways, but there are other issues that need to be addressed by the Planning Service. The retailing policies that have allowed the overdevelopment of places such as the Abbey Centre to the detriment of existing town centres such as Glengormley are a continuing problem.

We need to see further developments through the Living over the Shop initiative to help to develop a mixed-use area, which is vital to ensuring that there is a business buzz during the day and at night. We need to address issues such as parking and traffic management. All those key issues will have to be addressed if we are to make progress in the Glengormley area.

Recent public meetings have brought traders and others together with public representatives and with those who provide services, which is a good sign of what is possible. The most recent meeting that I attended was probably one of the most encouraging in respect of constructive engagement, rather than what can frequently happen, which is that a meeting degenerates into rows with officials. That has to be welcomed.

Glengormley suffers because of its proximity to Belfast and the Abbey Centre, yet, as the natural centre of a community of more than 30,000 people, it ought to be capable of developing, and the master plan should show the way forward. The people of Glengormley, especially the traders, deserve better than they are getting at the moment.

Mr Humphrey: I congratulate my colleague Nelson McCausland for securing this afternoon's debate. For many years, the area in and around Glengormley has been suffering an onset of creeping dereliction and blight, and that has started to accelerate at some pace, with the loss of established family businesses. Most recently, a large supermarket chain pulled out of the area. A concerted effort to get to grips with and to seek to address the area's problems is, therefore, not before time. I welcome the fact that the Department for Social Development, in collaboration with Newtownabbey Borough Council, has brought forward a draft regeneration strategy for Glengormley. I, too, welcome the Minister's presence in the Chamber.

The fact that the plan is being put in place is positive in itself. It will provide a planning context, albeit more of a guideline, to support interventions by the public and private sectors in the area. The plan will also provide a context to ensure that key stakeholders in both the public and private sectors are engaged in a common cause for Glengormley's future.

Rightly, the draft plan highlights a number of key issues that must be addressed if Glengormley is to prosper as a destination. The dominance of the roads infrastructure in the area is a major obstacle to people who want to use local shops and amenities. The proposal to introduce a more walkable local environment is extremely important. The availability of accessible car parking is vital in that context. I understand that the Minister for Regional Development will visit the area in the not-too-distant future, and I welcome that. The intention to improve the streetscape with public art, and so on, is also welcome, as that will significantly enhance the sense of place and provide a feeling of community safety.

Recognition of the area's potential as a "go to" leisure destination, which builds on the strengths of existing successful businesses, such as the Movie House cinema, the bowling alley, and so on, combined with several strong

local eateries, is also extremely welcome. However, as other Members said, there is a proliferation of such eating houses.

Perhaps of greatest importance is the identification that Glengormley lacks a sense of place. As it does not have a town centre, it does not have the type of focal point that is common in town centres, such as the square in Ballyclare. As Mr McCausland said, the distinctive marketing of Glengormley is essential. It is, however, with some concern that I continue my contribution. The current suggestion is that a local focal point be created at the top of the town at the junction of the Antrim Road, the Ballyclare Road and the Hightown Road, which is known as the "old centre". That would support local retail services, and a larger leisure destination would be created by the redevelopment of the industrial estate and adjacent lands at Glenwell Road to the south of the town. It is critical that the leisure destination element of the plan supports the focal point area, so that retail outlets and other businesses located in the north can benefit from the generation of visitors in the area.

To that end, the current suggestion that Thunderdome, which is extremely successful, should be moved into the leisure area flies in the face of all reason. There is not enough room to locate all the complementary businesses on the Glenwell Road site. Why, then, would we even countenance moving it there? Indeed, as Nelson mentioned, the owner of the cafe opposes that proposal.

The many vacant properties on the eastern side of the Antrim Road, from Church Road onwards, include the Lidl store, which closed recently. There is also an expanse of derelict land on the opposite side of the road. That provides a perfect opportunity for making a sense of place. Such an opportunity should be explored as part of the process as it moves forward.

The current draft of the plan undersells Glengormley as a destination of choice. The document's emphasis is on how Glengormley functions as part of Newtownabbey. With respect, that is somewhat short-sighted. As other Members mentioned, 300,000 people visit Belfast Zoo. Glengormley should be marketed as part of north Belfast and the greater Newtownabbey area. The basin that surrounds it provides great opportunities. It is important that traders, council and government collaborate to the benefit of people in the area, particularly the traders.

Mr G Kelly: Go raibh maith agat, a LeasCheann Comhairle. I suppose that the nature of Adjournment debates is that there is quite a lot of repetition. I will try valiantly not to do too much of that. I want to thank Nelson for bringing the topic to the House, and I welcome the Minister to the Chamber. Many Members who are present today attended a good meeting with traders. Traders have had a forum for some time, and, at that meeting, I suggested an inclusive association to strengthen their lobbying of government.

It is significant that Glengormley is on the border of two constituencies and that we have so many at this debate. The master plan has great potential. The other day, someone said to me that the difficulty with master plans is that they are a wee bit like confetti: there are a lot of them about. I think that Danny Kinahan pointed to that as well. We have to try to get into the detail, but there are difficulties with the lack of detail.

Nelson McCausland centred on leisure and the ability of the area to become a centre for leisure to which people could travel. Housing is also a substantial part of this, but it is not clear whether the plan is talking about private, social or mixed housing. Perhaps the Minister will make that clear.

Over the past few years, developers have done a lot of private development in the Glengormley area and in other parts of north Belfast. However, we have quickly found that, as they were doing so, they did not deal with the infrastructure. That, therefore, led to sewerage problems and a lack of drainage, for instance, in parts of north Belfast and in other places in the North. That made things difficult. There was also a lack of other amenities, which a number of Members have mentioned.

A number of Members mentioned interfaces. We have been lucky in this area. A lot of hard work is being done. Some Members, councillors and interface workers have worked hard to ensure that we do not have the same type, or at least the same magnitude, of problems that there have been in other areas, but there are still issues. The approach to dealing with those issues, at a strategic and a local level, is with multi-agency working. Such an approach has worked, and is working, in other areas. We should approach the issue from that point of view. The meeting that I attended was an example of that. A number of statutory bodies,

as well as all the political parties, came along to try to move the process forward. That is the best way to go forward. Out of that, we need to realise that there is a need for youth work and community cohesion. Other Members have mentioned the need for more intercommunity action and dialogue in different forms, and that can be in respect of shared spaces or a shared and better future. Those developments are clearly what we need to move this process forward. We have an opportunity, and the meeting that I was at showed the possibilities.

Will the Minister address whether the master plan was an inclusive process? We are talking a lot about parking. I have written to DRD about the roads network and about the Minister going up to have a look at it. Were other Departments involved? The traders and others talked a lot about planning. Part of the concern about housing is that they cannot open up the area above shopfronts for apartments, for instance. I argue for that.

A number of issues were raised about fast food and the associated cleaning, policing and job creation, among other issues. All that is down to how we approach this. I think that Danny Kinahan mentioned bringing everyone into the same room and trying to move the process forward in that regard. If we move together, we can make a big difference to this area, so let us do that.

One last point: there are no councillors in the Chamber, but there are some ex-councillors. The issue of rates was mentioned on a number of occasions. People at the meeting said that they could try to bring in all the trade that they wanted to Glengormley, but that it becomes a difficult prospect if there are lower rates in Belfast.

5.15 pm

Mr Girvan: I thank Nelson for bringing this topic to the Chamber for debate. I think that I have heard Glengormley mentioned more times this evening than it has been in the past 12 years. *[Interruption.]* I know that David disagrees with that.

There is an opportunity to engage on aspects that are of benefit and interest, not only to the traders, but to the community. The opportunity to bring forward this draft plan, as it is now, has allowed the debate to take place.

That said, I can only reiterate and agree with some of the points that were made. However, one aspect needs to be addressed: lack of car parking is a major issue in Glengormley. There is a 30-foot wide footpath in one area of the town and no car parking along that side. That could be looked at in co-ordination with the public realm approach to deal with aspects that we dealt with in Ballyclare in the past. We need to look at Glengormley to see whether we can make it an attractive place for people to invest in.

It is not all doom and gloom. There have been positives, and we welcome major investment into Glengormley. Recently, there was major investment of more than £7 million in the development of a garage space with retail units in the centre of town, and we welcome that. However, street lighting needs to be improved. Those issues need to be discussed with the relevant body to ensure that we bring them forward in a cohesive and deliberate fashion.

A plan was produced several years ago that has sat on a shelf since. I would like to think that the draft plan that we are discussing today will, when the relevant amendments have been made, become a working document, not just an aspiration, and will deliver substance and benefit to the area.

Glengormley has suffered from having a major road driven right through the middle of the town, and there are issues that need to be looked at, such as creating a one-way system or pedestrianising certain areas. Other areas seem to be no-man's land — unkempt places for which nobody is sure who has responsibility. Do they belong to the Department for Regional Development, the council, the Housing Executive or Roads Service? They need to be tidied up to make sure that they do not add to broken-window syndrome: if a broken window is not repaired, there will soon be several more.

I speak as a representative of Newtownabbey Borough Council. We have some commitment from the council that it will take on board some aspects at a very early stage to try to tidy up. I have some concerns about the process that DSD engaged in with traders in Glengormley and the funding that allowed that project to go forward. I know how we did it in Ballyclare. It was taken on board and delivered by elected representatives who spoke with the traders on a one-to-one basis. I cannot say that the same

happened in Glengormley. It seems to have been bought into by a small number of people.

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

Mr Girvan: We need to look at how that process was carried out.

Mr A Maginness: I welcome the debate. The problems affecting Glengormley arise from three different sources. One is that it has fallen between two stools geographically — between the greater Belfast area and Newtownabbey. It has become, in effect, a commuter town. Therefore, it has lost its sense of identity and sense of place, which Mr Humphrey mentioned. Moreover, it has been the subject of unplanned and piecemeal development. A lack of good planning has resulted in a mishmash of development, and the real commercial and retail centre of Glengormley has been lost through bad planning.

The one thing that is required is a strategic plan to address that issue.

For many years, Glengormley was a good and successful retail centre. However, developments in the greater Belfast and Newtownabbey areas, the Abbey Centre in particular, have drawn custom, and retail trade has declined in the Glengormley area. One is not criticising the Abbey Centre; that is just a consequence of its success.

Therefore, Glengormley must, in many ways, reinvent itself. The master plan being developed by the Department for Social Development, in partnership with Newtownabbey Borough Council, should and, I think, will be the driver for the strategic redevelopment of Glengormley. I wish it well, and, under Minister Attwood, it will be a priority, and it will be driven forward. Newtownabbey Borough Council, which has played an important role in all of this, is strongly committed to the development of Glengormley. Importantly, at least two important statutory authorities, the Department for Social Development and the council, are driving that agenda.

Newtownabbey Borough Council is to spend £100,000 on a range of short-term measures to promote the commercial centres of Newtownabbey, Ballyclare and, in particular, Glengormley. That is, perhaps, not a tremendous amount, but at least it is money to be spent on upgrading Glengormley.

I wish the master plan well. I hope that it will be unveiled soon and implemented vigorously by the Department for Social Development. I am confident that, with ministerial support, it will be driven, and it will bear fruit.

The Minister for Social Development

(Mr Attwood): I join my colleagues in thanking Nelson McCausland for tabling the Adjournment debate. I also thank all those who contributed to the debate. It is probably pretty rare for 10 Members and four Ministers to contribute, in one way or another, to an Adjournment debate. That should at least give a higher profile to the development of Glengormley village.

One consequence of being the Minister for Social Development — it was the same for my predecessor and will be the same for my successor — is that I get out and about around the towns and urban centres of Northern Ireland, which enables me to see the ongoing difficulties for trading opportunities on the front line. I understand the difficulties that the Glengormley traders are suffering, because I have seen them in many other town centres around the North.

I am a firm believer in master plans, much more so than before I became Minister. If we are to achieve a balanced regeneration of Northern Ireland and a prosperous community and economy, master plans must be a key element of the strategy. Master plans are essential for a number of core reasons. First, the retail experience and conditions have changed in the North over the past number of years, especially after the ceasefires. Since then, there has been growth in out-of-town trading opportunities and greater investment in city centre trading opportunities. As a consequence of that change in the retail pattern, there is a risk that town centres could be put under pressure.

Secondly, I asked officials to outline how many of our town centres that suffered grave damage as a consequence of the conflict have master plans. There is a very strong correlation between the town centres that now have master plans and those that suffered as a consequence of the bombs and terror that went on for 30 years. Master planning and the regeneration of town centres is a legacy of conflict and should be understood in that circumstance. For those reasons, and for all of the reasons that have been outlined in respect of the Glengormley

trading experience, I am a very firm believer in master plans.

However, there is a multitude of master plans; upwards of 24 or 25 around the North. That demonstrates a commitment by government — the Executive and DSD — to the need to regenerate out-of-town centres. It is a strategy that is beginning to work. In Newcastle, because of the public realm, footfall has increased by 300%. In the public realm outside the Guildhall in Derry, the public realm in Ann Street in Belfast and those in Armagh, Downpatrick and Antrim, one can see how public realm and town centre investment has improved the trading environment, has improved footfall — including tourist footfall — and has led to new businesses opening and old businesses being sustained.

Mr Humphrey: My intervention is about the example that the Minister gave of Ann Street in Belfast. There has been tremendous improvement to the streetscape there, but I am sure that the Minister will agree that the work took a huge amount of time and caused a lot of frustration for traders. It is important that, whenever the work is done, it is done in consultation with the traders and is done to a timescale that is favourable to business and trade.

The Minister for Social Development: I acknowledge those points, as well as those made previously that town centre renewal, or Belfast city centre renewal in this case, needs to be expedited and needs to accommodate the ongoing trading opportunities as well as plan for the future.

The Ann Street example is a good one, because a prominent businessman in Northern Ireland realised that there was going to be an improvement in the public realm in Ann Street and opened a pizza parlour there around the same time as the work on the public realm had finished. He did that because he realised that there would be more footfall and a better environment and his business opportunities might be assisted as a consequence of the improvements. That is a small example — one of many — of how investment in public realm is a key economic driver.

Town centre renewal and city centre renewal, on a pound-for-pound and job-for-job basis, is one of our primary economic driver and needs to be considered in the context of all the economic interventions, whether they are through INI or

any of the other initiatives. What is the hard and real value of town centre renewal as an economic driver? Is it one that should, as I believe, be considered for a greater profile?

There was nothing in any of the contributions that I could argue with. The profile and character of Glengormley has significantly changed. As Members have indicated, a lot of that is down to the growth in housing. I will pass the points that junior Minister Kelly made about housing to the Department of the Environment (DOE) and the Department for Regional Development (DRD). Issues with sewers, water supply, planning permission and how all of that fits in with the character and profile of an area are relevant, given that the substantial housing development in the Glengormley area has been private rather than social in nature, and I will pass them on to the DRD and the DOE.

5.30 pm

The point about Glengormley is that, given that the profile and details of the issues that are faced in that area have been well outlined, including the comment that the area lacks a sense of place, it invites a necessary response from government, the council, the local chamber of commerce and others. That is why my predecessor initiated a master planning process for Glengormley even when it was clear that the master plan for Glengormley village needed wider ownership, given that concerns had been raised by local traders.

My Department, the council and other stakeholders went back to the traders in the latter part of last year, and others have done so in the early part of this year in order to hear their views, accommodate their interests and try to re-profile the draft master plan in a manner that would get approval from the local councils and be a good way to move forward. That process demonstrates that the particular and acute needs of Glengormley are being acknowledged and that the draft master plan is being reconfigured to acknowledge the needs of the trading community in the area. I hope that, after Newtownabbey Borough Council goes through its necessary approval processes — I hope that that will happen this month — it will endorse the master plan, and that, in the early days of next month, we will be able to issue it.

I want to make some upfront comments about where we are going to go. First, as Members have indicated, there are a number of sites in

Glengormley village where businesses have stopped trading or the sites have been left vacant. I am actively looking at extending the reStore initiative to Glengormley village so that, although we wait for the day when there may be more private investment in the neighbourhood, we profile the frontage of the village in a way that makes the area more attractive and may stabilise the trading environment.

Secondly, I will make a commitment that, in going forward post-master plan, we will undertake a transport assessment. It is self-evident that, given the roads profile in the area, there are a lot of issues to do with the roads, car parking, traffic flows, signalling, car-parking bays and the full spectrum of car and pedestrian issues. In the context of the master plan, we will undertake a transport assessment to determine what the consequences of development would be and what other interventions there might be to assist in mitigating the car parking and traffic issues in Glengormley village.

Thirdly, I want to acknowledge that the council is up front in investing some moneys in environmental improvements. That is a very healthy intervention and will be a useful way of going forward.

Fourthly, I noted that one of the contributors to the debate recorded the fact that the Minister for Regional Development is going to visit the area in the near future. We will work with the Minister for Regional Development on any wider traffic initiatives that may be necessary to accommodate the trading environment in Glengormley.

There is a healthy understanding in all the towns and areas that now have master plans and in those that will have master plans that they are not quick fixes. They are programmes and agendas that are rolled out over five, 10 or 15 years. In the context of the capital budget that all Departments face, the acknowledgement that master plans have a lifespan of five, 10 and 15 years needs to be more fully appreciated. However, I will be making announcements about a number of master plans for other towns around Northern Ireland over the next two or three months. Given the comments that I have made about Glengormley, I hope to be able to ensure that those initiatives, as a first phase response to the master plan as outlined in this debate, will be taken forward.

I want to acknowledge the comments about shared space and public realm. Glengormley, on one or two occasions in the past, has had an unfortunate reputation. The comments in respect of shared space are well made, and I will reflect on them further.

I welcome this debate. It is timely for Glengormley and gives some greater profile to the issue of master plans generally. I look forward to the release of the master plan in the early days of next month. I have made commitments tonight; I will try to honour those and move them forward. As to the Budget over the next four years and the wider roll-out of the Glengormley and Ballyclare master plan, in the remaining days of my life in this Ministry, I will pay due regard to any and all of the proposals therein. I trust that any successor will do the same.

Adjourned at 5.35 pm.

Northern Ireland Assembly

Monday 24 January 2011

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

Members observed two minutes' silence.

Assembly Business

Committee for Finance and Personnel: Chairperson

Mr Speaker: I inform Members that Ms Jennifer McCann resigned as Chairperson of the Committee for Finance and Personnel with effect from Wednesday 19 January. The nominating officer for Sinn Féin, Mr Pat Doherty, nominated Mr Daithí McKay as Chairperson of the Committee for Finance and Personnel. Mr McKay accepted the appointment. I am satisfied that the requirements of Standing Orders have been met and, therefore, confirm Mr McKay as Chairperson of the Committee for Finance and Personnel with effect from Wednesday 19 January.

Ministerial Statement

EU Fisheries Council: 13-14 December 2010

Mr Speaker: I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement to the House.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh míle maith agat, a Cheann Comhairle. With your permission, Mr Speaker, I wish to make a statement about the outcome of the autumn negotiations on various fisheries matters and, in particular, the Fisheries Council held in Brussels on 13 and 14 December 2010, which determined fishing opportunities for 2011.

Prior to the December Council, fellow Ministers and I met and consulted our respective industries to determine the main negotiating priorities ahead of Council. I also met Sean Connick TD, Minister for Fisheries in the Southern Government and, at the end of November, Commissioner Damanaki, when I was able to put directly to her my concerns about the initial Commission proposals.

I had agreed three main priorities with our stakeholders: to resist the proposals for separate quotas for the nephrops functional units in area VII; to secure Commission commitment to a fundamental review of the cod recovery plan; and to secure an increase in the herring quota. The top priority, as it now seems to be every year, was to resist the Commission's proposal to introduce spatial management arrangements for area VII nephrops and to minimise any cut to the total allowable catch (TAC) for that species. There was strong opposition from other member states to the Commission's management proposals for nephrops. My Southern counterpart,

Sean Connick TD, and I articulated that to the Commission and presidency during the negotiations.

As a consequence, the Commission withdrew those proposals but then, disappointingly, proposed a 17% decrease in the TAC for area VII. I told the Commission that that was grossly unfair to our fleet operating in the Irish Sea, which fully fishes its quota on stocks that are being fished sustainably. Furthermore, a cut of that magnitude would have a devastating impact on our processors and coastal communities, which have little alternative economic activity and, therefore, depend on that key stock.

The unfairness of the Commission's proposal stems from the way in which average landings figures for other nephrops grounds in area VII are used to arrive at the total allowable catch. That skews the overall assessment and unfairly penalises the member states that fully fish their quota. For example, landings by the French fleet, mainly from grounds in the Celtic Sea, represent less than half the French annual quota. In those circumstances, even a cut of 17% would make no difference to the fishing patterns of the French fleet.

The next compromise document from the presidency proposed a cut of 12%. That was rejected, and I continued to press for a lesser cut in the subsequent negotiations. Initially, 5% was offered. However, the Commission and the presidency were persuaded to move further, and the final proposal voted through was for a 3% cut. The British and North of Ireland quota now stands at 7,137 tons, most of which will be taken from the Irish Sea. After banking surplus stock from 2010, it is expected that fishing opportunities will be similar in 2011.

The Commission will again push for further reductions next year to bring the overall area VII total allowable catch down to maximum sustainable yield level. I again fear that our fishing opportunities will be affected by the prevailing circumstances in nephrops grounds outside the Irish Sea.

The Commission has accepted the need to carry out a fundamental review of cod recovery plans, and we have made it clear to the Commission that a fresh approach needs to be taken that reflects the circumstances of each zone rather than a simple one-size-fits-all approach. However, as we prepare for that review, it will not be sufficient to say that the current approach

is unacceptable; we must ensure that we have viable, alternative proposals to building depleted stocks.

I will now move on to Irish Sea herring and other pelagic stocks. In spite of very good scientific indicators of a healthy and expanding stock, the Commission initially offered only a rollover for Irish Sea herring. I argued that the evidence that had been provided from the work undertaken in partnership between the industry and scientists justified an increase, and, eventually, a 10% increase was agreed. It is normal practice for our producer organisations to make in-year quota swaps, and, as a consequence, practically all the available Irish Sea herring quota is fished by local vessels landing into the County Down-based processing sector. Just before Christmas, Agri-Food and Biosciences Institute (AFBI) scientists convened an experts' meeting in Belfast to develop a draft long-term management plan for that stock. That will be brought to the Commission in 2011, and I hope that the plan will be used to determine the total allowable catch in future. Having a plan in place will also mean that the industry-led Irish Pelagic Sustainability Group will be able to make progress in getting a Marine Stewardship Council (MSC) accreditation for the fishery, which is becoming the benchmark for a sustainable fishery and a prerequisite for entry into many markets.

The Clyde herring quota has still to be decided. However, the Commission has introduced new arrangements that allow member states to determine the quota if an entire stock lies within that member state's waters. The western mackerel total allowable catch, which is determined by external negotiations between the EU and other coastal states, was reduced by 12%, with the British and North of Ireland quota dropping to 150,870 tons in 2011. The big issue on mackerel remains the unjustified quota declarations by Iceland and the Faroe Islands. All Ministers with an interest in that stock had lobbied the commissioner strongly, and I welcome the commitment that she gave at Council to taking strong action to defend the interests on mackerel fleets in these islands.

The science indicates that Irish Sea cod, sole, and whiting stocks remain in a poor state and received significant cuts. The original proposed cut of 50% for cod was reduced to 25%. Some cod quota may be obtained from Ireland to offset that which was lost through invocation

of the Hague preference mechanism. Whiting suffered another 25% reduction, and sole was reduced by 3%. However, the quotas for those stocks are small, and neither is overly important to the local fleet.

The scientific advice for haddock was not as good as in previous years. A 15% reduction was proposed, but a reduction of 8% was negotiated. The TACs for anglerfish and plaice were rolled over for 2011. Although the plaice stock is still very healthy, the Commission had concerns about discards in that fishery and therefore decided not to offer an increase.

The cod recovery plan also triggered a further 25% reduction in fishing effort measured in kilowatt days for 2011. That will have most impact on the residual white fish sector, which will also see a further 25% cut in area VIIa cod as well as an 8% cut in VIIa haddock.

For the nephrops fleet, it is likely that many vessels will continue to comply with the rules on less than 5% cod catch for each trip and will be able to catch their nephrops quota. The industry has been working with DARD and AFBI to reduce discards, and we have demonstrated that in figures that were put to the Commission. We will want to ensure that those positive steps are taken account of in the review of the cod recovery plan. That review is to take place next year, and we hope that it will have a fundamental effect on all Irish Sea fisheries.

I appreciate the opportunity to bring Members up to date on the outcome of the autumn fisheries negotiations so far as they affect our fleet. I am grateful to my colleagues Richard Benyon in DEFRA, Richard Lochhead in the Scottish Government and Sean Connick in the South of Ireland for their strong support throughout the negotiations. I am also grateful for the support given by the Committee for Agriculture and Rural Development, Members of the House and our local MEPs.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray): I thank the Minister for providing the House with an update on the outcome of the December Fisheries Council meeting.

I must admit that I am somewhat confused as to the reasons for yet another cut to the prawn quotas. Historically, we have been told that it was because the scientific evidence does not tally, but we are now told that it has to do

with the way that the French are fishing in their grounds. Irrespective of with whom or where the blame rests, this is another cut to an industry that is already under severe pressure.

The Agriculture Committee is due to meet representatives of the industry this week. I am sure that they will not look on the Minister's negotiations to reduce a 17% cut to one of 3% in the same positive light. Rather, I am sure that they will look at it in harsh reality, which is that this industry is being forced on to its knees by a combination of cuts, reduced effort and the inability of the Department to provide much-needed aid through the EFF. Does the Minister accept that, if DARD had been consistent in opposing the European Commission's proposals on financial unit quotas from the outset, the result for prawn quotas might have been even better? Furthermore, what consultation will DARD have with the industry to prepare for the debate ahead with the European Commission during 2011 to ensure that the overall area VII quota is not subdivided come 2012?

The Minister will be aware that agreement was reached for a fundamental review of the present EU cod recovery regulation. There is industry concern that budgetary staff cutbacks in DARD and AFBI will significantly reduce the input that Northern Ireland can make to that review to ensure a satisfactory and just outcome for Northern Irish fishermen and the Irish Sea. Will the Minister agree to maintain the current level of fisheries scientific staff in AFBI and commit to the maintenance of the present level of DARD senior management during what is an extremely important year for fisheries negotiations at EU level as well as at national and devolved level?

Finally, although the increase of 10% in the Irish Sea herring quota is welcome, it is less than what was hoped for. We would like to know why. Will the Minister assure us that the existing AFBI fisheries science personnel will be maintained so that, among other issues, the long-term management plan for Irish Sea herring can be agreed?

12.15 pm

The Minister of Agriculture and Rural

Development: Go raibh míle maith agat, a Cheann Comhairle. First, one of the things that the Chairperson mentioned was what I think he called "financial management". However, I think that he means functional management quotas.

The industry was opposed to functional management; however, earlier in the year, functional management suggested a 6% cut for our industry. Having spoken with and listened to the industry, we decided not to go down that route because of the opposition to that suggestion. The issue of functional unit management is complicated. The sum of the science for all functional units in area VII in the first Commission proposal totalled 18,684 tons, which represented a 17% decrease on the 2010 TAC. As I said, the allocation key that was suggested by the Commission meant that the nephrops tonnage available to our vessels would be reduced by 6% rather than 17%. Although that appeared to offer the best prospect of maximising the quota available to us, there was widespread opposition among member states and our industry. Therefore, I decided to approach the negotiations with the Commission on the basis of not supporting functional unit quotas. A number of aspects of the Commission's proposals were unacceptable. For example, the reference period used to determine the allocation keys was wrong, and there were problems with the data. A more recent, shorter period would have produced more representative keys that were based on more reliable data, which would have increased our share on the TAC.

Our discussions with the Commission and officials are ongoing. We do not leave all of that work until the end of the year; we do it throughout the year. In fact, I recently refreshed my invitation to Commissioner Damanaki to come and see our industry and what I was talking about. It looks unlikely that she will be here before May, but I have asked her to consider that invitation nonetheless, given the importance of fisheries to our economy and the social and cultural importance of fisheries to the south Down community.

I was disappointed to hear the Chairman rubbish the negotiation this year. I accept that there was a cut of 3%; there is no question about that. Nonetheless, that is a much more acceptable cut to our local fleet than 17%. Indeed, people in the Chairman's party have privately congratulated me on a very good negotiation and on reducing that percentage considerably. We never dress up a cut as an achievement, but reducing it from 17% to 3% was a significant difference for our fleet. It will ensure decent fishing opportunities for the south Down fleet in 2011, so I am

disappointed by the Chairman's presentation this morning. I assure him and the House that the scientists in AFBI and DARD will continue to prioritise and work towards the future of fishing opportunities in the Irish Sea and to maximise the opportunities available to our fishermen in all regards. It was a wee bit disappointing to hear what the Chairman said today. I hope that other people will recognise the not insignificant achievement in reducing that cut from 17% to 3%.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I thank the Minister and her officials for their efforts in Brussels. As an MLA from South Down, I know that the industry and the people in the fishing communities greatly appreciate those efforts.

In view of the recent television show about discards, will the Minister outline what she is doing in that regard? Will she make representations to Brussels? People do not want to see healthy fish being dumped at sea.

The Minister of Agriculture and Rural Development:

Go raibh míle maith agat. The matter has come up in previous fisheries debates and questions from Members. It has also been raised with my officials by the Agriculture Committee. The recent 'Big Fish Fight' campaign threw some light on what is a very complex issue. There is no doubt that the discarding of fish is an incredible waste of valuable resources and cannot be justified. It is a concern to me, to Fisheries Ministers in other Administrations and to the industry. There are many different reasons for discards, but it happens mainly because of market conditions and the management systems that are in place.

One of the areas on which the TV campaign focused was the North Sea. My Scottish colleague, Richard Lochhead, is acutely aware of the problem and has lobbied the Commission successfully to introduce a new quota system in the North Sea that is based on what boats catch and not on what they land. Locally, we continue to test new fishing gears that minimise the catch of non-target fish. We are seeking an amendment to the technical conservation regulations to include a specification for a net that was trialled successfully by AFBI and the local industry. The adoption of such gear would more than halve the discards of juvenile haddock and whiting in nephrops trawls.

Where there are successful solutions to the problem of discarding, whether through

different management arrangements or new fishing gears, I want to see them introduced with the minimum of fuss and bureaucracy. That is what I and others want to see: a reformed common fisheries policy that results in a more decentralised approach to fisheries management and would better exploit the knowledge of local fisheries managers and the local fishing sector.

Mr Beggs: The Minister indicated that Northern Ireland and the UK faced a 12% reduction in the western mackerel catch. Will she indicate what actions are being taken by her and the EU in relation to the Faroe Islands and Iceland, which have unilaterally increased the amount of mackerel that they intend to catch? It is unfair that local fishermen should have to bear that burden while others increase their quota.

The Minister of Agriculture and Rural

Development: I agree with the Member. Those negotiations and discussions are taking place. Indeed, it was something that the Commission was very focused on throughout the autumn, when a number of high-level meetings took place, for example, between the EU and political representatives from the Faroe Islands and Iceland. It is totally unjustifiable that the Faroese and Icelandic communities just decided on a figure for their mackerel catch this year, thereby reducing significantly the amount of effort available in the North Sea. Although many of our local fleet do not travel as far as the North Sea, those actions will impact on the overall amount of mackerel available for the industry on these islands to catch, so it is of great concern to us all. Those discussions are ongoing. However, I accept fully what the Member said: it was absolutely unjustified and unfair to the local sector.

Ms Ritchie: I thank the Minister for her statement. Given the crucial importance of fishing to the economies of Ardglass and Kilkeel in south Down, will the Minister provide details of discussions that have taken place on alternative proposals to the cod recovery plan? Furthermore, given that the Minister recognises the need for a more decentralised approach to the common fisheries policy, will she give us details of any negotiations that have taken place and of when that regionalisation will actually take place, so that we will have control over our own fishing industry?

The Minister of Agriculture and Rural

Development: That day is not with us yet. The common fisheries policy is under review, and, at this point, we do not have a more decentralised approach. That is what I am working towards, but it is not here yet, and people need to be realistic about that.

The Commission initially proposed a 50% cut in the cod quota, which would have resulted in a by-catch allowance for prawn vessels of a little over 1% of the prawn catch. Although our nephrops vessels land very little cod, cutting the quota by 50% would not lead to reduced cod mortality; it would simply lead to an increase in discards of marketable cod. Therefore, I believe that the move by the Commission to reduce the quota by 50% is ill conceived. However, I agree that we must take effective action to rebuild cod stocks. Therefore, I pressed the Commission to have a comprehensive review of the cod recovery plan, which will happen next year.

I remind the House that we opposed the cod recovery plan when other member states thought that it would be a good thing to do. We said that we would not go down that route and did not agree with it. Indeed, two years ago, in the autumn 2008 negotiations, we took a very firm stance on the matter. Now that we have achieved a fundamental review of the cod recovery plan, we need to put forward serious alternative proposals. It will not wash for us just to tell the EU Commission that we do not like it and then to sit back and leave it up to them. We have to come up with serious alternative proposals. I have worked consistently with the House, the Agriculture Committee and the industry to find the best way forward for our fleet, and that is how we will take the matter forward. The cod recovery review needs to look at the impact on other fleets and at technical conservation, such as closed areas and recovery targets. Therefore, it needs to be wide-ranging and a solution that fits the needs of our industry.

Mr McCarthy: I welcome the Minister's statement to the House this morning. I will talk about the fishing industry as a whole, not only that in south Down. Portavogie is in north Down; I want to plug that area. The Minister's statement outlined that she has three main priorities. Is she disappointed or content with what she came back with in relation to those three priorities? Furthermore, later in the statement, she said:

"After banking surplus stock from 2010 it is expected that fishing opportunities will be similar in 2011."

Given that, will any grant aid or assistance be available to fishermen? Although the opportunities will be the same as last year's, fuel prices, inflation and a lot more expenses will be added on, and those people will be expected to make a living. Can the Department do anything to assist along the way?

The Minister of Agriculture and Rural

Development: The Member asked whether I am disappointed. We can never be 100% happy when we come back with a cut, albeit a small one of 3% this year. However, had we come back with a figure of 17% or close to that, I would not just have been disappointed — I would have been devastated, knowing the impact that that would have not just on our fishers but on our processors and on the wider economic community of south and north Down. Therefore, I am not anywhere near as disappointed as I might have been. I accept that a 3% cut is a cut, but the industry recognises that, given the difficulty of this year's negotiation, it was a significant achievement.

The other two priorities were to secure commitment to our fundamental review of the cod recovery plan — we achieved that — and to secure an increase in the herring quota. Again, we achieved that. We would have liked a 15% increase, but we got an 8% increase. However, by and large, our three priorities have been achieved. Therefore, we have to recognise, as I have said in the House before, that there is an ongoing negotiation. We do not just go with a wish list and get everything we want. However, this year, I, my officials and the team that went to Brussels worked hard to achieve what we did in November.

The Member asked about further support for the industry. There is a provision in the EFF to enable key priorities to be supported, including a decommissioning scheme, provided that we can develop a satisfactory scheme that clearly represents value for money. There is some concern about that. The Member pointed to the high cost of fuel. He will be aware that fishermen get a subsidised rate on fuel, and, although, some time ago, the Executive agreed a hardship fund for the fishing sector, I imagine that a scheme of that nature will be unlikely in this difficult fiscal climate. However, I am always

an optimist, and, if we can find any help for the industry, we will do our best to get it.

I will provide more detail on the European Fisheries Fund. Five measures are currently open to our fishing industry: collective actions; investments in processing and marketing; ports, landing sites and shelters; productive investments in aquaculture and investment on board fishing vessels; and selectivity measures. Therefore, our fleet can access quite a few measures in the EFF already.

Mr Bell: Does the Minister appreciate the difficulty that many of us have in explaining the science argument in layperson's language to fishing communities in Portavogie and throughout Strangford? We told them to check the science, and, if the stock is healthy, it can be fished. People can appreciate that, if it is unhealthy, it can be looked at. In her statement, the Minister said that there is evidence that stocks are being fished sustainably, and yet we face a cut. Moreover, later, she said that, if stocks are not healthy, they face a cut as well. Therefore, it is hard for people to understand the science argument.

Mr Speaker: The Member should come to his question.

Mr Bell: Will the Minister give us a long-term commitment on what she will do over the next year to prevent the same thing happening again?

12.30 pm

The Minister of Agriculture and Rural

Development: We continue to work on ensuring that we are not faced with that situation. To put it as simply as I can: area vii means all of area VII. It is fished, not only by us, but by France and Spain, to name two other member states. France, for example, does not catch around half its quota, so, when the Commission proposes a decrease in area VII, the member states that do not fish their quota can absorb that decrease without any kind of difficulty.

However, our fleet fishes area VII sustainably and catches all its quota. A one-size-fits-all approach is taken when we should be drilling down into the nub of the situation. The functional management unit approach was the Commission's answer to that. It divided it up, and its proposals would have resulted in a 6% reduction, rather than a 17% reduction. We

examined the merits of that, because it seemed to be doing some of the things that we wanted to do, bearing in mind that the reference period was not what we wanted and the data that it was using were not what we would have gone for.

We felt that there was some merit to exploring that proposal, but our industry was absolutely, fundamentally and vehemently opposed to functional management units, and that is why we decided to take the other approach. This was my fourth fisheries negotiation, and we have been consistent in working with the industry, not only the fishing sector, but the processing sector, and we have represented what it has said to us. That is how we got to that point. The quota is set for all of area VII, not just the Irish Sea, and the stocks elsewhere are not in as good a shape as in our part of area VII, which is why a cut was proposed.

I accept that it is complicated, and it is difficult to get it across in layman's terms. We faced a cut of 17% and achieved a negotiation that brought that down to 3%. That negotiation took us right through the night. We had a meeting with the industry at around 7.00 am or a bit earlier, and we worked hard to keep pressing the presidency and the Commission to bring that figure back further. I am pleased because 3% is probably better than I could have hoped for, given the circumstances of the negotiations this year. Notwithstanding the recognition that it is a cut, the 14% that was saved will make a difference of thousands of pounds to our fishing industry.

Mr Savage: I thank the Minister for her statement. The Minister partly answered my question, but I think that there is a bit missing. What research and development assistance is being taken to reduce the discard so that young fish are not destroyed inadvertently as fishermen strive to catch the quota that they are allowed? It is not so long ago that all those discards were brought ashore and manufactured into fish-meal. Now, it seems that the discard is dumped into the sea. If an ordinary person were caught dumping, their licence would be taken from them. There is an opportunity, but an end product cannot be achieved from what is happening.

The Minister of Agriculture and Rural

Development: As I said earlier, we continue to test new fishing gears that minimise the catch

of non-target fish, so, for example, fishermen who are looking for nephrops can avoid catching cod or whiting. We are seeking an amendment to the technical conservation regulation to enable us to adopt a net that will successfully allow juvenile fish to escape and to go on to reproduce, which will ensure a sustainable fishery for generations to come. AFBI scientists are in the lead on that work, which is ongoing in conjunction with the industry. It is those kinds of practical trials that get us to the point where we have gears that do what they are supposed to do, which is to catch the fish that they are looking for and avoid the rest.

Mr P J Bradley: I thank the Minister for her detailed statement. I could probably ask 15 questions about the statement, but two will do for today. I assume that the reference to the science in paragraph 15 refers to the findings of EU scientists. Does the Minister accept those figures? If not, will she take up whatever facilities are available to challenge them? I think that they have to be challenged every time that they are presented as evidence for cuts. My second question relates to discards. Is reference ever made to the tonnage or monetary value of the discards that our trawlermen are forced to dump?

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

The Minister of Agriculture and Rural

Development: The Member asked about the figure and where it came from. AFBI scientists work in conjunction with organisations such as the Marine Institute in Galway and with EU scientists in the Scientific, Technical and Economic Committee for Fisheries (STECF) and the International Council for the Exploration of the Sea (ICES). Those organisations should be well known to the Member given his time on the Committee for Agriculture and Rural Development. The figure needs to be challenged, and I understand that the Member accused me of plucking the figure of 17% out of the air to make it look better when I came back to make this statement. That naivety and ignorance beggars belief, given the amount of time that the Member has spent on the Agriculture Committee. His lack of knowledge on this issue is very surprising to say the least. The figures are there. They are in the public domain if he wants to check them. We continue to argue their validity, given that all of area VII is not in as healthy a state. If he wants a reference point, I can point him to the Porcupine bank,

where the state of the stock is not as good as it is in the Irish Sea. Therefore, the reduction is to the whole area and not to the part that we fish. If the Member needs me to have an A, B, C discussion on the issue, I can do that, and I am sure that my officials will be happy to do that.

In response to his second question, our fishermen discard very little fish that are of marketable value. Go raibh míle maith agat, a LeasCheann Comhairle.

Executive Committee Business

Transport Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister for Regional Development to move the Consideration Stage of the Transport Bill.

Moved. — [The Minister for Regional Development (Mr Murphy).]

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 to 7, which deal with the criteria that the Department must have regard to in securing provision of a public passenger transport service and issuing permits to operators of that service. The second debate will be on amendment Nos 8 to 12, relating to the power granted to the Department by the Bill and a minor technical amendment that ensures that the Bill is within the competence of the Assembly, together with opposition to clause 45.

Once the debate on each group has been 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 (Provision of public passenger transport services)

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 to 7, which deal with the criteria that the Department must have regard to in securing provision of a public passenger transport service and issuing permits to operators of that service. Members will note that amendment No 2 is a paving amendment for amendment No 3.

The Chairperson of the Committee for Regional Development (Mr Cobain): I beg to move amendment No 1: In page 1, line 6, after “to” insert “accessibility,”.

The following amendments stood on the Marshalled List:

No 2: In page 1, line 6, leave out “and”. — *[The Chairperson of the Committee for Regional Development (Mr Cobain).]*

No 3: In page 1, line 6, at end insert “and sustainability”. — *[The Chairperson of the Committee for Regional Development (Mr Cobain).]*

No 4: In clause 6, page 4, line 11, leave out “public passenger transport”. — *[The Minister for Regional Development (Mr Murphy).]*

No 5: In clause 6, page 4, line 16, at end insert

“(3) In subsection (2)(b)(i) ‘services’ means—

(a) public passenger transport services; or

(b) any other services to which section 33(1)(a) applies.” — [The Minister for Regional Development (Mr Murphy).]

No 6: In clause 10, page 5, line 42, at end insert

“(ga) that the permit-holder has been convicted of an offence under the National Minimum Wage Act 1998 (c. 39);”. — [The Chairperson of the Committee for Regional Development (Mr Cobain).]

No 7: In clause 12, page 7, line 27, at beginning insert

“12.—(A1) This subsection applies where—

(a) an application is made for a new permit in respect of a service for which there is an existing permit;

(b) the applicant is the holder of the existing permit; and

(c) the Department considers that it is in the public interest for that service to be provided under a service agreement.

(B1) Where subsection (A1) applies, the Department shall not refuse the application without first giving the applicant notice that it is considering refusing the application for the reason mentioned in paragraph (c) of that subsection and holding an inquiry if the applicant requests the Department to do so.” — [The Chairperson of the Committee for Regional Development (Mr Cobain).]

Mr Deputy Speaker, before I begin speaking to this first group of amendments, with your indulgence, I will take the opportunity to thank the Deputy Chairperson, Miss McIlveen, and the

members of the Committee, as well as Mr Trevor Lunn, Mr Danny Kinahan and Mr Willie Clarke, who were members of the Committee during the Committee Stage of the Bill, for all their hard work and contributions to the scrutiny of the Bill. In addition, I recognise the Committee Office team and the Bill Office for the support that they provided to the Committee. Thanks are due also to the many stakeholder organisations from the public transport sector for their written and oral evidence during our pre-legislative scrutiny as well as during Committee Stage.

Stakeholder input played a key role in the Bill's development. It was also a driving force in the development of the amendments that are before the House, which I believe will make the Transport Bill better and will improve public passenger transport services in Northern Ireland.

I thank the Minister, the Bill team and officials from the Department for Regional Development for their co-operative approach during Committee Stage. Members may have noticed that the amendments have been signed by me, on behalf of the Committee, and by the Minister. That is something of a new departure, and it reflects the fact that they are agreed amendments, which are designed to improve the Bill.

Supporting and improving public transport for everyone in Northern Ireland has been a priority for the Committee for Regional Development. I want to highlight to the House and beyond that that was the main focus of the Committee Stage.

Committees have been working hard to scrutinise and to improve legislation that is brought forward by Departments. That work is reflected in the debates on and amendments to the many Bills that are passing through the House during the current mandate. I believe firmly that one of the Assembly's most important functions is to make the best legislation that it can. Although I hesitate to say it, doing so illustrates that we do more than slug it out across the Committee table.

I will move on to address the first group of amendments. I will confine my remarks to the nature of and reasons for those amendments. That is to allow other Committee members the opportunity to draw on the large and detailed body of evidence in the Committee's report, should they wish. I will return to the details of the Committee's scrutiny of the Bill's 50 clauses and two schedules, and its recommendations

that are not related directly to the amendments, during the Final Stage debate.

Amendment Nos 1 to 7 belong to the first group of amendments, which deals with providing and operating a public passenger transport service. Amendment Nos 1, 2 and 3 are to clause 1. They aim to ensure that the Department, in securing the provision of public passenger transport services, has due regard to sustainability and accessibility as well as to economy, efficiency and safety of operation.

The Committee has a keen interest in ensuring that all aspects of the public transport system in Northern Ireland are accessible. It heard evidence from the Inclusive Mobility and Transport Advisory Committee (IMTAC) that accessibility should be included in the list of factors to which the Department must pay due regard when securing public passenger transport services.

The Committee recognised existing disability discrimination legislation, the Department's accessible transport strategy and action plan, and the progress that it has made to ensure that transport is accessible in Northern Ireland. However, the Committee was firmly of the view that to include a requirement on the Department to have due regard to accessibility when securing public passenger transport provision in Northern Ireland would bring consideration of accessibility firmly into the mainstream of public passenger transport planning, as well as all aspects of service delivery in Northern Ireland. For those reasons, the Committee proposed amendment No 1.

To reflect the Committee's long-standing interest in and support for sustainable transport in Northern Ireland, it brought forward amendment Nos 2 and 3, which aim to include reference to sustainability in clause 1(1). In proposing those amendments, the Committee is of the view that sustainability should be defined in terms of environmental, social and economic sustainability.

Members recognised that section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 provides:

"A public authority must, in exercising its functions, act in the way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland".

Having considered those provisions, the Committee was not satisfied that reliance on existing legislation was adequate in this case. Members were aware that the current sustainable development strategy had been reviewed and that a new strategy had yet to be put in place.

On many occasions since 2007, Committee members have highlighted concerns that there is no specific target in the public service agreement in the Programme for Government that relates to the development of sustainable transport for Northern Ireland or to address transport-related carbon emissions.

12.45 pm

The Department identifies transport-related carbon emissions as a serious, growing problem for Northern Ireland. The Committee acknowledged that the Department has responded to its concerns on that matter by, for example, publishing a baseline report on transport-related carbon emissions, the emphasis placed on sustainability in the work to revise the regional development strategy and the early development work on the review of the regional transportation strategy. Building on that progress, the Committee is seeking to amend clause 1(1) to bring consideration of sustainability into the heart of all decision-making on public passenger transport by the Department, by requiring that due regard be taken of sustainability when the Department is securing public passenger transport services.

I am pleased to say that amendment Nos 1, 2 and 3 have been agreed by the Department and co-signed by the Minister, as have all the amendments that are before the House today.

I sincerely hope that the progress achieved in the past few years in creating accessible and sustainable transport for Northern Ireland is not reversed as a result of the swingeing cuts that we face in the draft Budget.

Amendment Nos 4 and 5 are proposed to clause 6. They aim to ensure that when making decisions in relation to permits, the Department will have regard to representations from community transport providers, as well as to those listed at clause 6(2).

The Committee heard evidence on clause 6 from a number of organisations. Clause 6 is one of a number of clauses in Part I of the Bill that

deal with the arrangements for service permits. Clause 6(2) deals with the issue of service permits to mainly private operators, not the majority of public passenger transport services, which will be secured by the Department through service agreements.

Clause 1(3) provides that the Department must ensure that most public passenger transport services must be provided by the Northern Ireland Transport Holding Company (NITHCo) and its subsidiaries. The Committee heard from the Department that there are no plans to privatise NITHCo or its subsidiaries Ulsterbus, Citybus and Northern Ireland Railways. Any future proposals to do so would require further legislation in the House, and the Department would be required to consult on that legislation.

Services offered under the permit scheme will be additional to the contracted network of public passenger transport services where operators have identified a gap in the market and are prepared to offer services at their own risk. In applying for a permit, the operator will be asked to provide evidence of demand. Such evidence could include passenger/customer surveys; letters of support from local residents, community groups or businesses; customer requests; or a change to the demographics in the area.

The Committee recognised that the proposed permit scheme was designed to allow for innovation and the development of services to meet local need. Following representation from the Community Transport Association, the Committee and the Department agreed an amendment to the Bill to reflect the role of community transport providers in meeting local transport need by including community transport providers in the list of bodies at clause 6(2), representations from whom the Department shall take into account when making decisions in relation to permits.

The Committee and the Department have agreed amendments Nos 4 and 5, and, as Chairperson, I have co-signed both amendments.

The Committee brought forward amendment No 6 to ensure that convictions for offences under the National Minimum Wage Act 1998 would be grounds for revocation, suspension or curtailment of a permit. That amendment is to clause 10. Concern was expressed by the Northern Ireland Committee, Irish Congress

of Trade Unions (NICICTU) in evidence to the Committee that the Bill should provide protection for workers in relation to the payment of the minimum wage.

The Department provided clarification to the Committee on the requirements in relation to demonstrating good reputation that are placed on the holders of a bus operator's licence. The Committee recognised that a bus operator's licence is required in order to hold a service permit. The Committee is also aware that the enforcement of the national minimum wage is a matter for Revenue and Customs.

However, following consideration of all the information received and having explored a number of options with the Department, the Committee recommended that the Bill be amended to reflect its strong view that the holding of a service permit should be jeopardised by failure to pay the national minimum wage. Amendment No 6 was agreed with the Department and has been signed by the Minister.

The last amendment in this group is amendment No 7. The Committee is bringing forward the amendment to ensure that a period of notice, as well as an inquiry and appeals mechanism, will be available to permit holders in cases where it is decided that it is in the public interest to bring an existing service into the network. That amendment is to clause 12.

In response to a query raised by the Federation of Passenger Transport (FPT), the Committee noted that the clauses on permits, specifically clause 12, provide a notice period and an appeals and inquiry mechanism in cases where permits are to be revoked or varied by the Department. However, it does not include cases where the Department decides that a route operating under a permit will not be renewed and should be brought into the network in the public interest and potentially given to Translink or tendered.

The Committee was concerned that that could be seen as the Department, through the proposed public transport agency, using its monopolistic power as policymaker, network designer and owner of the Northern Ireland Transport Holding Company subsidiary, Translink, to the potential disadvantage of small local transport operators. Therefore, the Committee decided that an amendment was required to allow for a minimum period of notice and for

the establishment of an inquiry and appeals mechanism. Once again, the Department has agreed and the Minister has co-signed the amendment. That concludes my remarks on the amendments in this group.

Mr G Robinson: I welcome the Bill and the inclusion of the terms “accessibility” and “sustainability”. Much money has been invested in the provision of rolling stock and low-floor buses in recent years. Those are essential for anyone who has to use a wheelchair or has impaired mobility. My understanding is that the inclusion of the amendments will ensure that that provision will continue, and I warmly welcome that. I would also like to see how that will apply to private sector transport providers other than Translink in the future. The provision of easily accessible, sustainable vehicles and rolling stock has been a boost to many passengers, and we as an Assembly must ensure that that provision continues.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. I would like to refer to this group of amendments and to echo the comments made about the co-operation between the Committee and the Department, its officials and the Minister. For the group of amendments to be signed by both, as outlined, definitely shows the ability and desire to work together to arrive at well-worked-out conclusions.

By benchmarking accessibility and sustainability in the Bill, we can now measure things against that legal provision. Of course, that measuring exercise will take place as a result of the Bill and will, obviously, be done in the context of the unfolding economic situation. We can always desire the greater accessibility and sustainability of a public transport system, but, in a downturn, those things have to be measured against the harsh reality of the chequebook. Nonetheless, it was worthwhile to push for the inclusion of those terms and for the Committee to debate those issues and go forward with them.

It was vital that the importance of the community transport sector was accepted, recognised and addressed through amendment Nos 4 and 5. There are many areas around the North that will realise, accept and readily refer to the importance of that sector.

The permit scheme will have to cover areas that are somewhat more isolated and not as accessible as others. As the permit

scheme is rolled out, we will be looking for a transport facility that will serve more isolated communities better than has been the case. It is taken for granted that important regulations will follow the scheme, but the core provision in the Bill is a step forward.

I reflect the Chairperson’s remarks that there was a strong feeling in the Committee about including a provision that recognised the importance of the minimum wage and that would ensure that people in the sector would not be exploited. It was good to see the Committee refer to that unanimously. Work was done to find out how best we could reflect that in legalese in the Bill, and we feel that that has been achieved. Although different organisations have overall responsibility for the minimum wage and there is different legislation, we made recognition of the importance of the minimum wage integral to the Transport Bill so as to make sure that there is no abuse of the workforce.

I want to refer to amendment No 7, which would amend clause 12. To be fair to permit holders and operators, there could have been a situation whereby a route that was made workable, worthwhile to the community and profitable was then cherry-picked. Without the amendment, that would have been unfair to new operators. The balance between the Department and operators will now be recognised. So, we feel that that amendment is a good addition to the Bill.

Mr McDevitt: I join the Chairperson in thanking colleagues for the way in which they worked through the Bill. The Committee took ownership of the Bill and was quick to identify gaps in it. It is only proper, therefore, that I also echo Mr Leonard’s remarks that, when those gaps were identified, the Bill team in the Department, working alongside our own professional Committee team, was more than happy to co-operate and work in a spirit of partnership to try to close them. I congratulate the Minister for being willing and able to co-sign the amendments with the Chairperson. That sends a positive sign to the House about intent and about the seriousness of some of the deficiencies in the Bill that need to be addressed.

I want to confine my remarks to two themes. The first is the amendments to include the words “accessibility” and “sustainability” in clause 1. When the Bill arrived at Committee

many of us felt that a Bill that was meant to set the pace and tone for public transport in this region over the next decade should also acknowledge two of the key challenges and contexts within which public transport will have to operate.

One is an acknowledgement that there are, tragically, a growing number among us who find it difficult to access public transport because of a physical or mental impairment or other issues. There is also a much greater challenge that is growing by the day and refusing to go away: the challenge of sustainability. We will all have to factor that into the planning of government services, and in no area more so than transport services.

So, I very much welcome the fact that the Bill will now ensure that the Department has to pay due regard to accessibility and sustainability when it plans public transport. We could have a bigger debate about whether that should be a statutory duty, an even more powerful and stronger duty, but we are where we are.

The second area that I would like to reflect on — ensuring that workers' rights are not affected — was commented on by Mr Leonard, the Chairperson and, I believe, Mr Robinson. We are in a period of great change. The budget that the Minister will have to steer through the Department is one that none of us would want to have to steer through a Department. We will advocate that budget being improved, but we must ensure that, if we are legislating, as we are seeking to do in clause 12, we do not leave any back doors or grey areas that private providers may see as an opportunity to operate in a way that all of us find unacceptable. It is for that reason that we are all happy to see an effective commitment to ensure that providers must pay the minimum wage to their staff. The Department and the new agency that will be established under the Bill will have the ability to pursue providers that fail to do so.

1.00 pm

I will make some further observations in the debate on the second group of amendments, but that is my contribution for now.

Ms Lo: I am the newest member of the Committee. When I joined, the Bill was at the end of its Committee Stage. However, I have been very impressed by the co-operation between my colleagues on the Committee

and the Minister in bringing forward some amendments to strengthen the Bill. I will comment only briefly on the Bill.

I support the first group of amendments, particularly amendment Nos 1, 2 and 3, which will ensure that there is inclusion of accessibility and sustainability in the Bill. Accessibility is a key issue for many people in our society. Without it, many people would not be able to get themselves around and might find themselves isolated and excluded.

Equality is also an issue. People with disabilities should not be prevented from going about their daily lives and using public transport to do that. Therefore, regard to equality should be included in legislation to ensure that it is a major consideration for the Department when it is securing public transport services.

Increasing carbon emissions and their effect on the environment are clearly growing problems in Northern Ireland. Therefore, sustainability should be a high priority when decisions are being made about public transport. I welcome the inclusion of environmental, social and economic sustainability, alongside accessibility, as mainstream considerations for the Department in all decisions that affect public passenger transport services and public transport planning.

Mr McCarthy: I thank the Member for giving way. I have listened to what has been said, and I am not a member of the Committee. I received a letter from Down Community Transport, telling me that the vulnerable — those who are isolated and those who have a disability — will receive a reduced service this year, which means that 50% of the people who live in rural areas or have a disability will not have transport. Does she agree that that makes what has been said in the debate a contradiction in terms? Is the Member trying to tell me that the Bill is going through to achieve that?

Ms Lo: I thank my colleague for his intervention. The draft Budget does not bode well for public transport over the next four years.

I am disappointed that the issues of need and affordability, which are key factors, have not been included in any amendments. I understand that that was well discussed during Committee Stage.

Assessment of services on the basis of just cost, efficiency or effectiveness may result in need not being covered or considered. That may be an important issue, particularly in rural areas. Just because it is uneconomic to run, surely a public service cannot just be scrapped with no thought about whether it is a vital service for many people.

Affordability is also a major concern for many public transport users. Prices may mean that many people are unable to continue using public transport.

If prices continue to rise, our PSA targets will not be met. The high cost of public transport would also force many people into private vehicles and thus have a negative effect on our carbon emissions and the environment.

The Minister for Regional Development (Mr Murphy): Go raibh maith agat, a LeasCheann Comhairle. The amendments in group one arose from detailed discussions with the Committee for Regional Development, resulting in a number of recommendations from the Committee following its consideration of oral and written evidence received during Committee Stage. I want to thank the members of the Committee for their very helpful recommendations, detailed scrutiny and timely consideration of the Bill.

Amendment Nos 1, 2 and 3 relate to the inclusion of accessibility and sustainability as additional matters to which the Department must have regard when carrying out its duty to secure the provision of public passenger transport services. The amendments will ensure that accessibility and sustainability will be considered alongside economy, efficiency and safety of operation as factors in the decision-making process for securing the provision of public passenger transport duties. The amendments reflect the aim of the public transport reforms to create an efficient, effective and sustainable public transport system that contributes to the Executive's transportation, environmental, social inclusion and equality objectives while supporting the development of the wider economy. I welcome that recommendation, and the Chairperson of the Committee and I jointly tabled an amendment to clause 1(1) to include accessibility and sustainability as matters to which the Department must have regard.

Amendment Nos 4 and 5 arose as a result of my Department's consideration of the written

submission received from the Community Transport Association in response to the Committee's call for evidence on the Bill. The amendments relate to the consideration of applications for service permits. Clause 6(2) as drafted requires the Department to take into account recommendations made by the Consumer Council and representations made by persons already providing public passenger transport services on any road along or near the routes that are the subject of such applications, the Chief Constable, district councils, Departments and the Northern Ireland Tourist Board.

A number of community transport services funded by my Department operate under a permit issued by the Department of the Environment under section 10B of the Transport Act 1967. Although such services are not public passenger transport services for the purposes of the Bill, I accept that those services may be affected by the issuing of service permits for public passenger transport. That being the case, I am of the view that providers of such services should have the opportunity to make representations to the Department on the service permit applications. The Department, therefore, proposes an amendment to clause 6(2) to include representations made by the persons providing services that receive grants from my Department under clause 33 for the provision of services for the benefit of certain sections of the public.

Amendment No 6, which would ensure compliance with the National Minimum Wage Act 1998, has been initiated by the Committee for Regional Development, having taken account of the oral and written evidence received from the Northern Ireland Committee, Irish Congress of Trade Unions (NICICTU) during Committee Stage. The Committee was keen to address the concerns of NICICTU in relation to national minimum wage compliance by those who provide public passenger transport services. Therefore, I support the amendment to clause 10(1) to include conviction of an offence under the National Minimum Wage Act 1998 as a cause for revocation, suspension or curtailment of a service permit.

Amendment No 7 was the result of the Committee's consideration of written evidence from the Federation of Passenger Transport. Again, I thank the Chairperson and the Committee for their helpful suggestion, and I am

happy to support the amendment. It provides for the inclusion of a notice period and an inquiry in circumstances in which a permit is not to be renewed for the reason that the Department considers that it would be in the public interest for the service to become part of the contracted network of public passenger transport services. The inclusion of a notice period and an inquiry mechanism provides assurance for operators that they will be given adequate notice and the opportunity to request an inquiry by the Department before a final decision is taken in the public interest to include a previously permitted route in a contracted network.

Members made points about the Bill's clauses and the proposed amendments, which I welcome and am happy to agree with. Mr McCarthy made a point that strays into the Department's budget considerations, but, nonetheless, I believe that it is important to respond briefly. Of course, the budgets for transport and other responsibilities across the Department are being seriously challenged, but Mr McCarthy will know that we have supported rural community transport well. Many rural transport providers have extended themselves beyond the original scope of their remit and have moved into other areas of service to the community, which is fine when budgets can support that. We ask that it should not impact on the services to the most vulnerable and needy but should return to the core services for which those community transport sectors were set up and focus on the core provision for those most isolated, vulnerable and in need. Perhaps they will look again at some of the extensions of the services in which they have become involved over the years.

Mr McCarthy: Will the Member give way?

The Minister for Regional Development: I was coming to a conclusion, Mr Deputy Speaker, but I am happy to give way.

The Deputy Chairperson of the Committee for Regional Development (Miss McIlveen):

I thank Members for their comments during the debate. I add my thanks to the many stakeholder organisations that generously gave their time and expertise to the Committee during Committee Stage; to the Department and the Minister for facilitating and supporting the Committee's amendments; and to the Committee team for its work in producing the Bill report. The tone of the debate was very

agreeable on the whole, and that echoes the manner in which the Bill was discussed in Committee. It was approached in a businesslike manner.

Amendment Nos 1, 2 and 3 to clause 1 were proposed by the Committee to ensure that the Department had due regard to sustainability and accessibility, as well as to

"economy, efficiency and safety of operation"

when securing the provision of public passenger transport services. I welcome support from Members and the Minister for those amendments. Mr George Robinson highlighted the importance of provisions on accessibility. We had welcome support for the amendments. I note the comments that financial constraints have been identified as an issue, but we remain convinced that there is a need to include sustainability, as well as accessibility, and give it due regard, with economy and efficiency, in passenger transport services.

Amendment Nos 4 and 5 are to clause 6, and the Department and the Committee support those amendments so that the important role played by community transport providers is recognised and their views taken into account when the Department is making decisions to award service permits. It is good to hear such strong support from colleagues on those amendments, and they reflect the importance of the role of community transport providers, particularly in rural and very isolated and marginalised communities.

Amendment No 6 is to clause 10, and the Committee recommended it to ensure that conviction for offences under the National Minimum Wage Act 1998 would be made grounds for revocation, suspension or curtailment of a permit. Again, I am glad to see that we have unanimous support for those provisions in relation to that aspect of our work.

Amendment No 7 is to clause 12, and it was proposed by the Committee so that a period of notice and an inquiry mechanism would be available to permit holders in cases where it is decided that it is in the public interest to bring an existing service, operating under permit, into the network. If we are to prioritise growing the economy and moving forward, it is important that the context in which private operators work provides them with a framework that supports

innovation. I am pleased to hear support for that amendment.

In relation to Ms Lo's comments on need, I can say that the Committee considered the matter at length. Clauses 33 and 34 provide that the Department can pay grants for services in certain areas and support services for the benefit of certain sections of the public. Clause 36 allows the Department to pay grants where there is no explicit power to do so in other parts of the Bill. That should include groups in rural areas, older people and people with disabilities. Although it does not perfectly cover everyone in need, it includes the major groups.

I thank Members again for their interesting and valuable contributions to today's debate, and I thank them for their support. I urge the House to support the amendments before us, which the Committee believes will make the Transport Bill better.

Question, That amendment No 1 be made, put and agreed to.

Amendment No 2 made: In page 1, line 6, leave out "and". — [The Chairperson of the Committee for Regional Development (Mr Cobain).]

Amendment No 3 made: In page 1, line 6, at end insert "and sustainability". — [The Chairperson of the Committee for Regional Development (Mr Cobain).]

Clause 1, as amended, ordered to stand part of the Bill.

Clauses 2 to 5 ordered to stand part of the Bill.

Clause 6 (Matters to which Department must have regard)

Amendment No 4 made: In page 4, line 11, leave out "public passenger transport". — [The Minister for Regional Development (Mr Murphy).]

Amendment No 5 made: In page 4, line 16, at end insert

"(3) In subsection (2)(b)(i) 'services' means—

(a) public passenger transport services; or

(b) any other services to which section 33(1)(a) applies." — [The Minister for Regional Development (Mr Murphy).]

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 to 9 ordered to stand part of the Bill.

Clause 10 (Revocation, suspension and curtailment of permits)

Amendment No 6 made: In page 5, line 42, at end insert

"(ga) that the permit-holder has been convicted of an offence under the National Minimum Wage Act 1998 (c. 39);". — [The Chairperson of the Committee for Regional Development (Mr Cobain).]

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

Clause 11 ordered to stand part of the Bill.

Clause 12 (Revocation, disqualification, etc.: supplementary provisions)

Amendment No 7 made: In page 7, line 27, at beginning insert

"12.—(A1) This subsection applies where—

(a) an application is made for a new permit in respect of a service for which there is an existing permit;

(b) the applicant is the holder of the existing permit; and

(c) the Department considers that it is in the public interest for that service to be provided under a service agreement.

(B1) Where subsection (A1) applies, the Department shall not refuse the application without first giving the applicant notice that it is considering refusing the application for the reason mentioned in paragraph (c) of that subsection and holding an inquiry if the applicant requests the Department to do so." — [The Chairperson of the Committee for Regional Development (Mr Cobain).]

Mr Deputy Speaker: We come to the second group of amendments for debate. With amendment No 8, it will be convenient to debate amendment Nos 9, 10, 11 and 12, together with the Committee's opposition to clause 45. The amendments relate to the power granted to the Department by the Bill and include a minor technical amendment that ensures that the Bill is within the competence of the Assembly. Members will note that amendment No 10 is a paving amendment for amendment No 11.

The Minister for Regional Development: I beg to move amendment No 8: In page 8, line 4, leave out subsection (4).

The following amendments stood on the Marshalled List:

No 9: In clause 46, page 20, line 24, leave out “Regulations” and insert

“No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(3A) Subsection (3) applies to regulations under this Act if they include—

(a) regulations under section 42(3) or 43(2); or

(b) regulations under this section which make the declaration mentioned in subsection (4).

(3B) Any other regulations”. — [The Minister for Regional Development (Mr Murphy).]

No 10: In clause 47, page 20, line 37, after “means” insert “—

(a)”. — [The Minister for Regional Development (Mr Murphy).]

No 11: In clause 47, page 20, line 38, at end insert

“or

(b) an examiner appointed by the Department of the Environment under Article 74 of the 1995 Order;”. — [The Minister for Regional Development (Mr Murphy).]

No 12: In clause 49, page 22, line 9, leave out “, 45”. — *[The Chairperson of the Committee for Regional Development (Mr Cobain).]*

The Minister for Regional Development:

Amendment No 8 was tabled as a result of the Attorney General’s consideration of the Bill. It would remove subsection (12)(4), which imposes a time limit on decisions made by the Upper Tribunal. The Attorney General was concerned that including such a time limit could impose an obligation on other jurisdictions of the Upper Tribunal. That would fall outside the Assembly’s legislative competence. In light of the Attorney General’s comments, I tabled an amendment to remove subsection (12)(4).

The opposition to clause 45 stand part was debated during Committee Stage. The Committee indicated that it was not in favour of the clause’s inclusion, expressing the view that its preference was for the Assembly to have greater opportunity for scrutiny if changes were to be made to the Bill when enacted or to other

Acts. In its view, that would best be achieved through primary legislation. Whereas clause 45 would have provided a mechanism to amend existing statutory provisions by Order — such a mechanism is widely used in other legislation that is subject to Committee scrutiny — it is accepted that primary legislation would offer further opportunity for Members to influence change during the legislation’s passage through the Assembly. Having carefully considered the Committee’s concerns, I am content that clause 45 should not stand part of the Bill and that primary legislation be used as the vehicle to make any necessary amendment to this important legislation.

Amendment No 9 relates to the Assembly control procedure for two categories of regulations to be made under the Bill. The first category comprises regulations that create criminal offences. Following its scrutiny of the Bill, the Committee made a recommendation based on advice that it received from the Examiner of Statutory Rules that regulations that create offences should be laid in draft and approved by affirmative resolution. I am content to accept the recommendation, and I thank the Committee for that and for its detailed consideration.

The second category of regulation to which the amendment applies is regulations in respect of shared transport facilities. Translink, the Northern Ireland Committee of the Irish Congress of Trade Unions and the Federation of Passenger Transport raised issues in their evidence to the Committee about the broad definition of “place” in respect of shared facilities. As a result, the Department and the Committee agreed that the regulations in respect of shared transport facilities should be laid in draft and made subject to affirmative resolution of the Assembly. That will allow the Assembly to scrutinise future regulations that further define places that are to be designed as shared facilities.

Amendment Nos 10 and 11 relate to the inclusion of vehicle examiners appointed by the Department of the Environment in the definition of “authorised person”. Under the reform proposals, the Department of the Environment will continue to be responsible for bus operator licensing and vehicle safety. It has power under article 74 of the Road Traffic Order 1995 to appoint vehicle examiners for the purposes of those functions. The Department considers that

those vehicle examiners should be included in the definition of “authorised person” in the Bill, given the high level of synergy between the functions. That would allow vehicle examiners to act on the provisions of the Bill in the course of their duties and to take action on the instruction of the Department for Regional Development.

Amendment No 12 is a consequential amendment to clause 49, which relates to the commencement, to remove what would be a redundant reference to clause 45 following the opposition to that clause.

The Chairperson of the Committee for Regional Development: The Committee supports amendment Nos 8, 9, 10, 11 and 12, which I have co-signed on its behalf.

The Committee has given notice of its intention to oppose the Question that clause 45 stand part of the Bill, because it was concerned by the latitude provided to the Department under that clause to legislate by Order in Council. The clause also allows the Department to make, by secondary legislation, any provisions that it considers:

“necessary or expedient for the purposes of, in consequence of or for giving full effect to this Act”.

Orders made under the provision may:

“amend, repeal or modify any statutory provision (including this Act)”.

That means that the Department for Regional Development could, through subordinate legislation in the form of an Order in Council, amend or repeal primary legislation. However, an Order made in this way would have to be subject to the affirmative procedure in the Assembly.

The Committee considered the clause carefully. Members were aware that this type of clause, known as a Henry VIII clause, would allow a Minister to make an Order that changes the law in a specific Act or in several Acts. Members were concerned that such an Order would not have the same scrutiny as a Bill and would deny the Assembly an opportunity to amend the provision. It could in theory reverse parts of the Bill that had been agreed by the Committee. Although the power is subject to the affirmative resolution procedure, the Assembly would be able to vote only yes or no to an Order. Such an Order could bring through relatively controversial plans without the scrutiny that a Bill would receive.

During evidence from the Department, the Committee asked whether the power was really necessary. Members also queried the wide-ranging nature of the power as drafted, and consideration was given to whether the clause might be more tightly drawn. Officials also provided clarification on the instances in which the power might be needed arising from the Bill. After deliberations and having considered all the evidence that was received on clause 45, the Committee was of the view that, in such a permissive Bill, in which the majority of the detail on service agreements and permits is laid down in regulation, and given that the public transport reform policy and processes have yet to be clarified and implemented, it was not content with the clause. Therefore, the Committee for Regional Development recommended that the Assembly, at Consideration Stage, votes against the Question that the clause stand part of the Bill. The Minister has indicated that he does not oppose the Committee’s objections to the clause, and the Committee appreciates his support on the issue.

Amendment No 9 has been tabled to address two issues that arose during the Committee’s scrutiny of the Bill. The first is the need to ensure consultation with a wide range of stakeholders and an opportunity for Assembly debate on any subordinate legislation that is developed on access to shared transport facilities.

The Committee considered the arguments made in the significant amount of written and oral evidence received on the arrangements for access to shared transport facilities set out in clause 43. Members were sympathetic to the understandable desire on the part of both Translink and the Federation of Passenger Transport for greater clarity on what the term “any place”, which is contained in the clause, might mean. The Committee was also keenly aware of the health and safety concerns raised by the Northern Ireland Committee of the Irish Congress of Trade Unions and Translink. However, the Committee was clear that this Bill was not the appropriate vehicle through which to deliver the detail required to address the complex issues raised in evidence. In recognition of the sensitivities and complexities of this matter and mindful of the need for flexibility as the process of public transport reform progresses, the Committee made the following recommendations.

The Committee recommended that the development of regulations on shared facilities should be characterised by consultation with all interested parties, including the trade unions, Translink, the private operators and the Consumer Council, as well as community transport providers. In addition, the Committee recommended that the regulation-making powers in this clause, which will provide for access to and identify the nature of shared transport facilities, should be subject to the affirmative procedure of the Assembly. That will ensure that there will be full opportunity for Committee consideration as well as scrutiny and debate by the Assembly in the making of regulations on shared transport facilities.

The second issue that amendment No 9 addresses is the need to ensure that regulations creating and amending offences arising from this Bill will be subject to the affirmative procedure rather than negative resolution of the Assembly. The Committee considered clause 46 in conjunction with the delegated powers memorandum submitted by the Department for Regional Development and the advice received from the Examiner of Statutory Rules on the delegated powers in the Bill. The Committee was content, in general, that the powers to make subordinate legislation seem to be appropriate as regards the level of Assembly scrutiny to which they are subject. However, as in the case of the Roads (Miscellaneous Provisions) Bill, the Committee was of the view that there is an important principle to consider, which is that, generally, provision to create offences in regulations should be subject to the affirmative procedure. The Committee proposed those recommendations, and the Department accepted them during Committee Stage. The Committee appreciates the Minister's support and thanks him for tabling this amendment.

The Committee supports amendment Nos 10 and 11. During the scrutiny of clause 7 and clauses 25 to 31, the Department indicated to the Committee that it wished to amend the Bill to include enforcement officers in the Department of the Environment within the definition of "authorised persons". The Committee supported that change, which it considered to be sensible and a good example of how Departments can work together. In its report, the Committee further recommended that, as the public transport reform process is implemented, the operational efficiency and effectiveness of the enforcement arrangements

within DRD and between DRD and DOE should be monitored on an ongoing basis.

The final amendment in this group, amendment No 12, is a consequential amendment that arises from the Committee's opposition to clause 45.

That concludes my comments on the clauses and amendments in this group.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. I will restrict my comments on this group to two points and will keep them brief.

In respect of amendment No 9 on shared transport facilities, the Chairperson has more than adequately explained the Committee's thinking. Let us hope that common sense will prevail and that the shared facilities issue will be worked out in a way that benefits the community and makes sense for it.

My second point relates to clause 45. Little did I think that good old Henry VIII would still be posing problems in 2011. The Committee questioned, as did I, how much power was needed to make amendments. I thought that it was sensible that we made the Committee's position clear and that the Department and the Minister took on board the position that, for serious issues to be amended down the line, the Assembly should be given its rightful place and primary legislation should be required.

That was a bit of safeguarding. OK, there could have been a lot of theorising about future scenarios for which it would be applicable. However, common sense has prevailed. We will let Henry have the day off by doing away with clause 45. I am glad that the Department and the Minister have agreed to that.

1.30 pm

I, too, thank the officials from the Assembly and the Department and the Committee staff for all their help on the Bill as it went through Committee.

Mr McDevitt: I will confine my remarks to the intention to delete clause 45. Clause 45, as drafted, is very serious. It states:

"The Department may by order make such incidental, supplementary, consequential, transitory, transitional or saving provisions as it considers necessary or expedient for the purposes of, in consequence of or for giving full effect to this Act or any provision of it, or in connection with the coming into operation of any provision of this Act."

It continues:

“An order under this section may amend, repeal or modify any statutory provision (including this Act).”

In other words, it gives the Minister or the Department the power to do anything that they want with the Act. Such clauses get their name from Henry VIII for good reason. He was a monarch who had the power to do anything and kept changing the rules when they did not suit him. I am glad that we have saved the Minister's blushes and prevented him from going down in history as the Henry VIII of the Northern Ireland Assembly. I am happy that clause 45 will no longer be part of the Bill.

From the research that was provided to us when we scrutinised the clause, it was obvious to me that this is not just something that the Department for Regional Development might be inclined to do but a type of clause that is commonly used in Northern Ireland legislation. All of us, as legislators, may want to be mindful of that. There seems little point in coming here and making laws only to give Departments or future Ministers the opportunity to unmake them at the stroke of a pen at any point in the years to come.

I thank colleagues for their co-operation on the Bill.

The Minister for Regional Development: I thank Members for their contribution to the debate on the second group of amendments. In particular, I thank the Chairperson and members of the Committee for Regional Development for their contributions and detailed scrutiny of the Bill.

Question, That amendment No 8 be made, put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clauses 13 to 44 ordered to stand part of the Bill.

Clause 45 (Supplementary provision)

Mr Deputy Speaker: No amendments have been tabled to clause 45, and the Committee's opposition has already been debated.

Question, That the clause stand part of the Bill, put and negatived.

Clause 45 disagreed to.

Clause 46 (Regulations — general)

Amendment No 9 made: In page 20, line 24, leave out “Regulations” and insert

“No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(3A) Subsection (3) applies to regulations under this Act if they include—

(a) regulations under section 42(3) or 43(2); or

(b) regulations under this section which make the declaration mentioned in subsection (4).

(3B) Any other regulations”. — [The Minister for Regional Development (Mr Murphy).]

Clause 46, as amended, ordered to stand part of the Bill.

Clause 47 (Interpretation)

Amendment No 10 made: In page 20, line 37, after “means” insert “—

(a)”. — [The Minister for Regional Development (Mr Murphy).]

Amendment No 11 made: In page 20, line 38, at end insert

“or

(b) an examiner appointed by the Department of the Environment under Article 74 of the 1995 Order;”. — [The Minister for Regional Development (Mr Murphy).]

Clause 47, as amended, ordered to stand part of the Bill.

Clause 48 ordered to stand part of the Bill.

Clause 49 (Commencement)

Amendment No 12 made: In page 22, line 9, leave out “, 45”. — *[The Chairperson of the Committee for Regional Development (Mr Cobain).]*

Clause 49, as amended, ordered to stand part of the Bill.

Clause 50 ordered to stand part of the Bill.

Schedules 1 and 2 agreed to.

Long title agreed to.

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

Allowances to Members of the Assembly (Repeal) Bill: Consideration Stage

Mr Deputy Speaker: I call Rev Dr Robert Coulter, a representative of the Assembly Commission, to move the Consideration Stage of the Allowances to Members of the Assembly (Repeal) Bill.

Moved. — [Rev Dr Robert Coulter.]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the one amendment that has been tabled. The debate will be on that amendment, which deals with the commencement of the Act. I remind Members who wish to speak that they should address their comments to the amendment only. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 ordered to stand part of the Bill.

Clause 2 (Commencement)

Rev Dr Robert Coulter: I beg to move the following amendment: In page 1, line 8, leave out line 8 and insert —

“This Act comes into operation on Royal Assent.”

This amendment changes the date for the commencement of the Bill from September 2010 to the date on which it gains Royal Assent. The reason for the amendment is that the Bill was originally printed for consideration prior to last summer's recess. However, it was not moved as a number of parties sought further information on the implications of the changes to the existing allowances regime. The replacement allowances provisions, as agreed by the Assembly on 13 December 2010, will also come into operation on that date.

Mr Deputy Speaker: As no other Members wish to speak, we will move to the Question on the amendment.

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

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Allowances to Members of the Assembly (Repeal) Bill. The Bill stands referred to the Speaker.

Autism Bill: Extension of Committee Stage

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

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 11 February 2011, in relation to the Committee Stage of the Autism Bill [NIA Bill 2/10].

The Autism Bill passed its Second Stage on 7 December 2010, and, under the 30-working-day rule, it should complete its Committee Stage on 8 February 2011. However, as Members know, the Bill is complex, and, ideally, the Committee would be seeking a much longer extension.

We are committed to scrutinising the Bill in a timely fashion to allow enough time for it to progress through the necessary legislative stages before the House is dissolved on 24 March. The Committee, therefore, seeks a short extension of just two days to bring the deadline from 8 February 2011 to 11 February 2011. That would allow the Committee to have one extra meeting to complete its consideration of the Bill. I ask Members for their support.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 11 February 2011, in relation to the Committee Stage of the Autism Bill [NIA Bill 2/10].

Private Members' Business

Single Use Plastic Bags Bill: Second Stage

The following motion stood in the Order Paper:

That the Second Stage of the Single Use Plastic Bags Bill [8/10] be agreed. — [Mr McKay.]

Motion not moved.

Mr Deputy Speaker: We will come back to that at a future stage, so we will now move on to the next item of business.

Post-primary Transfer Advice

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

Mr Craig: I beg to move

That this Assembly notes with concern the restrictions placed by the Department of Education on primary-school principals and teachers who wish to advise parents and pupils on post-primary transfer matters following the issue of post-primary test results; and calls on the Minister of Education to review her decision.

The motion raises an issue of serious concern about guidance that the Department of Education issued on 9 November 2010 in a departmental circular about post-primary transfer. In the foreword, the Minister states that the policy outlined in the document reflects the Department's policy on post-primary transfer, namely transfer 2011. Indeed, I have a copy of the document here.

We know only too well that the Minister opposes any form of post-primary transfer examination and that her party scrapped the state-sponsored academic selection process but failed to get rid of it in its entirety. In the Minister's foreword to the circular, she highlights that the policy will operate in the same way as the previous policy, that is, transfer 2010. The only change that the Minister makes is laid out in a crystal clear way in her foreword, which is central to the purpose behind the motion. The Minister states:

"In many respects, Transfer 2011 will operate in a similar way to Transfer 2010, however, I have decided to make one change to the process. It is clearly very important that primary-school principals continue to offer their help and advice to all P7 parents. It is also very important that the primary school principal's role in transfer is clear and receives the support of the Department. I am aware that many principals are unhappy about being placed in a difficult position by the actions of grammar schools operating breakaway entrance tests. Primary-school principals have no involvement in these tests and it is inappropriate, and indeed unfair, to expect them to provide advice on any aspect of these tests or associated procedures."

1.45 pm

It is clear that the Minister, despite failing to end academic selection, is attempting to, once again, exert her opinion and controversial policy by means of coercion, as is reflected in her strong language. It resorts to bullying parents into accepting her opinion on the transfer test. The Minister refers to "breakaway transfer entrance tests", which is, quite frankly, insulting to those experienced and reputable individuals and groups who have played a vital role in ensuring that parents and schools have a choice. That choice was secured by this party at St Andrews. Many of those who are involved in the breakaway groups that are responsible for setting the entrance exams have worked in education for all their lives. If anyone knows what is best, it is them, not necessarily — dare I say it — us politicians.

The policy is enforced by the setting of a deadline for interviews with school principals, which is 4 February 2011. I am sure that Members will note with interest the significance of that date. On Saturday 5 February, children who sat the breakaway exams — as they were described — will receive their results. The fact is made plain in the document. Parents whose children have sat one of the breakaway tests will be hindered in receiving advice and making an informed decision about their child's future because school principals have effectively been told by the Minister that they must not hold any interviews with parents past 4 February. That could be compared with a diktat that completely ignores the reality of the situation. It casts aside children who have sat any breakaway post-primary entrance exam.

If anyone thought that a principal can ignore the advice of the Minister and work for the benefit of the children, which they are trained to do, they are wrong. It is highlighted in bold in the circular that any principal who holds transfer interviews after the date specified will not be eligible for substitute teacher cover. That is enforced by a letter from the Department dated 9 December 2010, in which principals are warned that if they include any teacher cover after 4 February, the cost will not be met by the Department.

The circular also warns principals about the cuts to their budgets, which were announced by the Minister of Education last week. Therefore, principals are restricted further in being able

to fulfil their obligations to their children and parents in providing advice on post-primary transfer beyond Friday 4 February. That date is less than two weeks away, and the circular has created further anxiety for the parents of children who are expecting results on Saturday 5 February. Parents will be put in a difficult position in making informed decisions about their children's future. The circular is yet another example of the Minister's failure to reach a consensus on this issue, which has caused significant anxiety among parents, children and teachers.

I found it fascinating that the Minister's guidance notes say that one thing that parents should be doing to prepare for this role is:

"How schools will select children for admission if they have too many applicants. In this situation schools have to use admissions criteria".

Like it or not, we all know that grammar schools will use the criterion of the entrance test for that purpose. The Minister's own guidance contradicts her in that respect. If she does not give the principals the right to advise parents on the results, they cannot fulfil the criteria that she has set.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I apologise for not being in the Chamber at the start of the debate.

The question that has to be asked is whether the debate is about education or about an agenda, dating back to 2006, of protecting one section of the education system, namely the grammar schools. Even within that group, there is a subsection that refers to itself as the elite among grammar schools and education. Those schools set themselves apart as different and not on a par with the rest of the education system, and I emphasise that point. It is worth noting that the same curriculum is taught to all pupils, whether the sign on their school gate says grammar school, college or post-primary school. They all teach the same curriculum. In any given school, whether a child receives a good education is down to the enthusiasm and dedication of the staff. It is not down to the nameplate on the school gate.

The motion mentions meetings between parents whose children are involved in the transfer process and principals. However, as I listened to the Member who proposed the motion, I realised that it is not about the parents of

children transferring to all schools. The Member is interested only in the parents of children who sat a transfer test to move to other schools. That is the flaw in the system thus far. The Minister proposed moving those meetings to a different time. She proposed a system that values all children and parents and in which they can meet teachers and the headmaster of the prospective school to discuss options, how the child performed in their last year of primary school and the terms of the transfer. That is what the Minister proposes. It is not just about one section of pupils in society.

It is also worth noting that there is a responsibility in the motion for all post-primary schools, because it is about the relationship between primary schools and post-primary schools. To date, in the eyes of many grammar schools, primary schools have been subservient to them, existing almost as a corralling system for children. The children whom grammar schools decided to select moved on to grammar school, and those whom they decided to reject moved on to another school. Surely, if we are to improve educational outcomes, primary schools must be centres of educational excellence. They should be focused on providing an education to each child, rather than on how to move children on in a way that meets the needs of the next school.

Yes, there has to be a relationship, but it must be based on equality. Primary-school principals, teachers and classroom assistants are all educationalists, as are the staff in whatever schools their children move on to afterwards. The debate should signal to the education system that all schools are equal and that the post-primary schools that offer selection and rejection tests have a responsibility to keep children and parents informed about how that process works. In repeated guidance issued by the Minister over several years, the message to parents was that there is a legal onus on post-primary schools, regardless of whether they select and reject 11-year-old children or are inclusive, to give information to parents. The system envisaged under the Minister's proposals will treat all children equally.

I return to the point that I made at the start. Is the debate about education or elitism? As this may be the last education debate of this session, perhaps somebody from the DUP will tell me why it chose to bring a debate on education to the St Andrews talks on

constitutional issues. On whose behalf was it acting, and on whose behalf was that item put on the agenda? Why did the DUP decide to bring academic selection — an education issue — to political talks at St Andrews?

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. There are a number of things about circular 2010/12 with which I am not happy, the first of which is its legal basis. Page 5 of the circular says that it does not constitute an authoritative legal interpretation of the various pieces of legislation that are relevant to the North of Ireland. One has to ask the Minister what exactly that means. If we cannot be sure about the legal basis of the circular, should we ask school principals to abide by it? It can hardly be inspiring to school principals to have to wonder whether the advice that they are being told to follow is legal. I look forward to the Minister's comments on that point.

Quite apart from the legality or otherwise of the circular, there is no doubt that it is, in essence, an assault on the professionalism of head teachers. I believe that head teachers are well equipped to make their own professional judgements on their role in giving advice to parents and pupils. The circular is a dangerous departure in so far as it seeks to micromanage the work of experienced professionals who feel that they have a responsibility to pupils and parents and who find themselves in an unresolved situation that is not of their own making. Is it right that parents should be denied access to professional advice from the people who are best placed to give that advice?

In some senses, the formal detail of the issue is less significant than the fact that the debate has ended up with the Minister issuing threats to a group of people who should have been allies in a progressive movement towards change. It looks like the Minister's final attempt to interfere with the unofficial system that is being operated by the grammar schools, and, since there appears to be little or nothing that she can do to the grammar schools, she has chosen instead to focus her attention and efforts on the primary schools, which, once again, find themselves caught in an invidious position in the fight between the Minister and the grammars. The primary-school principals have once again been used as cannon fodder in the war between the Minister and the grammar schools. Her failure to negotiate a

compromise or to come up with creative options for a solution have placed the primary schools in an impossible position as they try to meet the directives issued by the Department while maintaining a positive relationship with parents by providing them with the best possible support for their children.

There is plenty of evidence that, like my party, most primary-school principals want to see the end of academic selection and would much prefer to focus their energies on constructive educational priorities. However, it is also understandable that they will try to do their best by all their pupils in the difficult circumstances that have been created by unofficial testing. I strongly suspect that most primary-school principals will, in practice, ignore the Minister's directive and do their best to provide dispassionate advice to the parents of children in P7, including advice on post-primary options.

It is a lamentable end to the Minister's handling of this admittedly difficult issue that her final throw of the dice is effectively an attack on one of the key groups that she always claimed she was trying to help: primary-school principals. As she comes towards the end of her term in office, it is difficult to think of any group that she has not alienated during this whole sorry saga. Her energies would have been better spent on building a positive coalition for change. However, that appears to be beyond either her temperament or her political style. As we move towards the end of this mandate, the Minister of Education —

Mr Deputy Speaker: Bring your remarks to a close.

Mr D Bradley: — will have little to survey by way of success.

Her claims that she has brought an end to academic selection are clearly ill-founded. She has not ended academic selection but has merely managed to privatise it.

2.00 pm

Mr Lunn: I support the motion. It refers to advice interviews following the issuing of post-primary test results, and that is exactly the point. The advice that is given in the circular to which Jonathan Craig referred makes it clear that the interviews have to take place before the test results are issued. I have not seen that circular, to be honest, but I have a letter

from the South Eastern Board to a school that confirms the same thing. It states:

"Funding for the substitute cover that facilitates a primary school's principal's involvement in transfer interviews will be confined to interviews that take place on or before 4 February 2011."

I also took note of paragraph 5.23 of the Department's draft budget, which states:

"DE policy is for a non-selective system."

It continues:

"DE is consulting on a proposal to remove the facility for primary schools to claim for substitute cover in relation to the transfer procedure."

It is fairly clear what is happening.

People probably know by now where I stand on the long-term future of academic selection. I want to see an end to it, through being legislated away, withering on the vine or being made to disappear by agreement. I do not really care, but its time has passed, and the sooner we can get rid of it, the better. In the meantime, I do not see much point in ignoring the reality of the situation, which is that, whether or not there is a transfer system, children of age 10 and their parents need advice from the headmaster of their primary school and their P7 teacher at what is a stressful time in their life.

(Mr Speaker in the Chair)

I understand that getting advice from the P7 teacher is the current practice. All that will happen is that the primary schools will have to fall in line with the policy to some extent by conducting their interviews in the next couple of weeks. The parents of children who have done the transfer test will, undoubtedly, have to have a further interview. All that that does is put extra work, in particular, on to primary school heads who are already hard-pressed and probably scratching their head about what to do when faced with the onslaught of advice that comes from the Department. That is particularly the case for primary schools that are close to grammar schools, but primary schools are not allowed to conduct the selection test in the school. However, having the test there would be a better option for the children's well-being. The schools cannot do anything about that. Strictly speaking, they are not allowed to prepare pupils for the tests. They have to teach the curriculum, and the reality is probably slightly —

Mr O'Dowd: Will the Member agree that his last statement sums it up? He said that the school has to teach the curriculum. What is wrong with a school being instructed to teach the curriculum and not to break away from it and teach for an unregulated test? That is a fair statement.

Mr Speaker: The Member will have a minute added to his time.

Mr Lunn: Thank you very much, Mr Speaker. Believe it or not, I do not disagree with Mr O'Dowd. Ideally, I would like no selection tests and for primary school teachers to be allowed to teach the curriculum with no necessity to coach their pupils for tests. However, there is also the reality of what is happening at the moment. Primary school heads —

Mr Craig: Will the Member give way?

Mr Lunn: Just a minute. Primary school heads and teachers have no option, because they are faced with a different pressure — pressure from parents to bring forward their children for the tests, which I wish we could get rid of. I know that that might sound a bit contradictory, but, in the meantime, I want to talk only about the interviews, because that is what the motion is about.

I find it hard to escape the view that, frankly, this is another vindictive action by the Department. As Dominic Bradley said, it is another means of putting pressure on primary school heads and teachers to drive another nail into the coffin of academic selection. It is not going to work. What is best for the children? Surely, they must get that advice. It is not reasonable to ask headmasters and P7 teachers to do that without substitute cover being paid for, particularly now that there is a deadline. That means that they will have to do it twice.

Mr Craig: I will not enter into the debate about whether it is right, wrong or indifferent to have academic selection: the Member will know that we differ on that issue. However, does he agree that this approach is similar to a lot of the approaches that the Minister has taken? It is the emu approach, where she buries her head in the sand and refuses to accept what is happening. In some primary schools, more than 80% of the children will participate in the tests, and, ultimately, the head teacher will have to give advice to the parents.

Mr Lunn: That is pretty much what I said, without comparing the Minister to an emu. Mr Speaker, I will conclude because I can see that my time is nearly up. We support the motion, but I want to make it clear once again that we are absolutely against academic selection.

Mr Storey: Mr Speaker, as you will expect, I support the motion and congratulate my colleagues on tabling it. It is clear for everyone to see that old habits die hard, especially when it comes to the current Education Minister. It seems as though the conflict, confusion and challenge that dominated the history of Sinn Féin was not dispensed with when the party appointed Caitríona Ruane as Education Minister. Instead, what the Minister decided to do was in total variance to her colleague and former Education Minister, Martin McGuinness. In an article in the 'Belfast Telegraph', the former Education Minister said:

"We need co-operation not continued conflict."

He went on to say:

"Education does not have to be conflictual."

What has been the hallmark of the tenure of the Education Minister who is in the House today? It is to be malevolent and be involved in meddling and mischief making, in the hope that, somehow, by some other means, she will be able to wear down the system in such a way that people will ultimately roll over and allow her ideological position to take precedence.

What we are hearing in today's debate is yet another attack in a long line of attacks that the Education Minister has made on those whom she wants to change ideologically. However, therein lies her problem: ideological positions will remain so only if they are not reflected in legislation. Whether the Education Minister wants to accept it or not, the legal position is clear. If the Minister has the decency and good manners to listen — that has never been a trademark of her time as Minister — I will quote what she said about the guidance that the Department issued from the Minister. She said that it does not in itself have statutory force.

We all remember the issue about parents taking their children out of school and taking them to a foreign country. There is guidance on that issue, but the Education Minister interpreted that guidance as a parent, as she had a right to do.

The Minister sent letters to schools operating what she calls "private tests". She asked for information relating to the funding arrangements for the payment of those tests, but she has been informed that she has no legal right to ask that of the schools. She was meddling.

What has the Minister done in relation to the appointment of members to the education and library boards? She has delayed and dilly-dallied in the hope that somehow they will not be reconstituted under the legislation and that somehow the dream world of the ESA will come into operation by stealth and other means. The motion deals with yet another example in the long history of how the Minister operates.

I want to answer a question that was asked by John O'Dowd. He asked why the DUP brought the issue of academic selection to St Andrews. I will tell you why, Mr Speaker. It did so because a previous Education Minister abolished one system but failed miserably to put in place an alternative. Until an alternative system is agreed and put in place, the legal framework and legal right of schools to use academic criteria in admissions policy will continue.

Mr Givan: Does the Member agree that at every attempt by Sinn Féin to pursue its agenda it has been the DUP, through the Assembly, that has stopped that agenda and that Sinn Féin can lay claim to no success?

Mr Speaker: The Member will have a minute added to his time.

Mr Storey: That is true. It is why, out of the blue, Mr O'Dowd recently had to put an article in a newspaper to defend the current Minister as though, somehow — if there were to be no Sinn Féin Education Minister in the next mandate and new Assembly — the party's policy to abolish the 11-plus had been successful. It has not been successful. The fact is that tests are now operated within the law. Therefore, the Minister and Sinn Féin have to realise that there must be consensus. Why did the party opposite stay outside talks on finding a way forward?

Mr O'Dowd: I am glad that Mr Storey brought up the subject of the 'Belfast Telegraph' talks. A presentation to the Committee for Education the other day — six months after the report was delivered to it — showed clearly that no agreement had been reached in those talks. In fact, the issue had not even been discussed.

Mr Storey: That just shows how incapable some Members are of reading an entire document. It indicated that there is willingness among major stakeholders to deal with the issue. However, what has the Minister done?

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

Mr Storey: As with any other issue, such as her failure to deal with end-year flexibility when she had to get the Minister of Finance to find a solution to her problem, it will be for other people, not the failed Minister of Education, to find a solution for the future of education.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. Comments by the previous Member show that Members opposite are present only to debate the topic in the interests of the select number of children whom they wish to represent. The motion refers —

Mr Storey: Will the Member give way?

Mrs O'Neill: Let me get going.

Mr Storey: Will the Member allow me respond to her point?

Mrs O'Neill: I will not give way. Maybe I will do so later in my contribution.

The motion refers to restrictions being placed on schools and principals who wish to advise parents on post-primary transfer matters following the issue of unregulated test results. Perhaps the supporters of the motion need to reread the circular that was issued by the Department. It clearly sets out and recognises the importance of primary-school principals offering help and advice to all parents of children in P7. It goes on to state that it is important that the primary school principal's role in transfer is clear and that it receives the Department's support.

It is right and proper that principals make themselves available to parents who have concerns about their children's educational experience, which is what they do at present. We are all aware that they are amenable and open to speaking to parents when necessary. We are also aware that they will continue to do that. However, the Assembly cannot continue to support a two-tier system of educational support.

Holding an interview before the issue of unregulated transfer results makes it clear to parents and everyone involved that primary schools have absolutely no involvement in the academic selection process being run by grammar schools. Principals will meet parents on or before 4 February 2011 to advise them. That is set out in the circular, which also states that principals will invite parents of children in P7 to an interview to advise them on completing transfer forms. It could be no clearer. I do not see how the supporters of the motion see that as a restrictive comment, as it shows that principals are open to speaking to parents as needed.

Furthermore, the process that has been outlined by the Department is in line with that for other milestones in a child's educational journey. For example, when parents apply for their children to be admitted to nursery or preschool, who assists them with the completion of the form? They do it themselves. Who assists parents with the form when they apply for their child to go to primary school? Parents do that themselves. That proves that the measures should be sufficient for the majority of parents to ensure that a transfer form is completed in a correct and timely manner. However, we recognise that there are instances in which parents may need advice. There could be various reasons for that, such as literacy problems or language difficulties. Those will be considered as exceptional circumstances, and an interview can be conducted in those situations.

2.15 pm

Dominic Bradley talked about the professionalism of principals, who can use their discretion on when an interview is necessary. That is common sense; that is what principals do. It was the principals who asked for clarification and to be divorced from the situation, because they do not want to be involved in something that is unregulated and nothing to do with them. I, therefore, think that it is right and proper that the situation has been clarified. In the long run, it will benefit principals. Teachers want to teach children. They do not want to be teaching to exams; they want to be totally divorced from an unregulated system that is being run by the academically selective schools.

For those reasons, Sinn Féin will continue to protect the rights of all children in the education

system. We do not stand up for a select number of children; we stand up for all children.

Mr Bell: Let me be clear from the outset that the reason why this motion was brought before the House was to enable us to look at what is in the educational best interests of all children, based on their ability to learn. That is the purpose of the motion. It has not been mentioned, but the elephant in the living room is that the Northern Ireland education system sends more young working-class people to university than that in any other part of the United Kingdom. That is a statistic that we should be proud of and an education system that we should look to defend and enhance. Over the past number of years, the history has not been a successful one for the House. We have not had educational success based on consensus; we have had systematic confrontation. The higher the barriers that have been built, the stronger the people have become to defend a system of education that places more working-class children in university than in any other part of the United Kingdom.

I declare an interest as a governor of a grammar school, and I have a family member who is the school principal. I say to the Education Minister that we are looking for the politics of educational success, not the politics of educational spite. To place a restriction on principals who are giving genuine information to parents the day before the results come out cannot be anything other than the politics of educational spite, for the purpose of driving a dogma and a philosophy. It is not there for the purpose of allowing the child with the results to have a proper debate or analysis with an education professional on where their future best lies.

It was difficult for many of us who have watched politics for years. We saw Mr Adams, with an obstructionist approach to Northern Ireland education.

Mr O'Dowd: Who?

Mr Bell: We saw the politics of confrontation, and the approach of obstruction and confrontation was carried on. I am referring to the man who has gone away, you know. I am referring to the man who has gone away to be a paid Crown Minister. I understand that the only way that he can resign from the House of Commons is to be in the service and employment of the Crown. I do not know

whether he will be baron of Northampton. Anyway, I am referring to the man who has gone away.

That politics of obstruction and confrontation was met not with an equal and opposite reaction from those who had a genuine belief in education but by a better reaction. As a result of that, the academic qualifications and tests that are needed were set. Some argue that three tests offer young people a fairer chance than two tests. The schools that wish to use that as their selection criterion can use it and have used it, but nobody is forcing them to do so. As a governor of Regent House, I can see that the number of parents applying to the school is vastly greater than the number of places that we can offer. It is good for the children, and it is good for the parents.

Mr O'Dowd: I am not aware of the school, so I may be putting the Member in a difficult position. Does the grammar school of which Mr Bell is a governor adhere to an A to B category? Or does it do what the majority of grammar schools do and take all comers from the surrounding schools and leave their numbers falling?

Mr Speaker: The Member will have a minute added to his time.

Mr Bell: Thank you very much. It is a grammar school that firmly complies with the law and offers a choice. *[Interruption.]*

Mr Speaker: Order.

Mr Bell: There are other good schools in the area that do not take that approach, and I do not take anything away from them, but that one does, and the parents and children want it. They apply for it in greater numbers than there are places for the school to give.

We need to move from the politics of confrontation to the politics of consensus. Does the Minister think for a second that, because of that circular, parents are not going to turn up on 6, 7 and 8 February and ask the teacher at the school gate or the principal for their advice? It is just nonsense. We need to lift the restrictions to allow parents to have a genuine choice and to allow the children to get the information. If the argument is so successful — we are told that they should not want to go to those schools — let the children and their parents make their

decision, but do not restrict a system that is working.

Sinn Féin may believe that the politics of confrontation will be successful; however, I think it was Einstein who said that the definition of insanity is doing what we have always done and expecting a different result. For four years they have stonewalled and been confrontational and obstructive, and what result have they got? They have academic selection with more applications than places, and they have ended up with the education system that they tried to change and failed lamentably. Now is the time for consensus.

I say to the Minister that it is not a shame to change your mind when the facts change, and the facts have changed. Academic selection is going to be here to stay, because it is right for parents and for children. I ask for change that is in the best interests of all our children.

Mr Beggs: When assessment is made of the current Assembly I am, sadly, confident that the greatest failure will be deemed to be the manner in which the education brief has been handled by the Minister. Contrary to any pronouncements that the Minister or the DUP have made, the educational needs of pupils and parents have often been secondary to political and often ideological disputes. We must think of the children and their parents first.

The Minister uses words such as “injustice”, “inequality” and “fundamentally immoral” when she describes the transfer method using academic criteria. Those are the words not of a Minister looking after all but of an ideologue who places her narrow political goals ahead of the needs and choices of parents and children. Thankfully, we have parental choice. Transfer selection by academic criteria is legal in Northern Ireland, but it is because of the Minister’s unwillingness to engage with her Assembly and Executive colleagues that grammar schools have had to act independently in order to meet the needs of those children and parents.

The Minister’s decision is another direct attack on parents who want to send their children to schools that specialise in academic excellence. It further places primary-school principals and teachers in an extremely difficult position. The Minister’s foreword to the Department’s procedure for transfer from primary to post-primary education 2011-12 states:

“It is important that recipients read this document carefully to ensure that the process of transfer remains functional and coherent in the interests of all children and their parents.”

I question how she can say that it delivers that. The latest transfer guidance has been designed by the Minister with the single intent of diminishing the interests and needs of children and parents who want to send their children to schools that specialise in academic excellence. That is fundamentally immoral. Where is the interest of those children and their parents in that decision?

The Minister knows that the results of the transfer tests go out on 5 February, so it appears that she has deliberately issued a decree about the important parent/teacher interview, which is designed to ensure that parents and children make an informed choice about transfer. She has almost deliberately decided to cause difficulty in enabling them to receive the best advice from the principals, who will know the child on the basis of knowledge of any outcomes that will arise. Presumably that is why 4 February and 5 February are significant dates. She is attempting to prevent that useful information from being imparted to children and their parents.

In guidance on the transfer procedure, the Minister followed the decree with the threat that:

“any transfer interviews conducted after 4 February 2011 will not be considered by the Department to be part of the transfer procedure and will not therefore be eligible for substitute teacher cover”.

Where is the delegation of duties to schools, principals and governors in making choices about how they run their school? That is a central diktat that the Minister is attempting to impose.

The Minister has placed primary-school principals and their teachers in the invidious position of not being able to give that advice and help. Transferring a child from one school to another is, at the best of times, extremely stressful for children and their parents. However, the Minister apparently wants to create a further vacuum that will lead to even more stress. That is unacceptable.

The stakes in this educational dogfight are extremely high. Northern Ireland has a world-class education system that helps our economy and society to develop. At the moment, however,

due to an ideological spat, we are jeopardising its future. The Ulster Unionist Party recognises that we need to improve our educational underachievement significantly, especially among those from underprivileged backgrounds. However, do you help them by removing excellence? Rather than concentrating on areas where support and additional help are needed, the Minister is trying to dumb down and lower standards.

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

Mr Beggs: It would be much better if the Minister concentrated on educational underachievement in order to raise all standards so that every child will reach his or her full potential.

Mr Speaker: I ask the House to take its ease as we move into Question Time. We will come back to the debate after Question Time, when the next Member to speak will be Paul Givan.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Sustainable Development Commission

1. **Mr Lyttle** asked the First Minister and deputy First Minister what plans are being put in place to ensure that the work currently carried out by the Sustainable Development Commission will continue after 31 March 2011. (AQO 835/11)

The First Minister (Mr P Robinson): Mr Speaker, with your permission, I will ask junior Minister Newton to answer that question.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton):

I thank the Member for his question. The UK Government announced their intention to withdraw funding from the Sustainable Development Commission (SDC) in July of last year. The impact of that decision is that, having considered several options, we have reluctantly decided to wind-up the Sustainable Development Commission in Northern Ireland, with effect from 31 March.

The commission has provided valuable support to the Executive in helping them to realise their sustainable development obligations and ambitions. I acknowledge the efforts of everybody associated with the organisation and the valuable work that they did.

As an Executive, we are committed to the principles of sustainability and to progressing the priorities and strategic objectives set out in the new sustainable development strategy. In that context, officials in the Office of the First Minister and deputy First Minister (OFMDFM) have examined options for the effective delivery of the Executive's sustainability priorities. We are in the latter stages of finalising a structure that will prepare and serve the Department well in delivering those targets and objectives.

This is a requirement that is facing all Governments across the devolved Administrations, all of whom are developing their own particular solutions that are most

appropriate to their needs. Our decisions must, of course, be taken against the background of the spending pressures that all Departments face. That is why we are seeking new and original solutions that make the most of existing expertise and the resources that are available to us.

We are conscious of the need to challenge convention and to address the unacceptably high cost of delivering solutions through the old ways of working. Since OFMDFM took responsibility for sustainable development, we have developed our own expertise and established productive relationships, both locally and internationally, inside and outside government. We want to utilise and strengthen those relationships as far as possible in the pursuit of our goals.

Mr Lyttle: It is obviously disappointing to hear of the lack of funding for the Sustainable Development Commission. What is the timescale for bringing forward the alternative proposals? Has the Welsh Assembly's approach, of introducing an independent advisory and scrutiny body, been considered?

The junior Minister (Mr Newton): In my answer to the substantive question, I said that the devolved Administrations have to consider a solution that best suits them and must consider that solution within the constraints of finance and resources, which I outlined. We have been, and are, developing our own expertise, both locally and internationally, which will serve Northern Ireland well.

Obviously, we will look at what is delivered in Wales, England and Scotland, and nothing will be ruled out. As I said, the commission will be wound-up on 31 March, and we are finalising our plan for the delivery of sustainable development in that context, with the intention of having it in place following the SDC closure.

Lord Browne: Will the junior Minister outline the cost implications of winding-up the Sustainable Development Commission and those of the intended new structures?

The junior Minister (Mr Newton): I thank the Member for his question. At the risk of repeating myself, cost is a major factor. As part of its remit, the project board that is addressing the issue and overseeing the winding-up of the SDC has been tasked with considering the whole issue, including the assets and the liabilities.

The assets appear to relate most significantly to intellectual property and the ownership of SDC reports and publications. That is being managed in the interim with the aim of ensuring future access to all those valuable materials. Much of the research that has been done is invaluable, and Northern Ireland needs ongoing access to it.

The project board is working to minimise the risk of liabilities associated with the wind-up. It is not clear at present whether existing Department for Environment, Food and Rural Affairs (DEFRA) and SDC resources will be sufficient to meet the necessary obligations relating to redundancies and pension provision. We do, however, maintain that DEFRA's unilateral decision to withdraw funding and, effectively, to precipitate the closure of SDC suggests that the liabilities associated with doing so are a matter for that Department. We have already made that opinion clear to the Secretary of State for Environment, Food and Rural Affairs and our colleagues in the other devolved Administrations. The closure will result in some cost savings to the Department. OFMDFM has, until now, contributed £120,000 per annum to the overall running costs of the organisation.

Mr McElduff: Tá ceist agam don Aire. I ask the Minister to be more specific and precise about what structures are going to be put in place to carry on the work that is being carried out by the Sustainable Development Commission at present.

The junior Minister (Mr Newton): I thank the Member for his question. I have already said that that work is ongoing. We are working on a succession plan to replace what was regarded as a very valuable organisation from a Northern Ireland perspective. I am sure that that feeling is shared by the other devolved Administrations.

The decision to close the organisation was taken by Caroline Spelman. Each jurisdiction needs to look at what is relevant to its future arrangements for the delivery of a sustainable development programme that is designed to deliver its priorities in each context. Therefore, the arrangements that will be put in place will vary because of the differences in the short-, medium- and long-term priorities.

For Northern Ireland, that means establishing working relationships that will enable us to deliver the priorities and objectives of our sustainable delivery strategy by working in ways that complement and build on the strengths of

our arrangements in Northern Ireland. We are aware that plans are being considered by other Administrations and that different approaches are being taken in Scotland, Wales and England, some of which involve external organisations and some of which involve government organisations.

A Northern Ireland decision has not yet been taken, but work is ongoing, and I believe that we will end up with a strategy and a delivery mechanism that will satisfy all Northern Ireland's requirements.

HM Coastguard: Bangor

2. **Mr Gibson** asked the First Minister and deputy First Minister whether they intend to lobby HM Government for the retention of Bangor Coastguard station. (AQO 836/11)

The First Minister: We recognise the level of concern that this matter has provoked among public representatives of all parties, evidenced by the question being asked of the Secretary of State for Northern Ireland and the Prime Minister at Westminster. The coastguard rescue centre is vital to people here, and we are delighted to see the growing campaign in the media and local community to save it. The Executive will do all that they can to influence any decision about the centre's future.

Of course, we share everyone's concerns about people's safety here and the potential impact on local employment but we are particularly concerned that the closure of the coastguard rescue centre in Bangor would leave us as the only devolved Administration without a coastguard presence. Although coastguard services are a reserved matter, we will be responding formally to the coastguard modernisation consultation, which runs until 24 March 2011. In addition, I assure the Assembly that we will continue to pursue the matter through normal channels and ensure that the strongest case for maintaining the Bangor station is made to the Government.

Mr Gibson: I appreciate and welcome the First Minister's response. Given that many major shipping lanes pass along the County Down coast and that a major air corridor passes over that area, and bearing in mind the fishing activity and recreational boating that takes place in those coastal waters, does the First Minister share my view that the local knowledge of the

staff of the Bangor coastguard station could prove vital in the event of an emergency?

The First Minister: Absolutely. Local knowledge is the main aspect of our case. Place names can be learnt quickly enough, but distances between various places, where along the coast are the best places for rescue services to land, and all the local knowledge that has been built up in Bangor are essential ingredients. The deputy First Minister and I have been invited by the Member of Parliament for the area, Lady Sylvia Hermon, to go down to look at the existing services, and I would like to take up that invitation.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. Given the review of maritime safety taking place in the South, and that commenced by the London Government, and also the high level of North/South co-operation on the issue, will consideration be given to devolving responsibility for coastguard services to the Executive and the development of all-island co-operation to co-ordinate safety and coverage along that shared coastline?

The First Minister: I cannot envisage that all happening before 24 March.

It is clear that this is a reserved matter, and the power is held at Westminster. We will respond to the consultation as the requirement is set down, and we will consult with Ministers in GB about the way forward. I do not think that there is any suitable alternative, whether in the Republic of Ireland or Liverpool, to having a facility in Northern Ireland with the local knowledge and closeness to the job that is required.

Ms Ritchie: Will the First Minister outline what discussions have taken place, or will take place, through the Joint Ministerial Committee (JMC) in London, where both he and the deputy First Minister meet colleagues from the other devolved institutions, as well as, probably, the Prime Minister and deputy Prime Minister? What discussions have taken place at that level? Can discussions and referrals take place at that committee? What further representations will be made to the Secretary of State for Transport?

The First Minister: The JMC meets, conveniently, next week. Although this is not an agenda item, the issue will certainly be raised on the periphery of the meeting. This is a reserved matter, and Westminster has the power to take the decision. Our Members of Parliament

can use their influence at Westminster as well, and I am sure that they will do that.

Equality Legislation

3. **Mr McCarthy** asked the First Minister and deputy First Minister, in light of the introduction in GB of the Equality Act 2010, what proposals are being developed to address any deficiencies in equality legislation in Northern Ireland.

(AQO 837/11)

The First Minister: With your permission, Mr Speaker, I will ask junior Minister Robin Newton to answer that question.

The junior Minister (Mr Newton): I thank the Member for his question. I know that he has an ongoing interest in the area.

We are considering the options for legislative reform. However, we continue to legislate to meet our commitments under the Programme for Government, EU obligations, case law requirements and emerging issues.

Since the restoration of devolution, we have introduced legislation to strengthen and to improve the rights of individuals in a number of areas. We have introduced a number of changes to disability discrimination legislation to improve the lives of disabled people here. For example, we have amended the definition of “disability” so that people with progressive conditions are deemed to be disabled from the point of diagnosis. We have made it unlawful to treat a disabled person less favourably than others for disability reasons in relation to the disposal or management of residential, commercial and other premises. We have also imposed new duties on public authorities and private clubs to make reasonable adjustments for disabled people and we have made it unlawful for transport operators to discriminate against the disabled person.

In the area of gender equality, our law has been amended to give effect to the European gender, goods and services directive and the equal treatment amendment directive. We intend shortly to introduce legislation to remove the default retirement age. We need to ensure that our citizens enjoy the same protections as others across the EU, and we will, therefore, consider the implications of those developments in deciding the future direction of equality legislation here.

2.45 pm

Mr McCarthy: I thank the junior Minister for his response. Does he agree that it would be most regrettable for the equality rights of the people of Northern Ireland to be less than those of people across the water? After all, we are supposed to be in the UK. Will the junior Minister give a commitment to support a single equality Bill in the next Assembly, given that the issue has been around for five years or more?

The junior Minister (Mr Newton): In response to the Member’s first question — his first question — I say that I do not want anyone in Northern Ireland to suffer or to be treated in any way less favourably than anyone in any other part of the United Kingdom. In fact, we must ensure that our citizens do not receive any less favourable treatment than anyone throughout the whole EU. We are under obligations to ensure that. As such, our intention is to ensure that favourable and comparable conditions are available to all.

Mr Speaker: I remind Members that they should read Standing Orders. When it comes to a supplementary question, only one question should be asked or one enquiry made. I continually say to the entire House that there are Members who try to get in multiple supplementaries. It will not work.

Mr Campbell: The junior Minister outlined the deficiencies in existing equality legislation. Can he undertake to keep under review the composition of the Equality Commission, given its under-representation of Protestants and the work that it does to address the under-representation of Protestants in the wider community?

Some Members: Hear, hear.

The junior Minister (Mr Newton): I thank the Member for his supplementary question. I know that he has raised the issue on a number of occasions. Indeed, it is an issue that has received considerable and widespread press coverage. I suppose that the Member’s concern could apply to every issue, and it should be a general concern of every Member. It is for the NIO to take up, and I know that the Member has corresponded with the NIO on the matter.

Ms M Anderson: Go raibh míle maith agat, a Cheann Comhairle. I thank the Minister for his responses. I ask him whether he heard the discussion on ‘The Stephen Nolan Show’ this

morning about the case of Mrs McCluskey and the horrendous treatment that she received from carers in her home. I must say, as someone who depends very much on carers, that that is not the case across the board.

Listening to the programme, I heard that those who are trying to ensure that it does not happen again —

Mr Speaker: I encourage the Member to come to her question.

Ms M Anderson: — were going between the Minister of Health, Social Services and Public Safety and the Minister of Justice to try to find the legislative protections in place to prevent such an incident from happening again. Therefore, what I would like to ask the junior Minister is whether he will work to address the fragmented array of legislative instruments that we have in place here, which apply different strands of protections across the board. When he is making his deliberations —

Mr Speaker: I encourage the Member to finish.

Ms M Anderson: — I ask him to look at that fragmented array of legislation and to try to bring it together in one Bill so that we have the adequate protections here —

Mr Speaker: I must insist that the Member finish.

Ms M Anderson: — to prevent such a case from happening again.

The junior Minister (Mr Newton): I did not hear 'The Stephen Nolan Show' this morning. If it is the matter that I caught on the lunchtime news, that is, the case of an older person who was not receiving the attention that she deserved and was entitled to in a care facility, it is an absolutely deplorable situation.

I cannot see, however, how the issue might be solved. Again, I am trying to read between the lines, where the Member is highlighting her concerns about a single equality Bill. A person was taken before the courts and received their due attention, while the family of the victim expressed their satisfaction at the result of the court proceedings. If that is the case, I am not sure how a single equality Bill, with all its associated costs, would have helped in that situation.

Budget Review Group

4. **Mr W Clarke** asked the First Minister and deputy First Minister whether the Budget review group continues to meet and for an update on its work. (AQO 838/11)

The First Minister: The Budget review group played an important role in shaping the draft Budget, including the identification of potential new sources of revenue and options for maximising receipts and reducing bureaucracy. After the publication of the draft Budget statement, the Budget review group met on 18 January. The group received an update on the Budget process to date and considered strategic issues outlined in the draft Budget, including the development of revenue-raising proposals and the initial work on the arm's-length body review. We plan for the group to continue to meet over the coming weeks as part of the process of developing the Budget. Indeed, the next meeting is scheduled for tomorrow afternoon.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I thank the First Minister for his response. Has the Budget review group identified any other revenue-raising measures in addition to those in the draft Budget?

The First Minister: We hope to progress that specific task at tomorrow's meeting, which will be attended exclusively by representatives of the parties on the Executive. Each party will consider proposals without prejudice and will make suggestions about other sources of capital asset disposal, revenue or savings. Tomorrow, and in the coming days, we will look at each of those in turn.

Mr K Robinson: Will the First Minister tell the House the dates of the two previous meetings of the Budget review group before last week? Has the group come to any conclusions about the Budget proposals on Belfast port?

The First Minister: I could find out those dates for the Member, but he would probably get them more easily from the representatives of his party who attend those meetings.

There have been discussions at official level about the funds that might be raised from Belfast port, and we are seeking a meeting at ministerial level with senior port officials. The Executive have several options about raising funds from the port. We are discussing

proposals from the Minister for Regional Development that would allow us to raise more than the Budget allocation, which is some £30 million. The Minister's proposal goes well beyond that, and we will want to discuss the level and the mechanism with the port authorities.

Mr Hamilton: I am sure that the First Minister will have noted the public comments from some members of parties that are represented on the Executive that they do not believe that they have been properly consulted about the draft Budget. Will the First Minister confirm that all Executive parties are represented on the Budget review group and that they have all been consulted extensively on the contents of the draft Budget?

The First Minister: When I heard one Minister say that he had seen the draft Budget six hours before it was published, I was waiting for a bolt of lightning to hit him. All Ministers on the Executive consulted officials in their respective Departments, followed by extensive consultations with the Minister of Finance and Personnel. Each party on the Executive is represented on the Budget review group, which has had several lengthy meetings and will continue to do so. All Executive parties were fully involved in the whole process, though for political reasons some parties may wish to distance themselves from the kind of cuts for which they encouraged people to vote.

Mr O'Loan: I welcome the continuation of the work of the Budget review group to investigate further Budget opportunities. Will the First Minister support the continuation of a process to interrogate and to improve the Budget beyond March, when a revised Budget will be presented to the Assembly?

The First Minister: Yes, I will. The deputy First Minister and I agree that the raising of revenue will not stop with the agreement — I hope — of the Budget and its publication but will continue thereafter. If we can get additional funds through other mechanisms after the date of the Budget, we can supplement the Budget and allow a little more room to breathe in some of the Departments. Therefore, the answer is very definitely yes.

Presbyterian Mutual Society

5. **Mr Bresland** asked the First Minister and deputy First Minister what progress has been made to date in resolving the Presbyterian Mutual Society issue. (AQO 839/11)

The First Minister: Although this has been a lengthy and complex matter, significant progress has been made towards resolving the Presbyterian Mutual Society (PMS) issue. The ministerial working group reconvened on 21 July 2010 and met four times between July and October. On 15 October, it reported to Prime Minister David Cameron with a proposed solution. The solution involves a loan to the administrator to allow an orderly disposal of PMS assets over a 10-year period, payment to creditors and the creation of a mutual access fund to give members early access to their funds. It is based on a £175 million loan to the administrator and a mutual access fund to which the United Kingdom Government have committed £25 million, the Executive will commit £25 million and the Presbyterian Church will also make a contribution.

The United Kingdom Government's contribution of £25 million to the mutual access fund was confirmed in the spending review announced on 20 October 2010, which also confirmed that Northern Ireland's reinvestment and reform initiative borrowing facility would be increased by £175 million in 2011-12 to be used on our capital projects to free up resources to facilitate a loan to the PMS administrator. Those amounts are in addition to the normal block grant. The Northern Ireland Executive's draft Budget, agreed on 15 December, contained provisions for the funding of the proposed solution, which confirmed that the contribution from the Treasury of £25 million will be matched by an equal contribution from the Executive.

The proposed solution remains subject to Executive, Assembly and EU agreement, as well as, of course, to agreement from those who have put funds into the PMS.

Mr Bresland: I thank the First Minister for his answer. Will he indicate what steps are required before the savers will be paid?

The First Minister: On the face of it, this all seems to be a very simple matter: the Treasury agrees that, from 1 April, funds will be made available to the Northern Ireland Executive. The Northern Ireland Executive, which have taken

a decision in principle, would have to take a formal decision on the matter. Of course, before they can do that, they require to see the schemes that the administrator is working up. Fortunately, in this Assembly, we have passed legislation to deal with financial hardship, and we can bring a scheme forward to the Executive and the Assembly under that legislation. That saves us having to tailor-make a piece of legislation for this purpose. Obviously, European Union approval is necessary, as, indeed, is that of the administrator and of those who have funds in the PMS.

The bottom line is that the funds will be made available to us from 1 April. We can probably make them available within a month of all the necessary and detailed legal drafting and regulatory work being carried out.

Mr A Maginness: Will the First Minister explain why disqualification proceedings have been taken against some former directors of the PMS and not others?

The First Minister: I could attempt to do so, but I should not, because, clearly, it is a legal matter. It is on legal advice that the Enterprise, Trade and Investment Minister reported, as necessary, and, as I understand it, some people have been barred from holding directorships or the process is going ahead to consider that matter. As to why one director was chosen as opposed to another, the Enterprise, Trade and Investment Minister would have to answer that, but I suspect that she would be unable to do so until any legal proceedings had passed by.

Health, Social Services and Public Safety

Health and Social Care Trusts: Payments to Craftsmen

1. **Mr Wells** asked the Minister of Health, Social Services and Public Safety what is the total average annual cost of enhanced payments made to skilled craftsmen employed by the health trusts. (AQO 850/11)

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): The total cost of the recruitment premium paid to skilled maintenance craftsmen in health and social

care, under the Agenda for Change agreement, is £899,000 in the current year.

3.00pm

Mr Wells: There was a rationale for paying the enhancements when they were introduced, because the trusts found it very difficult to recruit skilled craftsmen. However, does the Minister realise that if he were to put an advert in the paper for a craftsman for one of the trusts today, there would be several hundred applications due to the downturn in the construction trade? Will he assure the House that the enhanced payments are being reviewed, with the possibility of making a substantial saving of, as he has outlined, almost £900,000?

The Minister of Health, Social Services and Public Safety:

The item that we are talking about is part of the Agenda for Change national agreement that was implemented on 1 October 2004. A huge amount of work has been done on Agenda for Change since that date. It is not something that I can affect arbitrarily — it is a matter for national negotiation in London. There have been discussions in London around its future. The Member will be aware, for example, that anyone who earns more than £21,000 is subject to a pay freeze. It is not something that I am able to do on my own.

Mr Burns: Will the Minister clarify exactly what a skilled craftsman is? Have all those skilled craftsmen had their salaries enhanced under Agenda for Change?

The Minister of Health, Social Services and Public Safety:

I cannot speak for all the craftsmen without looking at individuals, but, yes, Agenda for Change was to look at the issue of pay and to ensure fair pay for a fair day's work. That has been the ongoing process.

A skilled craftsman is a plumber, electrician, fitter or engineer: individuals without whose skills, large units, such as hospitals, would not be able to function. Take the recent inclement weather, for example. Our operating theatres have ventilators that can operate in incoming temperatures of -4°C. When the temperature fell to -10°C and below, those craftsmen stayed in operating theatres all night to ensure that the temperatures inside did not drop. If the temperature in an operating theatre drops below -4°C, the air coming in quickly freezes the ventilators, leaving the ventilators and theatres

inoperable. That is one example of the extra work that the skilled craftsmen do.

They are not the sort of individuals whom you can simply recruit from an advert in the paper. However, as I come from a building background, I am aware of the huge problems in the building business. We are talking about £899,000 for a number of individuals: 87 plumbers and 156 electricians. In effect, it concerns some 220 staff. We are not talking about huge sums for anyone.

Swine Flu: Vaccination

2. **Mr Ross** asked the Minister of Health, Social Services and Public Safety to outline his Department's swine flu vaccination policy.

(AQO 851/11)

The Minister of Health, Social Services and Public Safety: During the pandemic, I launched a swine flu vaccination programme on 21 October 2009. The programme started with the vaccination of the clinical priority groups, which were identified by the Joint Committee on Vaccination and Immunisation (JCVI) as those individuals at greatest risk of complications if they become infected with swine flu. The formal swine flu vaccination programme came to an end on 31 March 2010. However, the swine flu vaccine continued to be available for those in the at-risk groups aged six months and over, pregnant women and front line healthcare workers until 1 October 2010 when the seasonal swine flu vaccination programme for 2010-11 commenced.

The seasonal flu vaccine for this winter includes protection against a swine flu strain. The swine flu and seasonal flu vaccination policies in Northern Ireland are based on recommendations from the Joint Committee on Vaccination and Immunisation, which is an independent expert advisory committee that advises the four UK Health Ministers.

Mr Ross: Will the Minister assure the House that the Department will have enough of the vaccine if the swine flu situation in Northern Ireland worsens and the Minister has to change his vaccination policy to encompass more people?

The Minister of Health, Social Services and Public Safety: I can confirm that that is the case. However, I point out that all the data on the incidence of flu based on reports to GPs and to those working out of hours and on the number of people in intensive care units

appears to indicate that the peak in swine flu has passed. The Member will be aware that a pandemic lasts around 16 weeks and comes in two waves, which is what happened last year. However, this year, we are talking about a standard seasonal flu season of six to eight weeks. We are now well into that period — we are certainly past the middle of it — and it appears as though we are past the peak. That being said, I have an adequate amount of the flu vaccine for the population of Northern Ireland.

Mr Gardiner: Will the Minister join me in thanking the health and social care staff who are working tirelessly and with the upmost professionalism through the winter flu period?

The Minister of Health, Social Services and Public Safety: I readily do so. The Health Service has faced a series of challenges this winter. It began with the very inclement weather and the difficulties associated with that, some of which I alluded to in an answer to Mr Burns. We then had the water shortage, during which a number of hospitals went without water. However, thanks to the Fire and Rescue Service and the ingenuity of our staff, we kept the service going. We are now dealing with swine flu. However, as I say, we will, hopefully, be beyond that soon. Our health and social care staff took on and did all that work as well as their ordinary work. They obviously need to be commended, and we need to express our gratitude for the way in which they deliver that service.

Mrs D Kelly: The Minister referred to the at-risk groups in his initial answer. Will he provide the House with a clear definition of those who are deemed to be at risk?

The Minister of Health, Social Services and Public Safety: The at-risk groups for seasonal flu include the over-65s, even if they are fit and healthy; children and adults suffering from chronic heart conditions, chronic chest conditions, such as asthma, chronic liver disease, chronic kidney disease, diabetes, lower immunity due to disease or treatments, such as steroids; children who have previously been admitted to hospital with chest infections; carers who are the main carer for an elderly or disabled person; people who live in a residential nursing home; people with certain neurological conditions; and all pregnant women.

Clinical Excellence Awards

3. **Mr Weir** asked the Minister of Health, Social Services and Public Safety whether he is taking any action to stop the practice of paying clinical excellence awards to consultants. (AQO 852/11)

The Minister of Health, Social Services and Public Safety: I have already taken action on the payment of clinical excellence awards to consultants. I have decided that no new clinical excellence awards will be made this year. I took that decision in light of the Government's announcement of a two-year pay freeze for public sector workers who earn more than £21,000 per annum, the comprehensive spending review and the financial crisis faced by the health and social care sector as a result of budget cuts. That means that money that would have gone to new clinical excellence awards can instead be redirected.

Together with the Health Ministers in England, Scotland and Wales, I have commissioned an independent review of the various clinical excellence awards in operation across the UK. That review is being undertaken by the review body for doctors and dentists' remuneration, and we have asked for its recommendations on the future of clinical excellence awards by July 2011.

Mr Weir: I welcome the fact that there will be no new awards. However, I think that £11 million of the current budget is going towards clinical excellence awards. Will that money be stopped and instead be put into front line services or will it continue to be paid?

The Minister of Health, Social Services and Public Safety: Again, those are national agreements and are under contract. When someone makes a contract, they must deliver it, because a deal is a deal. Those are legal contracts, and we would risk a legal challenge if we attempted to step away from them.

The amounts paid for various types of awards — some are lower and others are higher — are being reviewed. However, I remind the House that some of the awards are paid, not as bonuses, but as awards for particular services to health and social care in Northern Ireland. For example, an award was paid to the consultant responsible for the development of cancer services throughout Northern Ireland. That has culminated in the development of the new Northern Ireland cancer centre and

the creation of the day treatment unit, and we now have some of the best cancer services in the UK. Another award was paid to the consultant responsible for the development of a renal dialysis transplant centre that provides services to infants and children, and another was paid to a consultant for the development of internationally recognised clinical services and a research programme for cystic fibrosis.

Often, those awards are paid for work that is exemplary or exceptional, or to reflect a very high standard of contribution, and they reflect the value of a consultant's work. There is a core of consultants in Northern Ireland, many of whom are at the cutting edge, internationally as well as nationally, of clinical work.

Dr McDonnell: I thank the Minister for his answers so far. Is the issue not simply one of creating openness and transparency about to whom and how awards are made, rather than threatening to stop making awards to people who, in many or most cases, deserve them?

The Minister of Health, Social Services and Public Safety: I agree that, in most cases, the awards are deserved. I am all for openness and transparency, because they help to obviate some of the criticism. I also believe, although this is a matter for the review body, that there are other areas to which we can look for clinical excellence. The nurse who delivered the new cardiac service in the Omagh hospital, for example, would be precluded from this type of clinical excellence award, but she is exactly the sort of person who should be eligible. The system is being reviewed, but those awards are about rewarding and recognising exceptional personal contributions over and above the normal standard that one would expect of a clinician.

Mr Armstrong: Does the Minister believe that staff morale is vital and the draft Budget will have a negative impact on that in future?

The Minister of Health, Social Services and Public Safety: In my opinion, Health Service staff do a first-class job for the population of Northern Ireland and offer a first-class service. Morale is affected by a lot of the criticism, much of it unfounded, which is perpetually heaped on the Health Service. I remind Members that demand for hospital services has risen by 20% in the past three years. Despite that increase, the same number of staff delivers that service today. With no increase in the

workforce whatsoever, they stretch to do more and to increase productivity. However, it must be recognised that there is a limit to how far they can stretch, and, all too often, there is no such recognition.

Western Health and Social Care Trust: Governance Review

4. **Mr Gallagher** asked the Minister of Health, Social Services and Public Safety whether a governance review of the Western Health and Social Care Trust is currently under way and when the outcome will be published.

(AQO 853/11)

The Minister of Health, Social Services and Public Safety: I have been advised that a review of clinical and social care governance in the Western Health and Social Care Trust was commissioned by the Health and Social Care Board. That is part of the board's routine responsibilities in its role as commissioner of services, whereby it regularly reviews the performance of health and social care trusts. The review has now concluded, and the board is considering its findings. I am advised that the board expects to present its findings at its board meeting on 27 January 2011.

Mr Gallagher: The dogs in the street know that such reviews and investigations are carried out as a result of public concerns. The Minister said that he is all for openness and transparency. To reassure the public that the concerns identified are being addressed, will he accept that it is important that the findings of any such review be put into the public domain?

The Minister of Health, Social Services and Public Safety: As I said, the board expects to present its findings at its meeting on 27 January 2011. Those board meetings are always held in public.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer to the original question. I also wish to record my disappointment that the Committee for Health, Social Services and Public Safety did not hear about the review. Once again, it was probably picked up by the media. The Minister said that it was a regular review commissioned by the board. In light of the high-profile cases that have been in the public domain for a while, will the Minister confirm whether any other reviews were commissioned over the past one or two

years so that we can determine whether it is a standard, regular occurrence?

3.15 pm

The Minister of Health, Social Services and Public Safety: This is a governance review within the trust, which I regard as standard business practice — measuring effectiveness, determining problems and then forming an action plan. It is the start of the way in which the new governance arrangements are working in health and social care. There will be many more reviews, and the board plans shortly to look at A&E performances, for example, in exactly the same way. We could report everything that the board is doing, but Members would need lorry loads of paper to get all those reports.

The review is part of normal governance. Members are aware that I have radically altered the way in which health and social care is delivered in Northern Ireland. I remind Ms Ramsey that I am the only Minister to deliver on the review of public administration (RPA). It is a change and a departure. The board has performance management and improvement functions, which were retained in the Department until I became Minister. I moved those out with other powers and I streamlined the board. I expect to see that performance management and improvement being effective in the years to come.

Mr Campbell: Further to the answer that the Minister gave to the Member for Fermanagh and South Tyrone, will he ensure that, after the governance review is adjudicated on internally this week, he and public representatives, as well as the wider public, will have the opportunity to analyse that review to see where it takes the wider community beyond January 2011?

The Minister of Health, Social Services and Public Safety: As I said, the board expects to get the findings presented to it at a public meeting on 27 January 2011. People will be able to obtain the information and have a look at it, but the process is ongoing in certain areas. I expect such reviews to be a constant discipline in the Health Service, emanating from the board as it oversees the effectiveness of our trusts and other areas.

Royal Belfast Hospital for Sick Children

5. **Mr Frew** asked the Minister of Health, Social Services and Public Safety for an update on the refurbishment of Cherry Tree House and Allen ward at the Royal Belfast Hospital for Sick Children. (AQO 854/11)

The Minister of Health, Social Services and Public Safety: The Belfast Health and Social Care Trust has advised that work on the administrative area in the Allen ward is complete and that, following further consultation with patient representatives and staff, plans for the clinical area were revised. I have been advised that refurbishment work on the clinical area has commenced and is expected to last approximately eight weeks. The refurbishment is costing £300,000 and, once complete, it will greatly improve accommodation for patients, parents and staff.

Mr Frew: Given recent history and controversy, will the Minister reassure the people and families who need and use Cherry Tree House that the facilities will be of the highest standards, which they are used to, and that those facilities will be enhanced?

The Minister of Health, Social Services and Public Safety: The trust is spending a substantial amount of money on doing exactly that by refurbishing the Allen ward. The Member will be aware that Cherry Tree House is at one end of the Allen ward and is very much part of it. Therefore, as I have indicated, it will be refurbished.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's answer about Cherry Tree House and the Allen ward. A number of my constituents who go to Daisy Hill Hospital are referred to regional services such as neurology and cystic fibrosis. Will the Minister give any assurance that the Belfast Trust will not be allowed to make unilateral decisions on the provision of regional services?

The Minister of Health, Social Services and Public Safety: The Belfast Trust is responsible for providing the regional service. It has done and continues to do so. We are talking about refurbishing the building in which that service is delivered. The building is the Allen ward, although a part of it at one end was originally built with the help of public donations to house adult cystic fibrosis. That service was moved to the Belfast City Hospital a number of years ago.

That vacated area of the building is now used as part of the general Allen ward, and it will benefit from the refurbishment. The building will help to enhance the services.

Ms Lo: I wrote to the trust about the Allen ward and I am very pleased to hear about the coming enhancement. Will the Minister assure us that, during the eight weeks of renovation, patients will be given proper protection? They need isolated beds because they are prone to picking up infections.

The Minister of Health, Social Services and Public Safety: Naturally, I can give the assurance that the service and benefits to patients and their safety are uppermost in the trust's plans, which accommodate not just cystic fibrosis patients but all the other children's conditions with which the Allen ward deals.

Mr Callaghan: Is the Minister aware of the distress caused to the children and families attending in Cherry Tree House and the Allen ward by the manner in which the proposal was brought forward to the construction phase? In addition, what steps does he intend to take to ensure that there is better consultation with parents in future, with them properly notified of major decisions that will affect the treatment and care of their children?

The Minister of Health, Social Services and Public Safety: Uppermost in parents' minds and, indeed, the minds of clinicians and the Belfast Health and Social Care Trust, is the service that is delivered to children in the Allen ward and to those with cystic fibrosis. When one looks at the success achieved on life expectancy for those children, one can see how the delivery of that service has improved greatly.

Of course, as I am sure the Member is aware, cystic fibrosis is not the only condition that is addressed in the Allen ward, part of which, at one end, is called Cherry Tree House, which, as I said, was originally used to treat adults with cystic fibrosis. Although part of the Allen ward, Cherry Tree House's distance from the nurses' station does not make it appropriate for all patients. I expect those who deliver services to consult regular users properly, and parents of children with cystic fibrosis will expect to be at the Allen ward routinely. In addition, I expect the trusts to consult. The Belfast Trust consulted in November and January. We have a way forward, and work is ongoing.

Swine Flu

6. **Mr Sheehan** asked the Minister of Health, Social Services and Public Safety for his assessment of the current swine flu situation.
(AQO 855/11)

The Minister of Health, Social Services and Public Safety: The most recent figures, for the period 8 January to 14 January 2011, show that the main markers for the level of flu here — new cases and GP consultation rates — have decreased significantly. There were only 85 new laboratory-confirmed cases of swine flu in Northern Ireland last week, compared to 219 in the first week of January 2011. If the current trend continues, the peak of this year's flu season has passed.

As of Wednesday 19 January 2011, 21 people from Northern Ireland had died from H1N1 flu during the current flu season. Of those, 18 had underlying medical conditions, two did not, and one has still to be confirmed. Unfortunately, those deaths are a reminder of the fact that, for a small number of people, particularly those with underlying medical conditions, swine flu can be a very serious illness.

The World Health Organization said that there is no evidence that the swine flu virus is changing. The advice that I have is that the current pattern of swine flu here is no different to that in other parts of the UK. For the majority of people, flu remains a mild, self-limiting illness that can be treated at home.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. During the current swine flu outbreak, there have been 21 deaths, which is two more than last year. Does the Minister believe that there is an issue with public confidence here, and should he not make a statement to the House in order to restore public confidence?

The Minister of Health, Social Services and Public Safety: I did exactly that this day last week in response to a question from the Member's colleague sitting to his left.

As far as swine flu is concerned, we have been assiduous in providing information to the public, doing so in a variety of ways, including through a large number of statements and press releases from the Public Health Agency, the Department and the Chief Medical Officer. In addition, we publish a weekly flu bulletin setting out the

current position. Vaccination uptake rates demonstrate that the information that we put out has been listened to.

To underpin the situation that we are in now, the number of adults in ICUs is falling off, and there is one patient still in a paediatric ICU. That is the extent of it, and we are quite encouraged. The advice that I have received is that swine flu has passed its peak.

Mr Bell: I want to ask the Minister about the lack of information, which may or may not be spreading unnecessary panic. I set that in the context that I asked a question in the House about how many confirmed and suspected cases of swine flu were being dealt with by the Ulster Hospital. I asked that question last Monday and was meant to have an answer on Thursday. I still have no answer and no explanation. How can the Minister explain that lack of information to the public?

The Minister of Health, Social Services and Public Safety: As the current outbreak is not a pandemic but an epidemic, we revert to normal reporting procedures. We look primarily at regional trends rather than at individual hospitals. If I offered to give that information and it has not been forthcoming, I will ensure that it is and will apologise. I do not remember.

The Member asked what information we have given out. Since 1 October 2010, when the flu vaccination campaign was launched, the Department, the Chief Medical Officer and the Public Health Agency have issued a series of press releases to inform the Health Service and the public. We have also published a weekly flu bulletin and issued information through Northern Ireland Direct. The fact that that has been heard and listened to is demonstrated by the fact that our vaccination numbers stood at just under 300,000 at the end of November and were up to 330,000 at the end of December. The number of vaccinations among the at-risk groups is, therefore, somewhere around 350,000. That demonstrates a very good rate of uptake against our anticipated uptake target of around 350,000. That shows that the public are aware of the information and that we are getting the message out.

Mr K Robinson: Can the Minister inform the House whether he has kept in contact with the other regions of the UK about swine flu and, if so, how regularly?

The Minister of Health, Social Services and Public Safety: I have kept in contact not simply with other regions of the UK, but with the Irish Republic. That has been done directly through Ministers and on a routine basis by the Chief Medical Officer and deputy chief medical officers. We began in mid-December with a morning teleconference encompassing the entire Health Service in Northern Ireland. That operated every morning apart from Christmas Day, and we looked at emergency planning and the effect that the weather, the water shortage and the interruptions to the water supply were having on the Health Service and the delivery of the flu vaccine. The Health Service has demonstrated that it has coped extremely well, bearing in mind the winter pressures, the water problems and swine flu.

Mr McDevitt: Given the great tragedy that several of the recent deaths from swine flu have been residents of the Republic who took advantage of the cross-border emergency services, ended up in hospital here and, sadly, passed away, what recent conversations has the Minister had with the Minister for Health and Children in the South about deepening co-operation on epidemic and pandemic responses? Indeed, can he inform the House whether he has had the opportunity to make contact with the new Minister for Health and Children in the Republic of Ireland?

The Minister of Health, Social Services and Public Safety: I have not had contact with the new Minister, but I had regular contact with the previous Minister. Clearly, we have a shared agenda on swine flu vaccination programmes, and so on. The Health Department in the Irish Republic has its own independent committee on vaccination and its own independent experts who provide advice. The advice that it has received is exactly the same as the advice that the four UK Departments have received, and we have adopted a common approach.

DHSSPS: Savings

7. **Mr Lunn** asked the Minister of Health, Social Services and Public Safety for an update on his Department's draft savings delivery plan for 2011-15. (AQO 856/11)

The Minister of Health, Social Services and Public Safety: I have been given a budget of £4.6 billion, which is well below what I require to maintain existing services. With a budget

of, perhaps, £4.8 billion, it would have been possible to prepare a realistic savings plan, but a £4.6 billion budget changes savings to cuts.

The Health Service delivers hundreds of services in hundreds of settings, so working through the implications of this meagre budget will take time, but it is clear that, if things do not change, it will be a cuts plan not a savings plan.

3.30 pm

Question for Urgent Oral Answer

Health, Social Services and Public Safety

Swine Flu

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, following the figures produced by the Public Health Agency which show that the number of deaths from swine flu is continuing to rise and that there are now 21 deaths compared with a total of 19 last year, can he provide an assurance that the Health Service is able to cope with the demand.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): Our thoughts must be with the families who have been bereaved, including those who have, tragically, lost young children. Although flu is still circulating in the community, the number of cases is decreasing. The Health Service continues to be busy with flu and seasonal winter pressures, but those pressures are being managed effectively across Northern Ireland, and normal escalation arrangements have been in place to cope with any expected demands at this time. A&E departments are busy but continue to be fully operational, and primary care services also report that they are busy but are coping well. The measures that were agreed to provide for the expansion of critical care capacity have been successful in enabling trusts to ensure that anyone who needs critical care has got it. I pay tribute to staff, who have been treating people with flu at what is always a very busy period.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. He did not make a statement here last week; I had to ask a question for urgent oral answer to get information. This week, with an increasing number of deaths associated with swine flu, I have had to put in another question for urgent oral answer.

Does the Minister accept that there is a lack of information? I take on board the fact that

a bulletin goes out from the Public Health Agency, but, to the ordinary person on the street, there is a lack of information outside the usual rumour mill. There is concern and panic, because people are being told that supplies of the vaccine for swine flu and even of the seasonal flu jab are running out. Can we cope? Do we have enough vaccines outside the seasonal flu jab? I appeal to the Minister, on the back of 21 deaths, to come to the Assembly next Monday and make a further statement so that we, as elected representatives, can get the proper message out and deal with the rumour mill.

The Minister of Health, Social Services and Public Safety: I will comment on a few of those points. First, there were 19 deaths last year, and there have been 21 deaths this year. I remind the House that, last year, the peaks were in the summer and autumn and that, this year, the peak has been in the middle of winter — a hard, severe winter — and winter has an effect. I am advised that the difference between the two years is not, primarily, a result of anything other than the winter, which is very hard on people who have flu and certain underlying conditions.

As I said earlier, we have large numbers of vaccines. I have ensured that we have enough to vaccinate the entire at-risk population. We also have a swine flu vaccine, which we have used to supplement the supply chain, although seasonal flu vaccines are still circulating in some doctors' surgeries.

On the point about information, there is nothing worse than people who will not hear or who will not listen. I have issued release after release after release; the Public Health Agency has issued about 16 releases, and the Chief Medical Officer has done likewise; we have circulated information around the entire Health Service, and all doctors' surgeries carry the information; there is the weekly flu bulletin; and we use Northern Ireland Direct. Of course, primary care trusts contact those who are eligible for the flu vaccine. At the end of November, 300,000 people had been vaccinated in a programme that started on 1 October. Therefore large numbers of people hear the information, and, by the end of December, 330,000 people had been vaccinated.

The Member is right to say that certain scaremongering messages have been circulating: that the virus has changed, that it

is different from the one circulating in England, that it is affecting healthy adults in particular and so on. We have to work harder to counter that scaremongering. However, I assure you that all the information and advice that I have been given is that this is the same virus that is circulating in England and that it is the same virus as last year. We have adequate vaccines and antivirals to deal with it, and we have escalation plans in place to expand critical care as we require it. The number of beds and the number of patients with flu in critical care is down by about 50% from two weeks ago. Therefore, all the indications are that we are past the peak.

The key information that the public need is the key information that I have determined to get across. It comes from clinicians, who hear routinely from the Chief Medical Officer, from the Public Health Agency, from doctors, from GPs, from the BMA and from the Critical Care Network. They are all talking, and everyone can take comfort from the fact that the Health Service is prepared for it and is delivering on it.

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

Having looked at the statistics for children under five, I accept that the Public Health Agency has made the right decision in not having a blanket vaccination programme. The issue here is not so much the way in which the authorities are dealing with the case but the message that they are sending out to the public. There are two areas where that could be improved. First, we need an assurance from the Minister that any further cases of children under five dying from swine flu will be made immediately public rather than waiting until the Thursday bulletin. Secondly, I have become aware that some of those who have sadly passed on died with swine flu rather than because of it. The authorities are taking a precautionary approach in that, if a patient who passes on had swine flu, it is notified in the statistics, even though swine flu may not have led to their demise. Is there any way that the Minister can provide the public with more information on that aspect? Can he give me an assurance in respect of children under five in any future announcements?

The Minister of Health, Social Services and Public Safety: It would help if politicians delivered the message that the Public Health Agency, the Chief Medical Officer and the Department are giving: the virus is no different

from the one in England, it is not separate from the one circulating in England, and it is not attacking healthy adults in particular. That would be a big help in not spreading alarm among the public.

Last year, there was a departure from the way of reporting deaths because it was a pandemic, but, this year, it is an epidemic. Therefore, throughout the UK and the Irish Republic, we returned to the previous method because of the panic after Christmas. We are now reporting the death of children under the age of five, and we are reporting the same as we did with the pandemic.

As far as the issue of people dying with swine flu is concerned, the Member did not say where that information came from, but I will certainly check it out. However, the coroner makes that judgement, and we must wait for what the coroner has to say.

Every year, about 400 people in Northern Ireland die from flu-related illness. It is extremely sad that that happens, and that is why we vaccinate. The scaremongering this year has been profoundly unhelpful. I shall give the House an indication of exactly what is happening: it was expected that vaccination would be completed by December, but deliveries went out to practices, and there was a sudden, unprecedented demand for vaccines in January. That was a direct result of public alarm. However, we have been able to meet that demand, and I can supplement that with the swine flu vaccine. However, everybody has to be more deliberate in their public pronouncements.

Private Members' Business

Post-primary Transfer Advice

Debate resumed on motion:

That this Assembly notes with concern the restrictions placed by the Department of Education on primary-school principals and teachers who wish to advise parents and pupils on post-primary transfer matters following the issue of post-primary test results; and calls on the Minister of Education to review her decision. — [Mr Craig.]

Mr Givan: I declare an interest as a member of the boards of governors of two primary schools in my constituency. The issue is close to my heart because of its impact on children and young people in those schools, in particular, and in schools throughout my constituency.

In the foreword to the circular that was issued by the Minister, she says:

"I am aware that many principals are unhappy about being placed in a difficult position by the actions of grammar schools operating breakaway entrance tests."

I have to say that my experience of dealing with school principals in different sectors has been their unease and discontent at the actions of the Minister of Education. Her actions have caused them to be concerned at how matters are handled by the Department. The circular goes on to say that building an equitable system for post-primary transfer is key to the Minister.

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

Mr Bell: I thank the Member for giving way. Does he consider that there is anything equitable when children who, in many cases, are from low socio-economic groups are not given proper information and advice from their school principal as to what is in their best interests? Is that not the politics of educational spite?

Mr Givan: I thank the Member for his intervention. He makes a valid point. If the Minister's intent is to have an equitable system and to tackle disadvantage, her actions have, in fact, been to the greatest detriment of the children whom she and her party claim to want to help most. Children in an affluent position, who receive support from their parents and those around them, will be able to get through the system. They will be able to get the help and assistance that they require. However, children

from a disadvantaged background will not be able to access that same opportunity. Her actions have, in fact, been to the detriment of those whom she claims to want to help most.

The circular is rather pedantic. It highlights the failures not only of the Minister but of her party. It represents the failure of that party's agenda for education. It has not been able to do away with academic selection or to impose its Marxist ideology on the education system. The Minister has been prevented from that by my party in the Assembly.

On 5 May 2011, my party will go forward into the election. It will be able to state clearly that, because of its action through the Assembly, Caitríona Ruane, the Minister of Education, did not get her way. She can go to her electorate and explain why she has been unable to implement Sinn Féin's policy. Perhaps, she has already drafted a letter of apology to her mentor, Mr Adams, who has now run away across the border.

Mr O'Dowd: Will the Member give way?

Mr Givan: No, I will not give way.

Perhaps, the Minister will get 100 lines from her mentor, which will be "I must do better". The Minister will never be able to do better, however, and take forward her party's agenda because my party will be able to stop her.

My conversations with principals and those who are involved in education across the controlled and maintained sectors has revealed to me that the Minister has, in fact, succeeded in attaining consensus. The one area in which she has successfully attained consensus is disdain for how she has managed the Department of Education.

Ultimately, boards of governors in schools in the controlled and maintained sectors have the power to carry out the education system. Academic selection is enshrined in legislation. I am not someone who advocates the 11-plus — far from it. I am the product of the secondary school system. I sat the test. I went to my local secondary school, not to a grammar school. Believe me: I am not here as a defender of grammar schools; I am here as a defender of parental choice, which the Minister and her party want to deny people. She needs to learn.

As the Assembly moves into its next term, we want to create consensus on the education

system and to ensure that the Department is not mismanaged and that the Minister does not mismanage it. We will take that forward.

3.45 pm

Mr Storey: Does the Member concur with a comment that was made in a letter to the Education Minister from the GBA, which is a reputable organisation that represents 42% of post-primary schools? It states:

"We believe your invitation is yet another attempt to intimidate schools with speculative legal threats. The GBA regrets having to resort to legal advice, but given the combative nature of your stewardship, we must provide the leadership that our members demand."

That is what people think of the Minister, and that is an organisation for which the Minister will, no doubt, show disdain.

Mr Givan: I thank the Member for his intervention. That quotation came not from him but from an organisation involved in the education system. Despite the best efforts of the Minister and her party to dismantle our education system, they have failed miserably. We take some credit for having prevented her from doing that, but we did not come into the Chamber to try to prevent the Minister from creating a system. We are willing to work with the Minister and the party opposite to create a system that all of us can agree to and establish consensus around.

Mr Deputy Speaker: Bring your remarks to a close.

Mr Givan: However, we will not stand for a Minister who has sought to have chaos and crisis in our education system.

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

Mr Givan: We prevented her from doing that.

Mr B McCrea: I am almost tired of this debate. I had hoped to speak before Question Time, since, unfortunately, the debate was brought forward. I was down listening to Declan Kelly talking about the message that he puts out to American investors. He heaped praise on the Executive and a number of Ministers and talked about the plans that they have put in place. He said that the most important thing that investors look at is our young people, the quality of them and their education. He said that they are good people and that people want to

do business with them. Mr Kelly's presentation was, as ever, fast, inspirational in places and definitely uplifting. However he challenged us to do more, better and faster, and to look at what is happening to us now as an opportunity and not some form of obstacle.

I mention that because, when we get into this debate, I hear the party opposite talk about trying to rid the world of discrimination or inequalities, and they talk about something being fundamentally immoral. That seems to be hyperbole. These discussions do come across not as great debates in which we argue over points of principle but as petty-minded, vindictive and obstructionist and as an argument about something that is not moving forward in the way that people want it to.

There is a debate to be had. There is no solution that fits all, and there are other points of view. I, like others who have spoken, will take those points of view on board. The most distressing thing that I hear from educationalists is the plea to put the children first. Surely, that should be at the root of all the things that we do. I do not believe that the nit-picking and ping-pong politics that we are playing serves anyone's aspirations. I certainly do not see how it puts our children first.

People talk about going to the electorate, as we will do shortly. We will talk about our contribution to the great education debate, but I do not think that any of us will be given a gold star. I do not think that the people of Northern Ireland will look at us and tell us that we have resolved the issue well. They look at us and say that they cannot believe that we have been up here for four years and have not resolved anything.

There is a message that we try to put across. In the past number of months, years even, I have tried to put across that message. Like other Members who have spoken, I used to use the up-and-at-them approach and shout across the Chamber. We wanted to make our point of view passionately and courageously, but it got us nowhere. If there is no reciprocation, no willingness to find a solution and no acceptance that we have to build consensus and to work together, we will not find a solution. That is to the detriment of our children.

The Minister came forward with a number of issues on which we tried to get a resolution. When we had the all-party group — the all-party-

minus-Sinn-Féin group — we talked about a large number of issues. There were many issues that we could agree on. We could talk about early years. We could even talk about the age at which education commences. We could look at the trials of the transfer from nursery to primary education, primary to secondary education or further on. We could look at all those things, but only when we engaged in a proper way.

I have to say to you, Minister, that I do not know why you put so much energy into those issues, which are divisive, non-constructive and non-reconstructed. There is a better way. You should show leadership. You should show the people of Northern Ireland —

Mr Deputy Speaker: Speak through the Chair.

Mr B McCrea: — and the politicians in this House that you are capable of leading. To date, you have failed, and the people will judge you harshly at the next election.

The Minister of Education (Ms Ruane): Go raibh maith agat, a LeasCheann Comhairle. I listened with interest to the debate and want to begin by reassuring the Assembly that, as Education Minister, the interests of all primary-school principals, teachers, pupils and their parents are of paramount importance to me. Can that be said of those who tabled the motion, or are they seeking to uphold the interests of a small minority of schools that are insisting on retaining an outdated and discredited system for their own perceived interests and are seeking to draw in primary-school principals as unwilling participants in their breakaway arrangements?

Cuirim fáilte roimh an díospóireacht seo, mar tugann sí deis dom a thabhairt chun solais an neamhaird iomlán atá na scoileanna gramadaí ag déanamh den éifeacht atá ag a gcuid gníomharthaí ar an earnáil oideachais i gcoitinne. I welcome the debate, as it allows me to expose the total disregard for the impact that the actions of grammar schools have on the wider education sector. Those who tabled the motion appear to have missed the point. The Department of Education's policy is that there is no necessity to set a test in order to select or reject children for admission to post-primary schools. That is in line with education policy right across the world. A transfer test is no longer a feature of the official transfer procedure. Therefore, advice on breakaway entrance tests is not a feature of the transfer

procedure. Such advice can be provided only by those continuing to operate the unnecessary and unjustified tests against the advice of my Department.

It is unfortunate that the DUP will not adhere to its own manifesto for the 1989 local government elections — *[Interruption.]*

Mr Deputy Speaker: Order. I have said before, and the Speaker has made it very clear, that Members should not have exchanges across the Chamber from a sedentary position. I ask the Member to respect that. The Minister has the Floor.

The Minister of Education: Go raibh maith agat, a LeasCheann Comhairle. It is unfortunate that the DUP does not adhere to that manifesto, which states:

"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."

— *[Interruption.]*

Mr Deputy Speaker: Order.

The Minister of Education: Some people said today that I should be worried about going back to my electorate. I have absolutely no concerns about doing that, and neither does any member of this party. Sinn Féin takes clear principled positions, and we adhere to promises that we made to the electorate. We did not cave in to pressures from certain interests. It would be very interesting for the DUP to tell the House when it changed its policy and who was part of changing that policy. Does policy just get made willy-nilly then changed, with no one being informed about it? Or perhaps it is only a couple of people who make those changes. The saddest thing of all is that they do not even tell the party membership what happens and why they have changed policy.

We heard Jonathan Bell talking about Einstein. Well, he made the case better than I could. When I came into office in 2007, there were 12,000 young people leaving the education system without minimum requirements. What would Einstein tell us? Change it; it ain't working. Maybe Jonathan should go back to read Einstein again.

In truth, state-sponsored academic selection was academic rejection for the majority of our

children. Who can credibly defend or be part of a system that condemns the majority of our children as failures? We must reject absolutely and irreversibly the notion that any child is a failure. I encourage everyone involved in the education of our children to adopt modern approaches.

My policy of transfer without academic selection enjoys overwhelming support among educationalists, particularly those in the primary sector. For too long, the primary sector has been the poor relation of the post-primary sector, having been forced to spend a considerable proportion of its time, against its will, preparing children for an unnecessary test. Primary schools are delighted that they can now concentrate on ensuring that every child has a quality educational experience throughout their primary school career.

I held meetings with primary-school principals in every education and library board area. They came in their droves and told me to get rid of the test, because it discriminates against children and should not be happening. Let me be clear about the change that I have introduced for transfer 2011: my Department will fund and actively support primary schools to provide advice to parents on the transfer procedure, as long as that occurs before the results of breakaway entrance tests on 5 February 2011. As my Department wishes to fund and support all such help, it has advised all primary schools to provide that assistance to all parents before that date. The Department will not fund or support any meetings on or after that date, as they may focus on advice relating to breakaway test results. I could not reasonably be expected to fund any function that supported the operation of breakaway tests which statutory guidance that my Department issued strongly recommends should not be used. Therefore, schools can continue to provide funded transfer interviews for all parents if they take place before 4 February 2011.

The SDLP has got it wrong again. It is trying to ride two horses. It pretends that it is opposed to academic selection, yet it supports every mechanism in place. Indeed, people who support academic selection give succour to that party's position all the time. That is just part and parcel of its process, and it is unfortunate that it continues to do that.

The majority of children moving from primary to post-primary school are not seeking places in schools that use breakaway entrance tests. For the majority of parents, advice relating to those tests is not an issue. Therefore, the timing of that advice is not an issue. What is an issue is the stress that many primary-school principals experience when faced with pressure from some parents to provide advice on tests in which they had no involvement.

Is cúiseanna imní iad seo a chuala mé ag príomhoidí bunscoile agus ag na ceardchumainn mhúinteoireachta a raibh mo chabhair ag teastáil uathu le tacaíocht agus cosaint a thabhairt do na príomhoidí sin agus d'fhoireann eile sna bunscoileanna. I heard those concerns voiced by not only primary-school principals but teaching unions that wanted my help to support and protect those principals and other staff in primary schools.

Just last week, Radio Ulster carried a report about a group of 40 primary and secondary school principals in the Dungannon and Cookstown area who wrote to Cardinal Brady to express their frustration at Catholic grammar schools continuing to use breakaway tests, despite the statement from Catholic bishops that those tests should be phased out. Those schools were joined by many others from different sectors across the North over the past number of years. We must listen to those schools, their teachers, pupils and parents, as well as to many more schools like them.

Parents seeking advice on breakaway tests want an assessment of their child's chances of being selected or rejected by a particular school in the light of their test results or an assessment of whether the test result is an accurate reflection of their child's ability. How can primary-school principals do that? It is unfair and unreasonable to expect them to provide such assessments.

In the past — it is in the past — when there was a state-sponsored test, primary schools were fully engaged in the delivery of that system, and transfer booklets carried information about the grades achieved by pupils who were admitted to schools that selected or rejected children on the basis of perceived ability in the three years previous to that.

That information enabled primary-school principals to provide appropriate advice to parents about the implications of 11-plus results. In case the Members opposite do not

understand, let me reiterate: there is no 11-plus. It has gone forever. Agus tá mé fórbhuíoch gurb é sin an cás.

4.00 pm

Primary schools have no involvement in the operation of breakaway tests. Transfer booklets no longer contain any information about the grade profiles of those admitted to schools that operate their own tests against departmental guidance. In those circumstances, primary-school principals do not have the knowledge or the information necessary to provide any advice on those tests even if they want to. In fact, last year, we saw that some principals who sought to provide advice to the best of their ability were blamed by parents if it did not result in a favourable outcome for their children. That was totally unfair. Those principals were placed in a very difficult position by grammar schools that were determined to follow their own agenda. Primary schools should not be held accountable by parents for the arrangements that are put in place by grammar schools, particularly in circumstances where grammar schools have deliberately ignored advice from my Department. My clear message to primary schools today is to keep doing the good work that they are doing. The years that children spend in those schools are some of the most important in their lives.

Last year, I issued clear instructions to grammar schools that if they chose to go against my Department's guidance, any processes that they developed should ascribe no role to primary schools. I was determined that, this year, primary-school principals would not be put in a position where they feel that they should be giving advice to parents against their better judgement. So, I decided to only provide funding for transfer interviews that take place before test results are issued. That will enable those meetings to focus on the advice and help that primary-school principals are in a position to provide, not on advice and guidance on tests in which they have no role. Those tests are the sole responsibility of grammar schools.

Given the unreasonable behaviour of grammar schools, it is necessary for me to take action to protect primary-school principals from unjustified pressure. Through the annual admissions circular, my Department advised all schools about that change and the reason for its introduction, which is so that transfer

interviews do not involve issues that are related to breakaway entrance tests.

The Department also published a leaflet for parents that set out the advice that had been given to schools so that parents would know what they could expect from the transfer interview. That leaflet advised parents to contact the relevant grammar school if they had queries about how a test result would inform the completion of a transfer form.

If grammar schools had been reasonable and responsible in the development of their breakaway arrangements, I would not have had to take action to support primary-school principals. However, the grammar schools demonstrated a total disregard for their colleagues in the primary-school sector.

The change that I introduced this year will allow all primary-school principals to provide all parents, not just some, with the sort of advice and support that is appropriate to enable parents to complete the transfer form. They can discuss their child's progress at primary school and the post-primary schools that might best suit that child. What they cannot discuss in meetings funded by DE are the implications of a test result. As I have highlighted, primary-school principals are not in a position to provide that sort of information. Specific queries can be sent to the grammar schools that are operating the breakaway tests.

In my foreword to the transfer 2011 admissions circular, I noted the need to generate savings in the education budget. That may preclude funding for any transfer interviews next year for transfer 2012. Although the transfer interview has long been a feature of the transfer procedure, it is a very resource-intensive mechanism for providing advice to parents on the completion of a transfer form. It is essential that we use wisely the resources provided to us in education.

I have, therefore, included in my budget plans a proposal to stop completely the provision of substitute teacher cover for transfer interviews from transfer 2012. An equality impact assessment has been completed and will be published for consultation. In that regard, my Department has suggested a number of ways in which appropriate advice can be provided to parents, particularly those who may need additional support, without the need for funded transfer interviews.

I make no apologies for being against academic selection, nor do I make any apologies for ensuring that there is no 11-plus. I believe that all our children have individual strengths, abilities and talents, which need to be encouraged and developed. All children must be cherished equally.

In conclusion, I stand by my decision to change the arrangements for transfer interviews this year as an action that is justified by the need to protect primary schools. I ask grammar schools to recognise the burden that they place on primary schools when they seek to involve them in any aspect of the breakaway arrangements. I and my party are very proud of the fact that we have led from the front. We have taken principled decisions and, unlike other parties, we have not abandoned previous manifestos.

Miss McIlveen: I am grateful to my colleague Jonathan Craig for proposing the motion. Predictably, I agree with my colleague Mervyn Storey: the issue is yet another example of the guerrilla tactics that have been adopted by a desperate Minister who is incapable of persuading others of the merits of her agenda through democratic means.

Although every other party in the Chamber has agreed, at the very least, to a temporary Department of Education sponsored test, the Minister and her party continue to plough a lone furrow of intransigent opposition. To set a deadline for school transfer interviews the day before the results of the transfer tests are issued is not even the politics of the schoolyard. It is the politics of the kindergarten. It is as if the Minister has decided that because the other kids do not play nice, she will take the ball home with her.

The unfortunate thing about the whole situation is that no account has been given to the impact of the Minister's actions on children and parents as she continues on her dogmatic path. I previously described the Minister's actions as a jihad: with each passing decision, it becomes more and more evident that she is pursuing her goals with the vigour of a convert, ignoring the rights and wrongs of a given situation.

It has been rehearsed many times before in the Chamber that, because of the excellent results obtained in grammar schools in Northern Ireland, it is quite understandable that parents would want their children to attend such schools. The Minister is seeking to punish those

parents for wanting the best for their children. To force parents to go to transfer interviews before they are aware of their children's test results is like someone going to the doctor to get advice, only for the doctor to tell the patient that he could advise them for sure the following day when the test results have come through, but, in the meantime, because he is not allowed to give that advice, the patient is at liberty to flick through a dictionary or go on Google.

It is one thing to preclude teachers from advising on a test, but to block vital advice from being given to parents when they are not in the possession of all the information makes such interviews utterly pointless and a waste of time, effort and money. The Minister has already forced children to sit tests outside the familiar surroundings of their own schools. Her actions have resulted in children having to sit up to five examination papers. She has already made it more expensive for hard-working parents to send their children to prep schools. She issues guidance after guidance, imposing more restrictions on schools and making increasing threats against principals. The Minister is clearly fighting a war, but it needs to be made clear to her that the casualties of that war are no longer simply our children's futures, which she has callously disregarded up to now, but also our children's emotional well-being.

It was not enough that she created instability and uncertainty around the transfer test with her dithering, nor was it enough that the threat of closure that hung over Northern Ireland's prep schools caused untold distress for the children at those schools. It is not enough that, time and again, the Minister leaves decisions to the last minute in the hope that there will be insufficient time to challenge them, resulting in uproar, confusion and, of course, a mess. That is no way to run a Department and it is certainly no way to treat our children. What has the Minister done this time? Again, she has issued controversial guidance in order to cause maximum anxiety and uncertainty.

In proposing the motion, my colleague Jonathan Craig described the Minister's tactics as bullying parents. I agree, but can we expect anything else from this Minister — a Minister who often speaks about consensus —

Mr O'Dowd: On a point of order, Mr Deputy Speaker. I accept that colourful language can be used during the to and fro of debate. However,

Miss McIlveen has accused the Minister of bullying and issuing threats to principals. I ask the Office of the Speaker to look at the use of that language in the debate.

Mr Deputy Speaker: As the debate goes on, it turns out to be milder than we may have expected in the normal cut and thrust of remarks. I have asked Members to moderate their language, and they have ignored that. They are not ignoring me, as an individual; they are ignoring the Chair and the institution of which they are all a part. They can continue to do that, and it will bring down the whole House. Members are conversing while their party representatives are speaking, and that, too, is disrespectful. We need a wee bit more respect. I will refer the remarks to the Speaker. We have come to recognise that this is the tone of education debates. It does the image of the House no good.

Ms McIlveen: I turn now to comments from Members.

It is interesting, although not surprising, that Mr O'Dowd defends his Minister's position, but he also looks for a hidden agenda. This party has always been open in its opposition to what the party opposite has tried to do in dismantling the education system of Northern Ireland to the detriment of all of us. Mr O'Dowd claims that the motion is about protecting the grammar schools and the elite. In doing so, he implies a minority. That is hardly the case as 42% of post-primary children go to grammar schools and 13,000 sit the transfer test. Mr O'Dowd asked why the matter was taken to St Andrews, and my colleague answered him. The answer is that we knew that Sinn Féin would try to damage the education system, and we needed to secure its protection.

Mrs O'Neill believes that the circular, and the role of the principals, are clear. They are, but they do not make the actions of the Minister, or what is contained in the guidance, acceptable. Mrs O'Neill says that she does not see the restrictions in the document. I hope that she has listened to what has been said in the debate and appreciates the problems. She said that the principals asked for the clarification. If that is the case, how come many of them choose to ignore this guidance, just as they have ignored the Minister's guidance in the past?

Such guidance creates a two-tier advice system, never mind the two-tier education system that Mrs O'Neill says she cannot support. Nevertheless, I am pleased that so many Members have spoken in support of the motion, and for a variety of reasons.

Dominic Bradley, not a supporter of academic selection, raised concerns about the legal basis of the document and whether we should be asking principals to abide by it. I agree with his description of it as an assault on the professionalism of head teachers and an attempt to micromanage experienced professionals. Micromanaging appears to be the *modus operandi* of Sinn Féin Ministers and we can see, from the Northern Ireland Water debacle, how dangerous such a course of action can be.

Mr Lunn acknowledged that transfer is a stressful time and advice is critical. He recognised that such guidance puts additional pressure on primary-school heads and was rightly concerned about the impact on the children.

My colleague Mervyn Storey referred to a 'Belfast Telegraph' article in which Martin McGuinness stated:

"Education does not have to be conflictual."

Clearly, the Minister did not get that memo. Mr Storey highlighted, as I have done, the meddling, interfering and delay that have been indicative of the Minister's tenure.

Roy Beggs then informed us that he was thankful for parental choice, but sadly neglected to thank the DUP for retaining it.

Paul Girvan spoke of the unease and discontent felt by primary principals and the fact that the actions of the Minister would be to the detriment of those whom she claims to want to help: the most disadvantaged in society.

Basil McCrea spoke of the pleas from educationalists to put children first. That should be at the root of all that we do. He referred to the all-party group from which Sinn Féin excluded itself, and the potential that that group had.

The Minister claimed to have listened to what was said during today's debate, but clearly that was not the case. I will not rehearse her

comments because there was nothing new, only her usual threats.

I am unashamedly in favour of the use of academic criteria in the transfer process. However, I call on those parties in the Chamber who do not support academic selection to support the motion on the following grounds. Due to the decisions that need to be made at a critical time in the lives of their children, it is vital that parents be in possession of all the information in advance of a transfer interview. To have interviews take place in the absence of vital information is utterly pointless.

Finally, and most importantly, it is wholly unfair on and destabilising for our children. I urge the Minister to reconsider.

Question put and agreed to.

Resolved:

That this Assembly notes with concern the restrictions placed by the Department of Education on primary-school principals and teachers who wish to advise parents and pupils on post-primary transfer matters following the issue of post-primary test results; and calls on the Minister of Education to review her decision.

Adjourned at 4.15 pm.

Northern Ireland Assembly

Tuesday 25 January 2011

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

Members observed two minutes' silence.

Private Members' Business

Caravans Bill: Petition of Concern

Mr Speaker: I advise the House that a valid petition of concern was presented yesterday, Monday 24 January, in relation to the third group of amendments that have been published for today's Consideration Stage of the Caravans Bill. Amendment Nos 12, 13, 14 and 15, which make up group three, concern exemptions from licensing of sites. As the petition was presented yesterday, votes on those amendments will be decided on a cross-community basis and can be taken today.

Ministerial Statement

Northern Ireland Housing Executive: Review of Governance

Mr Speaker: I have received notice from the Minister for Social Development that he wishes to make a statement to the House.

The Minister for Social Development

(Mr Attwood): Members will recall that I made a statement to the Assembly on 11 October 2010 announcing a fundamental review of the Northern Ireland Housing Executive (NIHE). That work is ongoing, and an interim report is expected by March. At that time, I also advised that, following receipt of information about a series of allegations and investigations into how Housing Executive staff discharged their duties, I wanted to be satisfied, as I am sure Members will want to be, that the Housing Executive board's governance systems are working effectively and that its staff operational systems are applied consistently.

At that time, I also decided that the permanent secretary should ask his internal auditor to lead a team to examine and to report on whether the appropriate information and structure is available to the board to ensure that it does, and can, effectively identify and manage risk; prevent and detect fraud and error; hold senior managers to account; and ensure that the organisation operates, and will operate, at the highest standards of corporate governance. The team will look at whether adequate controls are used to manage risk; the prevention and detection of fraud and error; performance, procurement and asset disposal, including in relation to land and property; and the procurement of repairs, maintenance, miscellaneous works and adaptations. The team will consider whether the organisation has, or can have, access to appropriately skilled and

trained staff to allow it to operate in its current form while preparing for, and implementing, both organisational and cultural change. The team will also examine whether the seven principles of public life — selflessness, integrity, objectivity, accountability, openness, honesty and leadership — are being implemented effectively throughout the organisation.

A major part of the review was carried out by a team of Northern Ireland Civil Service specialists, headed by the Department's senior internal auditor. In addition, external specialist assistance was secured through the Department of Finance and Personnel's Central Procurement Directorate for a gateway review of procedures for letting and managing Egan contracts, including controls over the prevention and detection of fraud and error. The gateway review was carried out by independent experts in that field. Moreover, the audit review team reported on an ongoing basis to an oversight panel, which was chaired by the permanent secretary and included independent membership. The purpose of that architecture was to provide a quick, robust, searching assessment of where NIHE was on contracts and governance and, critically, where it needed to be.

I first wish to address the gateway review, which was part of the twin-track review of the Housing Executive since October 2010. The gateway review was a dedicated and accelerated piece of work over a five-day period. It was a health check review of the Housing Executive's programme of maintenance, repairs, support works and adaptations for Egan contracts. At its first meeting of the new year, I briefed the Social Development Committee on the broad contents of the gateway review, and a copy of the review report was forwarded to the Committee on Friday 21 January.

As regards the gateway review of procedures for letting and managing Egan contracts, the specialist team considered it important to record that it was evident to them that NIHE is driven by a strong desire to deliver a high-quality service to its tenants and to gain equally high levels of satisfaction from tenants for the service delivered. The board and senior management at the Housing Executive have embraced the need for ensuring that the procedures in place reflect best practice. However, it must be said that extensive transformation is required.

It is useful to note that a major change in management style was effected with the move to Egan contracts. The gateway review team found that, since the early part of this century, the day-to-day contract management of suppliers has been and is conducted in an appropriately non-adversarial manner that is consistent with good practice. However, the team concluded — and this is crucial — that the culture of non-adversarial management as the primary technique for managing contractor behaviour has created a weakness in the system that will need to be addressed. That is the extensive transformation to which I just referred.

Fourteen recommendations have been made, and they include that the Housing Executive produces and adopts a new corporate procurement vision and strategy; that all future contracts be drafted on the basis of the detail set out in the procurement strategies and that a report be produced to confirm that they meet the need and, in so far as can be determined, will be enforceable; and that the contract manager ensure that processes are put in place to recognise and to collect the evidence that may be needed to enforce any provision of the contract.

I now wish to spend a short time considering some of the recommendations. The gateway review team's approach was fundamental, as can be witnessed from its very first recommendation, which is that NIHE produces and adopts a new corporate procurement vision and strategy, and from its series of sequential recommendations. In particular, recommendation E:

"We recommend that ... attention is given to the form (detailed terms and conditions) so that the contract enables effective and enforceable management to be delivered."

The reason for that recommendation was acknowledged in the following sentences:

"governance surrounding contract management was poor";

and:

"there was a poor understanding of what needed to, or could be, done to instigate more formal contract management processes when a contractor was performing consistently badly."

The report rightly acknowledges that the procurement team of the Northern Ireland

Housing Executive has a strong understanding of the procurement process and that its approach is sound, well managed and:

“best practice from the point of view of probity and risk management.”

The report also comments that the Egan approach was grounded in a partnership approach between the public body and the contractor. That principle is important; it has its place and creates a non-adversarial environment. Crucially, however, the report says that contract management:

“has become reliant on the effectiveness of relationships with contractors”.

I intend to address that point at some length as it is at the heart of the gateway report. All 14 recommendations are fully informed by that analysis, and the future should be strictly informed by it. The point is developed with the gateway review assessment of key performance indicators (KPIs). The Northern Ireland Housing Executive suggests that KPIs had become “the most significant control” over contracts and contractors. The gateway report did not accept that as the case under the current control regime, with KPI levels not embedded in the most recently issued tender.

Indeed, recommendations I and H state that KPIs “will not be enough to cover” any complex contracts currently being tendered. That important point is developed in the penultimate paragraphs of part 6 of the gateway review, which offers three options to contracts currently being tendered. The review states:

“The options are:

For the contracts to continue and negotiations post contract with successful suppliers to reduce the risk;

For the contracts to be adapted as well as possible in the time available and to proceed with a reduced but present risk;

For the contract process to be delayed until later in 2011 with an extension of the existing contracts so that appropriate time can be given to improving the procurement”.

That is an essential point: contracts are being tendered, but the process does not satisfy the recommendations of the gateway review. Consequently, I agree with the review that contracts currently out for tender should become a baseline for future contractual

arrangements. Legal advice confirms that it is proper to delay the contract renewal process until later in 2011, with a short extension of existing contracts until the initiation of a new tender process, as informed by the gateway review recommendations, which will lead to a new regime of contract management, compliance and enforcement.

That is the way forward. I am determined that a new discipline and rigour should be applied to contracts. That is necessary to protect tenants’ needs, the Housing Executive’s authority, the interests of the Department for Social Development (DSD), and government expenditure. It is necessary to draw a clear line between the practice of yesterday and a better way for the future.

I stress that the 14 recommendations must be implemented in real time. As a demonstration of that approach, existing contracts will be extended for a short period while a new tender and contract process is developed that reflects and honours faithfully the recommendations of the gateway review team.

The second part of the intervention that I announced last autumn was a wider governance review of the Northern Ireland Housing Executive. Its purpose was self-evident: to give me, as Minister, and, I trust, the Committee for Social Development and the Assembly, the reassurance that the Northern Ireland Housing Executive will work effectively across a number of important areas in the immediate future.

As Members know, a series of internal and external investigations into the Housing Executive raised concerns that its governance systems were not sufficiently robust. The audit and governance report is a result of my intervention last autumn. It runs to 177 pages, including a lengthy appendix and 75 recommendations, and, like the gateway review, it is a comprehensive piece of work. Its content and conclusion confirm that the intervention last autumn was necessary, proportionate and timely.

10.45 am

As I said, the report contains 75 recommendations, 16 of which relate to “critical control issues”, which is a term used by the audit team, with 59 relating to developing existing policies and practices so that latest

best practice can be embraced. I have accepted all the recommendations in full and without doubt.

The report acknowledges that there is “much evidence of good practice”. It also acknowledges that Housing Executive:

“management are being challenged and held to account”

and that the board has “appropriate structures” to effectively detail and manage risk.

However, the review team identified a range of critical control issues that weaken the governance structures and their effective operation. Recommendations on those include developing formal terms of reference for the board and all management committees, conducting a comprehensive review of the board’s standing orders and scheme of delegations, and reviewing risk management arrangements.

There are also a number of recommendations on land and property and on the procurement of repairs, maintenance, miscellaneous works and adaptations. For example, although the control framework that the Housing Executive established provides adequate controls over performance of maintenance works and the prevention and detection of fraud and error, there are a number of areas where controls could be strengthened. Those include recommendations on the level of information that is provided to the Housing Executive’s board and to the chief executive’s business committee, greater use of the repairs inspection unit, and a review of the KPIs that are used to measure the performance of contractors. That point was obviously touched on in the gateway review process.

The Northern Ireland Housing Executive has a number of effective human resources systems and processes in place, but there is imbalance in the workforce, particularly where the age profile of the organisation is concerned. Indeed, that has been debated in the Chamber before. If that imbalance is not addressed, a risk will be created that the organisation will lose significant knowledge, skills and experience. That point was made about the reform of another organisation in the past 15 years.

I will comment briefly on a number of the recommendations. The corporate governance recommendations are a pathway to enhance

the capacity of the board and its structures. They are the right disciplines for any significant organisation to be in the right place when it comes to its conduct. The response maintenance recommendations are a broader narrative of the gateway report. I refer particularly to recommendations 41 and 42, and I consider recommendation 42 to be critical. It says that the Housing Executive should review its procedures for the inspection of response maintenance, including whether the size sampling is adequate.

The human resources recommendations are good management practice, and the recommendations on the seven principles of public life are important. They include conclusions to be drawn when current internal and external investigations are complete. Bearing in mind the scale of potential disposal, the asset disposal recommendations are an important group. The disciplines and processes for asset disposal must be in place, as should those for response and planned maintenance. I do not intend to comment further on this part of the report, although I will answer questions on it. It is of a significant scale, and it places substantial responsibility on the Housing Executive and DSD.

I think that several conclusions can be drawn from the reports, although that list is not exhaustive. First, it was necessary, and this has been proven to be the case, for me to commission the governance and gateway reports, respectively. The reports cover a range of territory and have been conducted and completed with considerable expediency and good practice. In their totality, and with full implementation, they offer a way forward. I acknowledge the work of both the teams that went into the Housing Executive. They had to act quickly, probe deeply and draw the right conclusions. In my view, the teams that went in, as well as the external oversight team, which was managed by the permanent secretary and included an independent expert, demonstrated what can be done very quickly to assess public bodies and to create the architecture and processes to put them in a better place.

Secondly, it is essential that all the reports’ recommendations are fully implemented, and are seen to be implemented, to ensure that best practice in governance and contract management prevails and confidence deepens. That is required without prejudice to the ongoing

fundamental review of the Northern Ireland Housing Executive. Independent of the longer-term conclusions of the fundamental review, the shorter-term life of the Housing Executive must be informed, *inter alia*, by the two reports. That is why I have been provided with a draft implementation plan and why the Housing Executive is required to have a final plan endorsed by its board in February. Thereafter, I will forward the final implementation plan to the Committee for Social Development for its information.

Thirdly, the Housing Executive board and DSD must ensure that implementation occurs expeditiously and faithfully. I have accepted the reports and their recommendations in full, save, with the consent of DSD, the gateway review team or the oversight group, a rare exception where the recommendation might be slightly varied.

I welcome the endorsement of the reports by the chairperson and acting chief executive of the Housing Executive. However, my judgment is that the objective of quick and faithful implementation requires a level of oversight that is outside the jurisdiction of the board of the Housing Executive. That is why I am putting in place a new level of oversight through meetings every two months between the chairperson and vice chairperson of the board, its senior managers and me, as Minister; monthly meetings between the Housing Executive and the DSD permanent secretary and senior officials; and, critically, a panel of three people, chaired by the permanent secretary, with expertise in overseeing that important work. That latter decision borrows from a similar model that was deployed during the recent review, and it will include an independent person with expertise in providing a challenge function.

Fourthly, as was recommended by the gateway review, I shall invite the gateway team to conduct a short review of the NIHE implementation plan. I intend that that shall be done in advance of the plan going to the board of the Housing Executive in February.

Fifthly, I have instructed my permanent secretary to assess the conclusions of the gateway review against other contracts that are the responsibility of DSD. The Egan model is not particular to the Housing Executive. It emerged from considerations in the 1990s that saw Egan-type contracts being introduced across public bodies generally. Therefore, it

might be possible to apply the gateway review recommendations to other DSD contracts. If it is possible, we should do so.

Sixthly, arising from the gateway review, if there can be application to contracts anywhere in government, we should do so. That is why I am copying the gateway review to the Minister of Finance and Personnel for his consideration. The permanent secretary of DSD has raised the report with the Central Procurement Directorate to determine whether it could be more widely applied to government contracts and considered by the panel of secretaries that deals with procurement matters.

In recognition of the issues that were commented on in the media, the Assembly and elsewhere, there was a need for a quick and robust response by DSD. In doing so, I followed the lead of my predecessor in the Department, Margaret Ritchie, who, during her time in office, demonstrated resolve and rigour around housing issues, including the new oversight regime for the business of housing associations and her initiatives to deal with issues that touched on the Housing Executive. This is an important point: when the previous Minister went into office, she enhanced the size of the housing division in DSD by 100% because she identified that there was a need for a more interventionist approach that was consistent with good evidence and due process for housing in Northern Ireland. The fact that a number of housing associations are suspended from the newbuild programme and the other issues that are ongoing in respect of housing associations, for example, is a consequence of the oversight and governance regime that drills down into the life of housing associations. That regime was put in place by my predecessor.

Housing has been a success story of the past 40 years. However, it requires reform in a positive image. My decisions are a demonstration of my belief that that is what we need to do. This statement is a further demonstration of where we need to go. I trust that colleagues across the Chamber will endorse my approach.

The Chairperson of the Committee for Social Development (Mr Hamilton):

I thank the Minister for his statement. It contains many issues about which he and I share concern. I particularly welcome his final paragraph. Everyone on this side of the House would agree

that there is a need for ongoing positive reform across the housing sector in Northern Ireland.

Both reports refer to the procurement and management of contracts by the Housing Executive. Worryingly, the gateway review indicates that key performance indicators were demonstrably too low and that contractual requirements were apparently not enforced by the Housing Executive. The review also appears to suggest that changes were made to contract documentation without legal oversight, which, apparently, could make contracts less enforceable. Will the Minister explain how the contracts situation arose and inform us of the cost of that to the taxpayer, if it has been quantified yet?

Furthermore, will the Minister indicate whether, in his view, some of the Housing Executive's shortcomings in managing its contractors led to the poor performance that some Members and individuals across Northern Ireland experienced during the recent cold snap? Finally, the Minister outlined some changes to the governance of the Housing Executive, particularly to the monitoring of that governance. Notwithstanding the ongoing fundamental review, will he assure the House that he will not shy away from further change to the governance of the Housing Executive if, indeed, it proves to be necessary?

The Minister for Social Development: I thank the Chairperson of the Committee for Social Development for those questions. In particular, I welcome his recognition of the need for the reform in a positive image of the housing sector in Northern Ireland. I shall make a number of comments.

First, I will not shy away from or shirk the responsibility for driving reform. The one thing about which I was convinced before coming into this job, because of my past experience and responsibilities, and which has affirmed my views since, is the need for reform in a positive image of a wide range of public services and wider life in Northern Ireland. I am utterly convinced about it. That is not to discount or diminish the very significant contribution made by public bodies in the past 20, 30 and 40 years. In very adverse circumstances, the contribution of the leadership of public bodies, and a number of public bodies in particular, to moving Northern Ireland forward, keeping it stable and dealing with issues of need and disadvantage should, in my view, be

acknowledged and applauded. However, just because we did business in that way in the past does not mean that it is the way in which we need to do it in the future. Whether it involves the Housing Executive, housing associations or a wide range of other organisations, such as the Belfast Harbour Commissioners, we need a new phase of deep reform in a positive image. I do not mean reform in the image promoted by the Tories, which causes strain and stress. I mean reform that will liberate organisations and people so that they can deliver in an even better way for people in Northern Ireland.

The Member asked about how that situation arose, which is an important question. Indeed, in the gateway review and, more particularly, in the governance review, one of the tasks set in the recommendations was to find out why certain things were managed in the way in which they were. For example, the Housing Executive is obliged to answer a question about a 2007 report that was meant to, but did not, go to an audit committee. The answer to that question will reveal why, as the Member indicated, certain things arose. I have part of that answer. In that case, a senior manager in the Housing Executive and people on the audit side of the Housing Executive had a difference of views about the critical issue of how a paper going to the audit committee should be managed. In that moment and in that difference of view, a process that, in my view, should have been followed through was not. Consequently, a report on how to manage certain affairs did not go to the audit committee until late in 2010, three years after the matter first arose.

Whilst I have asked the Housing Executive to indicate in more detail how that situation arose, people can see that, in the Housing Executive, the balance of relationships and the balance of authority between, on one hand, the senior management team and, on the other hand, the board and its structures needed to be reconfigured. That is what those reports tend to do.

11.00 am

The Member asked a legitimate question: does the gateway review give some insight into the management of heating and other contracts over the past month during the cold weather? That is a fair question and one that I asked myself, the Housing Executive and the Department. Was that a contributory factor to the difficulties that

the Housing Executive had in the initial phase of response? My answer to that is two-tiered. Yes, there may be a shadow over the response of contractors to the cold weather that arose over the past month in the initial phase, and there may be a shadow over the gateway observations on how they handled the situation. However, on the other hand — this is the more substantial point — we demonstrated over the Christmas period that, although there were issues with the initial response and the initial performance of contractors, that situation was, in my view, substantially turned round because of hands-on management from the Department and the Housing Executive to ensure that, as fully as possible, contractors fulfilled the tens of thousands of contract orders that were placed over that time. Therefore, although there are clearly issues with contract management and contractor performance — that covers the full range of Housing Executive contractors — the hands-on, active and robust management of contractor performance, particularly after the weakness of the initial phase of response by the Housing Executive, demonstrated that we can turn a situation that was not as good as it should have been into a much better situation.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. It is incumbent on the Minister — I appreciate that the Chairperson raised the issue — to come to the House with a statement on the failures over the Christmas period. It is not only members of the Social Development Committee who have concerns about that; I am sure that members of his own party were lobbied about it over Christmas.

I have more questions about the Minister's statement, as I am sure others do. They will proceed as they get into the detail. Given that, on appearance, there was no relationship between the Housing Executive and Land and Property Services, can the Minister clarify whether part of that ongoing review involves the disposal of land? Can he also advise whether features or elements of this investigation are connected to the issue that is subject to the internal and external investigation that is under way?

Lastly, I find it extraordinary that, on his party's watch and almost at the end of its tenure, it is only now realising that there has been systemic failure at senior management level of the Housing Executive. That is extraordinary.

The Minister for Social Development: I thank the Member for her various observations. When I came to the House in the autumn to discuss this matter, a member of another party put it to me that a range of issues in the Housing Executive were not being handled or managed properly and asked what I, as Minister, was going to do about it. At that time, I made the point that at virtually no time in the previous three years and certainly not in any structured, substantial or evidence-based way, did the member of that party bring to the Housing Executive or to the then Minister for Social Development, Margaret Ritchie, the point that Ms Ní Chuilín has made about what she refers to as systemic failure.

I do not understand how Ms Ní Chuilín can say that she finds it extraordinary that it is only in the latter days of this mandate that the issues around the Housing Executive, whatever they might be, are being identified. If her party believed that there was systemic failure over the past one, two, three or four years, it had an obligation, politically and to its constituents, to bring that to the attention of the Housing Executive and the Minister for Social Development, to produce evidence that that was the case and to demonstrate that publicly and politically on the Floor of the Assembly and in the Committee for Social Development. Sinn Féin had an obligation to make that argument and prove that case, and it did not do so in any substantial, meaningful, structured, ongoing, reliable or credible way. *[Interruption.]*

Mr Speaker: Order. You must allow the Minister to continue.

The Minister for Social Development: If people are now saying that there is systemic failure in the Housing Executive, they should have been saying it six months ago, a year ago, two years ago, three years ago and four years ago. Earlier, I spoke about what Margaret Ritchie did as Minister for Social Development. There was a sense that the housing sector in Northern Ireland had, for one reason or another, become detached from government and the Department and that, by and large, it was able to manage its own affairs with less political, ministerial or Assembly oversight. One of Minister Ritchie's first actions was to create a new architecture in the Department to address that issue. You do not increase the size of housing division by 100% if you are not putting down a clear marker and structures to ensure that there is

greater governance and proper accountability and oversight of the housing sector in Northern Ireland. All of what we have been able to do since then with the Housing Executive and housing associations is a consequence of that.

The Member said that there was systemic failure in the Housing Executive, and I said that that Member and her colleagues had not made that point in any serious or credible way previously. If there are failures in any public body — in this case the Housing Executive — it is the responsibility of Ministers who are in government and in power to go about addressing that, not to stand back and watch emergencies develop and step in long after the horse has bolted. I demonstrated that responsibility on my watch, building on the work of Margaret Ritchie. You do not conduct a fundamental review of the Housing Executive unless you are asking fundamental questions about the way forward. You do not conduct a rigorous gateway review unless you think that there are issues around contract management that need to be addressed. You do not have a governance audit to the extent that we have seen in the report unless you believe that there are issues and that you will have to drill down to ensure governance in the short term of the next weeks and months and next year or two while the fundamental review works itself through.

The Member might choose the words “systemic failure”, but the report says that the Housing Executive has good processes and structures in place and that there is a challenge function from the board to senior management but that that is not all that it should be and that, in an exhaustive and extensive way, we are addressing the failures. I will not use the words “systemic failure”. In my view, there were substantial failures that needed rigorous and robust correction, and that is what we are doing.

The Member asked about the disposal of sites. As she is undoubtedly indicating, there are references in the reports to the disposal of sites, especially in the governance report. There are references to the processes for the disposal of sites generally and the process that applied to two or three disposals in particular. As I said, I have tasked the Housing Executive to have an implementation report in respect of all of those matters endorsed by the February board meeting. I will share that implementation report with the Committee for Social Development, of which Ms Ní Chuilín is a member, and there

will be full answers to all of that. However, the Housing Executive is not waiting for the February board meeting to take those matters forward. For example, the governance review stated that questions were asked about possible duplicate invoices, and the Housing Executive is already taking that matter forward.

The Housing Executive put in new systems to ensure that disposals of whatever value are handled appropriately. It has created a new principle that there should be a full economic appraisal of all disposals over £5,000 and another appraisal of any disposals of less than £5,000. The systems for the information that is given to the board of the Housing Executive and to the chief executive's committees are already in place. If there are other issues around the disposal of sites, I reassure the Member that those questions will be asked and answered.

Mrs M Bradley: I congratulate the Minister on commissioning the report; it shows that he has a grip on the problem and that he will deal with it properly. It will be published openly, and that is to be welcomed. The Minister said that the Housing Executive will implement the recommendations, but when will an implementation plan be produced, and will it be made available?

The Minister for Social Development: I thank the Member for her question. The reports are being published, and, drilling down into them, one will see the significant scale of the recommendations, as well as the acknowledgement of the good processes, structures and management in the Housing Executive. Some sensitive matters are subject to investigation and, no doubt, will be of interest to a wide range of people. Given the importance of this matter, I said that I would come back to the Assembly on it. The full report should be published and not redacted so that, as Mrs Bradley said, everybody knows where things are and where they need to be and to ensure that there is a grip on all of that.

I have been provided with a draft implementation plan. I advised the Housing Executive's acting chief executive and his senior managers that we require an implementation plan that responds fully and in detail to all the recommendations in both reports and has a timeline for the implementation of all the recommendations, mindful that many of them are already in place or are substantially in place.

That should all be done in time for the February board meeting so that a report can come to me and then go to the Committee.

At all times, everything will be subject to external oversight, initially by the gateway review team looking at the implementation plan in respect of the recommendations to ensure that they are fit for purpose. The panel led by the permanent secretary will have an ongoing, hands-on oversight accountability role for all the recommendations.

Ms Lo: I thank the Minister for his statement. I welcome the two reports and the fact that they have been done so speedily. I also welcome the Minister's decision to delay the Egan contract process. Members have received constituency enquiries about maintenance and repairs work.

The Minister mentioned the implementation plan that, hopefully, will be agreed in February. How long will the implementation plan take, and will there be a dedicated monitoring team to ensure that the implementation actions are taken? Also, how will that impact on the fundamental review of the Northern Ireland Housing Executive, which will, I hope, report soon?

11.15 am

The Minister for Social Development: I thank the Member for her questions. I want to emphasise her first point, which is that that work was done speedily. It came to the Assembly in mid-October 2010 and was turned around in good time. No matter how anyone wants to interpret the content and conclusions of both reports, they are extensive and exhaustive. They cover all bases and provide a pathway forward.

The best way to answer the Member's question on how quickly all of this will be done is to take what I said in my opening statement about the gateway review's recommendations on contracts. A number of tender processes for Egan contracts are ongoing. I could let them run their course, and, at their conclusion, contractors would be appointed to carry out a number of Egan responsibilities. However, that would be done on the basis of the old regime, of which the gateway review is critical.

I am not prepared to leave it to chance or luck that, at the end of that process, the disciplines, processes and accountability recommended by the gateway review would be built into the

Egan contracts. That is why, as I said in my opening statement, the third option outlined in the concluding paragraphs of the gateway review report is the one that I will take. That will bring about a new tender process for Egan contracts, which will be initiated in late summer. That tender process will implement fully and faithfully the gateway review's recommendation for the partnership model and will introduce into those contracts all necessary contractual terms and conditions, enforcement mechanisms and processes to ensure that there is a robust model that builds on the strengths of partnership and builds in enforcement disciplines. Between now and late summer, all of that will be done. With reference to Ms Lo's question, that indicates the importance of the issue and the timeline.

I dealt with the issue of the dedicated monitoring team, which is external to the Housing Executive. The Member asked an important question about how that impacts on the fundamental review. The review is due to come forward with recommendations during March 2011. That work is ongoing and substantial. Consultants appointed to do that work are extremely active in attending to their business. If the fundamental review recommends a reconfiguration of the Housing Executive's various functions and responsibilities, that will require discussion in the Assembly, agreement in the Executive and public consultation, followed by legislation. Unfortunately, as we know, in the Assembly — as is also the case in the Scottish Parliament — it takes at least two years for an idea or concept to mature into legislation. Consequently, independent of the fundamental review and any decisions that the Assembly might make in the fullness of time, the Housing Executive must put in place, now and in the weeks and months ahead, certainty and reassurance that it is able to carry out all of its functions, governance, contracts and everything in between. The fundamental review will make its recommendations, which, I believe, will be substantial and material. However, in the meantime, we must ensure that the Housing Executive reassures everyone in the Chamber and, in particular, its tenants, that, in all ways, it is fit for purpose.

Mr Speaker: I always encourage Members to come to their questions much sooner. In the debate, Members have been asking multiple questions. Therefore, quite obviously, the

Minister feels that he must answer them all as far as possible because, on occasion, Members have accused Ministers of not answering questions.

Standing Orders are clear on ministerial statements: it is a question to the Minister on his statement. Quite a number of Members want in on the statement, so let us see if we can come to the question and the answer much sooner.

Mr Easton: I thank the Minister for his statement. He said:

“Crucially, however, the report says that contract management: ‘has become reliant on the effectiveness of relationships with contractors’.”

Will the Minister outline the concerns with the relationships and the contractors and say why it is highlighted as a major issue of concern in the report?

The Minister for Social Development: I thank the Member for his question. I try to answer the questions that are asked; I do not try to pick and choose the easy from the hard, Mr Speaker. Mr Easton asked one question.

The Egan contracts had their birth in two reports in the 1990s. The Egan report was produced in 1998, and it was rolled out in Britain, particularly in MoD contracts. In the early part of this decade, it was rolled out in Northern Ireland. The Egan model has become the version used by the Housing Executive, government Departments and public bodies in the North.

The theme and mood in public life at that time was that, rather than government telling people that they had to perform in a certain way, they were to be encouraged to work in a partnership model. This Chamber, our Government and our society are testament to the need to have a partnership model. The partnership model is, therefore, valid and useful. The gateway report says that the partnership approach became the primary method of managing the Egan contracts and, therefore, the relationships between the contractor and the Housing Executive — and the individuals, the contractor and the Housing Executive — were paramount. The quality of the contract was informed and influenced by the quality of the partnership and relationship, one to the other. That is what is referred to. The

partnership relationship became the primary mechanism to manage the contract.

The gateway report says that that is not a good model. Even in its purest sense, Egan is a partnership model, but, at the same time, it has within it the robust mechanisms to ensure that, where the partnership does not work, where the contractor is not performing or where the public body — in this case, the Housing Executive — is not able to rail at the contractors about how they should do their business, there is written into the contract the strict terms, conditions and enforcement mechanisms that enable action to be taken to rectify a situation in which the body has been let down. In the case of the Housing Executive, it has been let down, and the tenant has been let down even more. That is the point that was being made.

As I said to Ms Lo, we are going to extend the existing contracts for a short time and remodel the contracts to ensure that we welcome and encourage partnership as a method of dealing with contractors but, at the same time, put discipline into the contracts to ensure that there are means and ways of enforcing against any contractor who fails to fulfil the letter or spirit of the contract, to make sure that they do their job properly. If they do not, appropriate action will be taken.

Mr F McCann: I thank the Minister for his speech. We all hope that the board of the Housing Executive will be equipped with the tools to challenge all aspects of housing development and policy at the end of this procedure.

I am surprised that the Minister was surprised that there were serious problems with maintenance contracts in West Belfast, given that he is a Member for the constituency. Local community groups met two and a half years ago to discuss this issue and the local Housing Executive management was completely aware that there were serious problems in the delivery of maintenance contracts in west Belfast and other places. My colleague was one of the first people to bring to light the question of the sale —

Mr Speaker: Is there a question here?

Mr F McCann: There is a question somewhere in there. Will the Minister tell us whether the Egan maintenance contracts have been abused in their delivery by contractors or Housing Executive officials?

The Minister for Social Development: I thank the Member for his opening remarks. He thanked me and hoped that, at the end of this procedure — I do not think it is quite an operation — the board of the Housing Executive will be equipped to challenge its management. As the report states, it does challenge. However, let there be no doubt about it: it needs to challenge a lot more. I have spent a lot of time — some people would say a disproportionate amount of time — since the first week in July challenging the Housing Executive board and its senior managers about how they do many aspects of their business.

I did not use the word “surprised”, and Ms Ní Chuilín did not use the words “serious problems”. She used the words “systemic failure”. That was not about the contracts in west Belfast but about the Housing Executive per se. If Sinn Féin wants to make a point, it should at least make a consistent point. I challenge Ms Ní Chuilín on her use of the words “systemic failure”. There are substantial failures, but I am not going to beat up the Housing Executive recklessly.

In respect of the serious problems with the management of contracts, not only do I concur with the Member but my predecessor Margaret Ritchie also concurs with him. It was Margaret Ritchie who went to the Housing Executive, on the basis of advice and information that she had received, and said that she believed that the management of certain contracts needed to be investigated. As I have reported to the Chamber before, an exhaustive and extensive investigation was initiated and concluded a short while ago. As I indicated to the Social Development Committee last week, the investigation report has been passed to the contractor, who has been asked to reply by the end of the month.

Without prejudice to whether there are serious problems or not, an argument was made, and, as a consequence, action was taken by Margaret Ritchie. That process continues. I am not going to speak any further about that, because there is a process ongoing, and I have to make sure that I am on the right side of proper process in that matter. However, if there are serious problems, whether in relation to that matter or any other, let everybody be reassured that there is more than sufficient proof that, where issues were identified, action

and intervention was taken by me and by my predecessor.

Mr Craig: I welcome the fact that the Minister is here reporting back to us, and I welcome some of the recommendations in the report. I find it interesting that we are now looking at another level of oversight for the Housing Executive. What I cannot welcome is the fact that we needed the report. It is a condemnation of the Housing Executive and the way in which it has managed projects. In relation to the major projects and the failures that have been highlighted with regard to servicing those contracts and following up on issues and problems with them, the one thing that I do not see in the report is how outside bodies, that is, elected representatives, housing associations —

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

Mr Craig: — other bodies or even tenants are able to report to or give feedback on the process. That would highlight the difficulties and problems that still exist whenever a contractor has walked away from a project and left it in a state of disrepair, which the public purse is then supposed to correct.

11.30 am

The Minister for Social Development: I thank Mr Craig for his question. In my view, there are times when, in order to move good public bodies to a far better place following difficult times, you need to have quite significant oversight structures and, as Mr Bradley said, quite a hands-on approach to get a grip on things.

I accept that the structure that we are creating of ministerial, permanent secretary and wider oversight of the Housing Executive is substantial. However, that is absolutely necessary. My experience over recent months has been that there are times when you have to manage what is going on in arm's-length and public bodies more actively and robustly. That is the difference between Ministers being in government and being in power. There were examples in the recent past of Ministers certainly being in government but certainly not in power.

The Member knows that, if he brings a particular case to my attention, I try to look at it. That applies to all Members. In fact, it is in particular cases that you can begin to identify

deeper issues or problems. So, if the Member is referring to a particular case when people walked away from their responsibilities, I would like to hear about it. Given the unprecedented weather over the past four or five weeks, the burdens and responsibilities that fell to the Housing Executive and its contractors and the experiences of too many tenants, I would be keen to hear of particular cases. Through particular cases I and others have identified wider weaknesses in the Housing Executive response. So, if the Member is referring to a particular case, I would like to hear about it so that we can reply in the particular as well as draw any wider conclusions.

With regard to the situation that we had in the autumn with political and wider comment, internal and external investigations and police involvement in one or two matters and given some of the headlines, it seemed to me that we needed to move quickly and decisively. That may not be a process that brings everybody with you, but it is necessary to ensure that all that should be done is getting done, and done in good time.

I came to the Assembly about this matter. I have come back to the Assembly, and I said that I would go back to Committee about the implementation plan when it is ready. I do not think that that will be the end of the conversation in the Chamber or in the Committee. If that has to develop and escalate further, I would welcome that.

I note what the Member is saying about tenants. I will look at that to see whether as a consequence of this work there is at least a wider notification, consultation or circulation of information and conclusions that can go to representative bodies, tenants' groups and other organisations for them to realise that this is a work in progress. Indeed, we welcome any observations or comments that they have.

Mr A Maginness: I welcome the Minister's thorough statement and congratulate him on it. Here is one Minister who does not ignore or avoid problems and does not sleepwalk through his ministry.

Given the findings of those reports, particularly about procurement, can any general lesson be learned for the public sector? Those are pertinent to the way that procurement is carried out across the public sector.

The Minister for Social Development: I thank the Member for his observation that I do not sleepwalk through the Ministry. There were one or two occasions when I went into the Lighthouse Building after my children were up overnight, as Simon Hamilton would appreciate, when I wondered whether I was sleepwalking into the ministry.

My intuition tells me that there are general lessons to be learned from this. I encourage Members to spend a little time reading the reports, because there will probably be a need for a sea change in how government generally tenders, completes and appoints contractors. There is a need for a sea change.

At meetings of the Executive subgroup on the Budget, I raised questions and asked for a discussion — it has been agreed that we will have one — of how procurement in Northern Ireland works. In too many instances, procurement in Northern Ireland is process-driven and, in contrast to procurement in the European Community, does not acknowledge the need for sustainability in the appointment of tenders, which, when translated to a Northern Ireland context, would mean protection for small and medium-sized enterprises.

There is a need for a sea change in procurement. We should have competition, but we should also have legitimate mechanisms that protect indigenous suppliers and contractors, including the third sector and small and medium-sized enterprises. That is a broader point, over and above the gateway review of the Egan contracts.

I am writing to the Minister of Finance and Personnel on the issue and will enclose a copy of the report. The permanent secretary has brought the report to the attention of his colleagues in other Departments. There will be wider implications for any other Department that uses an Egan-type approach. My understanding is that, in the Department for Regional Development and the Department of Education, there is an Egan-type approach, subject to correction, as you can imagine would be required for Departments that deal with the maintenance of schools, roads etc. If there is any learning that can apply to those Departments or to any other Departments that have adopted that approach, it should be applied urgently. That also applies to Departments that have used Egan contracts

or any of the other variations in contracts that need more rigour built into their terms and conditions.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. Will the Minister explain why it has taken so long to report on one of the contractual arrangements involving the Housing Executive, namely the west Belfast maintenance contract? I have been asking him and his predecessor questions on that issue since March 2009. I also raised it with the Audit Office prior to that, because I thought that that was the proper procedure that all Members were supposed to follow. I have been asking questions about that ever since. To wait almost two years for this report is too long. The Minister has let down the people of west Belfast and the west Belfast district office of the Housing Executive. What is the Minister trying to hide? Is it the lack of leadership that he and his predecessor have shown on the issue? Or, is there something more sinister involved, such as a conflict of interest between senior Red Sky officials and senior Housing Executive officials? When will we be able to see the outcome of the report's findings? I have been asking questions on the issue since 2009.

Mr Speaker: I ask the Member to come to his question.

Mr P Maskey: When I asked Margaret Ritchie about the Red Sky contract, she said that she was unable to provide an answer because it was an operational matter for the management of the Housing Executive. That proves that I have been asking questions on the issue since 2009, contrary to what the Minister said.

The Minister for Social Development: I note the press release that has just been read out to the Assembly.

Mr P Maskey: I was asking questions.

The Minister for Social Development: I note the press release. The Member said that I am letting down the people of west Belfast, but that is not what the 'Andersonstown News' says.

Mr P Maskey: That is what I say.

The Minister for Social Development: I know that that is what you say, and we can all draw conclusions about why you say that. That is not what the 'Andersonstown News' says. The 'Andersonstown News' says that I have got the balance right.

Mr Speaker: I encourage Members to make their comments through the Chair.

The Minister for Social Development: It says that I have the balance right between taking initiatives that count for local people and being strategic. People will probably understand that the 'Andersonstown News' is not necessarily closely linked to the SDLP. It is a very fine newspaper, and it is one of the best community newspapers on these islands. The voice of the 'Andersonstown News' is not consistent with the voice of Paul Maskey, and people can draw their own conclusions about who is letting people down as a consequence.

People need to be very, very careful when talking about such cases. The Member will know that criminal investigation and proper inquiry must not be compromised.

Mr P Maskey: I have been asking since 2009.

The Minister for Social Development: As the Member is well aware, there have been a lot of cases in Northern Ireland since 2009. If we are to be exhaustive, follow due process and be seen to be independent and impartial, it takes some time to investigate such cases.

Mr F McCann: You said that —

Mr Speaker: Order. The Member must allow the Minister to continue.

The Minister for Social Development: I will deal with all Fra's points. People must be careful that an ongoing inquiry, such as the Member referred to, or any other criminal or internal investigation is not compromised. That is why the suggestion that people are trying to hide something is inconsistent with the facts and the ongoing process. It is simply headline grabbing for political purposes, without responsibility to bear down on the issues to get to the truth or to draw conclusions from the evidence.

There have been occasional passing comments from Mr Maskey and his colleagues about a lack of leadership. However, those do not amount to a thorough response to what Mr Maskey's colleague called a systemic failure. Such comments are a slapdash, casual and superficial approach, not a serious attempt to deal with the issue. If there was systemic failure, Members should be shouting from the hills and demanding special meetings of the Committee for Social Development, yet they have failed to do so. Those Members should

not try to cover their tracks belatedly because of their failure to deal with the issue as they now claim it should have been dealt with. They should not portray anyone as demonstrating a lack of leadership, especially not Margaret Ritchie. The ongoing investigations stem from her input and concerns.

As I said, a report on one issue was concluded some weeks ago, and the contractor concerned has until the end of the month to reply to it. Each and every time an issue arises about the Housing Executive, action is taken to ensure that anything that needs to be investigated is investigated and the truth prevails. That was also mentioned in the governance report. I have made it clear to the board, the chief executive and the chairperson of the Housing Executive that, if the evidence leads to certain conclusions about individuals inside or outside the Housing Executive, whether now or in the past, so be it. People will have to live with the consequences of where the evidence leads.

Mr Campbell: I apologise to the Minister for missing the first part of his statement due to unforeseen circumstances. In his statement, the Minister twice referred to the wider governance review and the imbalance in the workforce of the Housing Executive. The Minister will be aware that opportunities for employment in the housing sector were central to some of the early problems of the Troubles 40 years ago. Then we had no monitoring of the workforce, Equality Commission or rigid and robust guidelines to ensure that employers offered equal employment opportunities. We now have all those things, yet the Housing Executive has reported a year-on-year under-representation of the Protestant community in its workforce for the past 12 years. Will the Minister ensure that the wider review addresses that issue and does something about it?

The Minister for Social Development: I welcome the Member's question and the implication of what he said. Having rigid guidelines, an Equality Commission, equality and equality enforcement architecture in Northern Ireland has helped to move us to a situation whereby, although there is not a balance in all workplaces, there is more balance across most workplaces. I welcome what appears to be a belated endorsement of the argument made by many over the past 30 or 40 years that we needed equality law, architecture and enforcement to create a better situation.

This was a no-holds-barred process, and the gateway review and governance audit teams were explicitly and clearly instructed to say what needed to be said. It would have been easy for me, Mr Campbell, to get someone to whisper in someone else's ear and advise them not to get involved in certain issues.

The people involved in the review were given a clear mandate to comment on any issues of governance, audit and contractual performance that they deemed necessary. We are in a better place. Consequently, they acknowledged, as have Mr Campbell and I and as the House has debated before, that there is an imbalance in the workforce. Consistent with best equality law and the rigid guidelines to which Mr Campbell referred, the Housing Executive has in place the means and tools to address the equality issue. That is work in progress, and I hope that it will improve the overall balance. I trust that Mr Campbell will support tackling the much wider issues of imbalance, especially in the senior ranks of the Civil Service and in other public organisations and Departments.

11.45 am

We also have to deal with other imbalances. If the Housing Executive is to mature in the next phase of its life, it needs to have the internal capacity and personnel to develop and lead the organisation. An emerging problem in the Housing Executive — it could exist in a range of other organisations — is that the age profile means that a lot of people of senior rank could move into retirement in the near future or medium term, leaving a capacity and leadership gap. There needs to be succession planning to ensure that the Housing Executive's great work over the past 40 years can be taken forward by its leadership and by individuals over the next 20 years.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. The governance report mentions a range of overspend from as little as £34 to approximately £600,000. Obviously, that is a wide spectrum. Will the Minister give us details of the numbers in between and what those amounts might total?

The Minister for Social Development: I thank the Member for his question, and I thank all Members who have taken part in the debate. My sense of the discussion and questions so far is of an acknowledgement that the review has been an exhaustive and critical piece of work

in moving the Housing Executive to a different place. I acknowledge that the sense that comes from all Members' questions is that the review was a worthwhile exercise and that, subject to full and faithful implementation, the Housing Executive and the housing sector will be in a better place.

I also want to acknowledge that the people at senior management and senior board level in the Housing Executive are absolutely committed to the process. When I met the chief executive of the Housing Executive before Christmas, he had, at that stage, drafted an interim implementation plan. Senior people in the organisation know that the measure of them and of their leadership is the implementation of all the recommendations. I am satisfied that they are applying themselves diligently to that task and will do so over the next four weeks.

I meant to say in my opening statement that because the review is so extensive, I am not fully on top of some issues. *[Interruption.]* I hold my hands up to Mr McCann. I will come back to the Member on particular matters that may arise. Overspend is clearly a matter that the Housing Executive board will have to address in the implementation plan. It will have to answer to me when it draws its conclusions.

Lord Morrow: The Minister's statement is very lengthy. It is just a pity that we did not receive as lengthy a statement outlining the catastrophic failings of the Housing Executive over the Christmas period, when it walked away and left some tenants to fend for themselves. The Minister's statement may be lengthy, but I suspect that, when analysed, it does not say a lot. Will the Minister assure us today that, as a result of his statement and the latest inquiry that he initiated, the massive expenditure by the Housing Executive will stop? He sent me an answer informing me that the Housing Executive and the Department for Social Development have spent something like £500,000 over the past three years on conferences. Does he feel that that is the best way to spend money? Would it not be much better spent on front line housing services?

The Minister for Social Development: I thank Lord Morrow for his questions. Throughout the past four weeks, I have said that the Housing Executive's response was not what it should have been during the initial phase of the unprecedented weather conditions. Unlike other

Ministers, before Christmas, I rolled up my arms and tried to get a grip of the situation.

Mr P Maskey: Arms or sleeves?

The Minister for Social Development: I am sorry: I rolled up my sleeves. I am a man of many skills.

I did that to ensure that the circumstances that might be developing in the run-up to Christmas were alleviated. I do not think that other Ministers did the same. Before Christmas, I tried to prevail upon London to release additional moneys to help people in need. I wrote to OFMDFM and asked for an emergency Executive meeting to help manage the situation. All of that would have added to the corporate response and the departmental responses to the situations that arose. I think that I was interventionist when it came to trying to manage the Christmas period, but I acknowledge that, even though I laid down requirements for the Housing Executive in respect of the response to the cold weather, the response was not all that it should have been in the initial phase. I said so publicly at the time, and I have said so repeatedly. I have come to Members. I went to the Social Development Committee last week to outline a number of matters and was fully prepared to speak at length in respect of the Housing Executive and housing associations' response to the cold weather. I welcome the opportunity to come back to the Committee next Thursday in that regard. To show respect to the Committee, a written statement will be released to all Members at the same time as I meet the Social Development Committee about the winter response.

The point is that there were issues in the initial phase which should not have arisen. Questions have to be asked of the Housing Executive board and, in my view, questions can properly be raised at other levels as well. However, during the subsequent phases, the Housing Executive and the housing associations, where the problem was much less acute because of the recent character of the stock, addressed issues more substantially. I acknowledge the members of the Housing Executive staff and the contractors who stretched themselves over a difficult period to deal with tenants' needs. Yes, there were times when tenants could have expected more. I do not walk away from that. However, the full narrative of that period shows that this organisation measured up to its task

despite the earlier period, whereas, clearly, other organisations did not.

I completely and utterly agree with the Member's last point. My permanent secretary and senior officials will confirm that I have interrogated the DSD, the Social Security Agency, the child maintenance division, the Housing Executive and everyone in between about expenditure on conferences, travel and accommodation. It is extravagant and unacceptable. I have told them to reduce it, and it is being reduced. I sent out a further directive in my Department about two weeks ago to reduce spending on conferences and associated costs even further. I completely agree with the Member in that regard.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas a thug sé dúinn inniu agus gabhaim buíochas leis fosta as an bhealach fheidhmiúil a ndeachaigh sé i mbun na tuairiscí seo a thabhairt chun tosaigh.

I commend the Minister for his proactive approach in commissioning the reports, which, presumably, will inform the wider fundamental review of the Housing Executive. Will he give an update on that review? How will those two reports feed into the wider review?

Mr Speaker: Time is almost up. I must ask the Minister to make a quick response.

The Minister for Social Development: I appreciate that advice, Mr Speaker. The fundamental review is ongoing, as I have indicated, and an interim report will be available in March. It will be a no-holds-barred report. I have told the consultants that they need to come forward with any and all options, be they conservative or radical, when it comes to the future character of the Housing Executive. I believe that there will be a Housing Executive going forward; I am committed to a Housing Executive going forward. Its shape and configuration might be somewhat different, but that is subject to the evidence gathered and the outcome of the fundamental review.

Mr Speaker: That ends questions on the ministerial statement. I ask the House to take its ease as we move to the Consideration Stage of the Local Government Finance Bill.

Mr P Maskey: On a point of order, Mr Speaker. I know that the Minister did not mention any names when he said that individual Members

were not doing their work by reading the draft report. If he looks at his own office and the questions that I have posed to it in recent years on a particular contract in West Belfast, it is clear that work was not done.

Mr Speaker: Order. That is not a point of order, although the Member has certainly got his remark on the record.

Executive Committee Business

Local Government Finance Bill: Consideration Stage

Mr Speaker: I call the Minister of the Environment to move the Consideration Stage of the Local Government (Finance) Bill.

Moved. — [The Minister of the Environment (Mr Poots).]

Mr Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 and 2 and amendment Nos 4 to 13, which deal with delegated powers in the Bill and some technical changes. The second debate will be on amendment No 3, which aims to prevent the Department from reducing mid-year the amount of rates support grant awarded to a council.

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.

Clauses 1 to 23 ordered to stand part of the Bill.

Clause 24 (Security for money borrowed, etc.)

Mr Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment No 2 and amendment Nos 4 to 13. The amendments deal with delegated powers and technical changes to the Bill.

Members will note that amendment No 4 is a paving amendment for amendment No 6; amendment No 5 is a paving amendment for amendment No 12; and amendment Nos 8, 9, 10 and 11 are consequential to amendment No 7.

The Minister of the Environment (Mr Poots): I beg to move amendment No 1: In page 8, line 27, leave out “made subject to negative resolution”.

The following amendments stood on the Marshalled List:

No 2: In page 8, line 29, at end insert

“(10) An order shall not be made under subsection (9) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.” — [The Minister of the Environment (Mr Poots).]

No 4: In clause 27, page 9, leave out lines 33 to 35. — [The Minister of the Environment (Mr Poots).]

No 5: In clause 27, page 9, leave out lines 40 and 41. — [The Minister of the Environment (Mr Poots).]

No 6: In clause 27, page 10, line 5, at end insert

“(9A) A council shall give the Department such information for the purpose of the calculation mentioned in subsection (5), at such time and in such form as the Department may determine.” — [The Minister of the Environment (Mr Poots).]

No 7: In clause 32, page 12, line 9, leave out “chairman” and insert “chairperson”. — [The Minister of the Environment (Mr Poots).]

No 8: In clause 32, page 12, line 10, leave out “vice-chairman” and insert “vice-chairperson”. — [The Minister of the Environment (Mr Poots).]

No 9: In clause 32, page 12, line 12, leave out “chairman or vice-chairman” and insert “chairperson or vice-chairperson”. — [The Minister of the Environment (Mr Poots).]

No 10: In clause 39, page 14, line 28, leave out “chairman” and insert “chairperson”. — [The Minister of the Environment (Mr Poots).]

No 11: In clause 39, page 14, line 29, leave out “chairman” and insert “chairperson”. — [The Minister of the Environment (Mr Poots).]

No 12: In clause 43, page 16, line 20, at end insert

“(2) Regulations and orders under this Act may contain such incidental, supplementary, consequential, transitory or saving provisions as the Department thinks necessary or expedient.” — [The Minister of the Environment (Mr Poots).]

No 13: In schedule 1, page 18, line 18, at end insert

“The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)

5A. In Schedule 4 (restrictions on disclosure of information), in the definition of 'chief financial officer' in paragraph 7(3), for '148(1) of the Local Government Act (Northern Ireland) 1972' substitute '42 of the Local Government Finance Act (Northern Ireland) 2011'." — [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: A number of these amendments arise from recommendations that the Environment Committee made at Committee Stage. I thank Committee members for their helpful recommendations and their timely scrutiny of the Bill.

All the amendments in the group are technical in nature. Amendment Nos 1 and 2 concern the level of Assembly control stipulated in relation to one of the delegated powers in the Bill. Clause 24 makes provision for security for money borrowed by a council and for the appointment by the High Court of a receiver in the event of a default. Subsection (8) provides that an application to appoint a receiver may not be made unless the amount owed is £10,000 or more. As it stands, subsection (9) enables my Department to change that amount by means of an Order, subject to negative resolution. The Committee, acting on advice from the Examiner of Statutory Rules, has recommended that such an Order be subject to the affirmative procedure.

12.00 noon

The reason for that is that an Order under clause 24(9) would bring about a direct amendment of the Bill in respect of a jurisdiction of the High Court and should, therefore, attract a higher level of Assembly scrutiny than the negative resolution procedure currently provided for. I agree with the Environment Committee's recommendation. Amendment No 1 will remove from subsection (9) the words that state that an Order for that purpose should be subject to negative resolution. Amendment No 2 will provide for such an Order to be subject to draft affirmative procedure. Those two amendments need to be considered in tandem, and I urge Members to support them.

Amendment No 4 is linked to amendment No 6 as they are both concerned with the means of collecting information from councils for the calculation of the rates support grant. Clause 27 makes provision for the rates support grant by bringing forward the existing provision for the resources element of the general grant for the local government miscellaneous provisions.

As in the 2002 Order, clause 27(5) gives my Department the power to make regulations, subject to draft affirmative procedure, on how the grant is to be calculated. The current regulations for the general grant, which were made under the 2002 Order, include a pro forma of the information that councils need to provide for the grant calculation.

The purpose of amendment Nos 4 and 6 is to allow the means of requesting information used in the calculation of this grant to be sought by departmental determination rather than by means of a pro forma stipulated in regulations. That will allow technical updates to accounting practices that do not affect the calculation of the grant to be taken forward promptly via departmental determination and rather than through the draft affirmative subordinate legislative route. I had emphasised that the formula and calculation of the rates support grant will not be influenced by the amendment. Its purpose is to enable my Department to reflect any technical updates to accounting practices in a timelier manner and to avoid unnecessary draft affirmative legislation.

Amendment No 6 will add a new subsection, shown in the Marshalled List as subsection (9A), to clause 27, which gives my Department power to seek this information from councils via determination. As a consequence, amendment No 4 to subsection (5C) is needed to remove my Department's ability to regulate in the matter. I urge Members to support those amendments.

Amendment No 5 is a technical amendment that is linked to amendment No 12. With your permission, Mr Speaker, I will give the background to both of those amendments simultaneously. It is customary to provide that subordinate legislation made under any of the enabling powers in a Bill may contain any incidental, supplementary, consequential, transitory or saving provisions. Currently, the Bill only makes that provision regarding regulations under clause 27 in respect of the rates support grant. I recommend that it should extend to all regulations or Orders made under the powers in the Bill.

Amendment No 5 to clause 27 is technical and does not change the provision that the rates support grant regulations may include such incidental, supplementary, consequential, transitory or saving provision as considered expedient or necessary. Instead, it simply moves

the provision to clause 43, where it will apply to all regulations and Orders made under the powers in the Bill. The amendment to clause 43 is tabled as amendment No 12.

Amendment Nos 7 to 11 were recommended by the Environment Committee in the interests of gender-neutral drafting. Those amendments are technical in nature and do not involve any change of policy. Part 3 of the Local Government Finance Bill updates the legislative framework concerning payments to councillors, the greater part of which currently sits in Part V of the Local Government Act (Northern Ireland) 1972.

Clause 32 provides for the payment of allowances to the chairman and, where applicable, vice-chairman of the council. The terms “chairman” and “vice-chairman” were used in clause 32 as they refer to the offices established under sections 11 and 13 of the Local Government Act (Northern Ireland) 1972. The terms were preserved in the Bill, as introduced, in order to maintain a connection with the 1972 Act. During Committee Stage, the Environment Committee noted the use of the terms in clause 32 and recommended that the Bill should be amended to replace them with gender-neutral terms. That proposal will not change the provision permitting a council to pay allowances to its chair or vice-chair. As the Assembly is committed to the use of gender-neutral language in the drafting of legislation, I accept the Environment Committee’s recommendation. I have tabled amendment Nos 7 to 9 accordingly to amend all the references in clause 32 to “chairman” and “vice-chairman”.

Amendment Nos 10 and 11 also relate to gender-neutral drafting. Clause 39 provides for payments regarding public appeals and re-enacts without amendment the current provision of section 115(1A) of the Local Government Act (Northern Ireland) 1972. Amendment Nos 10 and 11 will replace the references to “chairman” in clause 39 with “chairperson” for the purposes of gender-neutral drafting and will not impact on a council’s powers to make payments in connection with public appeals. I urge Members to accept amendment Nos 7 to 11 so that the Bill may achieve consistency.

I already explained the background to amendment No 12 in my introduction of amendment No 5. However, I will summarise by reminding Members that amendment No 12 is technical and does not affect the level of

Assembly scrutiny or any regulations or Orders made under the powers in the Bill. It is simply a general provision that any regulations or Orders made under the Bill may include such incidental, supplementary, consequential, transitory or saving provisions as considered expedient or necessary.

The last amendment in this group, amendment No 13, is the addition of the Deregulation and Contracting Out (Northern Ireland) Order 1996 to the schedule of minor and consequential amendments. It will ensure that the definition of the term “chief financial officer” in that Order will refer to the Local Government Finance Act (Northern Ireland) 2011. That will not impact on policy; it is merely a matter of updating a legislative reference. I ask all Members to support these amendments.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Deputy Speaker. Ar son an Choiste Comhshaoil, ba mhaith liom fáilte a chur roimh an Bhille um maoiniú rialtais áitiúil.

On behalf of the Environment Committee, I welcome the Consideration Stage of the Local Government Finance Bill. The Bill may not seem particularly important or relevant to the ordinary person on the street. However, having gone through a detailed scrutiny of it, I can say with confidence that the Bill has the potential to impact on every citizen in the North, because it gives local authorities more powers to handle their finances.

The main aim of the Bill is to modernise the current legislative framework for local government finance and councillors’ remuneration. It will allow district councils to have greater freedom to manage their financial affairs without having to obtain consent from the Department. However, that, of course, is a double-edged sword, and with more powers must come more responsibility.

The robustness of the audit process exercised the Committee on several occasions during Committee Stage. Before I go into detail on the amendments, I will bring your attention, a LeasCheann Comhairle, to the Committee’s recommendation that, in conjunction with the implementation of the Bill, the audit process should be reviewed and, if necessary, strengthened. We would welcome a commitment from the Minister today that that will take place.

The Bill was referred to the Committee on 28 April 2010, and, to ensure that there was enough time to scrutinise the Bill fully and effectively, the Committee sought an extension to December 2010. Even with the officials' constructive approach and the good working relationship between the Department and the Committee, it took us almost all that time to scrutinise the Bill in depth. The Committee's detailed scrutiny led to five recommendations, and I am pleased to report that the Minister has taken on board all except one of the Committee's recommendations for amendments. I thank the Minister for listening to the Committee and for taking those recommendations on board. However, I urge him to reconsider the reconsider the Committee's amendment, which I will explain in detail in the debate on the next group of amendments.

Before I talk about the amendments in detail, I wish to mention a very significant issue that is relevant to the Bill. The Committee is keen to see the inclusion of social clauses in public procurement contracts, and it questioned the Department about including the necessary legislation in the Bill. However, the Committee was delighted to learn that the restrictions to social clauses are being dealt with through subordinate legislation and that work on that is already under way. The Committee urges the Department to progress that rapidly.

I will now comment on the first group of amendments. The 12 amendments in this group have all been tabled by the Minister. However, as I mentioned, the Committee several of those amendments were recommended to improve the Bill. First, the Committee wanted to see the level of Assembly scrutiny raised to the highest level should the Department choose to exercise its powers to substitute a different sum of money for the amount at which a receiver may be appointed. The amount is currently set at £10,000, but the Bill gives the Department power to alter that. The Committee felt that, because it would directly amend the Bill in respect of the jurisdiction of the High Court, it was important that a decision to change it should come before the Assembly to be affirmed. Amendment Nos 1 and 2 make the necessary changes, and, on behalf of the Committee, I welcome the Minister's amendments to clause 24 accordingly.

I will now skip to amendment Nos 7 to 11, which have been tabled by the Department

on the Committee's recommendation. Mindful of the Executive's commitment to draft their legislation in gender-neutral terms, the Committee was concerned to see reference to "chairman" and "vice-chairman" in the Bill. Although members recognise the validity of the Department's rationale that this is in keeping with local government legislation, it called on the Department to make the necessary changes to bring the legislation into the twenty-first century. On behalf of the Committee, I therefore welcome these five amendments that achieve that.

Amendment Nos 4 and 6 were brought during Committee Stage of the Bill, and the Department explained that they will allow the information it requires to calculate the rates support grant by determination rather than pro forma. Officials assured the Committee that this would not affect the formula, the calculation of the rates support grant or the elements to be taken into account of in the calculation, but they would allow the Department sufficient flexibility to adjust the new accounting practices without having to bring subordinate legislation to the Assembly for approval each time. On the basis of that assurance, the Committee accepted the amendments. On behalf of the Committee, I support amendment Nos 4 and 6.

I turn to amendment Nos 5 and 13, as one is consequential to the other. The Committee was advised of these amendments during Committee Stage and accepted that they were to allow for the addition of a further Statutory Instrument to schedule 1. I support amendment Nos 5 and 13 on behalf of the Committee accordingly.

Amendment No 12 was also brought by the Department during Committee Stage, and the Committee accepted the Department's explanation for its inclusion. The Committee understands that it is common practice for primary legislation to contain a provision to allow orders and regulations to be made in order to include such incidental, supplementary, consequential, transitory or saving provisions as may be required. However, in the Bill as drafted, that only applied to a single clause. The amendment broadens that to apply it to the entire Bill. Therefore, on behalf of the Committee, I also accept amendment No 12. That concludes the Committees' position on the amendments in group 1.

Mr Kinahan: I am also pleased to speak at this Consideration Stage, especially as the Bill's intent is to make life easier for councils in managing their finances. I will be very brief. My biggest concern with these eases is around asking for extra or stronger auditing of councils. There will have to be some hand-holding of councils, which all interpret things in different ways at the moment, to ensure that they fully understand how to make the most of this new freedom and of the controls and the risk element that comes with it. I do not want the Department to be seen to be heavy handed or to be the regulator or the punisher, although it will have its position in the audit. We need very strong guidance to help councils make the most of these new regulations.

I fully support amendment Nos 1 and 2, which require draft affirmative resolution to be brought if we wish to change the figure of £10,000 above which a receiver should be involved. Amendments Nos 4 and 6 are technical amendments, which relate to the rates support grant and its determination. It is good that the Department says that it will talk to councils and will have the power, through this Bill, to determine the grant. However, the report states that in-year cuts in the rates support grant or the resources grant were unique or exceptional, yet we know that, in the Budget this year, there will be a reduction of £1.2 million in the resources grant. Those grants are incredibly important to the councils. Therefore, I ask the Minister and Department to make sure that councils know of those matters well in advance.

12.15 pm

We fully agree with amendment Nos 7 to 11, which deal with gender-neutral drafting. We also fully support amendment Nos 5, 12 and 13, which are technical.

Mr Speaker: I call Dr Stephen Farry.

Dr Farry: Thank you very much, Mr Deputy Speaker — I am sorry; Mr Speaker. I demoted you there by accident. I declare an interest as a member of North Down Borough Council. We regard the amendments in this group as being largely technical, although we obviously strongly welcome the gender-neutral language and wonder why it was written any other way in the first place. We give our full support to the amendments in this group, and there is probably little more to be said at this stage. We

will have more to say about the second group of amendments.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I declare an interest as a member of Down District Council. Sinn Féin supports the first group of amendments.

The main aim of the Bill is to allow councils greater flexibility to manage their financial affairs without having to go continually to the Department, which is time-consuming for the Department and councils. Having to do that brings a great deal of uncertainty to the rolling out of council plans. With that responsibility comes a greater scrutiny role, which the Chairperson mentioned. Greater audit powers may be required, and, as Danny Kinahan said, we need strong guidance for councils in that regard.

I joined the Committee for the Environment relatively late in the Bill's Committee Stage, so most of the Committee work had already been carried out — luckily enough, says the Chairperson. One of the main issues that I raised came about when a NILGA delegation gave a presentation: social clauses regarding procurement by council. When councils carry out major procurement for the likes of leisure centres, headquarters and stuff like that, meaningful apprenticeships and job opportunities should be given to the long-term unemployed from the area. I am glad to hear that the subordinate legislation will deal with that, and I look forward to it coming through the Committee.

Finally, amendment Nos 7 to 11 deal with the gender-neutral terms in the legislation. That has to be welcomed, because the titles "chairman" and "vice-chairman" are not appropriate in this day and age in relation to equality for our female colleagues who are councillors, MLAs or whatever. If women are to be encouraged into politics, a neutral atmosphere needs to be provided. When I became my council's chairman, I wanted to be known as the chairperson. That caused a great deal of difficulty, which was all down to dinosaur local government legislation. As I say, we need to promote a good neutral environment for women in council chambers. Sinn Féin supports the amendments.

The Minister of the Environment: I thank Members for the issues that they raised during the debate. I will cover them quite quickly. The issue of audit is always available

for review. Audit procedures need to be effective, efficient and understandable so that councils know exactly where they stand, what they are permitted to do and so forth. On some occasions, there has been a degree of confusion, which has not always led to best practice. Sometimes, there have been attempts to resolve issues in a very ham-fisted way, so audit procedures need to be reviewed constantly. Should matters arise, we would be quite happy to look at those issues.

We are finalising the consultation document on the social clauses introduced by the subordinate legislation, and it will be issued in the near future. I am very keen that local authorities are able, as far as possible, to use local businesses, so long as they provide and demonstrate value for money. However, sometimes, only very small savings — a few pence or a few pounds — can be achieved in the process. Ultimately, that leads to the loss of local jobs, which does not benefit local communities, so we will look at all that to see whether we can move the issue forward.

My officials have been working on supporting councils in the early stages of the new financial regime, and we will continue to work with our local government counterparts to ensure that councils are assisted, and, where necessary, we will offer further assistance with the introduction of the new financial regime. So, we are very happy to address the matter raised by Mr Kinahan, and I thank Members for their support for the amendments thus far.

Question, That amendment No 1 be made, put and agreed to.

Amendment No 2 made: In page 8, line 29, at end insert

“(10) An order shall not be made under subsection (9) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.” —
[The Minister of the Environment (Mr Poots).]

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

Clauses 25 and 26 ordered to stand part of the Bill.

Clause 27 (Rates support grant)

Mr Speaker: We now come to the second group of amendments for debate. There is only one amendment — amendment No 3 — which aims to prevent the Department from reducing mid-

year the amount of rates support grant awarded to a council.

The Chairperson of the Committee for the Environment: I beg to move amendment No 3: In page 9, line 26, at end insert

“and shall not be reduced during the financial year in question”.

I shall explain the Committee's reasons for tabling amendment No 3. On 23 July 2010, during Committee Stage, the Department announced that the rates support grant was to be cut. For those more familiar with the old terminology, that refers to the resource element of the general grant. The Minister was at pains to stress that it was not a common occurrence and that it was not something that he took lightly. Nonetheless, 18 councils in receipt of a rates support grant received an in-year cut of 5.9%. The impact on councils varied, but, in total, it amounted to £1.1 million being taken out of the local government economy overnight. Not all councils receive the rates support grant, which is calculated using a formula in order to support councils whose wealth per capita falls below the national average. Consequently, only councils that are already under financial pressure receive it.

The problem does not lie in the formula. Indeed, based on submissions to the Committee, it would be fair to say that councils are generally happy with the present statutory formula under current local government arrangements. The problem lies with the fact that the grant can be cut during the financial year. As anyone here who has been a councillor knows fine well, an in-year reduction in funds is very difficult for a council to manage. Once a council has struck its rate for the year, it cannot go back to its citizens to ask for more until the following year. This was a clear case of the Department changing the goalposts mid-game, which the Committee believed was not acceptable or fair. Members certainly recognised that the Department's budget was under pressure at the time, but the in-year monitoring-round process gives more flexibility than councils have.

The Committee was informed that the Minister told councils recently that, due to the severe financial challenges facing his Department, he cannot rule out further in-year cuts in future years. That could lead to some councils that are in receipt of the highest support grants losing millions of pounds, result in rates going

up by as much as 25% and put ratepayers in those districts at a distinct disadvantage. The Committee, therefore, felt that the opportunity should be taken to prevent such a decision being taken again. Members fully acknowledged that the Department has to cut its cloth accordingly and, indeed, acknowledged the necessity for that in its recent scrutiny of the budget proposals. However, that should be done at the start of the year, allowing councils to strike their rates accordingly. The amendment will mean that once the rates support grant has been agreed, it will be ring-fenced, and the councils will be able to budget in the certain knowledge that that will not be altered during the year.

Mr Weir: At the start, I should declare an interest as a member of North Down Borough Council. However, other Members might have an even greater interest because, directly speaking, the rates support grant does not financially aid north Down in any way. One can draw conclusions on whether I have an interest in the matter or not.

I will oppose the amendment. However, I do not do so without sympathy towards it. I and others have been in the position of looking at finance and setting rates at council level, and, understandably, we do not want a situation in which something is imported in the middle of the rates process that could affect it. Consequently — I am sure that the Minister will agree — we should, as far as possible, avoid any situation in which there is an in-year cut; it is not something that would be embraced by the Minister of the Environment or any other Minister, because it is not good practice.

However, there is a distinction between what is broadly good practice and what should be a legislative requirement. The problem with the amendment is that it ring-fences that to prevent it ever happening from a legislative point of view. That is not the case with any other part of the Minister's budget or with pretty much any other Minister's budget. The amendment would put us in a unique situation in which one aspect of the budget could not be touched but any other aspect is open to be changed in-year. As we have seen from experience, there can be circumstances whereby a financial tsunami hits Northern Ireland, and we could end up in a situation in which we are overwhelmed by circumstances and in which action needs to be taken quite swiftly.

Perhaps a more likely situation is that we may yet get hit by another, unannounced, cut from George Osborne that is simply imposed on the Executive and through which £100 million, £200 million or £300 million is suddenly dragged back and taken out of the Budget. That has happened with the emergency Budget, and it could happen again. Consequently, Ministers — the Environment Minister no less than any other — may well be faced with having to make in-year cuts in circumstances that would not be welcomed by the Minister or, indeed, by any Minister. That would have to be faced up to and the Minister, when deciding his budget, would have to look at all the aspects of the Department and identify areas for cuts.

Are we saying that, if there are to be cuts, the support for local government will be sacrosanct and, for example, the road safety budget will not be ring-fenced but the resources grant cannot be cut by a penny? Are we to say that environmental protection is to be completely open to any degree of in-year monitoring or in-year cuts but we cannot touch local government? Are we to say that the money for waste support and similar issues can be taken away but we must legislate for and ring-fence this one aspect so that it cannot come out of the budget? That, to my mind, is not a logical position.

As I said, any Minister will strive to avoid that situation. However, some circumstances can be entirely outside a Minister's control and can overtake events. Although I think that it is good practice to not have in-year cuts, it is a step too far to legislate for that. That is why, on reflection, I believe that the amendment is unwise and we are better to not have such a rigid position but to give a little bit of flexibility to the Department, the Minister and the Executive. It is not even the case that bits of health spending or education spending are so ring-fenced that they cannot be touched from a resource point of view, so it is beyond me why this is being put in a unique position, which would be the case if the amendment went through. Consequently, although I understand the sentiments behind the amendment and its practical implications, it does not merit support, so I oppose it.

12.30 pm

Mr Speaker: The Business Committee has arranged to meet immediately upon the

lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The next Member to speak to the Bill after Question Time will be Danny Kinahan.

The sitting was suspended at 12.31 pm.

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

2.00 pm

Oral Answers to Questions

Justice

Police Training College

1. **Mr McGlone** asked the Minister of Justice for an update on the new police training college at Desertcreat, County Tyrone. (AQO 865/11)

The Minister of Justice (Mr Ford): Since becoming Minister, I have made a strong case for the establishment of the joint public services college at Desertcreat. Recognising its importance to the delivery of public services in Northern Ireland, my colleagues in the Executive have joined with me in ensuring that the project goes ahead. Therefore, all the capital funding required to construct the training college has been provided in the Department of Justice's draft budget.

Subject to the Department of Finance and Personnel (DFP) approving the business case, the design, completion and procurement pre-qualification stage will take place between February 2011 and November 2011, and the detailed procurement process leading to the appointment of a contractor will be completed by April 2012. The construction of the college will begin in May 2012 and will be completed by June 2014.

Mr McGlone: Go raibh maith agat. I thank the Minister for his answer. It is welcome news for the constituency. I am sure that other Members, not least you, a LeasCheann Comhairle, will welcome that news. Can we have an assurance, in so far as an absolute assurance can be given, that no further delay by any Department will cause any aspect of the project to be held up and that it will happen within the time constraints outlined by the Minister?

The Minister of Justice: The project is good not just for the constituency; it is extremely good for Northern Ireland, although there will be particular economic benefits for mid-Ulster.

In so far as I can give an assurance, given that the Department of Justice's capital budget has now been allocated entirely, there is still work to be done in respect of the Fire and Rescue Service, which is not part of my Department but reports to the Department of Health, Social Services and Public Safety (DHSSPS). We will seek to ensure that the timetable that I have outlined is stuck to.

Lord Morrow: Following the statement that all the funding was in place to get on with the project, some of the Minister's colleagues tried to cast doubt on that funding. Can the Minister assure the House that the total funding for the construction of the Desertcreat police training college is now in place and that the project is going ahead?

The Minister of Justice: I can confirm that the capital funding is entirely in place if the draft Budget becomes the final agreed Budget. The issue that I suspect the Member is hinting at is the exact amount available for recurrent expenditure in connection with the running of the Fire and Rescue Service part of the college. My officials continue to work with officials in DHSSPS on that issue, but my understanding is that, in total, the extra funding, in resource terms, in the Budget period for the first three years amounts to £72,000, £197,000 and £92,000. I hope that the Fire and Rescue Service will be able to meet that commitment.

Mr Lyttle: As a member of the Committee for Employment and Learning, I am particularly concerned about how the House responds to the challenge of job creation and training opportunities for the region. Will the project create apprenticeship opportunities for the area?

The Minister of Justice: Under the social clauses requirement of the procurement toolkit, there is an opportunity to stipulate the level of apprenticeships or even the numbers of long-term unemployed people to be taken on by a contractor for a particular contract. Although we cannot specify which businesses in the locality might get the contract, most jobs are likely to be created from the mid-Ulster area.

Some recent examples have shown a social clauses requirement as high as one apprentice per £2 million of capital spend, which could be a significant boost for training young people in mid-Ulster for employment. I am committed to make the best possible opportunity and to use it.

Prison Service: Governance

2. **Mr O'Loan** asked the Minister of Justice what action he intends to take to address the problems identified in the recent report by the Criminal Justice Inspection on corporate governance arrangements in the NI Prison Service. (AQO 866/11)

The Minister of Justice: I previously made it clear to the House that I recognise the importance of the report, and I am grateful to Dr Maguire for helping to crystallise the main difficulties and the scale of the challenge that lie ahead for the Northern Ireland Prison Service (NIPS). However, the report's conclusions came as no surprise, which is why I made Prison Service reform one of my key commitments when I took up office. Work to that effect is already well under way.

The independent review of prisons is expected to produce an interim report in February 2011. The review team is considering the overall operation of the service in order to map out the strategic direction that change must take. I am satisfied that that work, and the outworkings of any recommendations from the review, will need to bring fundamental transformation to the Prison Service. Work is also under way to bring forward the Prison Service's own strategic efficiency and effectiveness programme, which is also one of my ministerial priorities. That programme will drive and deliver change that will, ultimately, flow from the recommendations of the independent review.

Dr Maguire's report highlighted many areas for improvement throughout the Northern Ireland Prison Service. New management will help to bring a fresh perspective to how those might be tackled. I am aware that the new director general has made it a key priority to work with governors to get the basics right throughout the entire service. Change is already under way: governance arrangements are being reviewed and improved; the new director general has made senior management appointments to fill the governor-in-charge posts at Maghaberry and Magilligan prisons; and a recent agreement with the Prison Officers' Association (POA) sets out how it and management can best work together to overcome the challenges of the next few years and to deliver significantly improved, more appropriate and effective regimes for prisoners.

Effective reform of the scale that is required will need time, patience and resources. Crucially, it

will need support from every side of the House. The prize will be an effective, efficient, reliable and modern Prison Service.

Mr O'Loan: I thank the Minister for his answer. Given that a new director general of prisons has just been appointed, what direction has the Minister given to that new office holder in order to commence the absolutely rigorous reform agenda that is so clearly necessary?

The Minister of Justice: I have not given direction to the new director general on operational matters; it is up to him to manage prisons operationally. However, I will certainly work with him and with other senior managers when we have seen the outcome of the review by Dame Anne Owers, which we expect to receive in February. I will work with the director general to ensure that the review's recommendations are implemented.

Mr Campbell: Can the Minister assure the House and the public that whatever he does with regard to Dr Maguire's report, recruitment to the Prison Service, whether at the new Magilligan prison or at Maghaberry prison, will be carried out solely on merit and that that will be the position from now on?

The Minister of Justice: We need to be careful when we talk about recruitment, especially when it might be more a matter of downsizing the number of Prison Service staff. However, the key principle of recruitment to the public service is, surely, recruitment on merit. I have supported that principle throughout my entire business life, and I will certainly continue to do so.

Mr McCartney: Gabhaim buíochas leis an Aire as na freagraí sin. Is the Minister satisfied that, whatever the outcome of the Owers report and Dr Michael Maguire's observations, his outline budget proposals will give him the necessary resources to ensure that the Prison Service fulfils future need?

The Minister of Justice: I thank the Member for his question, which highlights the challenge ahead of us. The challenging budget that is being set in accordance with the draft Budget will give the Department the opportunity to deliver a more efficient and effective model that does better work to rehabilitate prisoners and for which costs are comparable to those of prison services in adjacent jurisdictions. However, the Member is right to highlight the challenge. That is why I mentioned the need to

ensure that consensus is reached in the House to implement necessary reforms.

Security: Funding

3. **Mr Givan** asked the Minister of Justice what progress has been made in securing the bid, from Treasury reserves, for policing security needs identified by the Chief Constable.

(AQO 867/11)

The Minister of Justice: I have been working with the Chief Constable and the Secretary of State to secure the additional security funding that is required by the PSNI. Agreement on the devolution of justice to the Assembly recognised that access to the reserve would be possible for exceptional security pressures. That is the current situation. The Chief Constable has made a compelling case for additional funding to help to keep the community safe and to bear down on those responsible for terrorist attacks. I acknowledge the Secretary of State's support for the bid. The additional requirement is for about £245 million over the four-year period. The Executive have agreed to provide additional funding for justice of £45 million over the four-year period, and I welcome that.

I have determined that all the extra resource should go into the police budget to fund its work to tackle the security situation. The amount being sought from the Treasury reserve is slightly less than £200 million. That is in line with the amount of additional support required in 2010-11, which has amounted to £50.3 million. However, I want to stress that the PSNI has been subjected to rigorous scrutiny and challenge in respect of that bid and the use of resources more widely.

In respect of the main police grant, I have already made it clear that I have sought to protect the PSNI budget in recognition of the pressures that it faces, but all parts of the Department must make a contribution. The PSNI has accepted that it can achieve efficiencies. The draft Budget sets the PSNI the challenge of delivering £135 million efficiencies over the four years. I fully support the bid for additional resources that has been made. I have made it clear that my ability to accept the draft Budget is conditional on the additional security funding being received. I met the Secretary of State yesterday, and I have impressed the urgency upon him. I expect to hear the outcome shortly.

I know that the case is being discussed at the very highest levels of government.

Mr Givan: I thank the Minister for his response. It is of some concern that we have a draft budget for the Department that is based upon getting an additional £200 million-plus from the Treasury. It is, therefore, a concern that that has not been rectified. Hopefully, the security situation will not deteriorate any further. However, if we achieve the additional money for the next four years, has an assurance been given that we will be able to go to the Treasury to access yet further money from the reserves if the situation does deteriorate and extra money is needed?

The Minister of Justice: My understanding of the agreement that was reached between the First Minister and deputy First Minister and the previous Prime Minister is clear. Access to the reserve is possible, if required, for security funding. We have sought to ensure that the necessary funding, as currently perceived for the four years, is in place, but I do not believe that that restricts us from making a further application, should it be required.

Mr K Robinson: What management and accounting arrangements are in place for the additional money? Will the Chief Constable have direct and convenient access to those funds?

The Minister of Justice: The arrangement is exactly the same as that for all funds that are awarded to the Police Service. They will be for the Chief Constable to manage on the basis of the normal accounting arrangements that he operates under.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister provide his assessment of the current security situation? What would be the consequences for that situation if the funding were not forthcoming?

The Minister of Justice: Mr Bradley puts me in a slightly difficult position, since I suspect that I would probably annoy Mr Bell and Mr McNarry were I to go too far down the first part of his question. I can, however, agree with him that there would be extremely serious consequences if we did not get what is seen as the minimum funding necessary to deal with the particular circumstances in which the Police Service is operating. That is why I have been pressing hard and having regular contact with the Secretary of

State. He has assured me of the discussions that he has been having with the Treasury and the Cabinet Office to ensure that the point is made at the highest level in London.

Prisoner Ombudsman

4. **Mr McDevitt** asked the Minister of Justice for his assessment of the need for an independent statutorily based Prisoner Ombudsman. (AQO 868/11)

The Minister of Justice: I believe that there is a need to have an independent office to investigate prisoner complaints. In line with the reference in the Hillsborough Castle Agreement of 5 February 2010, I am committed to placing the powers with the Prisoner Ombudsman on a statutory footing. In the meantime, I am satisfied that the Prisoner Ombudsman is carrying out her functions in an open, transparent and effective manner, and I am confident that the officer's ability to operate independently of the Department and the Northern Ireland Prison Service is in no way compromised.

With the devolution of justice, we have the opportunity to develop local solutions that better suit the needs of Northern Ireland and enable us to take account of the need to make the most efficient use of scarce resources.

I am seeking the views of the First Minister and deputy First Minister on how any wider review of ombudsman services, including those of the Assembly Ombudsman, might influence decisions on the future of the Prisoner Ombudsman's office. I am also aware that the Committee for the Office of the First Minister and deputy First Minister is consulting on updating legislation to reform the Office of the Northern Ireland Ombudsman. I want to take account of any relevant developments in that area before coming to any final decision.

Mr McDevitt: Will the Minister elaborate on his reply and assure the House that when we talk about an independent and statutorily based Prisoner Ombudsman, we mean just that — not a subservient ombudsman of another ombudsman, but a separate, independent, stand-alone ombudsman, capable of meeting the real challenges of scrutiny within the prison estate and the Prison Service as it stands today?

2.15 pm

The Minister of Justice: I agree with the point that the Member is making, but he needs to be careful not to suggest that there is any restriction on the independence of the ombudsman at the moment. The reason why I said that we are reviewing the operation of the ombudsman is that given the financial stringencies that we live within, I believe that it is incumbent on every Department to look at issues such as back office co-ordination and to ensure that matters are dealt with in a way that makes most efficient use of limited amounts of public money. On that basis, I am seeking the views of the First Minister and deputy First Minister and their Committee to see what is the best way in which we can ensure that we get value for money. However, there is a fundamental issue of ensuring that there is full independence for the Prisoner Ombudsman's functions, and that is something that I am absolutely committed to.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. Given the answer that the Minister gave to my colleague regarding the Prisoner Ombudsman, does he not agree that the fact that corporate manslaughter has now been brought on to the statute book almost strengthens the argument to give statutory powers to the Prisoner Ombudsman?

The Minister of Justice: The simple answer is no; I am not sure that the issue of corporate manslaughter actually makes a significant impact on the question of statutory powers. The issue of statutory powers is part of the Hillsborough Castle Agreement and is in need of addressing, in any event. The important thing is that we do it in a way that ensures value for money. The arrangements are well in hand. If there is a particular crossover when, during an investigation, the ombudsman feels that it is appropriate to make a reference to the police, the ombudsman will make that reference, should that also include something such as corporate manslaughter. That is compliant with our obligations and is in place in an appropriate way. However, the overall structure of the office clearly needs to be looked at.

Domestic Violence: Access to Justice

5. **Ms S Ramsey** asked the Minister of Justice what measures he has considered to assist victims of domestic violence when accessing

justice, following his announcement of changes to legal aid for people applying for a non-molestation order. (AQO 869/11)

13. **Mr O'Dowd** asked the Minister of Justice what steps he intends to take to ensure that people who have experienced physical abuse within a household, who do not meet the criteria for legal aid and are lacking in financial means, have access to justice. (AQO 877/11)

The Minister of Justice: With your permission, Mr Deputy Speaker, I will answer questions 5 and 13 together. The Northern Ireland Legal Services Commission has responsibility for administering legal aid in Northern Ireland. As part of its programme of reform, it is considering the introduction of a change to the legal aid financial eligibility rules for those suffering from domestic violence. However, I have announced an interim action that will ensure that those who are at risk of not being able to seek an order because of the potential for having to pay will be supported in the work that they are doing. That is why I announced, given the number of incidents that occur, an immediate change to the legal aid function to provide that increased protection for victims of domestic violence.

Prior to that announcement, those seeking legal aid to apply for a non-molestation order had first to pass a fixed means test in order to receive funding. Those with earnings above the statutory threshold would not have been entitled to legal aid. I have now removed the upper earnings and capital thresholds for anyone applying for those orders. That means that no one should be refused legal aid to apply for a non-molestation order in the Magistrate's Court because of their financial status.

A contribution towards legal costs will be required from those who take advantage of that waiver, but it will be a fixed, one-off amount linked to an individual's financial circumstances and payable subsequent to a court case, rather than being required upfront, as has sometimes happened in the past.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's clarification on that, considering that the majority of people who apply for non-molestation orders are women and suffer all forms of domestic violence and abuse. I am just concerned that it will add to their suffering. I appreciate the Minister's commitment to ensure that it does not necessarily depend on financial

arrangements. Is the Minister confirming that anybody who applies for legal aid for a non-molestation order — either male or female — will not be impeded because of their financial arrangements?

The Minister of Justice: No; the position is quite clear. Anyone who applies for legal aid for a non-molestation order has the waiver of the upper limits, which means that they are entitled to legal aid but will subsequently have to pay a contribution based on their income and their assets. The key thing is that they can get the legal aid for the non-molestation order immediately. In the past, there have been reports of individual firms of solicitors seeking significant cash payments in advance of assisting people with orders. That is what I have sought to prevent by allowing this route into legal aid on a wider basis.

Mr P Ramsey: I relate this question to a case that I was involved with in my constituency recently. A young woman felt fear, worry and stress due to the fact that someone who was charged with domestic violence was out on bail. Does the Minister agree that special care should be taken to make sure that those charged with domestic violence are released on bail on the strictest possible terms to ensure the safety of the alleged victim?

The Minister of Justice: I am being encouraged to start to interfere in the rights of the judiciary to set the terms for bail. I will resist that temptation. However, we are all concerned to ensure that those who require protection, that is, those who are victims of violence of any sort, are given the best protection available. However, the precise details of any individual case have to be left to the relevant judge.

Mr Cree: I thank the Minister for his clarification on the legal aid issue. How much will that cost, and what effect will it have on his budget?

The Minister of Justice: Legal aid is not designed to be something that will either add to or reduce costs. Those who would perhaps not have been eligible for legal aid in the past will receive it and pay an appropriate contribution for it. We are looking at a potential cost to the Department of a few tens of thousands of pounds per annum. I think that that is entirely justifiable in the context of our seeking to protect vulnerable members of society.

Prison Service

6. **Mr Bresland** asked the Minister of Justice what steps he intends to take to increase public confidence in the Prison Service. (AQO 870/11)

The Minister of Justice: Members will be aware that the Prison Service has been at the centre of a series of highly regrettable failings. Last month's report on the governance arrangements highlighted that those failings were symptomatic of deeper problems that can be addressed only through fundamental reform. I have said previously that our prison system developed in response to the issues of another day. However, although society and its expectations of NIPS have changed, the service has not kept pace with those changes.

The challenge for me, as Minister, for the leadership in the Prison Service and for the political leaders of this House is to deliver the necessary reforms to turn the Prison Service into a modern, effective and efficient service. That is why I made reform one of my key ministerial priorities, why I support the work of the strategic efficiency and effectiveness programme, and why I commissioned the review of prisons to scope out the direction that change must take.

However, change is happening already. Management has reached agreement with the POA on how to work together to deliver change and improvements; progress is being made to fill the governor-in-charge posts at all three establishments; governance arrangements are being reviewed and enhanced; and where mistakes have been made, they are being taken seriously and lessons are being learned. I have said that change will take time. Rebuilding public confidence will also take time, patience and resources. However, I am committed to driving forward reform, and I know that the director general of the Prison Service shares that conviction. I will be seeking the support of the House in that absolutely essential task.

Mr Bresland: I thank the Minister for his answer. Prison Service running costs are very high, and they are far higher than those in England, Wales and Scotland. Will the Minister outline how the costs for each prison might be reduced?

The Minister of Justice: Again, I suspect that that question will take rather longer to answer than the two-minute limit that you have given me, Mr Deputy Speaker. We have

to acknowledge that the way that prison costs are calculated in Northern Ireland makes them different to those in England, Wales and Scotland. For example, we include matters, such as headquarter functions and education, that are not included in other jurisdictions. We are also on a smaller scale, which makes things different.

However, the reality is that we still have higher costs. A key element is that the construction of the prison estate and historical reasons mean that, in many measures, we have significantly higher staffing levels than is the case in other jurisdictions. For historical reasons that we all know about, our prison officers are also paid significantly more than those in other jurisdictions. Those are the sorts of issues that need to be addressed to get the necessary reforms in place and to ensure that we can move to a system that meets the needs of the future rather than continuing to act as though it were dealing with the needs of the past.

Dr Farry: Does the Minister agree that public confidence in the prisons would be enhanced by a clearer understanding of the purpose of the prison system, which is not to simply lock prisoners up and throw away the key, but to rehabilitate them and ensure that the level of reoffending is much reduced, thereby enhancing community safety?

The Minister of Justice: It is absolutely clear that there are some people in this society who believe that locking people up and throwing away the key is the solution to our problems. Personally speaking, I do not think that we will make society safer unless prisoners who are discharged have been rehabilitated while in prison. That means that we need to spend money in a number of areas that might not have been considered in previous ages when all that mattered was the security at the perimeter.

If we are to make society safer and offer reform and rehabilitation, it is clear to me that there are a number of areas in which spending is required. Individuals might take cheap shots at such action, but it is absolutely essential to rehabilitate and reform those who are in our care.

Mr A Maginness: The Minister referred to an agreement between prison management and the POA, which I welcome, because it is progress. How confident is he that such an agreement will be fully honoured? It is very important that the POA plays a positive, constructive and

progressive role in the reform of the Prison Service.

The Minister of Justice: I entirely agree with the point that is being made. We will reform the Prison Service by engaging management and staff in ensuring that we work to make the reforms and changes that are vitally needed.

The POA, which represents the great majority of uniformed prison staff, is a key partner in that process. That is why I am extremely pleased that management and the POA are discussing a pilot on a more efficient and effective way of using staff within the different institutions. I regard that as a sign of positive engagement, and I welcome the constructive engagement by both sides on that. Obviously, I can give no guarantees on whether that process will succeed, but I will continue to work with both sides, in my role as Minister rather than as an operational manager, to ensure that that process continues.

Security: Terrorism

7. **Mr Bell** asked the Minister of Justice, in light of the discovery of mortar devices in County Kildare, for an update on threats to Northern Ireland from terrorists in the Republic of Ireland.
(AQO 871/11)

8. **Mr McNarry** asked the Minister of Justice for an update on the dissident republican threat.
(AQO 872/11)

The Minister of Justice: With your permission, Mr Deputy Speaker, I will answer questions 7 and 8 together.

The threat from terrorists to Northern Ireland remains at a severe level. I am sure that Members will join me in condemning all forms of terrorist activity, including threats and intimidation, from whatever organisation it comes. The attack on the Derry/Londonderry city of culture office on 17 January is just one example of that distorted approach. I applaud the response of the local community to that attack.

There is no doubt that terrorists are planning and preparing for misguided operations north and south of the border. That makes cross-border co-operation absolutely essential, and there is excellent co-operation. In launching the cross-border policing strategy, the Chief Constable said that he was deeply indebted to his colleagues in an Garda Síochána for the

level of support and co-operation that the PSNI receives on a daily basis.

For my part, I had regular discussions about security matters with Dermot Ahern, the previous Minister of Justice, Equality and Reform. I look forward to working with his successor, Brendan Smith, whom I met last week. The most recent contacts with Dermot Ahern were in relation to the Garda operation in County Kildare, which Mr Bell referred to in his question. The success of such operations is in no small part due to the continued excellent cross-border co-operation and information sharing between law enforcement agencies, North and South.

The PSNI and the Garda Síochána are alert to the threat and the capacity of those groups and remain resolute in their determination to disrupt and to prevent their activities. I commend both services for their continued success in apprehending those responsible. In 2010, security force activity resulted in 210 arrests and 80 charges. To date in 2011, there have been 11 arrests and one person has been charged. In addition, 26 people associated with terrorist groups were charged before the Special Criminal Court in Dublin in 2010. To date in 2011, one person has been charged.

The commitment of the two police services to work together is reflected in the cross-border policing strategy, which was published on 13 December 2010. It demonstrates that the breadth of co-operation that exists across the full range of policing areas and the commitment of both services to ensuring that those who seek to exploit the border for criminal ends do not do so.

Mr Deputy Speaker: The Minister's time is up.

Mr Bell: Will the Minister ensure that the men and women of our Police Service are adequately resourced? Will he also ensure that the border is secured against those who would come across to tackle them with either mortars or under-car booby trap devices?

The Minister of Justice: As I made clear in my answers to earlier questions, I am doing my best to ensure that the Police Service and the other agencies of the Department of Justice are adequately resourced.

However, I am not sure what he means by securing the border, because, in the

circumstances in which we live, the border area is not the only area where those problems arise. What is most important is co-operation across the border between the PSNI and the Garda Síochána, and I see that being carried through at the highest level.

2.30 pm

Regional Development

Water Infrastructure

1. **Lord Morrow** asked the Minister for Regional Development to outline the estimated cost and length of time it would take to bring NI Water's infrastructure up to a European standard.

(AQO 878/11)

The Minister for Regional Development (Mr Murphy): European Union standards for drinking water focus on providing high quality drinking water for consumers. Although there is no single fixed EU standard for water infrastructure, challenging water quality standards continue to drive investment in water mains and treatment facilities.

By the end of this financial year, the Executive will have invested almost £1 billion in our water and sewerage infrastructure, which needs to continue if we are to catch up on years of past underinvestment. Going forward, the Utility Regulator has determined the level of investment that NI Water should make, and, despite overall budgetary constraints, I have made proposals in my Department's draft Budget to ensure that substantial levels of investment continue. As a result of the investment that has been made, the North now enjoys the highest drinking water quality compliance that it has ever had, waste water treatment standards are also the best they have ever been and even overall leakage has been reduced.

Lord Morrow: I heard what the Minister said, but I am not sure that he answered the question. We had a horrendous time over Christmas with what happened with Northern Ireland Water (NIW), and are continually told that it will take something like £4 billion to bring our water infrastructure up to standard — which may not be European standards. Will the Minister confirm whether there is any truth in those

figures and whether we are only currently one quarter of the way there in our investment?

The Minister for Regional Development: The Member is correct. There are some European standards, but they change frequently and not all of the investment that NIW makes is set against those particular standards. Indeed, if it did it would never finish its work, as the EU always improves and adds new regulations and requirements that require continued investment.

As I said, there has been an investment by the Executive and by me of almost £1 billion, which is a substantial improvement. The Member may remember 2007, when we were on the brink of infraction costs from Europe due to pollution and a large number of our water treatment facilities were not up to the standard that Europe demanded and required significant investment. We have now moved well beyond that.

A substantial investment has been made. The Member, like all other Members, will be aware that we have been playing catch-up due to a lack of investment over many decades. It is not possible to put a final figure on it, as there will be a continuous need for further investment in the water, sewerage and waste water treatment infrastructure. There has been an investment of £1 billion, and something in the region of £660 million is proposed over the next four years of the draft Budget period, which has yet to be agreed. No doubt we will need to make further investments in water and sewerage services after that.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. The Minister had just started to answer my question. Will he further outline the Department's spending plans for NI Water over the next four years?

The Minister for Regional Development: As I said in answer to the previous question, I am committed to ongoing investment in the water and sewerage infrastructure. However, unfortunately, as people will know, budgets, and particularly capital budgets, have taken a significant hit. The money that I was allocated in the draft Budget fell substantially short of what was required to fund NI Water in years two and three, and I have, therefore, proposed that additional funding be reallocated within my draft Budget to partially address that shortfall. If that position is agreed at the end of the Budget discussions, that will bring the total investment

over the four years of the draft Budget to some £660 million.

Mr A Maginness: I heard what the Minister said, but whatever way we look at it there will be a shortfall of £48 million compared to the amount that the regulator, Northern Ireland Water and the Minister agreed as necessary for the modernisation of Northern Ireland Water. How can that modernisation be achieved if there is such a shortfall?

The Minister for Regional Development: The shortfall is greater than the Member outlined. The agreed figure was some £200 million a year, which would have brought the total to £800 million through the allocation that I have received and the amount that I have proposed to add internally in the Department for Regional Development (DRD). In years two and three, there was a £100 million shortfall in the allocation that I received — a total shortfall of £200 million. I have allocated additional internal resources because it is important to maintain investment in water and sewerage services. Those additional moneys bring the total up to £660 million over the four-year period, if that is agreed at the end of the period.

I sympathise entirely with the Member's view, but many worthy projects — water and sewerage, roads, rail, public transport and concessionary fares — require investment. I have put forward draft proposals for consultation for my budget over the next four years, and I look forward to comments from others. However, if people are making the case that additional investment is needed in one particular area, as the Member appears to argue, they are obliged to tell me from which area the money should come.

Mr Lyttle: Does the Minister think that greater flexibility for NI Water's annual finance would avoid underspend and improve the organisation's ability to use all capital funds available for water network improvements?

The Minister for Regional Development: NIW has been fairly successful over the past number of years in spending its allocation and in making sure that projects are initiated: £1 billion is a significant investment, and the vast majority of that money has been spent on time and in accordance with plans. A couple of projects were tripped up this year by planning or land acquisition issues. Sometimes, in big capital

projects, unforeseen or unpredictable issues affect whether money can be spent.

When money is allocated to projects that, for whatever reason, do not go forward, it is the normal practice in the Executive that those moneys are surrendered. That is the case across all Departments. The Executive have the flexibility to decide then, as a whole, whether the moneys need to go back to NIW to another investment or should be allocated to another area or applied to pressures that may arise in a particular year. Last year, some of the money that was surrendered after the swine flu outbreak was reallocated.

NI Water: Secretary of State

2. **Mr Cree** asked the Minister for Regional Development to outline any discussions that he has had with the Secretary of State for Northern Ireland about NI Water since 1 December 2010.

(AQO 879/11)

The Minister for Regional Development: I

met the Secretary of State on Wednesday 29 December and again on Thursday 30 December to discuss options for assisting Northern Ireland Water.

Mr Cree: I thank the Minister for his prompt reply. I am glad to hear that the Secretary of State was at least aware of the situation. Can the Minister tell the House whether any assistance was offered from central government?

The Minister for Regional Development: When I met the Secretary of State on 29 December and on 30 December after the Executive meeting we had a general discussion about what support could be offered. I seem to recall that on the Wednesday he offered us every assistance except finance. That, of course, is the big issue that NI Water faces. The Tory-led Government in Britain is cutting finance in the form of capital allocations. We had discussions on Wednesday 29 December when the Secretary of State offered to make whatever assistance he could — other than finance — available to us, and we continued those discussions on Thursday 30 December.

Mr Bell: Does the Minister agree that the cuts imposed on Northern Ireland by the Conservative Government in coalition with the Liberal Democrats will pose a major problem for

us in ensuring that our water infrastructure is up to speed and ready for the twenty-first century?

The Minister for Regional Development:

The Member will be aware that part of the problem that the Executive have been dealing with collectively is the lack of investment over many decades of direct rule Governments, Conservative and Labour. We have made a substantial contribution, particularly to water and sewerage services, and have moved on since 2007, when we were in danger of having to pay infraction costs and fines from the European Union for pollution. The Executive made a significant investment of £1 billion. Obviously, a 40% cut to our capital budget presents significant challenges. As Members identified during the discussion that followed my previous question, the money that the regulator agreed was required by NIW has not been made available to me under the draft Budget, because the Executive are grappling with capital cuts across all areas of departmental spending, including health, education and regional development. I have had to reallocate money internally to try to meet some of that pressure, but it is not the amount that the regulator agreed was required for NIW.

Mr O'Loan: Does the Minister intend to meet his Scottish, Welsh and English counterparts to seek a strengthening of the UK water mutual aid scheme? Does he have plans, or has he taken any action, to meet his Southern counterpart to discuss an all-island scheme of a similar nature?

The Minister for Regional Development: In relation to meeting my counterparts in Britain, the mutual aid arrangements operate between water companies, not between Departments. The Deputy First Minister of the Scottish Government and I had a conversation to try to ensure that those arrangements, particularly in relation to the Scottish water supply, were put in place as seamlessly as possible, and we tried to apply some political support for action. However, it is, essentially, an arrangement between Scottish Water and NI Water. All other mutual aid arrangements also operate between the companies themselves, not between Departments. Nonetheless, as part of the review, I expect that NIW will examine the mutual aid arrangements and, if there is any need to improve or alter them in any way, it will consider that.

As far as the South is concerned, my Department has suggested that network issues be examined as part of the St Andrews review. In the South, the water supply is operated not by a Department or an agency within a Department, but by county councils. Nonetheless, there is an argument, particularly in the border areas, for looking at whether the networks can be harmonised in any way to ensure that any loss of supply to a particular area would be sustainable. I thanked Louth County Council, which offered a supply to Newry and Mourne in the middle of the recent incident.

Water Leaks: Business Premises

3. **Mr Elliott** asked the Minister for Regional Development whether businesses which experienced leaks on their properties during the recent adverse weather and water shortage crisis will be charged for the additional water.
(AQO 880/11)

The Minister for Regional Development: I have been advised by NI Water that damage or defects that result in leakage from customer supply pipes can occur at any time of year. That is why NIW makes a considerable effort to remind customers of the need to check regularly for leaks on their properties. That message was restated continually during the recent freeze and subsequent thaw.

NIW has advised that it developed its current arrangements for dealing with payment for water lost from customers' pipes in 2008. Under those arrangements, non-domestic customers who are billed on a metered basis will be charged for the water that has been recorded by the meter, whether used or lost through leakage within the property. However, billed customers who have experienced a leak and who are connected to the public sewer can apply for a reduction of the sewerage bill, in recognition that the leaked water would not have returned to the sewer. NI Water is not responsible for the supply pipe within the customer's property and encourages property owners to protect and maintain their private pipes. It is not reasonable to expect other customers or the taxpayer to bear the cost of water wastage arising from leaks to private pipes.

Mr Elliott: I thank the Minister for his answer. When there is a burst in the public water infrastructure of Northern Ireland Water, everyone has to pay for it. Will the Minister give

us some indication of the amount of water that leaked from the public pipe infrastructure of Northern Ireland Water during the recent crisis?

The Minister for Regional Development: As the public water infrastructure is owned by the public, they should pay for leaks. It is not reasonable to suggest that the public or the taxpayer should also pay for a fault in someone's private supply.

During the recent freeze-thaw incident, 70% of the bursts were on the private side, but what that equates to in volume is still being worked out by NIW. When the figures are available, I will provide them to the Member.

Mr I McCrea: The Minister is aware that, following his previous statement to the House, I asked him what consideration could be given to people living in rural areas when there are leaks in their properties, particularly in an agricultural setting. In light of his previous answer, has any further consideration been given to those who are not connected to the public supply?

2.45 pm

The Minister for Regional Development: As I said, the difficulty is that the position that has been in effect since April 2008 — a position that compares favourably with companies operating in England and Wales — means that if the leakage occurs on the private side of the meter supply, it is an issue for the property owner. People who are attached to the public sewer can discuss that part of their bill with NIW.

I am afraid that the position is that people are responsible for their private pipes. During the freeze period, and during the thaw when problems were becoming more and more identifiable, a substantial appeal was put out for people to check their private supply to ensure that it was turned off. Indeed, where it came across leaks, NIW turned off many properties' supply itself. However, a general appeal was regularly issued for people to check their supply and ensure that it was stopped if there was a leak on their property.

Mr McDevitt: The Minister issued a general direction on 30 December that had the effect of denying customers their right to seek legal redress from Northern Ireland Water for damages caused as a result of loss of supply. What alternative compensation methods does the Minister propose to introduce to ensure

customer rights so that customers are not the big losers from the crisis?

The Minister for Regional Development: I have explained this to the Member on a number of occasions now, particularly in Committee where I had this very discussion with him. I fail to see his priorities. Rotation of supply — where NI Water deliberately stops the supply in places to maintain a certain level of supply — is a common practice in Ireland and Britain. It is done to protect vital supplies.

Mr McDevitt's priority appears to be the ability of some people possibly to pursue NIW through the courts for costs. That priority is set against maintaining vital supplies for hospitals, care facilities and other places in and around Belfast. To be honest, if the same situation were to reoccur, I think that the correct decision, time and time again, would be to ensure that NIW had the authority to stop supplies to protect vital supplies. That would ensure that people's lives were not put in danger. Mr McDevitt appears to be arguing in favour of allowing people to continue to receive their service, regardless of the consequences, so compensation claims can be pursued.

School Transport: Adverse Weather Conditions

4. **Mr Frew** asked the Minister for Regional Development to detail the arrangements in place between Translink, Roads Service and the education and library boards in the event of adverse weather conditions to ensure the safety of pupils travelling to school. (AQO 881/11)

The Minister for Regional Development: Translink has an extreme weather procedure which outlines its processes in adverse conditions. Given the likely localised nature of problems, the key contact on public transport is between the local bus depot and its schools. They deal with issues such as the closing and reopening of schools, possible bus route changes and any withdrawal of services. They should also formally liaise with divisional Roads Service offices.

Education and library boards are responsible solely for the safety of pupils who are eligible for transport assistance. Boards have devised guidance for contractors, schools and parents on pupil safety during periods of adverse weather. The guidance is available on the

websites of the North Eastern Board, Southern Board and South Eastern Board, with the remaining boards to follow.

Mr Frew: School principals, parents, bus drivers and, indeed, Translink managers have contacted me to say that there are a number of roads that are not treated in times of ice and snow, yet are school bus routes. Can the Minister assure the House that he will review the gritting policy to include that small number of roads so that we can protect our children as much as is physically possible?

The Minister for Regional Development: Gritting criteria were agreed by the Assembly in 2001-02. They have been amended slightly to take into account some rural issues, particularly in relation to schools. Bear in mind that we spent twice as much last year as is normally set aside for winter, and I am sure that this year it will probably be the same again. There is a very significant cost attached to gritting roads, so criteria were set based on the number of vehicles that travel along a route. Under the criteria, school buses account for 40 vehicles. It is not possible to salt every single route on which a school bus travels, but there is certainly an attempt to provide as good a quality of service as is possible within the constraints currently in place in Roads Service.

Ms M Anderson: Go raibh míle maith agat, a LeasCheann Comhairle. I seek some clarity from the Minister. Does that mean that the school salting policy has been revised or adjusted during this time?

The Minister for Regional Development: The school salting policy has been revised during this period and, indeed, during my period in office in DRD. We asked for information from the education and library boards about which rural schools, in particular, had a difficulty opening over the winter period. In September 2009, I made a statement to the Assembly on the outcome of that examination of winter services around rural schools. In that statement, I announced that there would be enhanced communications and priority secondary salting for the 46 schools that were most affected by the weather conditions throughout the winter of 2008-09.

We asked the education and library boards themselves for information about which schools had difficulties. The names of 46 schools were forwarded to us, and those are earmarked for

particular attention. Some of those schools might not have been affected this winter, and others will have been. There is flexibility in the arrangements to ensure that it is brought to the attention of the local Roads Service division if schools are having particular difficulties with opening and getting pupils in.

Mr Kinahan: I will follow up on Mr Frew's question. The pavements in the areas surrounding schools can be dangerous for everyone who walks on them. Has the Minister had meetings with the Minister of the Environment to discuss resources or guidelines on how the pavements around schools, and other such public places, should be gritted in times of such awfully cold weather?

The Minister for Regional Development: The Department and Roads Service have worked with NILGA and spoken to local government about the priority areas for the gritting of footpaths. The Minister of the Environment issued a public statement in the earlier part of the winter that encouraged councils to become involved in that process.

It is a difficult area. Councils that are involved are faced with a question of priority. Roads Service supplies schools with salt boxes to salt the areas around their premises. There is a recognition that it can be difficult for people to come in. However, the resources that are used for that come out of the budget for road maintenance and things like that. The use of resources for whatever number of weeks of cold weather has to be weighed against the use of resources for road safety measures, traffic-calming measures, structural maintenance and so on. The Department and Roads Service have to make the choice of whether to allocate resources to this issue as opposed to allocating resources to ensuring road safety in all the other weeks and months of the year, when cold weather is not the issue.

A2 Carrickfergus to Greenisland

5. **Mr Beggs** asked the Minister for Regional Development for his assessment of the impact of the cancellation of the proposed A2 Greenisland road-widening scheme on traffic congestion between Carrickfergus and Greenisland. (AQO 882/11)

The Minister for Regional Development: In recent years, Roads Service has continued

with the development of the A2 Shore Road/Greenisland scheme. However, as I have stated previously, the final statutory notice, vesting order and progression of the scheme to procurement will be subject to the availability of resources in future years' budgets. As the Member will be aware, a reduction of 40% in the Executive's overall capital funding from Treasury in the 2011-15 period means that there are now funding constraints.

My Department is now faced with the difficult task of having to allocate finite resources to numerous demands for the maintenance, management and development of the transport network. Unfortunately, when those competing priorities are taken into consideration, I am unable to progress plans to start construction on the A2 Shore Road scheme during this Budget period. The impact of the postponement of the scheme will mean that the bottleneck between Jordanstown and Seapark, as identified in the Belfast metropolitan transport plan, will remain until such time as highway improvements can be implemented.

Mr Beggs: I thank the Minister for his answer. However, in prioritising the roads expenditure programme, how is the Minister taking into consideration the level of daily congestion on that route at Greenisland and its effect on emergency response? Response police officers are now based not in Carrickfergus but in Whiteabbey. The A&E is no longer at Whiteabbey, and, therefore, people sometimes have to travel from parts of east Antrim not to Whiteabbey or Antrim but to the Mater or the Royal.

The Minister for Regional Development: Very difficult choices have had to be made. My proposed budget is out for consultation, and I am sure that the Member and, indeed, other Members will be able to put forward their views on it. We have to weigh up the very significant capital cuts that we have received from the coalition Government in Britain. The A2 is a very worthy scheme. No one doubts the congestion there or the requirement for a scheme, which has been well established. However, that has to be weighed up against sinking a substantial part of the Department's budget over the next four years into one scheme. Doing that would involve neglecting structural maintenance right across the Six Counties and neglecting the investment that is required in public transport. Additional investment also needs to be made in water and sewerage services. Those are the

types of choices that the Department is faced with in setting a budget that is very significantly constrained by decisions taken elsewhere. I put it forward in the draft Budget. I very much appreciate that people will be disappointed that the proposal is that the A2 scheme should not now go ahead. They can certainly make their point about that. However, as I said, the Member should bear in mind that the inclusion of that scheme would have a detrimental effect on other areas of spend across the Department's budget.

Mr K Robinson: I thank the Minister for that very comprehensive answer. Given the level of opposition to the A5, will the Minister tell the House whether it will be possible to transfer funding for the A5 to the A2, which, as he just said, is a necessary scheme and which has been going on for such a long time? Failing that, I remind the Minister about the CAF trains that are due to arrive. Could they perhaps not be an alternative?

The Minister for Regional Development:

Road schemes are decided according not to popularity, but on a whole range of measures. The A5 Derry to Aghnacloy road scheme is an agreed project between the Executive, in their entirety, and the Dublin Government. Funding has been set in place and rolled out for that scheme. That continued to be the case until as late as last Friday's North/South meeting, at which all parties in the Executive were represented. I continue to approve that project. As I said, the Executive set that priority down in their dealings with the Dublin Government through the North/South arrangements.

As part of both the investment and the Department's attempt to move money around to allocate it according to priorities, there has been a continued prioritisation of investment in the additional trains. I hope that those will be in service as soon as possible, as scheduled, on the Larne line and that they will add to the public transport network in that part of the North.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister give details of which proposed strategic capital projects are being given priority in the draft Budget?

The Minister for Regional Development: A range of projects are involved, some of which I have identified. Those include the A5 and A8 schemes, which are agreed projects between

the Executive and the Government in Dublin. As regards investment in the railway, we have 20 additional trains. There is also an investment in the Derry to Coleraine line. As I outlined in response to an earlier question, there is some £660 million of investment in water and sewerage services. We have managed to protect the concessionary fares schemes, even though no money was allocated against it in the draft allocation that I received. We have also put more money in to public transport to protect jobs. The Executive agreed generally to make it a priority for Ministers to try as best they could, with the resources allocated to them and the additional resources that they identified, to protect public services and jobs. I have certainly tried to achieve that in my Department, and I hope that all Ministers have tried to do the same.

Water Leaks: Powers of Entry

6. **Mr G Robinson** asked the Minister for Regional Development if he will consider legislation to allow NI Water engineers to gain entry to a property, with a police escort, to shut off a water supply when a leak is affecting neighbouring properties. (AQO 883/11)

The Minister for Regional Development: The Water and Sewerage Services Order 2006 provides a range of powers to deal with the waste, contamination and misuse of water. It allows NI Water to disconnect premises in certain circumstances where there may be damage to property. NI Water can also require remedial work to be carried out to take those steps itself and to recover expenses where there is some waste, misuse or contamination of water. In some circumstances, powers of entry already exist to inspect water fittings or to take remedial measures. In addition, it is an offence to contaminate, waste or misuse water. Although I am content that powers exist, the review into the severe weather emergency could examine that.

Mr G Robinson: Will the Minister tell the House whether domestic properties that are affected by a leak from a neighbouring property, such as a business property, can be supplied with priority bottled water until the leak is repaired?

The Minister for Regional Development: The Executive have instigated a review into the particular incident that occurred at Christmas. As regards the substantive question about

powers of entry, NIW has the power to stop a water supply to premises where it can clearly identify that water is being lost. However, it is sometimes difficult to identify the source of a leak in a building with multiple occupants. I think that there were issues with the availability of emergency supplies and with the lines of communication about how people could avail themselves of those supplies. Those carrying out the investigation into that incident will want to look at that. I hope that we will be better placed at the end of February to discuss those issues and to decide what steps need to be taken in the future.

3.00 pm

Question for Urgent Oral Answer

Health, Social Services and Public Safety

Royal Belfast Hospital for Sick Children

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, given today's media coverage on the leaked report into standards of care at the Royal Belfast Hospital for Sick Children suggesting that there may be a very real risk that children will come to harm, to outline the main recommendations in the report and to give an assurance to patients, parents and staff that the services are up to standard.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I wish to state that the reports in the media on this issue in the past 24 hours have been inaccurate and unhelpful. The review was not triggered by any serious adverse incident (SAI) but was undertaken as part of the normal performance and service improvement role of the Health and Social Care Board. The Belfast Health and Social Care Trust asked the interim management and support (IMAS) team to visit the trust's urgent and emergency care programme for children to compare it with known good practice and to make recommendations for improvements and modernisation. The IMAS team stated that it was impressed by the huge commitment and enthusiasm of clinical and managerial staff in all departments. In particular, it was apparent that there was widespread commitment to team working, multidisciplinary care and a very real patient focus. Daily inpatient reviews and consultant-delivered care were as expected in a paediatric hospital and clearly helped to facilitate timely discharge.

The team also identified that the children's hospital clearly requires redevelopment. The emergency department is cramped, with insufficient space to deliver modern care processes. The main areas identified for improvement by IMAS were medical staffing, nursing staffing levels, triaging issues,

governance and admission of children to adult wards. The Health and Social Care Board has provided additional resources to increase staffing levels, locum staff and a middle-grade doctor are in place, and the consultant post is being filled. All other recommendations have been addressed by the trust and the Health and Social Care Board.

There is no suggestion that any child has been exposed to any untoward event, and, on the basis of the report, I can assure patients, parents and staff that services in the Royal Belfast Hospital for Sick Children are up to standard.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I am highly disappointed that, over the past two weeks, I have had to use questions for urgent oral answer to get information from the Minister. I am a member of the Committee for Health, Social Services and Public Safety, but I have not seen the report that the Minister says is being reported inaccurately in the media and, therefore, cannot make a judgement.

Information in the public domain states that the report says that the Belfast Trust, when compared with other training hospitals, needs an appropriate number of senior decision-makers. It is also stated that staffing levels fall well below what is considered safe and acceptable and, indeed, were:

“very low in comparison with other hospitals we have visited”.

Ten months on, staffing levels have not improved. Given that it has been identified, on the basis of comparisons, that 20 additional middle-grade doctors and a number of consultants are needed, the situation has not improved. How many SAIs involving the children’s hospital have been investigated over the past five years?

The Minister of Health, Social Services and Public Safety: The Member asked a number of questions. Given that the children’s hospital is a regional centre, SAIs are normal because very sick children are referred there. Deaths, sadly, do occur, but SAIs are usually referred from donor hospitals.

Staffing levels are in the public domain, but I am happy to furnish the Member with those details.

The Member refers to a report, but it was, in fact, a one-day visit by IMAS, which prompted a letter. IMAS is a consultancy made up of UK-wide National Health Service managers who make suggestions about improvements. Suggestions were made about the children’s hospital. IMAS said not that the service was unsafe but that the rota was unsafe. The rota was unsafe in that, when it was unable to be filled, locums had to be brought in.

There was an issue around nursing staff levels, which has been addressed. Similarly, there was an issue around medical staffing levels, which has been and is being addressed. Resources have been made available.

Other issues were raised about the admission of children to adult wards. If you had listened to Dr Paul Jackson this morning, you would have been able to hear him say that no child under the age of 13 was admitted to an adult ward. There are issues about accommodation, and those issues have been well made by me, over and over again. I have asked Ms Ramsey and others in this House to give me the support to build a new children’s hospital. To date, this House has failed to give me that support.

Ms S Ramsey: The money was there.

The Minister of Health, Social Services and Public Safety: I am trying to give an answer, Mr Deputy Speaker, without the heckling. This is a very serious issue, and it is unfortunate that it should descend to that.

There were also issues around the triaging of patients — those who should go to their out-of-hours service or GP surgery, those with minor injuries and those who are suitable for an emergency department. Those issues have also been addressed. IMAS has visited a number of trusts. That is normal business, because the board has been charged with performance management and improvement of the Health Service. I told the House on a number of occasions that I will improve performance in the Health Service; we are doing that, and the staff are responding magnificently.

Suggestions that an unsafe service is being operated by our clinicians, doctors and nurses in the Royal Belfast Hospital for Sick Children are entirely wrong. I think that it is very unfair on the staff, who were described as very enthusiastic, very patient-focused and skilled. They are providing a first-class service in a

building that should have been replaced long ago. It is substandard accommodation. The letter from IMAS gave some suggestions, and there is a report in the media that the service is unsafe. I note that some MLAs commented on it in the newspaper. They complain that they have not read the letter, and then they complain about the contents —

Ms S Ramsey: We cannot get it.

The Minister of Health, Social Services and Public Safety: It is available. I will publish it today. If you want, I will publish every single report, every single letter and every single piece of paper. However, I assure you, as I said yesterday, that you would need a lorry to carry away the paper.

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill): Go raibh maith agat, a LeasCheann Comhairle. Today provides just another example of the flippant attitude of the Minister towards the scrutiny of the Health Committee. This is the second time in as many weeks that we have heard detailed and worrying reports in the media.

Minister, according to John Compton on media outlets this morning, you became aware of the report only in the past number of weeks. Given that the report was published in March 2010, I do not think it good enough for you, as Minister, to be made aware of something only because it was going to be made public. Perhaps you will say whether you are aware of any other IMAS investigations ongoing and what services it has been reviewing, and maybe you will tell the House more about that today.

Also, Minister; given the fact that the RQIA has a role to play in ensuring quality in the Health Service, are you concerned that it has not picked up on the serious issues that have been identified? You have referred to the fact that staffing levels were not of concern. The IMAS report states that the current staffing levels within the hospital fall:

“well below what we consider safe and acceptable, and indeed are very low in comparison with other hospital that we have visited”.

That is not good enough, and that is what you need to answer in the House today.

The Minister of Health, Social Services and Public Safety: First, talking about “worrying

reports” spreads undue alarm. It was actually a letter written as a result of a one-day visit, which made suggestions on how we could improve the service. Those suggestions have been actioned. That is not unusual. Indeed, you mentioned the RQIA, which routinely reports and carries out inspections. I do not routinely see its reports on nursing homes. I see them when they are adverse or when there are issues or major problems. IMAS has also visited and advised the Northern Trust, Southern Trust, Western Trust and the board. It advises on good practice and performance.

It is not an unsafe service. Some of the staffing and nursing levels were raised, but, as I said in my answer, there is no suggestion that any child has been exposed to any untoward event. On the basis of the report, I assure patients, parents and staff that services in the Royal Belfast Hospital for Sick Children are up to standard.

I refer the Deputy Chairperson of the Health Committee to what that Committee is supposed to be about. If she wants to micromanage the Health Service and wants every single report and letter, thousands of which are generated each week, I could probably furnish her with those. However, I do not see how that would add in any way to what the Committee is required to do. The functions of the Committee are laid down quite clearly, and I try to provide it with all the information that I can, as is required.

Ms Ramsey said that this was the second time that she has had to come to the House. If she has to ask a question, she should ask it. Alternatively, she can come to my office. The door is always open, and she has been in my office routinely. The notion that I have to stand here and —

Ms S Ramsey: Why not make a statement and be proactive?

Mr Deputy Speaker: Order.

The Minister of Health, Social Services and Public Safety: I can make as many statements as the Member wants. I have made countless statements to the House. However, this issue arose in a morning newspaper. As I said, that morning newspaper report is inaccurate and unhelpful. It is particularly unhelpful in respect of staff morale. They are doing their absolute best and are working very hard, which is recognised in the letter. If the Member wants to

do so, she should talk to me. I talk to her daily. I do not see any reason why she cannot do that. If she wants to do that formally in the form of a statement, I can do that by all means. However, if the Member wants statements every time a newspaper writes an inaccurate and unhelpful report, we will all be here all day every day.

Executive Committee Business

Local Government Finance Bill: Consideration Stage

Clause 27 (Rates support grant)

Debate resumed on amendment No 3, which amendment was:

In page 9, line 26, at end insert

“and shall not be reduced during the financial year in question”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Mr Kinahan: Amendment No 3 concerns not reducing cuts in funds during the financial year. It is a shame that we had to stop earlier because a good debate was bubbling just before the break. Mr Weir made some good points that need to be refuted and discussed.

As we all know, the rates support grant is absolutely vital for councils, particularly for the less wealthy, which excludes Mr Weir's constituency and probably mine. It is absolutely vital for all the others. It is vital for their financial health and to allow them to provide the basic statutory services that all councils must provide. I accept that, from time to time, there may be a need to change funds or to cut throughout the year. However, it is wrong to do it in the middle of the year because councils will need to find the funding from other means but not the age-old one of trying to hit the Health Service, which is so vital to us all. I find the plastic bag levy slightly unusual, as it would mean that the more we spend on plastic bags, the more funds we will have. I am sure that the Minister will say more about that. There is always room for cuts in other places, but it is completely wrong to finance it from councils in the middle of the year when they do not have any means within a year, other than by cutting their plans for that year, to raise funds.

Mr Weir spoke about the possibility of a tsunami of cuts and said that we needed to act swiftly. Over the past few months, however, we have seen that we have not acted swiftly when probably the biggest tsunami ever is coming towards us. Yes, there is a need to cut back — it is sad that we have to do so — but not from council budgets in the middle of the year. I do not think that we —

3.15 pm

Mr Bell: I thank the Member for giving way. Is it not the Conservative Government, for whom he was campaigning a number of months ago, who have imposed those huge cuts on Northern Ireland? Does he not feel a sense of shame that he has brought to Northern Ireland a manifesto that has cut our public services —

Mr Deputy Speaker: Order. I remind Members that we are talking about the Bill. The election has not started yet.

Mr Kinahan: Thank you very much, Mr Deputy Speaker. If I was casting a fly, it was well and truly taken by Mr Bell. We know that the only reason why we have these cuts is the bad spending of the previous Government, which his party supported.

Going back to amendment No 3, I remind everyone that we are talking about stopping it being possible to cut back on vital funding to councils. I know that some Members who are councillors know what it is like when Land and Property Services suddenly decides that a council has not paid enough rates. On Antrim Borough Council, we had to find £1 million and then £0.5 million in the middle of a year, ending up with the council having to cut back on all the things it had been doing until we got to the absolute basics. Today, we are trying to protect councils so that we do not throw them into disarray in the middle of the year but have proper budgeting and proper consultation before setting the rates for next year. We have seen, in the process that budgets are going through at the moment, that we can plan it for the next year with cuts in other areas at the moment. I support amendment No 3.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. As a member of the Environment Committee, I, too, support the Committee's amendment.

The very idea of in-year clawback has raised an awful lot of concern on councils, particularly those west of the Bann, which are the most likely to be affected by clawbacks. In fact, that widespread and growing concern about the increase in departmental powers to make in-year cuts to the rate support grant could, if you like, in terms of its implications for management in councils, lead to chaos where schemes have already started and budgets have already been determined in compliance with an evaluation of

incoming rates and outgoing expenditure for the coming financial year as already authorised, with the consequent impact on the level of rates in each district. Therefore, the ability afforded to government to claw back some of those moneys could have serious implications, particularly in areas of higher deprivation. Of course, we know that the rate support grant is paid only to councils whose wealth per head of population falls below the Northern Ireland average. For areas of high deprivation, therefore, we are talking about targeting social need in reverse, because, at the stroke of a pen, we could open the door to the potential to inflict further deprivation, as acknowledged by the calculation of the wealth in those areas.

The internal management issues can probably be worked through in councils, but the knock-on effect for projects, communities and community and voluntary sector organisations funded by councils could be inordinate and have serious implications for areas of high and growing unemployment across the North. The districts and communities affected most by potential clawback are those least able to afford it. Therefore, in moving amendment No 3, the Committee has got it right: we cannot open the floodgates to further hardship in areas that have suffered enough, are recognised, according to the Government's assessment method, as having deprivation indices above and beyond other areas and need, therefore, to be supported. Therefore, in conclusion, from the SDLP's point of view and as a member of the Committee, I support the amendment.

Dr Farry: I declare an interest as a member of North Down Borough Council though, as Mr Weir said, that is probably a technicality in this case in that we have not received resource grant for quite some time. However, it is important to acknowledge that this is not just an issue of councillors fighting their own corner. I am certainly here to speak on behalf of the Alliance Party and to take a cross-Northern Ireland perspective on the issue. It is important to acknowledge the differences in the relative rates base across councils in Northern Ireland, and it is important that central government funds are used to equalise, to an extent, the lack of equalisation in rates bases in different councils to, at least, provide the potential for parity in how the citizens of Northern Ireland receive government services.

Like others, I noted Peter Weir's comments with interest. My party is inclined to support the Committee's amendment because it sends a positive signal to local government as a whole. Mr Weir cites the concerns about the potential for clawback to happen during the in-year monitoring process and that, although no one particularly envisages that, it is important that the flexibility is on the books. In return, I could cite many other examples across government, not just in councils or the Department of the Environment, where there are already inescapable pressures or contractual obligations. Whenever government faces such a clawback, there are areas that are, for those reasons, off limits. It is important that we do not send a signal to the councils that they are simply there for picking off. As others have said, councils have a responsibility, in turn, to plan their own budgets for the year and to fund local community groups and other organisations as well as provide continuity of services from those budgets. Therefore, it is important that councils have some degree of surety.

Mr Weir set out an economic catastrophe on a huge scale, and, to some extent, we have had a major economic disaster over the past number of years. Councils already suffer in a range of ways outside the context of any potential clawback of resource grant. For example, we already have a situation where there is variation of the rates base through the penny product, which is based on the property market. That impacts on areas such as building control fees and can have a major impact on councils. Furthermore, councils receive money from other aspects of government and arm's-length bodies for other functions that can already be clawed back in-year or through which grants can be withheld. Therefore, there are quite a lot of ways in which councils suffer during economic downturns, just as central government does. We should not make that any worse. We already have a situation where the Department has identified the resource grant as an area for potential savings.

I could almost accept the argument that it is important for the legislation to be flexible. However, we have to accept the wider context of the tension between central government and local government, and it is important that we send a signal of partnership, as far as possible, and, indeed, try to develop wider contact between central government and local government. In some respects, it does not really

matter to me whether services are funded by the local rates or by taxes. Ultimately, people pay out of their pocket to fund government services regardless of whether a council or central government provides them, with the one rider that we do not control the block grant, which is linked to overall taxation, but have some influence over levels of rates.

At present, more and more functions are being passed to local government, and there are already Bills working their way through the process, including the Dogs (Amendment) Bill, the Welfare of Animals Bill, the Clean Neighbourhoods and Environment Bill and others that are further down the pipeline such as those on planning responsibilities, all of which will make local government fulfil more and more functions that were previously fulfilled by central government or not fulfilled at all. However, there is a concern about the funding that will come with those functions. There is also a desire to ensure that no undue burden is placed on the ratepayers. Again, I could accept a shift in taxation towards the local rates, as long as that was done transparently and not as part of a stealth agenda.

In turn, if we were to ask local government to do a lot more without necessarily providing the finance, the expectation would be that the Assembly and, particularly, Ministers and the Executive would not then point to the fact that they were running very tight budgets and that rates in local government were rising well above the rate of inflation and it needed to get its act together. It would be wrong for us to end up in that situation, because we have to disaggregate the reasons why rates were going up at local level. Would it be because of inefficiencies in local government, which would be very wrong and would need to be addressed? Alternatively, would it simply be a reflection of the fact that local government was being asked to take on more responsibilities and there would be a shift in the balance between central government and local government, which some of us would welcome as an enhancement of local democracy and something that is benign?

The notion of what happens in-year and with the resource grant is part of a wider picture. It is important that we build a sense of partnership between the two levels of government in Northern Ireland, that we see that we are all working towards the same objective and that we do not have the situation where people are

being cut short and abandoned or where fingers are being pointed in either direction.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I declare an interest as a councillor on Down District Council, which receives the rate support grant.

I support amendment No 3. In summer 2010, the Department announced the cut to the rate support grant. As a councillor, I know that that brought great anxiety to and great pressure to bear on the council. The rate had been struck, plans had been put in place, and officers from different departments in the council were then faced with the great difficulty of having to cut front line services.

Eighteen councils received the rate support grant, which was cut by 5.9%, resulting in £1.1 million being taken out of councils' financial plans when, as I said, councils had already set their budgets. We are talking about front line services being affected. Sometimes that is glossed over to mean something different, but, usually, community projects and front line services are seen as easy options to hit. That must be borne in mind. A cut such as that definitely puts the councils in a serious position, especially when it happens in the middle of a financial year.

As has been outlined, the grants support councils that have less revenue for each person in the population. The grant subsidises the council to deliver services on the ground for ratepayers. Those services are essential and — I will say it again — are front line services. The formula is very fair, as it takes a number of factors into account, including unemployment, the working population and areas of deprivation, as well as a lot of other issues. Councils already find it difficult, and, as Mr Farry said, responsibilities are coming from central government to local government. Those will increase with the enactment of the Dogs (Amendment) Bill, the Welfare of Animals Bill, the Planning Bill, the Clean Neighbourhoods and Environment Bill and the High Hedges Bill. Indeed, the functions in a number of different pieces of legislation are coming to local government.

I understand that the Department has to deal with cuts to its budget, but councils do not have that flexibility in the financial year. They cannot bid for extra resources to the Executive or the Assembly, so there is no recourse for

local government but to cut services. We felt that we had to take the opportunity to protect vulnerable councils and ratepayers. A number of members of the Committee, including those on the opposite Benches, found that cutting the support to vulnerable councils in the west was totally unacceptable.

Therefore, the Committee took the decision to bring the issue to the Floor of the Assembly so that we can air our concerns and express our serious reservations about it.

In conclusion, any reductions to the grant should be carried out at the start of the year, and councils can then cut their cloth accordingly. The intention of the amendment is to ring-fence the grant once it has been agreed. It will bring certainty to the process for local government and for everybody concerned. Sinn Féin supports the amendment. Go raibh maith agat.

3.30 pm

The Minister of the Environment (Mr Poots):

I have given careful consideration to the amendment proposed to the rates support grant, which is currently called the resources element of the general grant by the Chairperson of the Committee for the Environment. It is reflective of recent correspondence between my Department and councils, in the wake of the reduction to the funding for the grant in July 2010.

I have considered the amendment, which seeks to protect from in-year reductions the funding for the rates support grant to councils. In the current financial climate, when we face significant reductions to the levels of public funding, there remains a degree of uncertainty in respect of what funding will be available for the delivery of vital public services. Therefore, I cannot support the amendment.

The setting of budgets and allocations is part of a wider budget process, and rates support grant funding cannot and should not be automatically exempt from that overarching process. In practical terms, the amendment is overly restrictive and financially imprudent, impairing my Department's freedom to manage the effects of changing financial circumstances over all its business areas by exempting any one area of spend from the cuts during the financial year.

I will give a brief history of what happened in the last year. Our Department had its funding set for the year and had no intentions of making

any cuts to councils or anybody else. However, lo and behold, we got a new Government — the Conservative/Liberal Democrat Government. The franchisee — the Ulster Unionist Party — is to my right, and the Alliance Party, a Member of which was speaking a moment ago, is the sister party of the Liberal Democrats. They imposed the cuts on the councils and the people of Northern Ireland, not this Department.

Some Members spoke in a very hypocritical fashion about the cuts to the councils when it was their sister parties that imposed those cuts on the people of Northern Ireland. They should hang their heads in shame for the stance that they are taking on this issue. We, the people of Northern Ireland, have to bear the cuts that they have imposed on us. The SDLP cannot get away with it either because it is the sister party of the Labour Party, and it was the Labour Party that got us into this financial mess. If Mr Kinahan wishes to look at the record, he will identify that his party's MP voted more often with the Labour Party than the DUP ever did. We were the real opposition in Westminster.

The impact of the cuts on our Department was 6%. We had a meeting with representatives from the councils, and officers from Ards Borough Council told us that the impact on their council was 0.27% of its overall budget. Strabane District Council was worst affected at 1.12%. Derry City Council was also represented, and we were told that the impact on it was 0.23% of its budget. Does anybody here want to make a rational argument as to why any of those councils could not absorb that degree of a cut within the year when we as a Department were cutting by 6%?

If Members go into the Lobbies to vote in favour of the amendment, they will be saying that it is a good idea to cut the road safety budget and the budget on environmental regulation, which will potentially put us into a position of infraction proceedings, but it is not a good idea to ask councils or local government to share some of the burden that is involved here.

The Chairperson of the Committee for the Environment (Mr Boylan): Will the Minister give way?

The Minister of the Environment: I will give way in a moment.

I mentioned that Derry City Council's reduction was 0.23%. A Member submitted a question to

me about staff who are paid more than £50,000 per annum. Derry City Council has 21 members of staff who are paid more than £50,000 per annum.

Compare that with Lisburn City Council, which is actually larger: only six members of its staff are paid over £50,000 per annum. With regards to budget, it would be extremely easy for some councils to find the necessary finance in-year. A great deal of fat exists in local government, and councils are quite capable of absorbing the miniscule cuts asked of them. I am happy to give way.

The Chairperson of the Committee for the

Environment: I thank the Minister for giving way. I must challenge him on his point that it is a good idea to cut the road safety budget. Minister, it is up to you to outline your budget. The Committee will scrutinise it. The buck stops with you with regard to what you bring forward. If you suggest that the road safety element of the budget will be cut, that is up to you. However, the Committee will challenge that. At no point did I, or any other Member, say that it was a good idea to cut the road safety budget. Go raibh maith agat.

The Minister of the Environment: I certainly did not say that it was a good idea to cut the road safety budget in-year. I said that if my Department is asked to find funding and it excludes one element of its budget, that puts an onus on the rest of the Department. Therefore, it is you people who will walk through the Aye Lobby to support the amendment who will be saying that it is OK to cut the road safety budget.

Just imagine if there were another crisis in health that was even more significant than swine flu, that a call was made to Departments to find funding to support the Department of Health and that a future Minister of the Environment said: "I cannot cut a particular element of my budget, so you can count me out". Would Mr Farry's party say that it was a good idea to cut the budgets for policing and the Prison Service but not the budget for local government to support the Department of Health in such a crisis? God forbid that republican terrorists actually achieved something and caused real damage in the community, and the Assembly had to put significant funding into policing. Would the Department of Health, which Mr Kinahan would

want to defend, have to stump up money to support the Department of Justice while local government would not have to do so? Members, you really must look at the matter logically instead of trying to score political points that will not benefit the public or ratepayers in the long term.

Mr Kinahan: The Minister is missing the point. There is fat in councils that needs to be cut. Minister, you are playing politics by asking Members whether we want to see this or that cut. Cuts could be made in plenty of areas. What Members are trying to get across is that although councils have ways of making in-year cuts, you will not see that happen until the end of the year. Therefore, why not wait until the end of the year and budget properly for the following year? Councils could make cuts where possible out of fat in the middle of the year and budget correctly for the next year. That would, therefore, be only a short stop-gap for six or nine months. That could be done easily.

Mr Deputy Speaker: Before the Minister responds, I remind Members that they must make all comments through the Chair: the only "you" in the Chamber is me. *[Laughter.]*

The Minister of the Environment: Thank you very much, Mr Deputy Speaker. The longer the debate goes on and the more I make my case, the more pathetic, perverse and stupid I find the arguments in favour of the amendment. The Assembly should not go down that route; it is not good legislation.

It is difficult to change one's position after one has stated it publicly. However, I ask Members to reflect that if they do that and the Assembly faces a future crisis or the Tory/Liberal Government go the way of the Fianna Fáil/Green Government in the South and has to introduce several Budgets in one year and impose cut after cut, are Members really saying that only local government should be exempt? Are we saying that the Department of Health, the Department of Justice and the Department of Education are not exempt and nor is any other Department? Are we saying that we can cut their budgets but that the only budget we cannot cut is that for local government?

I will go through the list of cuts: 0.22%; 0.23%; 0.5%; 0.58%; 0.27%, and so on. They are miniscule; they could easily be absorbed. Any council that has not put in place a prudent

finance regime to absorb such cuts in one year should question its finance officer.

All of the councils were well capable of absorbing it, and the piece of legislation that is being proposed through the amendment is damaging to good governance, and Members should reflect on that.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. Following that soapbox effort, I will try to bring some sense into what we are trying to do. I will go through Members' comments, and I will leave the Minister's comments to the end so that we can see exactly what he was trying to explain to the House.

Mr Weir talked about the problem with the amendment. He said that ring-fencing could not be done from a legislative point of view and that, perhaps, it was not good practice. He sat on the Committee with me for the past four years, so I will not be bringing up anything about legislation. It is up to the House to legislate, and there will be an opportunity to change that at any time. I want to take that a wee bit further. In a couple of years' time, when there is a proper transfer of powers to local councils, they can look at their budgets and implement them in whatever way they wish.

Mr Weir also talked about local government being sacrosanct. He must have had a bit of a rehearsal from the Minister, because he mentioned road safety. The Environment Committee has been very strong in supporting money for road safety and rolling out the road safety programme. The Committee will not support reducing money for road safety, and it should not be used as an argument in the House. The Minister mentioned taking away money from road safety to give to councils. That is not the argument.

Mr Weir also said that it was good practice not to have in-year cuts. In the Assembly, there is, at least, an opportunity through the monitoring system to recover some moneys. Councils, however, strike their rate and set their programme for the year at the start of the year; they get only one crack at it. The Minister's suggestion about having that is a wee bit unfair.

Mr Weir also talked about flexibility. Flexibility is OK within central government, but they do not have it at local government level.

Mr Kinahan talked about how vital the funding is for local councils. He also gave examples of what has happened in his council area. I agree. His main argument related to the fact that this whole thing is about trying to protect in-year cuts. Minister, your colleague Mr Weir mentioned tsunami. I know that your budget is not one of the biggest in the House, but you said that £1 million is a substantial amount of money from your budget to be dished out to councils on a yearly basis. It is not a substantial amount of money. The actual benefits of that money to the councils are tenfold.

The Minister of the Environment: In the past few days, one council that did need it has decided that its chief executive is not being paid enough in this financial year. It has increased the chief executive's wage to over £100,000 a year. That is a rise of over £10,000. It does not seem as if there are starving councils out there, when you see examples of that type of behaviour.

The Chairperson of the Committee for the Environment: Far be it from me to comment on an individual council. Obviously, you have had an opportunity to discuss that with councils in recent days. We are trying to secure the funding. It is not the case that any of the councils have said what they need. You are playing politics with it. Maybe you should take a look at trying to run your budgets properly and financially.

Mr Deputy Speaker: I remind Members to make their comments through the Chair.

The Chairperson of the Committee for the Environment: I am sorry, Mr Deputy Speaker. Mr McGlone talked about the serious implications, especially for deprived areas. I think that he is right in what he says about deprived areas. That is an issue in itself. Not all of us come from affluent areas such as north Down, as Mr Weir does. I think that there is good support for what Mr McGlone said. He also spoke about employment opportunities on projects in the community. That would have an impact in local areas.

3.45 pm

Mr Farry once again spoke very well, and his main point, which is an important one, was about working in partnership. That is an issue that we should be looking at. Mr Willie Clarke clearly outlined what the amendment is about. It is about ring-fencing money at the start of the

year to give the councils an opportunity to set their own budgets.

Then the Minister spoke, and went into a political rant. Maybe he is trying to indicate that all Members should go home, look in the mirror and say that we are all stupid. He referred to the House and asked whether we are all stupid, or words to that effect. Minister, maybe you should look to your own budgets. It defies argument to say that the amount is miniscule in relation to council budgets. If that is the case, why are you so concerned about giving out so little money?

Mr Deputy Speaker: I remind the Member to address his remarks through the Chair and not across the Chamber.

The Chairperson of the Committee for the Environment: Sorry, Mr Deputy Speaker; OK. I would like to think that the Members of the House will see a bit of common sense, support the amendment and give local councils the opportunity to properly outline their budgets for the year.

Question put, That amendment No 3 be made.

The Assembly divided: Ayes 53; Noes 33.

AYES

Ms M Anderson, Mr Armstrong, Mr Attwood, Mr Beggs, Mr Boylan, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Rev Dr Robert Coulter, Mr Doherty, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Leonard, Ms Lo, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCarthy, Mr McCartney, Mr B McCrea, Mr McDevitt, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mr Murphy, Mr Neeson, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr K Robinson, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Boylan and Mr W Clarke.

NOES

Mr S Anderson, Lord Bannside, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Easton, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray,

Mr Newton, Mr Poots, Mr G Robinson,
Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey,
Mr Weir, Mr S Wilson.

Tellers for the Noes: Mr T Clarke and Mr Ross.

Question accordingly agreed to.

4.00 pm

Mr Deputy Speaker: Amendment No 4 is a paving amendment for amendment No 6.

Amendment No 4 made: In page 9, leave out lines 33 to 35. — [The Minister of the Environment (Mr Poots).]

Mr Deputy Speaker: Amendment No 5 is a paving amendment for amendment No 12.

Amendment No 5 made: In page 9, leave out lines 40 and 41. — [The Minister of the Environment (Mr Poots).]

Amendment No 6 made: In page 10, line 5, at end insert

“(9A) A council shall give the Department such information for the purpose of the calculation mentioned in subsection (5), at such time and in such form as the Department may determine.” — [The Minister of the Environment (Mr Poots).]

Clause 27, as amended, ordered to stand part of the Bill.

Clauses 28 to 31 ordered to stand part of the Bill.

Clause 32 (Allowances for chairman and vice-chairman)

Amendment No 7 made: In page 12, line 9, leave out “chairman” and insert “chairperson”. — [The Minister of the Environment (Mr Poots).]

Amendment No 8 made: In page 12, line 10, leave out “vice-chairman” and insert “vice-chairperson”. — [The Minister of the Environment (Mr Poots).]

Amendment No 9 made: In page 12, line 12, leave out “chairman or vice-chairman” and insert “chairperson or vice-chairperson”. — [The Minister of the Environment (Mr Poots).]

Clause 32, as amended, ordered to stand part of the Bill.

Clauses 33 to 38 ordered to stand part of the Bill.

Clause 39 (Public appeals)

Amendment No 10 made: In page 14, line 28, leave out “chairman” and insert “chairperson”. — [The Minister of the Environment (Mr Poots).]

Amendment No 11 made: In page 14, line 29, leave out “chairman” and insert “chairperson”. — [The Minister of the Environment (Mr Poots).]

Clause 39, as amended, ordered to stand part of the Bill.

Clauses 40 to 42 ordered to stand part of the Bill.

Clause 43 (Regulations)

Amendment No 12 made: In page 16, line 20, at end insert

“(2) Regulations and orders under this Act may contain such incidental, supplementary, consequential, transitory or saving provisions as the Department thinks necessary or expedient.” — [The Minister of the Environment (Mr Poots).]

Clause 43, as amended, ordered to stand part of the Bill.

Clauses 44 to 48 ordered to stand part of the Bill.

Schedule 1 (Minor and consequential amendments)

Amendment No 13 made: In page 18, line 18, at end insert

“The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)

5A. In Schedule 4 (restrictions on disclosure of information), in the definition of ‘chief financial officer’ in paragraph 7(3), for ‘148(1) of the Local Government Act (Northern Ireland) 1972’ substitute ‘42 of the Local Government Finance Act (Northern Ireland) 2011’.” — [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 Local Government Finance Bill. The Bill stands referred to the Speaker.

Waste and Contaminated Land (Amendment) Bill: Final Stage

The Minister of the Environment (Mr Poots): I beg to move

That the Waste and Contaminated Land (Amendment) Bill [10/09] do now pass.

I do not intend to rehearse the provisions of the Bill in detail. Instead, I simply remind Members that the main purpose of this important Bill is to legislate for a partnership approach between the Department of the Environment and the local government sector in dealing with illegal waste activity in Northern Ireland.

The Bill provides the Department and councils with the legislative authority to deal effectively with fly-tipping and waste, and it strengthens the enforcement powers of departmental and council officials. In addition, the Bill makes necessary amendments to existing legislative provision for the introduction of a contaminated land regime in Northern Ireland, mainly to reflect lessons learned through operational experience in England and Wales, and a minor amendment to the Producer Responsibility Obligations (Northern Ireland) Order 1998 to provide an inclusive definition of the Department's powers of entry and inspection.

The Bill was introduced in the Assembly on 22 March 2010 and completed its Committee Stage on 4 November 2010 with the production of the Committee for the Environment's report. I take this opportunity to thank the Chairperson of the Committee and the other members for their detailed scrutiny of the Bill and for the recommendations contained in their report. I am glad to say that I was able to take those recommendations forward as amendments at Consideration Stage. I also thank Members for their very helpful contributions to the debates on the Bill throughout its passage in the Assembly.

The Bill is sound and effective. However, I recognise that legislative change alone will not solve the problem of illegally deposited waste in Northern Ireland. The respective roles of my Department and councils in dealing with fly-tipped waste also need to be established. Otherwise, even after the enactment of the Bill, there will simply be confusion about who does what. Therefore, I advise Members that my Department is consulting the local government sector on a fly-tipping protocol, which will set out clearly the responsibilities of the Department

and councils. I also wish to reinforce previous commitments that I gave to the Committee: I do not intend to commence the relevant provisions until the fly-tipping protocol is in place.

In conclusion, although it is clear that there is further work to be done, I believe that the Bill will build on previous legislative provision to help to combat the serious problem of illegal waste activity in Northern Ireland. I commend the Waste and Contaminated Land (Amendment) Bill to the House.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee for the Environment, I welcome the Final Stage of the Waste and Contaminated Land (Amendment) Bill. The process has taken a long time to get to this point, but, hopefully, the Bill will prove fruitful for the Department and, most importantly, for the people of the North of Ireland, when it goes on to the statute books and is implemented.

On behalf of the Committee, I wish to thank the departmental officials and the Minister for the close working relationship that we maintained throughout the passage of the Bill. That helped in no small way to ensure that we reached a successful conclusion. I also thank the Committee staff, who worked tirelessly on the Bill. Having looked at the Committee's entire legislative programme for the current session, I am sometimes amazed that we managed to complete anything, but with the assistance and guidance of the staff, we achieved our goal, and I am grateful to them. I am sure that I speak on behalf of all Committee members on that matter.

The Waste and Contaminated Land (Amendment) Bill will, undoubtedly, contribute to the continuing work to address waste problems in the North. I remind Members that the Committee made six recommendations following its detailed scrutiny of the Bill, and the Minister incorporated four of them as amendments. They related to: the level of fines for fixed-penalty notices; the power to alter the amount of the fixed-penalty notices; the powers of entry and investigation; and appeals against remediation notices. Those are important aspects of the Bill and, as I indicated during Consideration Stage, they are a clear recognition of how legislation can be enhanced for the greater good when scrutinised in a fair and objective manner.

However, it is fair to say that the Committee's key focus was on the need for a partnership approach between the Department and local councils to tackle illegal waste activity. Members, many of whom are or have been councillors, are aware that the delegation of powers to local councils does not always come with the commensurate increase in resources to exercise those powers. Therefore, it was necessary that the Committee spend some time teasing out that issue.

The requirement for an agreed protocol between local councils and the Department is particularly important to the Committee. The Committee acknowledged that such a protocol could not be addressed on the face of the Bill, but it is of such importance and, in the Committee's opinion, so fundamental to the successful implementation of the Bill, that I must refer to it. Let me emphasise that I mean an agreed protocol and not one produced by the Department, or that is in the interests of, or for the benefit of, the Department. A protocol agreed between councils and the Department will have much more resonance than one that is foisted on councils by the Department. The Committee believes that that is part and parcel of a transparent, partnership approach and a necessity for the delineation of responsibilities. Who does what, and under what circumstances, is a refrain that we hear time and again, and the Committee hopes that the protocol that is out for consultation will ultimately address this issue and make it clear to local authorities, representatives and most importantly citizens, just who has responsibility for clearing up illegally dumped waste. The Committee also hopes that this will not result in buck-passing by the Department and councils, and that a collaborative approach can be established and maintained to enhance the prevention, clean-up and overall enforcement of the Bill's provisions.

Only last week, near but not in my constituency, I hasten to add, citizens and councils were in confusion over who should address the problem of illegally dumped turkey parts. All that citizens wanted was that the revolting and stinking waste was removed, yet that responsibility appeared to be being passed from pillar to post, from the NIEA (Northern Ireland Environment Agency) to the council, with neither willing to take responsibility for solving the problem, never mind trying to find out who had caused it.

I hope that the Bill will provide clarity in future problems of that kind. As I said when speaking on the Bill, the Committee would like the Minister's commitment that those aspects of the Bill that relate to the enhanced waste-monitoring functions of local councils will not be enacted until the protocol has been agreed with them.

Related to the protocol is the need for guidance on a range of issues. The Committee became aware of a lack of clarity on issues such as the different approaches needed in handling domestic and commercial waste; dealing with hazardous waste; waste dumped on land that is unregistered or unoccupied; and that ever-difficult issue, landowner liability. The Committee hopes that those issues will be addressed through clear and unambiguous guidance or will be stated clearly in the agreed protocol.

The Committee is confident that the Bill has the potential to make a significant impact on how we manage illegally dumped waste. In an era of austerity, this potential can be realised only by collaboration between councils, relevant bodies and the Department. On behalf of the Committee, I am pleased to support the Bill. Go raibh maith agat, a LeasCheann Comhairle.

Mr Kinahan: I, too, congratulate the Minister, the Department and those colleagues on the Committee — who were there for much longer than me — in pulling the Bill together and getting it this far. I look forward to seeing it working for the councils.

I spent two and half hours yesterday walking around a river in my neck of the woods where fish had been killed through another spill. We have to get the point across to some people that they cannot pollute our natural resources, and that those who do so will have to be punished.

Therefore, I welcome that the Bill allows us to fine people and means that councils can issue fixed-penalty notices. As usual, there is a "however". I raised this point with the Minister at various times this week. Councils must be given the necessary guidance on how to act quickly when working with fixed-penalty notices so that we do not have delays and long arguments over whether it is legally possible to do something and so that all councils are acting in the same manner. The fly-tipping protocol is a very clever mechanism, and I look forward

to seeing it in place. I know that it will be implemented as soon as it can be.

4.15 pm

I want to talk today about the matter that I raised in my amendment at Consideration Stage, which was on the quality of recycled waste. I am very disappointed that the Bill's remaining legislative stages have occurred so quickly after the Christmas recess. We discussed the issue of the quality of recycled waste in Committee and decided not to proceed with the amendment. Since then, however, we have been lobbied a bit stronger and a bit harder. From a European point of view in particular, we need some form of recycling standard, and we need to find a way, which must be affordable, for that standard to fit councils. As we see in a piece on the BBC website's science and environment pages, a large amount of our waste is of a low standard. As a result, instead of going off to be recycled, it is going into landfill, which goes against every other target that we are trying to meet. Today, therefore, I am asking the Minister whether he will try to find some way of introducing measures that will allow us to have standards in recycling. I fully support the rest of the Bill and congratulate everyone on their good work.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Thank you, Mr Deputy Speaker. I thank the Minister and his officials, along with, of course, the Committee staff, for the work that they have put into the Bill.

I support and welcome the Bill. I must confess that when Mr Kinahan introduced in Committee the issue of the quality of recycled waste, I was a bit blinded by it. I was not fully aware of what the issue was. However, I subsequently took some soundings. The quality and standard of recycling done by many of our councils — how they recycle and the huge investment that they put into it — is probably second to none. In fact, I am sure that the Minister could refer to the site at Magherafelt in the Mid Ulster constituency, which he has visited.

However, on foot of the information that I received from businesses in the sector about the quality of recyclables that are provided to them to churn out quality recycled materials, it is extremely important that we learn from the report that emerged on 13 January and that is available on the BBC website. If it is not fully sighted of it, a copy of the document by the

Institution of Civil Engineers (ICE) has been provided to the Department. The article on the website states that councils in Britain:

“are focusing too much on the quantity of recycling rather than quality.”

That is the very issue that Mr Kinahan raised in Committee. The article continues:

“This is tending to produce a poor-quality stream of recyclable material. Because of this, the lower-grade material sometimes has to be sent to landfill”,

which is becoming a self-perpetuating problem, with increased loads going to landfill.

The report states that the waste industry has to change its culture so that the focus is not only on increasing the quality of recycled materials but on retaining the quality and value of reusable materials. In fact, the report goes on to say that that syndrome, as the BBC article refers to it, is particularly acute with paper recycling. One of the main paper mills in the UK has been rejecting some British recycled paper because shards of glass in the paper have been tearing the mills.

We need to see more action on the quality control of materials that are coming to be recycled. We were not successful with the amendment, which, in fact, was withdrawn, but the Department needs to have some sort of oversight role to drive up standards, to ensure that recycling goes on and to ultimately ensure that more waste does not wind up in landfill, thereby incurring further costs for ratepayers and the rest of us.

I think that the Department has a key role to play in driving up and helping to monitor standards. It also has a key role to play in making sure that there is another tier of quality assurance. As we heard at the Committee, it is not enough to leave the matter to the regulation of the market. However, we do not need to go into that. It is not enough to get the material on the nearest boat to China. However, it is important that the Department, as the Department of the Environment, drives up those standards and ensures that recyclables are there, we have quality rather than quantity and we do not see a repeat of what has emerged from the report of the professionals in Britain.

I support the Bill, and I thank the Minister for the time that he has spent on it. I look forward

to the full implementation of the Bill, with those riders.

The Minister of the Environment: I thank the Members who participated in the debate. I will deal with a number of the issues that arose.

The first is the implementation of the legislation in advance of the fly-tipping protocol being put in place. I made it clear previously that the fly-tipping protocol needs to be agreed so that it can be put in place in conjunction with this piece of legislation. Therefore, although we do not want to hold the legislation back, which I do not think will be necessary, there will be an imperative to have the fly-tipping protocol agreed so that we can move forward on that basis. Partnership between us and local authorities is needed to ensure that waste and contaminated land is dealt with more effectively and on a sound basis so that, in future, we can hold our heads up high in how we do things.

The quality of recyclables was also raised. That is an area where we should not put the cart before the horse. We have particular targets to meet. However, I do not want just to meet those targets, I want to exceed them, because that drives value for money. We can move to recycling 50% of waste, and we can go beyond 50%. The gap between the material that is recycled and that that goes to landfill is made up with energy from waste. It would be considerably cheaper for us to maximise the amount of material that is recycled before we go down the route of getting energy from waste.

Significant investment will be required to ensure that we reduce the amount of material that goes to landfill, which is the least desirable option. However, although I support getting energy from waste, considerably more can be done in recycling. We will look to exceed the target by a further 20% and to move it up from 50% to 60% by 2020. We are not letting the EU guide us in this matter; we are being guided by common sense and our own research.

The quality of recyclables will be an important issue. There are two elements to the quality of recyclables. The first is that it will be maximised if the public source-separate the material. The second element is that a fairly significant quality can be achieved if the right machinery and equipment is used to separate material that comes into a plant in a co-mingled fashion. The market is not going to accept rubbish. It has been pointed out, for example, that mills are

refusing to accept paper that is contaminated with glass. That type of material is of no benefit to anyone. Therefore, the market will resolve a lot of the issues itself. If the material cannot be sold, it does not have a value and will have to be sent to landfill. There is no point taking in material in the first instance if there is no economic use for it.

I am still very keen to drive forward what we are doing in recycling. I think that it is the right thing to do. We should be headed towards recycling a significant quantity of material — around 60%. We need to encourage business. If business knows that it is getting the material, it also knows that it can invest in good quality equipment to separate and divide it.

There may still be room for that source-separated material as well. If those businesses are competitive, I have absolutely no doubt that they will still be around, and I would very much like that to be the case. However, it is a competitive marketplace, and rather than trying to impinge on that, we must allow the market to find the point from which it can exercise its own values.

I welcome the fact that the legislation has reached this point. As Members know, my Department is responsible for about a quarter of the legislation that will go through the House during the remainder of this session. I will now have one less Bill to contend with. I greatly appreciate that, as I appreciate the support of the House in bringing the Bill to this stage.

Question put and agreed to.

Resolved:

That the Waste and Contaminated Land (Amendment) Bill [NIA 10/09] do now pass.

Commissioner for Older People Bill: Royal Assent

Mr Deputy Speaker: I inform Members that the Commissioner for Older People Bill has received Royal Assent. The Commissioner for Older People Act (Northern Ireland) 2011 became law on 25 January 2011.

Student Loans (Amendment) Bill: Royal Assent

Mr Deputy Speaker: I inform Members that the Student Loans (Amendment) Bill has received Royal Assent. The Student Loans (Amendment) Act (Northern Ireland) 2011 became law on 25 January 2011.

Tourism (Amendment) Bill: Royal Assent

Mr Deputy Speaker: I inform Members that the Tourism (Amendment) Bill has received Royal Assent. The Tourism (Amendment) Act (Northern Ireland) 2011 became law on 25 January 2011.

Energy Bill: Final Stage

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That the Energy Bill [NIA 23/09] do now pass.

As I said at Second Stage, the Energy Bill is intended to update the current legislation applying to the natural gas sector in Northern Ireland to enable that sector to benefit from the policies and legislation that have already been successfully implemented in the electricity sector. The Bill's other main purpose is to create a special administration scheme applicable to gas and electricity sectors.

I want to take a few minutes to provide a brief overview of the key provisions contained in each of the main parts of the Bill. First, the Bill will introduce guaranteed standards of performance for gas companies, and those will provide customers with specific, measurable, achievable, reliable, and, indeed, timely standards to gauge the level of service being provided by different natural gas companies. Guaranteed standards will help to create a level playing field for customer standards and make it easier for customers to compare competitive offers.

Secondly, the Bill will establish a criminal offence of damage to gas plants. That will cover anyone who intentionally or recklessly damages, or allows to be damaged, gas equipment used for conveying, storing or supplying gas and will include, for example, tampering with a gas meter. The Bill will also allow gas companies to disconnect premises and/or remove gas meters when an offence has been committed.

Thirdly, the Bill will make provision for deemed contracts between gas companies and customers. Such a contract will exist between a consumer and a gas supply company where no written or verbal agreement has been exchanged, for example, when a change of tenancy occurs, and someone moves to a different property. Where a contract has not been expressly agreed, a deemed contract will provide a sound and binding basis for suppliers to supply customers, and it will provide them with a clear basis on which to charge for that supply.

Fourthly, the Bill will extend the powers of entry for gas companies to enter premises where, for example, meter tampering is suspected.

At present, gas companies here are allowed access only when checking meters and other fittings in the event of an identifiable danger to life and property, such as a gas leak.

Fifthly, the Bill will clarify the meaning of “store” for the purposes of existing gas storage provisions in the Gas (Northern Ireland) Order 1996. The provision will clarify that, for the purpose of the Order, it is only the operator of a gas storage facility, not the user, who stores the gas.

A further clause relates to the appointment of meter examiners and provides for the Utility Regulator to delegate gas meter stamping and testing functions, as necessary, to an appropriate body that is best equipped to perform such tasks, for example, the National Measurement Office.

Finally, the Bill will provide for the introduction of a special administration scheme for the natural gas and electricity industries in Northern Ireland. That will safeguard supplies to customers by local electricity and gas networks in the event of company insolvency. Each provision presents a positive step forward for the natural gas industry and its customers.

4.30 pm

I thank the Chairman and members of the Enterprise, Trade and Investment Committee for their careful scrutiny of the Bill, particularly their suggestions in Committee that led to some minor amendments that helped to provide clarity. I also thank Members generally. We had a good Second Stage debate on the Bill's progress.

The Chairperson of the Committee for Enterprise, Trade and Investment

(Mr A Maginness): I thank the Minister for moving the Final Stage of the Energy Bill. The Committee welcomes the Bill, which will update the legislation applying to the natural gas sector and enable the creation of a special administration regime applicable to the gas and electricity sectors.

The Committee considered the principles of the Bill to be: first, to safeguard customer interests through the provision of guaranteed standards for performance for gas licence holders; secondly, to provide a sound and binding basis on which suppliers will supply customers where gas supplies are taken in the absence of agreed contractual terms; thirdly, to extend the powers

of entry to premises for gas companies so that they broadly align with the powers available to electricity companies; and fourthly, to help to ensure the interrupted operation of gas and electricity networks through the introduction of a special administration regime relating to network companies that are threatened with insolvency or become insolvent.

The Committee had concerns about the Bill's detail. However, the Minister and her officials addressed most of those concerns to the satisfaction of the Committee during Committee Stage. I thank the Minister and her officials for their attention to the issue.

The Committee, however, was not entirely satisfied that the use of the term “by culpable negligence” in relation to damage to gas plant, which was originally included in clause 10, was wholly appropriate. At Consideration Stage on 13 December 2010, the Minister brought an alternative proposal to the House. The proposal to replace the term “by culpable negligence” with the word “recklessly” was accepted by the House and the Committee.

Irrespective of any disagreement that there may have been, I commend the Bill to the House.

Mr Cree: We have had a full and frank discussion throughout the Bill process. I am pleased to say that the Ulster Unionist Party will support the passage of the Bill.

The Minister of Enterprise, Trade and Investment:

I thank the Chairperson of the Committee and Mr Cree for their support for the Bill. We had a full and frank discussion about some of the issues that came before the Committee, particularly on the topic of “recklessly” versus “by culpable negligence” and what have you. We came to a good place on that issue.

The Bill brings the natural gas industry up to date with the other industries, including electricity, and puts in place the special administration scheme for gas and electricity. I commend the Bill to the House and look forward to support across the Chamber.

Question put and agreed to.

Resolved:

That the Energy Bill [NIA 23/09] do now pass.

Mr Deputy Speaker: Members may take their ease for a couple of minutes.

Safeguarding Board Bill: Final Stage

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move

That the Safeguarding Board Bill [NIA 25/09] do now pass.

I am pleased that this important Bill has reached its Final Stage. I introduced it to the Assembly on 8 June 2010, and I believe that the subsequent process of discussions and debate has been extremely productive. I thank the Committee for Health, Social Services and Public Safety and other Members for their careful and detailed scrutiny of the Bill. I will briefly reiterate its main purpose and aims.

The Safeguarding Board Bill will provide a legislative framework for the creation of a new safeguarding board for Northern Ireland, with a safeguarding panel in each of the five health and social care trust areas. That arrangement will, for the first time, bring key agencies from voluntary and statutory sectors together on a statutory basis to safeguard children and promote their welfare.

The Bill provided me with a valuable opportunity to create a more cohesive approach to safeguarding children in Northern Ireland. The Bill will strengthen current arrangements by introducing a statutory duty to co-operate across all agencies involved with children and families and a duty to make arrangements to safeguard and promote the welfare of children.

The Bill also supports a wider safeguarding agenda, which includes prevention and early intervention. It is also about acknowledging and understanding that protecting children is often about helping to address the needs and problems of vulnerable adults and parents whose ability to care for their children has been compromised.

The safeguarding of all children cannot be guaranteed, but a long term, continuous, collective effort is needed. The establishment of the safeguarding board will bring the required change of thinking, practice and culture that will ensure that agencies that work with children and families more effectively discharge their responsibilities to safeguard and promote the welfare of children and to work together to improve outcomes for them.

It is the responsibility of society, communities and individuals to do everything possible to

protect the most vulnerable, especially children. When talking about protecting children, it is only right to acknowledge the hard work and dedication of professionals from the range of organisations involved in their safeguarding. It is not Ministers or MLAs who will make quality judgements about the most appropriate intervention that will make the greatest difference to the life chances of a vulnerable child where such intervention is deemed necessary; it is the professionals at the front line who are properly trained, resourced and motivated. We owe a great debt of gratitude to all those professionals who work to protect children from abuse.

I am very encouraged by the level of consensus that the Bill has enjoyed in the Health Committee and in the House. In addition to the widespread acceptance of the principles of the legislation, there has been a detailed and rigorous scrutiny of its clauses. I thank the Chairperson and members of the Health Committee for their extensive and considered evidence-taking. I also thank those who provided written and oral evidence to the Committee. That resulted in helpful suggestions for amendments and a comprehensive report that was published by the Committee on 25 November 2010. I also wish to convey my thanks to Members for their valuable input and comments during the various stages of the Bill, and to the various agency representatives on the SBNI stakeholder reference group, whose contribution has helped to shape this legislation.

I look forward to giving effect to the legislation and establishing the SBNI. The new arrangements are an important step forward, and we should seek to use this important opportunity to build on the best and look to the future. The safeguarding board will operate in a challenging environment that will require member agencies to work together against a background of diminishing investment and competing priorities to deliver a brighter and safer future for all our children.

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 Final Stage of the Bill. The Bill is timely and welcome. Having looked closely at it and what it has to offer, the Committee is 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 purpose of the safeguarding board is to co-ordinate and ensure the effectiveness of all organisations that are involved with children and to promote the welfare of children. It will replace a number of structures that were previously known as the area child protection committees. It appears that those committees, although well meaning, had no real teeth or focus. Their lack of legislative basis meant that they sometimes struggled to move forward. The Bill will obviously correct that situation.

The Bill has been significantly improved and strengthened because of the amendments that the Health Committee persuaded the Department to make. The Committee's detailed scrutiny led to it recommending that the Department amend 10 of the 17 clauses. I thank the Minister for the co-operative approach, which he recognised in his contribution, and for taking on board the Committee's recommendations.

A number of the amendments that were made deserve particular mention because of their importance to the Bill. An amendment was made to clause 3(7), which concerns communication between the safeguarding board and children and young people. This was an issue on which the Committee received many representations. The majority of stakeholders, particularly the children's charities, were concerned that the clause was originally drafted in too weak a fashion 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 that set out how the SBNI must consult with children and young people. However, we still wish to see the wording strengthened on the face of the Bill. After much discussion, the Department agreed to remove the phrase "take reasonable steps to", and the Committee believes that that amendment significantly shores up clause 3.

Another important amendment was to clause 3(9)(c), which deals with publications of the

SBNI. The clause caused serious concern for many of the groups that the Committee heard from, including Children in Northern Ireland, the Parents Advice Centre, the NSPCC, the Children's Commissioner, Barnardo's and others. There was a fear that it could be used by the Department to have a potential veto on the SBNI's functioning and independence and to suppress critical reports. After much discussion, the Department agreed to amend clause 3(9) (c) as proposed by the Committee by using the term "consultation" rather than "approval". That is a significant change to the Bill, and it will ensure public confidence in the SBNI's independence and ability to take on the role of being a critical friend to the Department.

The Committee is delighted to see the Bill come to its Final Stage. The protection of children is everyone's business, and the Assembly can congratulate itself on getting this Bill onto the statute books before the end of this mandate. Go raibh maith agat.

Mr Deputy Speaker: I call John McCallister.

Mr McCallister: Thank you, Mr Deputy Speaker — *[Interruption.]*

That was a quick return. I congratulate the Minister on moving the Final Stage of the Safeguarding Board Bill. It is no surprise that the Minister has managed to successfully navigate this significant piece of reform through the legislative process of the Assembly, but he should be commended on his achievement. I also place on record my thanks to my Health Committee colleagues, who have worked together very well and contributed greatly to shaping and improving the Bill where necessary. They certainly have an important role of scrutinising the legislation.

The safety and protection of children and young people has long been recognised by Government as an issue of paramount importance. The Executive are breaking new ground to ensure that some of the historical abuses that have come to light in recent years do not happen again. To that end, I congratulate the entire Executive for agreeing to hold an inquiry into historical institutional abuse in Northern Ireland.

4.45 pm

As we head into this difficult budgetary period, how we invest in and protect our children must be a measure of the type of government and

society that we want to have in the future. Therefore, setting up a statutory safeguarding board that is focused on interdepartmental, inter-professional, and inter-agency co-operation, with an emphasis on prevention and keeping children safe is a significant achievement for the Minister, the Executive and the Assembly.

In recent years in this place, we have heard much talk about, and emphasis has been placed on, early intervention and prevention to help children in our society and ease pressure on institutions. However, despite much talk, very few Departments have actually delivered meaningful change. Today, the Minister is bringing legislation before us that, when it completes its passage, will make meaningful change to children and vulnerable families.

The objective of the safeguarding board for Northern Ireland, apart from securing statutory provision, will be to co-ordinate and ensure the effectiveness of what each person or body represented on the board does to safeguard and promote the welfare of children. The body will promote awareness and the need to safeguard the welfare of children. It will keep under review the adequacy and effectiveness of its member agencies and it will undertake improvements to provide information for the safeguarding board, thus ensuring improved outcomes.

The Bill will improve accountability, with the Minister reporting to the Assembly once a year. It will also give independence and added accountability on child protection issues in Northern Ireland, which should be welcomed strongly on all sides of the House.

Protecting the most vulnerable children is a serious responsibility for the Minister, the Assembly and society. Therefore, I congratulate the Minister again, and I thank colleagues on Health Committee.

Mr Gallagher: I welcome the legislation, which will shortly give statutory effect to the new regional safeguarding board. The Minister said something that we all know: there are no guarantees in the protection of children. Nevertheless, the legislation has reached this stage against the backdrop of the increased number of child abuse referrals to the authorities.

A number of high-profile incidents involving injuries and, in some cases, the deaths of young children have piled further pressure on

the hard-pressed, professional people in the health authorities who work so hard to ensure that our children are safe. On behalf of the SDLP, I acknowledge that work. In addition, I thank the staff for their co-operation throughout the Bill's time in Committee, and, of course, I thank the many individuals who gave evidence and the many bodies that work closely on child protection issues.

Concerns were raised at various times, particularly about the independence of the chairperson and members of the new board. There were also issues around the important principle of accountability. Nevertheless, the high level of co-operation among all those involved, particularly between the Committee and the Department, should reassure the community. When issues arose, everybody worked positively and managed to overcome them, which got us to the stage that we are at today, where the Bill marks a significant improvement in the protection of vulnerable children in this community.

Mr McCarthy: On behalf of the United Community group in Stormont, I rise to support the very important Safeguarding Board Bill. I pay tribute to the staff, the Minister and the Committee for getting us to the Final Stage. Our children are precious and must, at all times, be loved, nourished and protected. I, like every man and woman here, adore our children and grandchildren. My wife and I are blessed with four beautiful grandchildren: Matthew, Laura and Shay McCarthy and Cara O'Prey. At this moment, Cara O'Prey is running around my wife's feet in Kircubbin. They are all precious and priceless. I am sure that every Member will agree with me.

Every family should welcome the Bill. This is what devolution is about, and it is a good news story. I hope that, after the pelting that our Minister has taken in recent times, he can get on to 'The Stephen Nolan Show' tomorrow and spread the good news. The Bill will protect our children and is coming from the Assembly, of which we are all part. If possible, let us put that story out in the morning.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I think that Frank Mitchell might take offence at that; his show is becoming the biggest in this statelet. I agree with Kieran; this is a good news story. We are involved in politics; one minute it is bad, and the next minute it is good. It is good that we can

have a mature debate. I am trying to get back into the Minister's good books for this week.

In all seriousness, I want to take the opportunity to thank the officials, the Minister and the Department. The Bill could have led to clashes between the Committee and the officials, but a mature debate took place. The Bill generated a lot of interest and a lot of concern, and we came to the decision based on the input from the Minister. It shows that when we work collectively on those issues, we can come to agreement.

It is important that we welcome the legislation, because it is about protecting and safeguarding children and vulnerable adults and ensuring that the proper structures are in place. The Minister always goes on and says that he is the only one who implemented the review of public administration (RPA). If we bring new procedures in, it is important that they are designed to ensure that we deal with all the madness that can be out there. Therefore, the Bill is a fundamental and positive response to the whole issue of the safeguarding of children. It offers an opportunity to take a more regional approach to some issues. I do not want to go into past cases, but trusts and other groups sometimes looked only within their own silos and did not take on board issues that could be happening up the road.

I will deal with the specifics. Case management review is provided for in the Bill, and it is important that we focus on the learning and improvements in that regard. One of the main issues that came up was the annual report of the SBNI. The Minister should, in his remarks at the end, outline how he intends to take that forward. Although we want to be as open, transparent and accountable as possible, that issue created some difficulties in the Committee. The people who were involved with the Bill are genuine, so I do not think that it was their intention to cover anything up. However, the more open, honest and transparent that we are, the easier it is for us to do our job.

The work plan for the SBNI will be challenging, and we all have a duty, role and responsibility on that. The fact that that organisation has been set up does not mean that we can all rest on our laurels. It is about a collective partnership. We all have an interest in ensuring that our children are safe at all times, regardless of what they are doing in their lives. Will the Minister confirm whether the SBNI will take a lead role

on developing the North/South work on child protection? I commend him and his Department for taking the issue by the neck — for want of a better phrase — and running with it.

I would hate to see that we had good arrangements in place in the North and that, because of some issues in the South, predators could look at how they could use loopholes in the law.

We will have ongoing discussions on that, but I will end on a positive note by saying that it is a great piece of legislation and it has shown that collective work can and must be done with the community and voluntary sector, with us as legislators and with the people who work at the coalface. When we come together and put our collective shoulders to the wheel, we can come up with the best legislation to protect all children.

The Minister of Health, Social Services

and Public Safety: I thank all Members who contributed to the debate. The progress of the Bill has been assisted greatly by informed and constructive input, both in the House and in the Committee. The Bill's proposals are far-reaching and offer a real opportunity to do things better, to promote innovation, to improve performance and accountability across all the agencies represented and to create a renewed sharper focus on safeguarding children. I reiterate that the Safeguarding Board Bill is not a rebranding exercise. The establishment of a safeguarding board is a serious and radical attempt to improve co-operation and co-ordination between all organisations involved in safeguarding and promoting the welfare of children and to ensure that they are performing their duties effectively. We will now have measures designed to improve interagency co-operation on child protection at the highest level across a range of agencies.

I will comment on some of the points that were made. The board will play an important part in North/South work. Of course, the lead rests with the Department and the Minister through the North/South Ministerial Council, but the board will play an important and invaluable role in promoting child protection.

Concerns were raised about the power to issue directions around the annual report. It is quite clear that, among other things, the regulations will set out that the annual report must include details of any directions that are issued by the Department and a list of reports that are

submitted to the Department for publication, including the date of submission to the Department.

The Bill, as it stands to be voted on by the Assembly, is a clear example of a Minister and a Committee working together successfully with a shared aim of improving safeguarding arrangements for children in Northern Ireland. I will, of course, continue to work with the Committee as we make arrangements to implement the Safeguarding Board Bill and develop the relevant regulations.

In conclusion, I again thank all Members who debated the Bill, whether in the Committee or in the House, for their helpful contributions, considered advice and positive attitude towards this important legislation.

Question put and agreed to.

Resolved:

That the Safeguarding Board Bill [NIA Bill 25/09] do now pass.

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Further Consideration Stage

Mr Deputy Speaker: I call on Rev Dr Robert Coulter to move the Further Consideration Stage of the Allowances to Members of the Assembly (Repeal) Bill.

Moved. — [Rev Dr Robert Coulter.]

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Allowances to Members of the Assembly (Repeal) Bill. 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.

Private Members' Business

Caravans Bill: Consideration Stage

Mr Deputy Speaker: I call the sponsor, Mr John McCallister, to move the Consideration Stage of the Caravans Bill.

Moved. — [Mr McCallister.]

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 three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 3, No 11 and Nos 19 to 25, which deal with residential sites and include amendments relating to the powers of the Department to make orders and successors in title.

5.00 pm

The second debate will be on amendment Nos 4 to 10, 16 to 18 and 26, which deal with seasonal sites and include amendments relating to implied terms in seasonal agreements. The third debate will be on amendment Nos 12 to 15, which concern exempting certain land managed by the Housing Executive for use as a caravan site from the requirement to have a site licence.

I remind Members who intend to speak that, during the debates on the three groups of amendments, they should address all the amendments in each group. 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.

Clause 1 (Application of this Part)

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, 3, 11 and 19 to 25, which deal with residential sites and include amendments relating to the powers of the Department to make orders and successors in title.

The Minister for Social Development

(Mr Attwood): I beg to move amendment No 1: In page 1, line 8, leave out “3” and insert “12”.

The following amendments stood on the Marshalled List:

No 2: In clause 4, page 3, line 42, at end insert

“(6) The Department for Social Development shall—

(a) not later than 5 years after the coming into operation of this Act, and

(b) at least once in every period of 5 years thereafter,

review Parts 1 and 2 of the Schedule and determine whether it should exercise the power to make an order under this section.” — [The Minister for Social Development (Mr Attwood).]

No 3: In clause 5, page 4, line 7, leave out subsections (3) to (5) and insert

“(3) The following subsections apply where a person entitled to the benefit of and bound by a residential agreement dies at a time when that person is occupying the caravan as that person's only or main residence; and in those subsections—

(a) that person is referred to as ‘the deceased’;

(b) references to ‘the beneficiary’ of the deceased are to the person entitled to the caravan by virtue of the deceased's will or under the law relating to intestacy;

(c) references to ‘a travellers' site’ are to a caravan site provided and managed by the Northern Ireland Housing Executive under Article 28A of the Housing (Northern Ireland) Order 1981 (caravan sites for members of Irish Traveller community); and

(d) a beneficiary of the deceased is a qualifying person if the beneficiary satisfies the Housing Executive that the beneficiary—

(i) is a member of the Irish Traveller community (within the meaning of Article 5 of the Race Relations (Northern Ireland) Order 1997); and

(ii) intends to occupy the caravan as the beneficiary's only or main residence.

(4) The agreement has effect for the benefit of and is binding on any person residing with the deceased at the time of death who is—

(a) the surviving spouse or civil partner of the deceased; or

(b) if there is no surviving spouse or civil partner so residing, a member of the deceased's family.

(5) If—

(a) there is no person falling within subsection (4); and

(b) the agreement relates to a caravan on a caravan site other than a travellers' site,

the agreement has effect for the benefit of and is binding on the beneficiary of the deceased, but subject to subsection (7).

(6) If—

(a) there is no person falling within subsection (4),

(b) the agreement relates to a caravan on a travellers' site, and

(c) the beneficiary of the deceased is a qualifying person,

the agreement has effect for the benefit of and is binding on the beneficiary of the deceased.

(7) A residential agreement does not have effect for the benefit of or bind a person by virtue of subsection (5) in so far as—

(a) it would, but for this subsection, enable or require that person to occupy the caravan; or

(b) it includes terms implied by virtue of paragraph 5 of Part 1 of the Schedule.

(8) In relation to a residential agreement—

(a) any reference in this Part to the owner includes a reference to any person who is bound by and entitled to the benefit of the agreement by virtue of subsection (1); and

(b) subject to subsection (7), any reference in this Part to the occupier includes a reference to any person who is entitled to the benefit of and bound by the agreement by virtue of any of subsections (2) to (6). — [The Minister for Social Development (Mr Attwood).]

No 11: In clause 10, page 7, line 43, at end insert

"(12) Proceedings for an offence under this section may be instituted by the district council in whose district the site is situated." — [The Minister for Social Development (Mr Attwood).]

No 19: In the schedule, page 12, line 29, leave out "reasonable" and insert "proportionate in all the circumstances". — [The Minister for Social Development (Mr Attwood).]

No 20: In the schedule, page 12, line 34, leave out "reasonable" and insert "proportionate in all the circumstances". — [The Minister for Social Development (Mr Attwood).]

No 21: In the schedule, page 13, line 1, leave out "reasonable" and insert "proportionate in all the circumstances". — [The Minister for Social Development (Mr Attwood).]

No 22: In the schedule, page 14, line 11, leave out "the rate of 10%" and insert

"a rate not exceeding 10 of the sale price". — [The Minister for Social Development (Mr Attwood).]

No 23: In the schedule, page 14, line 15, at end insert

"(11) In relation to a caravan on a travellers' site (within the meaning given by section 5(3)(c)), this paragraph applies with the omission of—

(a) sub-paragraph (9); and

(b) in sub-paragraph (10), the words 'Except to the extent mentioned in sub-paragraph (9),' — [The Minister for Social Development (Mr Attwood).]

No 24: In the schedule, page 14, line 30, leave out "the protected site" and insert

"any protected site of the owner". — [The Minister for Social Development (Mr Attwood).]

No 25: In the schedule, page 15, line 5, at end insert

"or to any amenities on the site". — [The Minister for Social Development (Mr Attwood).]

All the amendments in this group have the endorsement of the Executive. Members will concur with me that it is appropriate and timely to acknowledge the contribution and resolve of John McCallister in tabling this legislation. He said to me this morning that it has been a labour of love or perhaps more a case of hard labour for the past three years. I indicated this morning that it takes two years to pass legislation through the Assembly from concept stage to Royal Assent. However, in these circumstances, it has taken three years. In the fullness of time, I trust that the legislation, which reflects the will of the Assembly, will be adopted.

(Mr Speaker in the Chair)

It is worth commenting that Members who put forward private Member's Bills seem to be single-minded. There seems to be a single-

minded character behind people such as Dominic Bradley, Pat Ramsey, Dawn Purvis, Daithí McKay and John McCallister, all of whom have sponsored private Member's Bills in the Assembly.

I also want to put on record my thanks to the Committee for Social Development, the Committee for Enterprise, Trade and Investment and the Committee for the Environment for their scrutiny of the Bill. In particular, I thank the Committee for Social Development, which led on that scrutiny process. It has been extensive, exhaustive and demanding. I know that because I get copies of the minutes of the Committee for Social Development, and I read them. Any Minister worth their salt will try to anticipate where their Committee is going next. I know how much time and effort was put into and the probing nature of the Committee's inquiry and its consideration of the Bill. I want to acknowledge that and to acknowledge the helpful way in which it dealt with what turned out to be a complex and challenging undertaking.

The Caravans Bill was intended to provide security of tenure for residential caravan owners and improve existing consumer protection for owners of static holiday caravans. That was the concept and the impetus behind the Bill in its original form. However, many Irish Travellers also live on caravan sites, and many of the Bill's protections rightly also extend to them. The Bill was not initially designed with Travellers particularly in mind, and many of the amendments in this group play an important part in ensuring that the Caravans Bill takes proper account of the somewhat different nature of Traveller caravan sites and the somewhat different needs and character of Travellers.

Part 1 of the Bill was designed to provide security of tenure for those who live year round in a static residential caravan on one site. As it stands, Part 1 applies to all residential caravan owners who are entitled to station their caravan on a protected site for more than three months. The amendment to clause 1 will increase that period to 12 months. That is reflected on the Marshalled List. Amendment No 1 to clause 1 reinforces the message that Part 1 is intended to apply only to caravan sites that are designed for long-term residential use, such as private park-home sites and service sites for Travellers that are provided by the Housing Executive, not the transit and emergency halting sites provided by the Housing Executive as temporary

accommodation to support the traditional nomadic Traveller lifestyle. Many Travellers wish to continue to follow that tradition. It is important that that is recognised and supported with the provision of appropriate transit and emergency halting sites. However, that does not fall within the scope and competence of the Bill. Without the amendment, there is a danger that some users of transit sites could seek to inappropriately claim tenure rights on those sites, which could eventually lead to such sites being silted up and unavailable for their original purpose and would, thereby, frustrate the Traveller community in living out its chosen way of life. That would be counterproductive and would, over time, stifle the free expression of Travellers' traditions.

It is important to remember that Travellers on transit sites will enjoy the protections of Part 2 of the Bill, as amended, and that all Travellers on Housing Executive sites will be protected from eviction without due process under Part 3. I want to reassure the House about that. Amendment No 1 has the support of a wide range of stakeholders, including the Committee for Social Development and the Northern Ireland Human Rights Commission.

Amendment No 2 introduces new subsection (6) to clause 4. That amendment was suggested by the Committee, and I thank it for that. The amendment will place a duty on my Department to review the operation of the main provisions of the Bill that relate to the residential caravan sector at least once every five years. In order to understand what that means, I refer Members to Parts 1 and 2 of the schedule to the Bill, which outline matters that are relevant to those who are protected under the Bill's provisions.

Amendment No 3 is needed to ensure that full use can be made of pitches on service sites for Travellers. It is a particularly detailed and lengthy amendment. I refer Members to the Marshalled List. During Committee Stage, the Housing Executive expressed concern about provisions on inheritance of residential Traveller caravan pitches when no one is living with the caravan owner on their death. I believe that that matter occupied and preoccupied the Committee and others for quite a while. The Housing Executive contended that clause 5, as drafted, could mean that, in such cases, a much needed pitch on a service site could remain unused. The amendment would prevent that by allowing any Traveller who inherits a caravan

on a residential site to live on that site. If that person fails to do so, there is a mechanism by which the Housing Executive can recover the pitch. Amendment No 3 also corrects anomalies in the Bill and allows all non-resident inheritors of residential caravans either to sell or gift the caravan and seek to assign the residential agreement.

Amendment No 11 is to clause 10 and inserts new subsection (12). It was requested by the Northern Ireland Local Government Association. I am happy to facilitate its wishes. The amendment will provide district councils with powers to prosecute for offences that relate to illegal evictions from residential caravans sites. That is a core protection for the consumer. Given that councils have a similar role for illegal evictions in the private rented sector, that amendment seems sensible. I have long believed that good law and enforcements create a safety net for persons, families and communities. In that regard, this is consistent with that approach.

Amendment Nos 19 to 21, which are to paragraphs 4, 5 and 6 of Part 1 of the schedule to the Bill, are technical amendments. They were recommended by the Attorney General in light of relevant case law and will ensure that the Bill remains within the legislative competence of the Assembly. Essentially, they replace "reasonable" with "proportionate in all the circumstances".

Amendment No 22 to paragraph 8 of Part 1 of the schedule corrects a drafting oversight and ensures that commission on the sale of a residential caravan is set at a maximum of 10%. I think that the original draft set it at 10%. As the Bill stands, a traveller living on a Housing Executive service site could be required to pay the Housing Executive 10% commission on the sale of their caravan. Given the different nature of traveller sites, that is inappropriate. Amendment No 23 to paragraph 8 of the schedule removes that requirement.

Amendment Nos 24 and 25 are the last amendments in the group. They are designed to provide the Housing Executive with greater scope when it comes to repairing or improving service sites for travellers. The amendments, as Members can read, broaden the range of works for which the resiting of a residential caravan can be sought through the court to include works on site amenities and allow the

site owner to seek the temporary relocation of a caravan to another site in their ownership to facilitate, for example, major repair works. Although both amendments apply to all residential caravan sites, in practice they are likely to be of benefit only to the Housing Executive.

The Chairperson of the Committee for Social Development (Mr Hamilton): Before addressing the amendments in this group and with your indulgence, Mr Deputy Speaker, I wish to make some general remarks. However, before I start into those and having looked around the Chamber, may I say that I cannot believe that there are not more Members in the Chamber? I thought that the thought of talking about caravans and the images that that would bring to people of going on holidays would have brought more people in here on a damp and dreary late-January evening to put a bit of cheer into what we do here. There must be more pressing business elsewhere.

When I was elected to this place three and a half years ago, I never thought that I would walk away at the end of the term with such an extensive knowledge of the intricate details of caravans and know the difference between a protected site and an unprotected site. That information will probably reap rewards in some pub quiz in later years. It is the sort of detailed education that I never thought that I would receive in this place.

As the Minister has said, the Committee for Social Development has carefully and seriously considered the Caravans Bill. As the House is aware, Committee members have undertaken a longer than expected Committee Stage, reflecting both the careful scrutiny of the Bill and consideration of the wider consequences of the passage of this private Member's Bill into law.

I thank members of the Social Development Committee for their contribution to the debate in Committee and to the content of the Bill report. As the Minister has acknowledged, you will see the real input of the Committee in many of the amendments that are before the House. I also place on record the Committee's thanks to the sponsor of the Bill for his useful submissions to the Committee, as a non-member of the Committee and, latterly, as a member. I congratulate him on his success in progressing the Bill to this stage. John will be able to testify that I was an early supporter of the Bill. I heartily congratulate him on having the tenacity

to keep at it. I am sure that he will agree that there were many stages when he thought that the Bill was doomed. He might refer to that later. It is a tribute to him that he has been able to keep it going, and I look forward to its passing into law.

I also thank the witnesses who provided such illuminating written and oral submissions and the departmental officials who provided a fast turnaround on some very detailed Committee queries. Sometimes, as we go through various stages of the passage of Bills through the House, we forget about the stakeholders outside the Assembly who take a lot of time to carefully consider their input into the Bill process. Many of the amendments that are being discussed and which will become part of the Bill when passed owe their origins to those stakeholders and their input into the process. Without them, in many respects, we would not be able to do this work.

5.15 pm

Owing to the nature of the Caravans Bill, the Committee for Social Development required input from the Committee for Enterprise, Trade and Investment and from the Committee for the Environment. I want to record my thanks to those Committees for their speedy deliberations and timely contributions to the Committee Stage of the Bill. Finally, I thank the staff of the Social Development Committee, who facilitated formal evidence taking, clause-by-clause scrutiny and the production of the Bill report.

I will now make some general remarks about the Bill. Parts 1 and 3 give additional rights and protections to people who use their caravans as their main or sole residence. The rights and protections in question are generally already available to caravan owner-occupiers in the rest of the United Kingdom. Those rights include the provision of residential agreements, the right to quiet enjoyment of a caravan and protection from eviction or the application of unfair contract terms.

The Committee noted that the number of caravan owner-occupiers in Northern Ireland who will be affected by those parts of the Bill is quite small, possibly about 400 individuals or families on some four so-called protected sites. The Committee also noted testimony from caravan site owners that residential agreements and related protection may in some cases already be in place.

Members of the Committee and witnesses at Committee Stage raised concerns about inappropriate management practices in the residential caravan sector. That said, the Committee received evidence from the Trading Standards Service that those cases were exceptional and represented a minority experience for users. I am sure that, in later contributions, some Members, particularly from some constituencies, will talk further about some of those negative experiences. Following the evidence taking and after careful consideration, what Members wanted to see was consistently good management standards in the residential caravan sector. As a means to that end, the Committee welcomes Parts 1 and 3 of the Bill.

As the House will recall, at Second Stage the Minister advised that the protections in parts 1 and 3 will apply to Travellers living in caravans on what are described as Northern Ireland Housing Executive-serviced sites. Following the Minister's remarks and during Committee Stage, the Committee considered the impact of the Bill on Travellers staying in all types of Housing Executive caravan sites. Given the absence of any explicit reference to Travellers in the Bill, Members were surprised to learn from the Housing Executive that the Bill as drafted could also have important ramifications for Travellers on Housing Executive transit and emergency holding sites.

It became clear to the Committee that, in many regards, the Caravans Bill is not a simple read-across from similar legislation in Great Britain. The arrangements for the private residential caravan sector and the provision of services and sites for Travellers differ in Northern Ireland from those in other jurisdictions. The conundrum facing the Committee could therefore be described as follows: first, how to improve the rights of those in the private residential sector by bringing the law into line with the rest of the UK while not damaging an important local tourism industry, and, secondly, how to extend those rights and protections without placing an insupportable burden on statutory authorities providing services and sites for Travellers wishing to pursue a nomadic lifestyle.

The Committee carefully considered how the Bill will affect Travellers and concluded that the relationships between organisations, including the Housing Executive, district councils, the Department and other government bodies,

involved in meeting Travellers' accommodation needs are complex and subject to conflicting pressures. The Committee sought to satisfy itself that the Caravans Bill will not significantly alter those relationships or pressures.

Part 2 refers to caravan owner-occupiers who use seasonal sites. That group, who are often families with young children, enjoy caravanning as a holiday activity and regularly return to favourite caravan sites in some of the most beautiful parts of Northern Ireland, including the Strangford constituency. The Bill provides some basic protections for that group, including the provision of a statement of terms and conditions. As I said previously, the Trading Standards Service described that sector as generally trouble-free. That said, members of the Committee recounted certain experiences of their constituents that supported the view that the introduction of the new protections, along with existing consumer law, was both timely and necessary.

As above, the question of the seasonal sector presented another conundrum. The Committee wished to provide additional important protections to consumers, but, again, members did not wish to disadvantage or damage a key local industry. I think that the majority of members feel that the Bill, with certain amendments and existing consumer legislation, will just about set the right balance between those two important considerations.

The Committee's management of those unexpected and difficult questions shows the value of a Committee Stage and the importance of the diligent scrutiny of members of the Social Development Committee and, indeed, of the other Committees that I mentioned.

I will conclude my general remarks. The Committee recognises the importance of caravanning as a holiday activity for many people and believes that the basic protections in the Bill are necessary and will generally bring the regulation of the industry into line with the rest of the United Kingdom.

With regard to the residential caravan sector, the Committee also recognises that only a small number of people on privately owned or Housing Executive sites will be affected by Parts 1 and 3 of the Bill. Nonetheless, although the Committee views the protections that are provided as necessary and fair, it believes that

a review of the effectiveness of that part of the Bill will be necessary in a few years' time.

I now turn to the relevant amendments in the group. Amendment No 1 refers to the qualifying period. As part of its consideration of the amendments in this group, the Committee considered proposals relating to the complete exemption of Housing Executive transit and emergency halting Travellers' caravan sites from the provisions of Part 1. Members noted the Housing Executive's concern that the application of those provisions might lead to a reduction in the availability of suitable pitches for Travellers wishing to pursue a nomadic lifestyle. The Committee also noted advice from the Human Rights Commission about the incompatibility of complete exemptions with human rights legislation. Members noted that wide-ranging exemptions from Part 1 might wrongfully deprive Travellers of certain protections available to caravan owner-occupiers on privately owned caravan sites.

The amendment is to balance the enhancement of the rights of those who use caravans as their main or sole residence against the operational difficulties facing caravan site owners. The amendment allows for improvement in protections for residential caravan owner-occupiers to come into effect, while the increase in the qualifying period is designed to limit the less appropriate application of those protections.

The Committee wanted the Bill to provide protections to Travellers with longer-term tenancies on service sites while ensuring that sustainable provision continued to be made for Travellers requiring short-stay caravan pitches on transit or emergency sites. The Committee felt, therefore, that a small increase from three months to one year of the qualifying tenancy period was an appropriate and fair way of balancing those two important considerations.

The Committee accepted the assurances of the Department and the Housing Executive that the amended Bill would not lead to a reduction in the provision of short-stay caravan pitches for Travellers on Housing Executive sites or to site management difficulties that might necessitate other severe mitigating actions including widespread evictions from such sites. The Committee also accepted departmental assurances that the risks associated with legal challenges to the nature of tenures on transit and emergency sites were limited. Given the

departmental assertions that I have just listed, the Committee agreed to accept the Minister's amendment to clause 1.

I now turn to clause 2. During its deliberations, the Committee noted concerns raised by witnesses, both site owners and caravan owner-occupiers in the residential sector, about the effectiveness of the Bill's provisions. The Committee welcomed the provisions, which give important protection for caravan owners who use their caravan as their main or sole residence. However, the Committee felt that the Bill should not add unnecessarily to the bureaucratic burden on site owners. As those provisions are new to Northern Ireland, members agreed that a review of the effectiveness of the provisions of Part 1 was essential. The Committee encouraged the Department to develop an amendment that would include a statutory review less than five years after commencement. Therefore, the Committee is happy to endorse the ministerial amendment to clause 4 relating to a statutory review.

Amendment No 3 relates to clause 5, headed "Successors in title". The Committee noted evidence from the Northern Ireland Housing Executive that suggested that the application of the successors in title provisions to the Housing Executive's Travellers' caravan site would be inappropriate. The Housing Executive argued that the provisions could allow users of Traveller sites to will access to a pitch to an individual who was not resident on the site. As a consequence, the pitch could lie vacant despite the high demand for such Traveller accommodation. The Committee again considered the Human Rights Commission's advice on the incompatibility with human rights legislation of proposed exemptions from that provision. The Committee therefore agreed that an appropriate approach was to accept the departmental amendment, which would limit the application of the successors in title provisions for Housing Executive Traveller sites.

The amendment permits the Housing Executive to apply some restrictions to the application of a successors in title provision in respect of access to a pitch when the inheritor is non-resident on the site in question. The Committee felt that that was a good compromise that did not adversely affect Travellers' rights greatly yet allowed the Housing Executive to continue to control provision of those sites. Consequently,

the Committee agreed to accept the Minister's amendment to clause 5.

I now move on to amendment No 11. The Committee received evidence from the Northern Ireland Local Government Association and district councils suggesting that councils should have the power to investigate and prosecute complaints of harassment and eviction among residential caravan owner-occupiers. The Committee felt that, as councils have responsibility for the enforcement of other tenancy legislation, the extension of powers of investigation and prosecution relating to harassment and eviction was reasonable and appropriate. The Committee again encouraged the Department to bring forward an amendment that would allow councils to undertake that role. The Committee is, therefore, again happy to endorse the ministerial amendment, in this case to clause 10, relating to investigations and prosecutions by councils.

I now move on to amendment Nos 19 to 21. Following publication of the Committee's report on the Caravans Bill, the Committee noted the three very short technical amendments that had been tabled by the Minister. It is understood that those are, as I said, technical in nature; they refer to the termination of residential agreements and reflect recent case law in England. The Committee indicated that it was generally happy with those amendments.

I move on to amendment No 22. The Committee noted suggestions that the limit on the commission charged on caravan sales by residential site owners should be either increased from 10% or based on a market valuation of the caravan rather than on the actual price paid. At Second Stage, some Members also suggested that commission be done away with entirely. Some members of the Committee had quite a lot of sympathy for that suggestion. As I indicated, Committee members want to strike a balance between helping residents of protected caravan sites and not damaging an important local tourist industry. With that in mind, the Committee agreed that it would not support amendments in that regard.

The Committee recognised that the proposed commission limit of 10% on actual sale prices was in line with industry practice in Great Britain. The Committee, therefore, accepted the Department's suggestion that the Bill be amended to clarify that the amount of

commission charged on a caravan sale should be 10% or less of the price paid rather than always being 10%. The Committee is, therefore, happy to endorse the ministerial amendment to the schedule relating to a limit on commission.

Amendment Nos 23 to 25 to Part 1 of the schedule deal with Travellers' commission and essential works. The Committee noted with interest evidence from the Human Rights Commission that suggested that it would be inappropriate for commission to be paid to the Housing Executive by Travellers upon the sale of their caravans while on a serviced, transit or halting site. The Committee, therefore, agreed to support the Minister's amendment to the schedule to that effect.

The Committee gave careful consideration to evidence from the Housing Executive that suggested that further exemptions to the Bill were required in respect of essential works to Travellers' caravan sites. The Housing Executive argued that the Bill should be amended to permit the Housing Executive to relocate Travellers to other sites, rather than just other pitches on the same site, while essential works are under way.

The Housing Executive also sought amendments to indicate that upgrades to Travellers' amenity blocks constituted essential works, which will allow the Housing Executive to relocate Travellers to other sites while such works are under way. Those amendments reflect the concerns that the Housing Executive has in respect of the Bill.

The Committee was amenable to changes to the Bill that would ensure that the Housing Executive was able to maintain the provision and operational control of sites for Travellers. It is worth noting that those amendments to the schedule affect not just Travellers' service sites but privately owned residential sites.

The Committee accepted departmental advice that the relocation provisions were unlikely to be used by private site owners and that caravan owners could insist that the alternative site is comparable to the original and that their caravan be returned to the original site on completion of the essential works. The Committee, therefore, agreed to support the Minister's amendments to the schedule in respect of commission on Traveller sales and essential works.

That concludes my remarks on behalf of the Committee. I was just giving the House a flavour of what the Committee deliberated in respect of those clauses. I want to briefly make a couple of comments in a personal and party capacity. First, the first group of amendments is a clear example of my strong belief that the Committee Stage is a vital component of our legislative process. Although the amendments before us are invariably in the name of the Minister, many of them owe their origin to the work that the Committee has done. The Minister has already reflected that, but it is worth putting it on the record again that many of the amendments improve what was, essentially, already a very good Bill. Credit is due to the Committee and to the stakeholders who gave evidence to the Committee. That shows the strong influence that Committees and this House can have. I am sure that you would agree, Mr Deputy Speaker, that the Committee work that goes on here sometimes goes unappreciated out there. Some people wonder what on earth Committees actually do, but here is a very solid and sound example of the Committee's work having an influence, a real bearing and changing legislation.

5.30 pm

I also want to discuss amendment No 1, which will alter the qualifying period from three to 12 months. The Bill's sponsor and I were concerned when that issue first arose, because it looked as though it could be the issue on which the Bill floundered. Thankfully, we managed to get through that, but it looked as though the issue could have caused the entire Bill to fall flat on its face.

I must put on record, as I did previously during a Committee meeting, that the Housing Executive raised its concerns about the issue with the Committee at an extremely late stage in the process, after the Committee had completed its consultation on the Bill. The Bill's sponsor will, no doubt, tell the House exactly how long the Bill has taken. The process had been ongoing for a long time when, suddenly, the implications of the Bill's being passed as drafted and the negative effect that it would have on the Housing Executive's management of its Traveller sites were brought to the attention of the Committee. No doubt, such situations happen regularly and will happen again. However, the Committee was presented with a tale of woe about how unworkable Traveller sites and the

Housing Executive's work on those sites would become. Committee members were placed in the invidious position of not being able to go ahead with what they believed was good legislation because of one element. Had the issue been raised at a much earlier stage, the problem could have been overcome, and Committee members could have been saved the two weeks of their lives that they spent debating it.

Having received assurances, the Committee is now content with amendment No 1. After hearing the initial tale of woe, the Committee was subsequently told by the Housing Executive that amendment No 1, which changes the qualifying period to 12 months, would not make its operation and management of Traveller sites any different than they are today. The Committee was also given assurances that it would be made clear to Travellers moving on to sites that their tenancy would be time limited. We all know what happens in practice, with transient or halting sites sometimes taking on the characteristics of permanent sites, and we also understand why that is the case. However, as long as it is made clear to those moving on to those sites that their tenancies are for a limited period, we should be able to overcome some of the problems. The Committee has been given those assurances and takes them on face value.

The first group of amendments and the part of the Bill to which they relate, deal with a specific problem. There are a couple of protected sites in my constituency and in the constituencies of some of my colleagues. There have been problems with those sites, and Members who have experienced many more such problems in their areas will be able to speak much more acutely about those.

The first group of amendments strengthen what was already good legislation. I look forward to those being accepted by the House and passed into law. I also look forward to those who live on protected sites benefiting from those positive aspects of the Bill.

Mr Easton: The first group of amendments covers residential sites. I beg the Speaker's indulgence for a moment to pay tribute to the Bill's sponsor for introducing it. He knows that the issue is dear to me and particularly to those residents of the Seahaven caravan park in Groomsport who were treated appallingly.

The sooner the Bill is passed, the better their protection will be.

I will take each amendment separately. Amendment No 1 refers to clause 1 and clarifies to whom and for what Part 1 applies. That amendment will change the length of time for which a caravan owner occupying a residential site will be protected. The amendment will increase the period for which a caravan on a site can remain an owner's only or main residence from three to 12 months. I welcome that change, as it will protect caravan site owners from those who may wish to abuse the legislation. The three-month period was just too short a timescale.

The Committee considered at length proposals relating to the exemption of Northern Ireland Housing Executive Travellers' caravan sites from the provisions of Part 1 of the Bill. Members noted the Housing Executive's concerns that the application of those provisions might lead to a reduction in the availability of suitable pitches for Travellers who wish to pursue a nomadic lifestyle. The Committee considered advice from the Northern Ireland Human Rights Commission about the compatibility of such exemptions with human rights legislation.

The Committee agreed that the Bill should provide protections to Travellers with long-term tenancies on serviced sites while ensuring that sustainable provision continued to be made for Travellers requiring short-stay caravan pitches on transit and emergency sites. The Committee, therefore, felt that a small increase from three months to one year in the qualifying tenancy period, as suggested by the Department, was an appropriate and fair way to balance those two important considerations. The Committee accepted the Housing Executive's assurances that the amended Bill would not lead to a reduction in the provision of short-stay caravan pitches for Travellers on Northern Ireland Housing Executive sites or site management difficulties that would necessitate a change in eviction policy or practice for Travellers who stay on such sites.

The Committee also accepted departmental assertions that the risks associated with legal challenges to the nature of tenures on transit and emergency sites were limited. Consequently, the Committee agreed to the text of the amendment as proposed by the Department. Furthermore, the Committee agreed that,

as amendment No 1 adequately addressed the concerns of all stakeholders about the Bill's impact on Travellers, other proposed amendments, which would have altered the role and responsibilities of the Northern Ireland Housing Executive in the provision of Travellers' caravan sites were unnecessary.

The Committee concluded that the relationship between organisations, including the Housing Executive, district councils, the Department and other government bodies involved in meeting Travellers' accommodation needs, were complex and subject to conflicting pressures. The Committee was satisfied that the Bill will not significantly alter those relationships or pressures. The Committee agreed that it was content with clause 1 as amended.

Amendment No 2, to clause 4, ensures that Parts 1 and 2 of the schedule are reviewed no later than five years after the Act comes into operation and every five years thereafter. The amendment will provide protections for site owners and caravan owner alike. Committee members agreed that in order to ensure the effectiveness of the Bill, an amendment should be made that would require the Department to undertake a formal review every five years.

Amendment No 3, to clause 5, deals with successors to titles of caravans; namely, those who have lived with a caravan owner who has died. The Committee considered suggestions from witnesses that reassurance should be provided to accommodate a very small number of very elderly caravan owner-occupiers about arrangements whereby they can pass their caravan on to a family member on their death. I welcome the amendment because it will provide protection for caravan owners and their families.

Amendment No 11 deals with the protection of caravan owners from unlawful eviction and harassment. The Committee considered evidence from the Northern Ireland Local Government Association and from some district councils that suggested that councils should have the power to investigate and to prosecute complaints of harassment and eviction made by residential caravan owner-occupiers. The Committee felt that, as councils have responsibility for the licensing of residential caravan sites, the extension of existing powers of investigation and prosecution relating to complaints of harassment and eviction was reasonable and appropriate. Therefore,

the Committee agreed to put forward the amendment.

Amendment Nos 19, 20 and 21 change the use of the word "reasonable" in the schedule to "proportionate in all the circumstances". Those are purely changes in the use of language. Amendment Nos 19 and 20 deal with those aspects of the schedule that deals with the termination of an agreement by the owner of the land.

Amendment No 22 deals with the sale of caravans. It clarifies the amount of commission paid on the sale of a caravan by removing the phrase "the rate of 10%" from the schedule and inserting:

"a rate not exceeding 10 of the sale price".

Although the amendment provides clarity of interpretation, I felt that the rate should have been set at 5%.

Amendment No 23 deals with protected sites owned by the Northern Ireland Housing Executive and relates to people from the Travelling community. The Committee received evidence from the Northern Ireland Human Rights Commission that suggested that it would be inappropriate for commission to be paid to the Northern Ireland Housing Executive by Travellers on the sale of their caravans while on a serviced, transit or emergency site. The Committee agreed to support the Department's amendment to that effect.

Amendment No 24 would change the wording in paragraph 10(1) of the schedule that refers to the re-siting of a caravan. The words would be changed from "the protected site" to:

"any protected site of the owner".

Amendment No 25 would insert into paragraph 10(4)(a) the words:

"or to any amenities on the site".

Amendment Nos 24 and 25 are a response to evidence from the Northern Ireland Human Rights Commission that indicated that proposed amendments would not be compatible with human rights legislation. The Committee, therefore, agreed the text of amendment Nos 24 and 25 as proposed by the Department.

I commend all those amendments to the House.

Mr McCallister: At the outset, let me thank Minister Attwood, his predecessor Minister Ritchie, the Chairman of the Committee and Committee members. I was elevated to sit on the Social Development Committee at the start of November last year. However, I am not sure whether that was a promotion or a punishment on the part of our new party leader.

As other Members said, this project has been bigger than I ever envisaged. Again, as others mentioned, getting to this stage has been like riding a roller coaster. On some days things went very well, but on others, a phone call or an e-mail would make me realise that they were not going too well at all.

I am grateful for the support of Minister Attwood and the Committee in dealing with all the issues that have come up. For a private Member's Bill, this is a fairly significant piece of legislation. I am encouraged by the support and warm words from all sides of the House. I will try to lift the mood of the House, as Mr Hamilton suggested. I am surprised that he has invited us all to a pub quiz. That shows a new DUP if that party is heading towards doing that.

As the Chairperson of the Committee said, when the issue of Travellers first arose, the Bill was not designed either to advantage or disadvantage them. It was not designed to affect them. However, as we got into the Bill, we realised the value and absolute necessity of having a Committee Stage in the Assembly, because that is where the line-by-line detailed scrutiny is and has to be done. In a piece of legislation such as this, we can see the value that that makes and adds to the Bill.

The Chairman mentioned that the Northern Ireland Housing Executive presented this issue to us at a late stage. Coming to us only in September caused problems, because the Bill had been with the Committee for some time. I am always keen, as are other members, to comply with our human rights obligations. Indeed, we see it as a necessity. I recognise that the United Kingdom, in European terms, does not have a very proud record in its dealings with and treatment of the Travelling community. Therefore, when this issue came up, amendment No 1 was the best way that we could deal with issues that the Housing Executive raised.

At the start of this process, I did not realise that there were so many sites or types of site.

Those include protected and unprotected sites, service sites, halting sites and emergency sites. All those issues came up. Amendment No 1 was necessary to give the Housing Executive more time to deal with the very real issues and pressures that it faces, and to keep the Bill compatible with the human rights legislation. It is a very welcome amendment, and I am grateful to the Minister and his officials in DSD who helped to work on this and who co-ordinated it with the Housing Executive. I am also grateful to the Human Rights Commission.

5.45 pm

The broad thrust of the amendments is that they are either technical in nature or improve the Bill. The Committee and the Department worked closely to improve the Bill. I certainly support amendment No 1. Amendment No 2 will provide for a periodic review of the legislation. It is important that we look at the legislation after a time to see how effective it is and what changes, if necessary, a future Assembly and a future Minister might want to bring in to add to and to improve it if necessary.

I support and recognise the need for amendment No 3, which deals with successors in title. It is entirely appropriate that that amendment was tabled.

The breadth of the consultations that I, the Department and the Committee carried out brought in NILGA's advice and led to amendment No 11 being tabled. The Assembly is at its best when we are working in partnership to get the best result for our constituents — the citizens whom we serve.

As the Minister said, amendment Nos 19, 20 and 21 are of a technical nature, and they came about very much on the advice of the Attorney General. I am very happy to support those amendments.

Amendment No 22 deals with the rate of percentage of fees. That issue was widely debated before the Bill was even drafted, again when it was drafted and then right through its Committee Stage. I am well aware of Mr Easton's views on the matter. He shared his views with me on many different occasions. In suggesting a rate of 5%, he drives a very hard bargain. As the Committee Chairperson said in his contribution, the purpose of the amendment was about finding a balance, not wanting to do any damage to the industry, and accepting

normal practice and the agreed percentage in other parts of the UK. That is why we would be keen to support amendment No 22. Indeed, I would have tabled such an amendment to make sure that the 10% rate was the maximum. It is an important amendment to pass.

It is entirely appropriate, under amendment No 23, that Travellers be exempted from the percentage commission, and I do not think that anyone can object to that. I also support amendment Nos 24 and 25.

This has been an excellent process of scrutinising the Bill. The amendments are broadly technical in nature and serve to improve it. Therefore, I support the first group of amendments.

The Minister for Social Development: I thank Members for contributing to the debate on the first group of amendments. I join a number of Members in acknowledging the work of Committee for Social Development officials and Department for Social Development officials. As Mr McCallister indicated, there were moments, especially towards the end of last year, when it appeared, if only for a moment, that the Bill was at a tipping point and was tipping out of sight rather than being kept on the tracks. It was the diligent work of many Members, aided by departmental and Committee officials, that kept the Bill on track. There were dangers in the latter part of last year that we would not be standing here today at Consideration Stage.

I should declare an interest, because my parents had a caravan in Ballycastle. It was on a private site with no protections of any sort whatsoever. My parents might have experienced a lack of protections. We then moved to a great site in Cushendun that was managed by Moyle District Council. As Members indicated about other sites, there was nothing but good and best practice at that site in Cushendun. Legislation would not necessarily have been required to protect the interests of the people on those sites, because the standard of service and commitment was very high. Therefore, I have personal and family experience of caravan sites in north Antrim.

I acknowledge the Chairperson of the Committee, who gave a very useful and accurate narrative of the scope of the Bill. I concur with him about the value of Committee Stage. If you look, Mr Speaker, at today's Order Paper, you will see evidence — perhaps as much today as

on any day in recent times — of the Assembly's legislative function beginning to develop, embed itself and mature. A number of Bills, at various stages, have been before the Assembly today. Although that may be as a result of the rush of legislation in the last eight weeks before purdah, it nonetheless demonstrates an Assembly that is getting into its stride compared with heretofore.

The Committee Stage of the Caravans Bill is a good example of how a Committee has worked through a Bill with diligence and resilience and got to a position where we have a high level of agreement, subject to the later debate on many of the Bill's provisions. I reiterate to Mr Hamilton and Alex Easton the reassurances that departmental officials gave about various provisions and the potential, or otherwise, for legal challenge.

I concur with the personal comments of the Chairperson of the Committee, Simon Hamilton, about the lateness of the Northern Ireland Housing Executive's input on one or two provisions of the Bill. That represents a wider issue, namely that public bodies in Northern Ireland are still adjusting to the democratic interest. They are still not fully in sync with the Northern Ireland Assembly's legislative authority. After all the years of direct rule, and given the hesitancy of the first phase of devolved Administration, public bodies have still not fully adjusted to the democratic interest that is reflected through the Northern Ireland Assembly. There have been some good examples of that over the past short period of time. It is evidenced, in particular, by the process of legislation, including Committee Stages. There seems to be a feeling that it is good enough to come in at the eleventh hour. Well, that is not good enough. The legislative authority of the Assembly will require increasing accountability and demands of public bodies as we go forward. We saw an example of that at the beginning of today's Assembly business with the statement on the governance and gateway review of the Housing Executive.

I also acknowledge and appreciate the comments of John McCallister about the input of the Department and its officials in trying to keep the Bill on track and reworking it to address the somewhat unanticipated issues that have arisen since First Stage, which was three years ago or something. I concur with him about all the new provisions. I am pleased to

sponsor the amendments, if you like, on behalf of the Department and the Executive. However, that is only fulfilling the wishes, intention and good work of the Committee. Simon Hamilton was right to make that point. I may be speaking to and endorsing the amendments, but they are substantially a result of the good work of the Committee, aided by officials from my Department and elsewhere.

I conclude my remarks on the first group of amendments by saying that the Bill is more substantial than was anticipated. However, as a consequence of the Bill, if it gets through the final stages and receives Royal Assent before the election, a substantial number of people — although not everybody by any means — especially on the Traveller side will have the shield of the law to the protect their interests around caravan and other Traveller sites. That is a good day's work for the Assembly.

Question, That amendment No 1 be made, put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clauses 2 and 3 ordered to stand part of the Bill.

Amendment No 2 made: In clause 4, page 3, line 42, at end insert

“(6) The Department for Social Development shall—

(a) not later than 5 years after the coming into operation of this Act, and

(b) at least once in every period of 5 years thereafter,

review Parts 1 and 2 of the Schedule and determine whether it should exercise the power to make an order under this section.” — [The Minister for Social Development (Mr Attwood).]

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Successors in title)

Amendment No 3 made: In page 4, line 7, leave out subsections (3) to (5) and insert

“(3) The following subsections apply where a person entitled to the benefit of and bound by a residential agreement dies at a time when that person is occupying the caravan as that person's only or main residence; and in those subsections—

(a) that person is referred to as ‘the deceased’;

(b) references to ‘the beneficiary’ of the deceased are to the person entitled to the caravan by virtue of the deceased's will or under the law relating to intestacy;

(c) references to ‘a travellers' site’ are to a caravan site provided and managed by the Northern Ireland Housing Executive under Article 28A of the Housing (Northern Ireland) Order 1981 (caravan sites for members of Irish Traveller community); and

(d) a beneficiary of the deceased is a qualifying person if the beneficiary satisfies the Housing Executive that the beneficiary—

(i) is a member of the Irish Traveller community (within the meaning of Article 5 of the Race Relations (Northern Ireland) Order 1997); and

(ii) intends to occupy the caravan as the beneficiary's only or main residence.

(4) The agreement has effect for the benefit of and is binding on any person residing with the deceased at the time of death who is—

(a) the surviving spouse or civil partner of the deceased; or

(b) if there is no surviving spouse or civil partner so residing, a member of the deceased's family.

(5) If—

(a) there is no person falling within subsection (4); and

(b) the agreement relates to a caravan on a caravan site other than a travellers' site,

the agreement has effect for the benefit of and is binding on the beneficiary of the deceased, but subject to subsection (7).

(6) If—

(a) there is no person falling within subsection (4),

(b) the agreement relates to a caravan on a travellers' site, and

(c) the beneficiary of the deceased is a qualifying person,

the agreement has effect for the benefit of and is binding on the beneficiary of the deceased.

(7) A residential agreement does not have effect for the benefit of or bind a person by virtue of subsection (5) in so far as—

(a) it would, but for this subsection, enable or require that person to occupy the caravan; or

(b) it includes terms implied by virtue of paragraph 5 of Part 1 of the Schedule.

(8) In relation to a residential agreement—

(a) any reference in this Part to the owner includes a reference to any person who is bound by and entitled to the benefit of the agreement by virtue of subsection (1); and

(b) subject to subsection (7), any reference in this Part to the occupier includes a reference to any person who is entitled to the benefit of and bound by the agreement by virtue of any of subsections (2) to (6).” — [The Minister for Social Development (Mr Attwood).]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7 (Application of this Part)

Mr Speaker: We now come to the second group of amendments. With amendment No 4, it will be convenient to debate amendment Nos 5 to 10, 16 to 18, and 26. These amendments deal with seasonal sites and include amendments relating to implied terms in seasonal agreements. Members should note that amendment No 5 is consequential to amendment No 4. Amendment Nos 6 to 8 and 16 to 18 are consequential to amendment Nos 4 and 5, and amendment No 26 is consequential to amendment No 9.

I call the Minister to move formally amendment No 4 and to address the other amendments in the group.

The Minister for Social Development: I beg to move amendment No 4: In page 5, line 5, leave out from “under” to end of line 7 and insert

“—

(a) under which a person is entitled to station a caravan on land forming part of a caravan site and occupy the caravan for a period exceeding 28 days; and

(b) which is not a residential agreement within the meaning of Part 1.” — [The Minister for Social Development (Mr Attwood).]

The following amendments stood on the Marshalled List:

No 5: In page 5, leave out lines 10 to 15.

— [The Minister for Social Development (Mr Attwood).]

No 6: In clause 8, page 5, line 19, leave out “seasonal” and insert “caravan”. — [The Minister for Social Development (Mr Attwood).]

No 7: In clause 8, page 5, line 33, leave out “seasonal” and insert “caravan”. — [The Minister for Social Development (Mr Attwood).]

No 8: In page 6, line 1, leave out “seasonal” and insert “caravan”. — [The Minister for Social Development (Mr Attwood).]

No 9: After clause 8, insert the following new clause

“Terms of agreements

8A.—(1) In any seasonal agreement there shall be implied the terms set out in Schedule 2; and this subsection shall have effect notwithstanding any express term of the agreement.

(2) If the owner fails to comply with Schedule 2(2) and 2(3) the occupier may apply to the court for an order requiring the owner to consult with the occupier in accordance with Schedule 2(2) and 2(3).” — [Mr McCallister.]

No 10: After clause 8, insert the following new clause

“Jurisdiction

8B.—(1) The county court for the county court division in which the seasonal site is situated shall have jurisdiction—

(a) to determine any question arising under this Part or any seasonal agreement, and

(b) to entertain any proceedings brought under this Part or any such agreement;

and references in this Part to ‘the court’ shall be construed accordingly.

(2) But where the parties have agreed in writing to submit any question arising under this Part or, as the case may be, any seasonal agreement to arbitration, references in this Part to the court shall be read as references to the arbitrator.” — [Mr McCallister.]

No 16: In clause 15, page 10, line 26, leave out “protected site or a seasonal site” and insert “caravan site”. — [The Minister for Social Development (Mr Attwood).]

No 17: In clause 15, page 10, line 32, leave out “seasonal site” and insert

“site in respect of which the relevant planning permission or site licence—

(a) is expressed to be granted for holiday use only; or

(b) is otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be stationed on the land for human habitation;” — [The Minister for Social Development (Mr Attwood).]

No 18: In clause 15, page 10, leave out line 36. — *[The Minister for Social Development (Mr Attwood).]*

No 26: After the schedule, insert the following new schedule

“Schedule 2

Qualifying caravan owners’ association

1.—(1) A Caravan owners’ association is a qualifying owners’ association in relation to a seasonal site if—

(a) it is an association representing the occupiers of caravans on that site;

(b) at least 50 per cent. of the occupiers of the caravans on that site are members of the association;

(c) it is independent from the owner, who together with any agent or employee of the owner is excluded from membership;

(d) subject to paragraph (c), membership is open to all occupiers who own a caravan on that site and are entitled to an agreement under clause 7(1);

(e) it maintains a list of members which is open to public inspection together with the rules and constitution of the residents’ association;

(f) it has a chairman, secretary and treasurer who are elected by and from among the members on an annual basis at the Annual General meeting;

(g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each caravan.

(2) When calculating the percentage of occupiers for the purpose of sub-paragraph (1)(b), each caravan shall be taken to have only one occupier and, in the event of there being more than one occupier of a caravan, its occupier is to be taken to

be the occupier whose name first appears on the agreement.

Owner’s obligations

2. The owner shall consult a qualifying caravan owners’ association, if there is one, about—

(a) significant changes to the operation and management of the seasonal site which affect the occupiers either directly or indirectly; and

(b) changes to site fees or service fees.

3. For the purposes of the consultation in paragraph 2(1) the owner shall give the association at least 28 days’ notice in writing of the matters referred to in paragraph 2 which—

(a) describe the matters and how they may affect the occupiers either directly or indirectly in the long and short term; and

(b) states when and where the association can make representations about the matters.” — [Mr McCallister.]

The Minister for Social Development:

As Members will be aware, this group of amendments addresses the parts of the Bill that relate to the holiday caravan sector. Again, many of these amendments were suggested by the Social Development Committee, and I again thank that Committee and the Committee for Enterprise, Trade and Investment, which scrutinised part 2 of the Bill. I also thank Minister Foster and her officials for their support in taking forward these amendments, which have the Executive’s endorsement.

The main amendment to clause 7 is designed to ensure that all static holiday caravans enjoy the protections of part 2. The Bill, as drafted, envisages two types of caravan site: protected sites for residential use and, in this case, seasonal sites for holiday use. Parts 1 and 3 are designed to protect residential caravan users on protected sites, and part 2, which is the subject of this debate, is designed to protect static holiday-caravan owners. During Committee Stage, trade bodies indicated that although those distinctions are useful, they fail to take account of the small number of static holiday-caravan owners whose caravans are pitched on protected sites.

The result is that, as it stands, those individuals would not enjoy any of the Bill’s protections. It is important that all static holiday caravan owners enjoy the protections of Part 2, regardless of the type of site on which their caravan is pitched.

For that reason, the amendment removes the definition of a seasonal site, which means that Part 1 will protect residential caravan owners on protected sites, and Part 2 will protect all other static caravan owners.

6.00 pm

The remaining ministerial amendments in this group are consequential to the main amendment. The amendments to clause 15 are the most significant and create a fuller definition of a protected site, which is now needed because of the removal of the definition of a seasonal site.

The Executive considered John McCallister's amendments — amendment Nos 9, 10 and 26 — but did not reach an agreed position.

The Chairperson of the Committee for Social Development: As the House just heard, the Bill makes provisions for caravan users who live long term on so-called protected caravan sites. Provisions are also made for holiday caravan users on so-called seasonal sites. However, the Bill does not recognise the fact that some holiday caravan users take their annual seasonal break on protected sites. I am sure that that is crystal clear. This technical quirk means that those caravan users might not enjoy any of the Bill's protections. Following advice from the Committee for Enterprise, Trade and Investment, members became aware of the problem. The Committee for Social Development agreed that clarity was required on the rights and obligations of that group of caravan users. The Committee for Enterprise, Trade and Investment and the Committee for Social Development agreed to encourage the Department for Social Development to table amendments to resolve the problem. Therefore, the Committee for Social Development is happy to support the Minister's amendments to clauses 7, 8 and 15, which ensure that seasonal users on protected sites enjoy the protections of Part 2 of the Bill.

I will move on to Mr McCallister's amendments. The Committee considered a proposed amendment from the Bill's sponsor relating to qualifying residents' associations in the seasonal caravan site sector. The amendment would require site owners to communicate with a representative residents' association. Unlike the residential sector, site owners would not be obliged to take account of the views of an association in respect of significant site

management issues. The Committee also considered whether the proposed amendment should include enforcement of the provision by application to a County Court. The matter was referred to the Committee for Enterprise, Trade and Investment, and the Minister of Enterprise, Trade and Investment had concerns about the amendment, suggesting that the proposals would unnecessarily increase the bureaucratic and regulatory burden for caravan site owners. The Committee for Social Development divided on the issue and agreed with the Bill's sponsor that the amendment should require site owners to communicate with a representative residents' association and for the measure to be enforced through a County Court.

Some Committee members felt that the Bill should do more for seasonal site caravan users. As I said earlier, that group of users amounts to many thousands of individuals and families. On the one hand, members recounted the adverse experiences of their constituents — perhaps the Minister's family as well — and sought additional protections. On the other hand, the Trading Standards Service advised that such adverse experiences were not generally representative. The Committee struggled, therefore, to find a compromise that would enhance consumer rights without disadvantaging an important tourism industry.

As the Bill report states, the Committee certainly divided sharply on the issue. The report also states that a small majority of Committee members supported the Bill's sponsor's related amendments, insertions and additions that require consultation with a qualifying residents' association and include enforcement by a County Court. I cannot express a Committee view on the alteration to the Bill's sponsor's amendment as we have not discussed that issue in Committee.

Speaking as a DUP MLA, I feel that an oversight in the original Bill has been corrected by the amendment to that tongue-twister about seasonal users on protected sites getting the same protections as seasonal users on seasonal sites. I feel flummoxed as I recall that issue. I am sorry, but try saying it after a pub quiz. I do not think that the original Bill intended to leave those people out, and it is only right that it has been corrected.

I am divided sharply on the issue of qualifying residents' associations. I expressed legitimate

concerns in Committee about the value of the amendments.

Effectively, site owners would be required to consult only before taking significant steps or measures to do with their caravan sites. The proposed amendment would have backed that up through the ability to take action or to seek enforcement through the County Court. However, it is not enforcement in respect of doing what the qualifying residents' association wants to be done; it is enforcement only to consult on that.

I stress that, although I support the amendments today, I question the value of what is there. It is important that we see how this works in operation. I do not think that we should build up people's hopes that this may somehow revolutionise what goes on in caravan sites; what does do that is the requirement for individual agreements. That is the most important part of this section of the Bill, and its inclusion radically reforms and ensures the protection of the rights of individuals, caravan site owners and those in the seasonal sector.

I reiterate the point that the Minister made earlier: a great many caravan site owners follow best practice anyway. I know many of them. They do not need this legislation because they already offer contracts on their sites and have done so down through the years. Some people take them up on that, but many do not. Obviously, there will now be a requirement for them to offer contracts. We are not talking about an industry that is entirely populated by cowboys; we are talking about a few individuals who may have behaved quite badly down through the years.

I have some concerns — I have expressed them again today and have expressed them at the Committee — about the value of the Bill sponsor's amendments and whether they will involve more bureaucracy and, indeed, more cost for caravan site owners. However, I can see that there are positives in a sense. The Bill's sponsor has told the Committee that, where there are issues on sites or have historically been issues, it may benefit the site owner to have one point of contact so that they do not have to go round everybody on the site. I do not think that a lot of people go off to their caravan in the summertime so that they can become active members of a qualifying residents' association; in fact, I would suggest that many people go to caravan sites to get away from

residents' associations. Having a residents' association that does qualify —

Mr F McCann: Some of these issues were heavily debated at Committee Stage, and members held different opinions on the best way to proceed. I think that there was a general agreement that, on seasonal sites, there were cases of very poor practice in dealing with people who had caravans. Some people go to the caravan site on the day that it opens for the summer holidays and stay until the day it closes. They could be on the caravan site for six or seven months of the year. Not everybody has suffered at the hands of caravan site owners. The Member is right that there are probably quite a number of people who run good sites — I think that that came out at Committee Stage — but we had all received complaints of people being threatened on sites, caravans being moved to the gate, people not being able to sell their caravan unless it was sold to the site owner at a very poor price and illegal evictions. There was a raft of issues.

A number of us argued the point that, whilst we were rightly trying to strengthen the rights of people who live on permanent sites, we also felt that we had to strengthen the rights of people who live on seasonal sites. For many people, that is their wee oasis that they can get away to. They should have similar protections as people on any other caravan site. That is the argument that we were making. We believed that the residents' association should have had more teeth than the Bill gives it. However, John has put a lot of hard work into the Bill, and we accept and will support that element of it to get it through. The residents' association, even as it is laid out there, may give some protection to people on sites.

I know what the Member is saying about people not rushing away to join residents' associations. At the same time, however, many people feel aggrieved and, under the present circumstances, they may not be allowed to form a resident's association. If this legislation is enacted, they could have a debating forum that allows them to go with some strength to try to work out some way forward with caravan site owners.

Although we support the Bill, we argue that we will come back to this issue at some time in the future. We need to monitor it. It is obviously up to the Minister and Department to ensure that people's rights, even as they are laid out in

the Bill, are protected. There was a difference of opinion in Committee, and those are the reasons why we called for stronger legislation.

The Chairperson of the Committee for Social Development:

I thank the Member for his intervention. Even though he went through what may be described as bad practice in the sector, all evidence, including the number of complaints and what we heard from the Trading Standards Service and other Members, suggests that that is the exception. I appreciate that some site owners have behaved very badly in the past, but that is the exception. The growth of the sector is the proof of that exception. There would not be so many sites right across Northern Ireland if they were all run in the way that the Member suggested.

There are small numbers of unprotected sites. The first group of amendments related to protected sites or the residential caravan sector, but seasonal sites are the big sector. It pertains to thousands of people right across Northern Ireland whereas the protected sites are perhaps limited in number and exist in only a few areas. It is right that we have particular focus on their rights, and the Bill gives rights to those people.

The Member talked about unfair terms and poor practice. I thought that he was going to talk again about the removal of a tyre swing from a site, which he explained in Committee. Unfair terms and shoddy and poor practices in the past — perhaps even in the present — by some site owners will be dealt with fundamentally by the requirement for everybody to have a contract. That ought to deal with that conclusively, and I hope that it does. We will see over time.

I am sure that even the Bill's sponsor, who proposed these amendments, hopes that the requirement for every site owner to offer every person with a pitch a contract will deal with those problems and that there will be no need to have residents' associations and all of that process as well. In fact, the legislation's success will be proved if we never see a case going to a county court. I hope that that is the case. Although I have expressed concerns about this issue before, I see positives in having one point of contact. The Bill sponsor's proposed clause 8C would have had a detrimental effect because the Department of Enterprise, Trade and Investment would have to outline implied terms at a later stage through regulations. It would have been overprescriptive in that regard.

In conclusion, I do not think that anybody here ever wants to see legal proceedings being required. As is always the case, it is an indication that things have gone too far. I hope that what we see as a result of the amendment is the growth of perhaps a greater understanding between site owners and those who use their sites and that, rather than having it dressed up as consultation, with all the formality that that implies, it just relates to a better working relationship. At the end of the day, both parties are reliant on each other to a greater or lesser extent. It should not be seen by some as an opportunity to take a site owner to court willy-nilly, because, as I said, it does not necessarily mean that they will get their way. However, I appreciate that it protects their right to be consulted, certainly where there are major implications for them or their site. As I said, I hope that we see the success of this legislation in it not being used. If that is the case, I will certainly welcome these amendments and, as I said, I hope that there is no need for them to be used in anger in future.

6.15 pm

Mr Easton: I will speak on the group 2 amendments, which refer to seasonal caravan sites. Clause 7 covers any seasonal agreement made before or after the commencement of the Bill and relates to caravan owners who are entitled to station their caravan on a seasonal or holiday site for a period exceeding 28 days. That time period was included to ensure that sites can be used by touring caravans or to cover certain sites providing temporary accommodation for caravan owners or occupiers. Amendment Nos 4 and 5 clean up clause 7 and provide more clarity.

Amendment Nos 6, 7 and 8 remove the word "seasonal" and replace it with "caravan site" in clause 8. Clause 8 refers to the particulars of agreement, placing a requirement on the owners of seasonal sites to provide caravan owners with written statements covering the terms and conditions upon which their agreement is based. The statement must include the names and addresses of particulars and particulars of the land on which the caravan is to be sited, and it must set out the express terms to be contained in the agreement. The written statement must be provided up to 28 days before a caravan sale or pitch rental is agreed. It is intended that any express terms of the agreement not given in writing will be unenforceable by the site

owner. The clause is intended to provide site owners with an incentive to comply with the duty to provide a written statement and to protect occupiers from the application of terms that have not been given in writing.

Amendment Nos 9 and 10 refer to legal proceedings for the occupier of the site should the owner of the site fail to comply with the specifics of any agreement as laid out in Part 2. Amendment No 16 refers to clause 5, which deals with interpretation. Amendment No 16 deals with the definition of "owner", removing the phrase "protected site or a seasonal site" and replacing it with "caravan site". That provides a simpler wording, with greater clarity about what the owner owns. Amendment No 17 refers to the definition of a "protected site" under clause 15, removing the words "seasonal site" and providing a more thorough and legalistic definition. Amendment No 18 links to amendment No 5, which removes the definition of "seasonal site" from clause 7(2). Amendment No 26 introduces a new schedule, schedule 2, which covers the operation of a caravan owners association. I welcome the new schedule and support all the above amendments.

Mr Craig: I will speak on group 2 of the tabled amendments, which refers to seasonal caravan sites. Like many others here, I recognise that the seasonal sector is the biggest sector in caravanning, because it covers those who use a caravan occasionally, mainly in what I call, euphemistically, our summer period. Mind you, my experience of that was being locked inside a caravan while our wonderful liquid sunshine came down in torrents. However, it is not always like that: when I was a youngster, I managed to get sunstroke while at the caravan on three separate occasions, so we do not always get liquid sunshine.

Clause 7 covers any seasonal agreement, made before or after the commencement of the Bill, with people who use a caravan for a period exceeding 28 days a year, and it covers the vast majority of people who use their caravan on a summer, recreational basis. Clause 8 is important, because it refers to the particulars of agreement, placing a requirement on the owners of seasonal sites to provide caravan owners with written statements. I concur with the Chairperson about the vast majority of site owners in Northern Ireland. I recall very few incidents where there was disagreement

between a site owner and those who had a caravan on the site. The vast majority of site owners in Northern Ireland behave responsibly, because, ultimately, it is their livelihood and business. Nevertheless, the Bill will give added protection to those who use their caravan occasionally, mainly during summer. Unfortunately, I recall a number of incidents that ran contrary to the vast majority of site owners' normal behaviour to their tenants.

In fact, I recall that, on one occasion, an individual handed out notices to all the tenants on his site and, basically, gave them four weeks' notice to get off the site because he had sold it to developers. There was no legal comeback whatsoever on that occasion. Unfortunately, those incidents taint the whole industry, and, for that reason and that reason alone, I welcome clauses 7 and 8 and the other clauses in the group, which will give added protection to those owners and give them some comeback should such incidents ever recur. I have openly supported the Bill's sponsor in the past, and I commend him for bringing it forward.

I cannot say that the Bill will affect Lagan Valley much. We have only one caravan site, which is literally half a mile away from my home. I do not think that it will have a massive impact on that site, which is not huge. However, all the sites are occupied in the summer by hundreds, if not thousands, of constituents from Lagan Valley who travel to their caravans. Therefore, the Bill will have an immediate impact on all those individuals. I commend the sponsor of the Bill for bringing it forward.

Mr McCallister: I note that Lagan Valley does not have as much coastline as other constituencies such as South Down or Strangford. That may be a reason why it does not have as many caravan sites. However, even Mr Craig will acknowledge that a lot of his constituents are affected by that because they caravan in the most beautiful constituency —

Mr Elliott: Fermanagh and South Tyrone.

Mr McCallister: I have just been told that it is Fermanagh and South Tyrone. I thank the Minister for bringing his amendments, and I thank the Enterprise, Trade and Investment Committee. I know that the Chairperson of that Committee has shown great interest in the Bill and its progress.

Amendment No 4, and the technical and consequential amendments that flow from it, is another example of how the Committee worked at its best. A loophole was identified; there was an issue with seasonal occupiers on protected sites, and it was important to address that issue so that they did not lose out on the protections that the Bill was to create. That is an important amendment, as are the technical and consequential amendments that flow from it.

I want to place on record my thanks to Minister Foster for her co-operation in looking at how to address the issues in Part 2 of the Bill, which deals with the seasonal sector, and for her co-operation in reaching agreement on my amendments. The Chairman of the Committee spoke in his capacity as a DUP member about his views on my amendments. My reason for proposing those amendments was as a response to Members' comments during the Second Stage debate on 24 May 2010. The contributions came from Members as diverse as Mrs Bradley and Mr Wells, and many said that we need to address the problems in the holiday sector and that the contract will take us so far but that we need to beef up some of the arrangements. I responded to Assembly Members' suggestions on other measures that we could look at to improve the legislation.

I accept the Chairperson's remarks that the contract in Part 2 is absolutely key to extending the rights in the holiday sector. I agree with the Chairman that the legislation will be a success if no residents' or caravan owners' group is ever formed anywhere in Northern Ireland. It will be a success if the contract deals with that. However, I want people who holiday in Northern Ireland in their own caravans to have that right and to have recourse to join a caravan owners' association and, where appropriate, to challenge the site owner. There is strength in numbers.

It can also be useful to disseminate information. One of the issues that trading standards has is with giving information to site owners to disseminate around caravan parks. I compare that with asking Simon Hamilton to give out my election literature; he may not get around every home in South Down. I know that that is a terrible allegation to make, but he may not get to every house in the constituency. If he wants to intervene and tell me that I am wrong on that, he can do so.

Mr Hamilton: I can see that you will be busy in April.

Mr McCallister: I think that he will help after all, and I am grateful for that.

Mr Hamilton: I will take all of your literature.

Mr McCallister: I do not want to overdo his good wishes.

That is what the driving force behind my amendments —

Mr Elliott: Will the Member give way?

Mr McCallister: Certainly.

Mr Elliott: I thank the Member for giving way. Will he assure me that the legislation that he is proposing will not inhibit caravan park owners in the sense that they will not be able to deal with caravan park residents who make a lot of trouble in the area and may prove difficult not only to the park owner but to other residents?

Mr McCallister: I am grateful to my party colleague for such an easy question. That subject dominated the Second Stage debate. How the management of sites is balanced is a key question. We all want that, and it came through clearly from constituents and people who use sites and holiday at them that they do not want troublemakers. The site owner has to have some control over who resides at a site. However, that must be balanced with a consideration of the abuses that some site owners inflict on their customers, which include excessive rate rises and putting people off who are deemed to be troublemakers just because they complain.

As with so much of legislation, this is about balancing the rights of both groups. There is a mutual interest in that a well-run caravan park is in everyone's interests. No one wants a family holiday on a caravan site to be interrupted or destroyed by bad behaviour or antisocial behaviour. It is vital to get that balance, and I agreed with the Chairperson that the success of the legislation will be if residents' groups do not need to be formed. In England, the court upheld a group's objections over the management of a site, and the Office of Fair Trading's guidance on sites recommends that there be some sort of caravan owners' association or residents' group.

Mr F McCann: I appreciate what Tom is saying, and in the past, a few site owners, not all,

abused their power. John is talking about getting the balance right to protect people. It is about trying to give rights to people on caravan sites who do not have such rights.

Mr McCallister: I am grateful to Mr McCann for his intervention, because getting that balance is exactly what we are trying to do. That is why I brought the amendment. I listened to the Second Stage debate and thought about how the Bill could be improved and how some teeth could be put in to it to allow rights for caravan owners without overstepping the balance. We have worked with the Committee and gained Committee support, and we have worked with Minister Foster to see how it improves that and keeps within her remit of having better regulation. That is what we tried to achieve, and I believe that we have done so.

I believe that we have achieved that. My experience of the caravan owners' association in my constituency is that it has moved from being a protest group to a group where there is a very positive impact between the site owner and the caravan owners. It has made a positive contribution to life on the caravan park in Cranfield. It has improved to the stage that there is co-operative working between the site owner and the caravan owners' group, and they have even held joint fundraisers.

6.30 pm

Members will be aware that there was a dreadful tragedy at Cranfield at the end of the summer. The caravan owners are looking at how they can run an event to look at beach safety and people's responsibilities. Therefore, they are trying to do something positive. This does not have to be about a negative amendment. It is about building good relationships between caravan owners and site owners. As we all know from our line of work, good communication is key, and my amendment can contribute to that.

The Chairperson of the Committee for Social Development: Before the Member moves on from that point or maybe even concludes, I want to ask whether he accepts that, if and when this passes in the next number of moments, there is nothing that would do any violence to site owners because of the removal of the proposed clause 8C. The Member had discussions with the Minister of Enterprise, Trade and Investment to ensure that there was nothing in the Bill that would do any violence to site owners and that would single them out for what might be

described as unfair practice. We were talking about unfair practice by site owners, but we must also consider unfairness to site owners. Would he accept that we do not see anything here that will do violence to site owners because of his removal of proposed clause 8C, which was at the request of others, including the Minister of Enterprise, Trade and Investment?

Mr McCallister: I am grateful to Mr Hamilton for that intervention. It was important to look at where we could find that balance. Minister Foster made it clear that she did not like that line, and I was grateful for her speedy reply when we put that point to her. Hopefully, we now have the balance right, and I hope that the whole House will agree by supporting the amendments. I am encouraged by Members' contributions to the debate, particularly as regards the amendment in my name. The fact that they are receiving support all round is a positive contribution to the Bill.

The Minister for Social Development: I acknowledge and thank people for their various contributions. There are two broad points that I want to touch upon. First, ensuring that all static holiday caravan owners enjoy the protections of Part 2, regardless of the type of site in which their caravan is located, is the essence of the amendment. That was captured in the comments of Mr Hamilton and Mr Craig, although they went about it in different ways.

I am always heartened when I hear Members talk of radical reform because I believe that radical reform has a positive image. The fact that the words "radical reform" were uttered by Mr Hamilton reassured me, because the amendment that widens those who are entitled to the protections of Part 2 is, for want of a better term, a radical reform, and it scopes out the Bill in a way that gives protections to people who are entitled to those protections.

That point was emphasised in Mr Craig's contribution. He commented on how people have had bad and bitter experiences. Even though there is only one caravan site in his constituency, thousands of his constituents may have caravans in other parts of Northern Ireland, as is the case in my constituency and in many constituencies besides. Therefore, whatever the difference may be on Mr McCallister's proposals, good reform is, nonetheless, inherent in the amendment that I have spoken to and

which was touched upon by Mr Craig, Mr Easton and Mr Hamilton.

As I indicated, the Executive have been unable to agree a position on Mr McCallister's amendments. However, it is necessary and it is my duty to reflect to the Chamber the various positions that have been taken, as I understand them. As was indicated, Mr McCallister's amendments fall within the policy responsibility of the Department of Enterprise, Trade and Investment. Both amendments increase regulation of the holiday caravan sector by creating a series of implied terms for seasonal agreements that are enforceable through the courts. The implied terms that are set out in the proposed new schedule create a requirement for site owners to recognise and consult qualifying caravan owners' associations on a range of issues and to give individual owners the opportunity to go to court.

I emphasise that Minister Foster endorses the principle of effective consultation between site owners and caravan owners. However, she believes that those amendments are not the way to achieve that. Instead, the Minister contends, they will create an unnecessary regulatory burden for the holiday caravan park industry, which goes against the Executive's aim to remove unnecessary regulation of industry. She is also concerned as to how compliance with proposed requirements could be achieved effectively.

The counter-argument, which was articulated broadly by Mr McCallister, is that his amendments will have three benefits. First, they will create a safety net for the individual caravan owner. Secondly, they can aid caravan owners in the better management of their sites through co-operation and partnership, as Mr McCallister indicated in his reference to the Cranfield Caravan Park. Moreover, in the event that a caravan site owner is on the wrong side of the argument, a caravan association, by weight of numbers, may prevail upon that caravan site owner to get to a better place.

Those are the two arguments, as I understand them. The first is Minister Foster's argument. The second is the counter-argument, which is captured in the three principles that I just outlined. As I indicated, the Executive were unable to come to consensus on the matter. It, therefore, falls to the House to determine the outcome.

Question, That amendment No 4 be made, put and agreed to.

Amendment No 5 made: In clause 7, page 5, leave out lines 10 to 15. — [*The Minister for Social Development (Mr Attwood).*]

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 (Particulars of agreements)

Amendment No 6 made: In clause 8, page 5, line 19, leave out "seasonal" and insert "caravan". — [*The Minister for Social Development (Mr Attwood).*]

Amendment No 7 made: In clause 8, page 5, line 33, leave out "seasonal" and insert "caravan". — [*The Minister for Social Development (Mr Attwood).*]

Amendment No 8 made: In clause 8, page 6, line 1, leave out "seasonal" and insert "caravan". — [*The Minister for Social Development (Mr Attwood).*]

Clause 8, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 9 made: After clause 8, insert the following new clause

"Terms of agreements"

8A.—(1) *In any seasonal agreement there shall be implied the terms set out in Schedule 2; and this subsection shall have effect notwithstanding any express term of the agreement.*

(2) *If the owner fails to comply with Schedule 2(2) and 2(3) the occupier may apply to the court for an order requiring the owner to consult with the occupier in accordance with Schedule 2(2) and 2(3).* — [*Mr McCallister.*]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 10 made: After clause 8, insert the following new clause

"Jurisdiction"

8B.—(1) *The county court for the county court division in which the seasonal site is situated shall have jurisdiction—*

- (a) to determine any question arising under this Part or any seasonal agreement, and
- (b) to entertain any proceedings brought under this Part or any such agreement;

and references in this Part to 'the court' shall be construed accordingly.

(2) But where the parties have agreed in writing to submit any question arising under this Part or, as the case may be, any seasonal agreement to arbitration, references in this Part to the court shall be read as references to the arbitrator." — [Mr McCallister].

New clause ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

Clause 10 (Protection of occupiers against eviction and harassment)

Amendment No 11 made: In page 7, line 43, at end insert

"(12) Proceedings for an offence under this section may be instituted by the district council in whose district the site is situated." — [The Minister for Social Development (Mr Attwood).]

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

Clause 11 (Provision for suspension of eviction orders)

Mr Speaker: We now come to the third group of amendments for debate. With amendment No 12, it will be convenient to debate amendment Nos 13 to 15. Those amendments deal with exempting certain land managed by the Housing Executive for use as a caravan site from the requirement to have a site licence. I inform Members that a valid petition of concern was presented on Monday 24 January in relation to the amendments in group 3, which are amendment Nos 12, 13, 14 and 15. I remind Members that the effect of the petition is that the vote on those amendments will be on a cross-community basis. Members should note that amendment Nos 12 and 13 are paving amendments to amendment No 14, and amendment No 15 is consequential to amendment No 14.

Mr F McCann: I beg to move amendment No 12: In page 8, line 42, after "paragraph 11" insert "or 11A".

The following amendments stood on the Marshalled List:

No 13: In page 8, line 43, after "council" insert

"or provided and managed by the Housing Executive". — [Mr F McCann.]

No 14: After clause 14, insert the following new clause

"Part 4A

Licensing of Caravan Sites

Exemption from licensing of sites for Irish Traveller community provided and managed by the Housing Executive

14A. In the Schedule to the Caravans Act (sites exempt from licensing) after paragraph 11 insert—

'sites for Irish traveller community

11A. A site license shall not be required for the use as a caravan site of land provided and managed by the Northern Ireland Housing Executive under Article 28A of the Housing (Northern Ireland) Order 1981 (NI 3) (provision of caravan sites for Irish Traveller Community)." — [Mr F McCann.]

No 15: In clause 15, page 10, line 19, leave out "paragraph 11" and insert "paragraphs 11 and 11A". — [Mr F McCann.]

Mr F McCann: Before I carry on, may I say that I did not get the opportunity to commend John McCallister and Annette Holden. Annette did a lot of work in the background. They must be commended for bringing the Bill in its entirety to the Floor.

Amendment No 12 was first suggested by the Department for Social Development. Knowing of the record of councils regarding all things Traveller, Sinn Féin had no difficulty in supporting it. We thought that it made sense. For the Housing Executive to have the power to bypass councils in obtaining sites for Travellers without having to listen to anti-Traveller rants from many councils, which would then have the licence to refuse, seemed to be the sensible way forward.

Many councils regard Travellers as burdensome, problematic and, in many cases, antisocial. In the past, I have listened to downright racist comments and speeches made by councillors in a number of councils, not least Belfast. Even though Belfast provides sites, the language of some members of other parties was nothing short of insulting. Therefore, it was no surprise that the DUP tabled a petition of concern. It is

obvious that the DUP has been heavily lobbied by its council base, a number of whom are present in the Assembly. It concerns me that they call for a protection of rights when it suits, but it is another question when it comes to Travellers. They can make all the excuses in the world, but the fact remains that the use of a petition of concern in this debate sends out the wrong signals and gives cover to those in councils who would refuse to have a Traveller site on their land.

Last night, I was browsing the Internet and came across a history of Irish Travellers. The section dealing with racial equality and discrimination, which focused on how Travellers in other countries are treated, stated that opposition to Traveller sites in the North had been led by the Democratic Unionist Party. I found that information on the Internet; those are not my words.

In many ways, that is my experience of attitudes, certainly in Belfast. The fact that a petition of concern is being used does nothing to change that belief. Any move to remove the possibility of licences being used as a way to stop the Housing Executive acquiring sites should be supported, and if that means removing the power of councils to issue licences, so be it.

6.45 pm

Paragraph 1080 of the Committee's report states:

"The Housing Executive is planning to re-energise how it secures sites —

Mr Craig: Will the Member give way?

Mr F McCann: Go ahead.

Mr Craig: I thank the Member for giving way. I found what he said about the party to which I belong fascinating. The use of a petition of concern is, quite frankly, legitimate in this case, and we are not the only party that has ever used it. I find it ironic — the Member should take note — that, earlier today, his party supported an amendment, albeit to a different Bill, that ring-fenced funding for councils. If we are to take power and authority away from those democratic bodies, why are we ring-fencing their funding? That is what we are talking about: the Member wants to remove responsibility from locally democratic bodies in this country.

Mr F McCann: I thank the Member for his intervention. Like him, I was a councillor for a long time, some 23 years. During that period, councils across the North did some excellent work in a number of fields. My argument is that, in a number of councils, some of the attitudes to Travellers are still abysmal.

Mr Craig: Prove it.

Mr F McCann: I will not stand here and prove it. What I am trying to say is that you, the DUP —

Mr Speaker: Order. Let us not have a debate across the Chamber.

Mr F McCann: Sorry, Cheann Comhairle. A petition of concern was raised against what probably should have been a simple amendment. As I was saying, paragraph 1080 of the report states:

"The Housing Executive is planning to re-energise how it secures sites and identifies appropriate land for sites by taking a slightly new approach. It will do that by focusing on its landholdings and the landholdings of other public bodies to try to identify sites that would meet the identified and identifiable need of the Travelling community."

To be honest, that paragraph was part of the discussion on clause 1, but it highlights the fact that the Housing Executive's pursuance of sites could extend to council land.

Many councils that have the power to grant permission for a site would, I have no doubt, refuse to grant that licence. We in Sinn Féin believed that it was right for the Department to make the amendment. It is obvious that one of the DUP Ministers, whoever that may be, was unhappy about the amendment and lobbied heavily against it. I accept that it may be a fait accompli, but Sinn Féin believed that there was a need to debate the issue to highlight the anti-Traveller attitudes that prevail in the Chamber.

The Chairperson of the Committee for Social Development: Although it may seem a little odd, I will address some of the points that the Member raised later. I want to put the Committee's position on the record: that will create a half-time break in the pugilism.

During Committee Stage, members debated a suggested departmental amendment to remove the requirement for the Housing Executive to seek a licence from a district council for a Traveller's caravan site. Some members of

the Committee supported the view expressed by the Human Rights Commission that the existing licensing process impeded the Housing Executive's ability to provide Travellers' caravan sites and should, therefore, be amended. It was argued that the planning process would provide sufficient controls and protections for the establishment of new caravan sites.

It was, therefore, suggested that the Bill should remove the requirement for the Housing Executive to obtain a district council's approval for the establishment of a Travellers' caravan site. It was argued that that would improve the provision of new Traveller sites and would also ease the pressure on existing sites.

Other members indicated their support for the principle of district councils maintaining control of the licensing of Housing Executive Traveller sites. They argued that district councils played a key role in reflecting local concerns about the siting of Traveller and other caravan parks. Members expressed some concern about the effectiveness of the current planning process in that regard.

The report shows that the Committee was sharply divided on the issue and that a small majority of members did not support related amendments that would require council control of the licensing of Housing Executive sites for Travellers.

Speaking in a personal and party capacity, and just to contextualise this point, I think that everybody realises — indeed, even the proposer of the amendments at least accepted this, in whatever way he expressed it — that the whole issue of handling Travellers is sensitive and can often be controversial. I do not think that anybody in the House would deny that. It is a difficult problem to solve, and it is a problematic issue.

Not long after I took over this role, with the assistance of the Federation of Housing Associations, I took a tour around housing association developments across Northern Ireland. One development that I visited and that Apex Housing Association is now developing is on the Glen Road. I had two reactions to that. As somebody from an area that would perhaps not experience the problems of Traveller sites in a way that the Member opposite, or indeed other Members on this side of the Chamber, could testify to, I was shocked by the conditions that those Travellers were living in.

However, I was also extremely impressed by the housing that was being put on that site and by the work that went into ensuring that it was appropriate for and sensitive to Travellers' particular needs. I commend the Housing Executive and that housing association for their work on that site. In fact, the housing was of such a high standard that I am sure that it would be the envy of many owner-occupiers in that area. Therefore, it is not that I do not recognise that this is a sensitive issue.

I also spoke in Committee about a need to deal with the problem. However, I do not believe that the way that these amendments propose to deal with the problem is appropriate. In the debate on the first set of amendments, I stressed the view that the relationships between organisations that meet Travellers' accommodation needs — the Housing Executive, local district councils, housing associations and other statutory agencies and bodies — are complex and can often involve conflicting pressures. I said this at the time, but I wanted to satisfy myself that the whole Bill, in whatever way it went through, would not significantly alter those relationships or pressures. That is the context from which I am coming.

I fear that this amendment proposes to shake up that system, to imbalance that relationship, to ride roughshod over local government and to remove a significant and important element of local input into the process. I said in Committee, to other Members, and even to the Bill's sponsor, that I feared —

Mr F McCann: Will the Member give way?

The Chairperson of the Committee for Social Development: Yes, I will, before I get into this point.

Mr F McCann: When faced with the possibility of having Traveller sites on their land, many councils across the North would withhold a licence or argue against having a Traveller site on their land. When it comes down to it, very few councils end up providing either sites or the group housing that the Member is correct in saying is excellent. The best way to deal with that is to remove any possibility of any council saying that Travellers are not welcome in its area.

The Chairperson of the Committee for Social Development: I thank the Member for his intervention. My colleagues and I on this side

of the House are coming to this issue from the point of view of valuing greatly the local community's input being expressed through its council.

The views that the Member expressed may have some historical validity in some cases, and perhaps even into the future. I will accept that. However, I value the local input that comes through local councils. I appreciate that. I do not doubt for a second that this problem needs to be resolved and tackled. For as long as I continue in this position, I commit myself to do all that I can to try to resolve the problem. However, the way to resolve it is not to say to local councils that we know that they have problems and that we do not like that they have issues or problems, so we will just set them completely to one side and go over their heads and do this and that. If anyone thinks that they have problems now, such action would breed only greater resentment and create upset in the local community, instead of repairing some of the issues.

I accept that there are issues in society about this matter, but doing that would only do more damage and set things back many years. Some of the group housing projects help to try to integrate Travellers better into the community in which they live. Setting aside the input of local communities that, for whatever reason, are sensitive and have issues with this, will in no way satisfactorily deal with the matter. A much better approach would be to encourage co-operation with local government and the communities that they represent over a period of time instead of bypassing them. That will lead to a much more satisfactory and long-term resolution.

I will go back to the point that I was trying to make before the intervention. When he brought this private Member's Bill to the House many moons ago, Mr McCallister's sole intention was to deal with residential sector caravans on protected sites and seasonal sector sites. That was his focus. He is nodding in agreement. It was nothing to do with Travellers. Obviously, the way in which the Bill was drafted meant that it impacted on Travellers. I have expressed some concern that some people have been — maybe "hijacking" is too strong a word — trying to seize the opportunity to take the Bill in an entirely different direction. On this occasion, I am not speaking about the Members opposite; there are others I will point the finger at.

This issue was not in the original Bill. It emanated from a submission by the Northern Ireland Human Rights Commission and not, incidentally, from the Housing Executive, which is, perhaps, the body that is the most directly affected. I said earlier that the Housing Executive came late to the other Travellers' issues that we talked about in the first group of amendments — the tenancy issue — and it came late to this one as well. In fact, and the Bill report shows this, the Housing Executive did not respond to the Committee for Social Development's call for evidence. It did not submit any evidence and it did not raise the issue of the Caravans Act (Northern Ireland) 1963, yet, as the proposer of the amendment said, it is the organisation most affected. The Housing Executive did not raise this issue; the Human Rights Commission, for its own reasons, raised it. The Housing Executive addressed the issue only after the Committee, having had the issue raised with it by the Human Rights Commission, wrote to it to encourage its representatives to come back with evidence. Only then did the Housing Executive say that it thought that that would be a good idea.

There are three broad reasons why these amendments are wrong, and I have given some of them. First, related to the origins of the amendments, there has been no proper consultation on the issue. Members received the Bill report in their pigeonholes, and it is a fairly extensive document. There has been no consultation on this issue because of how it arose. As I said, it arose in evidence from the Human Rights Commission, was latterly addressed by the Housing Executive after prompting from the Committee, and was discussed by Committee members during their deliberations. However, there was no initial consultation by the Department, because it latched on to the issue only as the subject of a possible amendment at a later juncture. The issue was never included in a consultation document, and it was not consulted on in any way. It is not the Committee's job to put it out for consultation in a wider sphere. I would have thought that, on such an issue, which takes away a power from local government, we would want to consult with local government. In looking at the evidence in the Bill report, or indeed anywhere else, as far as I can see, there has been no formal consultation — it may have happened informally, but not to my knowledge — with local government, either individually with

councils that are affected by Travellers' issues more than others or collectively through contact with the Northern Ireland Local Government Association.

The absence of any consultation will only weaken the relationship between local government and central government. That will happen if members of local government see us passing amendments that affect them and the communities that they represent without adequate, proper, or indeed any consultation.

There are submissions of evidence from the likes of An Munia Tober — I am not a fluent Irish speaker, as Members know, so I hope that my pronunciation of that has not offended anybody. That submission addresses other issues in the Bill that affect Travellers; it does not address this issue.

Other issues were raised by the Local Government Partnership on Traveller Issues. I am no longer one of those awful members of local government. However, when I was a member of Ards Borough Council, we sent two members to meetings of that partnership even though that council area was not affected, and a member of my own party was a representative on that working group. That partnership raised and responded to other issues, but it did not respond to the one that was raised by the Member opposite. Therefore, we are debating the issue today almost in a bubble and in isolation. We have spoken about the issue in the confines of this Building, but it has never been properly consulted on with the wider community. I stand corrected if it is otherwise. Neither has it been consulted on with local government, which is the sector that will be most affected by the proposed changes.

7.00 pm

The second reason why I have deep concerns about the amendments is their apparent inconsistency with the prevailing orthodoxy on how we should be moving government in this society. There is a desire, which I hope we all share, to devolve powers down to the lowest level possible, and in Northern Ireland that is local government. There are enough issues and potential controversies without reopening the RPA issue; it is too late an hour, and that debate is for another day. However, although we did not ultimately execute RPA and it is being held in abeyance, the whole principle behind it was for central government to legislate, to make policies

and to set the framework, with as much of the execution as possible being carried out at a local level by local government. However, the proposals would appear to move in the opposite direction and take that power away from local government. How that power rested with local government is neither here nor there. It was an anomaly following the moving of responsibility for Travellers to the Housing Executive in 2003. The Housing Executive has enjoyed that power for the better part of a decade, and we should not move to take it away. I would have thought that we would want to move more powers to local government.

Earlier today and during this Consideration Stage, the Minister spoke about encouraging more democracy in Northern Ireland. He may have spoken about that in an entirely different context, but I agree with his overall sentiments. We should encourage more democratic input. The Member opposite who moved the amendment may say that that local democratic input is not positive. However, it is a local democratic input and involvement whether the Member likes it or not. It may not be to the Member's liking or taste, but that is democracy, and we must accept the rough with the smooth. In this case, to take away the power from the Housing Executive would be a retrograde step and a move away from the prevailing orthodoxy that we should hand powers down to local government.

The third reason why I oppose the amendments and would encourage other Members to do likewise is that amendment No 14 would exempt only Traveller sites from needing site licences. The occasions on which site licences are not required are too intricate and impenetrable to go into, but, by and large, they are required for most caravan sites, whether they are private sites such as we spoke about earlier or Traveller sites of whatever nature. As the law states currently, those licences are required to be granted by local government. The proposal is that we exempt just Traveller sites from the requirement. Even if I were to play devil's advocate and say that I was completely supportive of the proposal, that seems to be completely wrong. It should be all duck or no dinner, and Traveller sites and private sites should all be exempt from site licence requirements. However, that is not what has been proposed.

The accusation has been made that my party and I are being political with the issue. However, the proposal is also political, and to put it forward is a deliberate attempt to stir up a hornets' nest. I will not be provoked in that way. The proposal comes from a party that frequently talks about discrimination and calls for equality impact assessments on absolutely everything. However, we would be discriminating against private site owners if we were to pass the amendments. We have not equality impact assessed that. Why not private caravan parks? Let me be frank: why is it that the proposal is to exempt what may be described as the more controversial element and leave out the less controversial element? To play devil's advocate, I suggest that one would take away the requirements for site licences for private, residential or seasonal caravan parks. They do not tend to go to Lisburn — no disrespect to my colleague beside me — but they do tend to go to towns and parts of the Province where there is already a demand for caravan sites. I would have thought that there would be less controversy if we were to take away site licences for private owners, but that has not been included.

This is a controversial and sensitive issue. I commit myself to doing all that I can to resolve it, but this is not the way to do so. This is proposing to ride roughshod over local government and disregard local input. Whether the Member opposite likes it or not, I value the role of councils in approving site licences. Removing that role is not without consequence. If we live in some sort of bubble up here and think that we can remove that power without negative consequences, we will only provoke greater controversy, because we will not have worked with local government to come up with a sensible solution to the Travellers issue. I encourage everyone here, the Minister and the Department to work to pave the way for a more amicable solution to the problem. That is the only way to resolve it in the long term. If we take that power away, we will be thumbing our nose at local government and provoking it and provoking a negative reaction in the community as well.

Other Members may want to speak in more detail about particular issues in their constituency. I will not do that, because those issues do not arise in my constituency. However, that does not mean that I am not sensitive to those concerns. I encourage greater co-operation with local government on this issue.

I will in no way encourage bypassing local government. The amendments in question propose to do so and will do nothing to solve the issue. They will merely move the problem and create a new problem elsewhere. They may overcome one aspect of the problem, but they will in no way address the sensitivities and controversies that can exist.

The use of a petition of concern may be, at an abstract level of debating, an unsatisfactory thing to do, but it is a device that is open to everyone in the House. I have signed petitions of concern, as have others, on a wide range of issues. The Members on the opposite Benches have done likewise. It is our right, if we believe that a proposal such as the one in question will have such a negative impact, to sign the petition of concern and present it to you, Mr Speaker. We do it because of our belief that it will do fundamental damage to the relationship between local government and central government and will do absolutely nothing to solve the problem. It will simply move the problem somewhere else down the pipe. With that in mind, I encourage Members to oppose the amendments in the interests of maintaining that input from local government and, by rejecting them, encourage everyone here to seek a more amicable and sensible solution to the problem.

Mrs M Bradley: I sat on a council which, for years, has worked with Travelling people and tried to get them settled and get them somewhere decent to live, which was their entitlement. They are no different to anyone else; they need homes. The responsibility for looking after their interests should be transferred to the Housing Executive. Experienced housing officers in the Housing Executive have a better way of working with Travelling people and understand their needs. The Chairperson of the Committee said that this should not be an issue, but the petition of concern made it an issue tonight, and I feel very sad that this has happened. This should have been handled in a different way. A petition of concern does not handle this well. It has made a bad situation worse. I am sorry, and I regret having to say that.

These people are the same as you and me. If your council has never worked with them, if any of you are councillors and have never worked with them, you do not understand them, and you would not understand the work that councils

put into this. Once they were transferred to the Housing Executive, then Apex Housing came in and built the housing sites. I invite any of you to come and see the housing sites. They are absolutely superb. The families who live in those housing sites now realise that they should live in houses. This is educating them in a way of getting into houses. It is improving their lifestyle and giving children a better way of life. Who would refuse them that?

I cannot support the petition of concern in any way. As a matter of fact, I am totally appalled that it even arose this evening.

Ms Lo: A number of amendments have been proposed to take into account the special circumstances of Travellers. It is such a pity that the DUP cannot bring itself to support this group of amendments. It is such a pity that the DUP has to use the petition of concern to try to defeat it. There are fewer than 1,500 Travellers in Northern Ireland, and yet we seem to have so much trouble and difficulty in accommodating their special needs in order for them to maintain their nomadic lifestyle. Surely we need to respect their needs and accommodate them. The lack of provision for Irish Travellers has been criticised by national, European and international bodies such as the UN and the Council of Europe. We have been shamed and named for not providing proper accommodation and living conditions for families and children for so long.

A big problem, stated clearly by staff in the Housing Executive during the evidence sessions in Committee, is securing appropriate sites. Housing Executive staff said that they were looking at a new approach and at making greater use of the Housing Executive's own land and other public land banks to meet the accommodation needs of all people, including Travellers. This group of amendments should help the Housing Executive to find more appropriate sites to accommodate the Travellers. The amendments would address the anomaly that, while the Housing Executive was given not only the power but the responsibility to provide Travellers with accommodation in 2003, it still has to seek site licences from local councils. I want to ask why. Why, except political influence? Councils such as Craigavon Borough Council have used it as a mechanism for blocking the building of Travellers' sites.

The Human Rights Commission supports the amendments and accordingly advised the Committee to put them in, so that we can meet human rights obligations in Northern Ireland. If we are going to be a progressive society, we have to respect diversity. Minister Poots wrote to the Social Development Minister on 4 October, giving his support for an amendment to correct this discrepancy. It is a discrepancy to exempt the Housing Executive from the licence requirement. Mr Hamilton said that removing the power from the councils was not democracy. Surely we have a planning system now that will give councils plenty of opportunities if they want to object to any planning applications. It is a shame that the DUP just cannot bring itself to support this group of amendments.

7.15 pm

Mr S Anderson: I welcome the Caravans Bill and commend Mr McCallister for bringing it to the House. It is worth reminding ourselves that the Bill was introduced in good faith, with the aim of addressing anomalies in a range of areas, such as rights of tenure and other rights for caravan owners.

I wish to speak to the third group of amendments — amendment Nos 12, 13, 14 and 15 — which deals with exemption from the licensing of sites. I will concentrate on amendment No 14, which would introduce a new clause. I declare an interest as a member of Craigavon Borough Council. I am disappointed with those who decided to table a substantive amendment of this nature. It is completely unnecessary and extremely unhelpful. The amendment is misplaced and misguided from a number of perspectives. I am all too aware that there are serious issues relating to the Irish Traveller community, as they are now known, but the Caravans Bill is not the vehicle to address those issues.

In essence, amendment No 14 would remove the current requirement for site licences, to be granted by the local council, for caravan sites for the Irish Traveller community. As someone who joined the Committee for Social Development last September, I would be interested to know how much consultation took place with local authorities on the matter.

Let us consider some of the potential negative impacts of the amendment. First, as the Committee Chairperson, Mr Hamilton, mentioned, it strikes a blow at the principle of

equality. I find that ironic, as the signatories to the amendment and their parties regard themselves as champions of equality and human rights. Their amendment will create a situation in which those who own and operate holiday caravan parks will still be required to be licensed, whereas sites for Irish Travellers will not. One section of the community will still be required to meet certain standards and will continue to face the full burden of bureaucracy and responsibility. That will not be the case for Irish Travellers. That surely cannot be morally right. It will drive a wedge between two categories of people and, as such, is hardly a recipe for social integration and cohesion.

Secondly, at a time when we are keen to develop local government and enhance the role and work of councils, the amendment proposes that we take away a very important and worthwhile function. Why would we want to reduce council powers in that way? I argue that, by ensuring that councils retain licensing powers on Travellers' sites, we are ensuring that locally elected representatives, from all the parties, are in a position to make decisions that reflect local people's views. In that way, we will safeguard Travellers' rights on the one hand and the democratic rights and concerns of local people on the other. We have a duty of care —

Ms Lo: Will the Member give way?

Mr S Anderson: No, I will not give way. We have a duty of care to look after not only Travellers but those living adjacent to Traveller sites. Some argue that the planning process ensures adequate involvement by councils, but I beg to differ. It is a factor, but the planning process in itself does not compensate for direct council involvement. Local issues need local solutions, and the best way to secure those is to retain council licensing powers. I fear that mayhem could ensue if amendment No 14 is accepted.

Ms Anna Lo cited my council, Craigavon Borough Council, saying that it was using some sort of blocking mechanism. That is certainly not the case. I have been involved in Craigavon Borough Council for 10 years and have witnessed the working relationships on it. I encourage any Member to go down to see what happens in Craigavon Borough Council. I am sure that the Minister has been down before, so perhaps he, too, will go to see the sites there. I will speak about a specific site in a minute.

If the amendment were made, the Housing Executive would be left with far too much responsibility. That would be grossly unfair to it and, indeed, to the community as a whole. I will cite the example of Legahory Green in Craigavon in my constituency. The Housing Executive application referred to a temporary halting site, and the facilities that the Housing Executive proposed to provide on the site were, indeed, very limited. However, as a result of legal advice, Craigavon Borough Council considered that the definition of a temporary halting site was incorrect and that it was more akin to a transit site, given the duration of occupancy. The council, therefore, required the Housing Executive to provide additional amenities such as electricity, toilet, shower and laundry facilities. Reference was made to the DOE design guide and to the Department for Communities and Local Government's guide when setting site conditions. Conditions also included references to the Housing Executive's management and control of the site and the avoidance of nuisance conditions such as barking dogs. I cite that as a case study to show the importance of retaining council powers in the interests of all key parties.

As the Chairperson said, there are no easy solutions. However, they will not be found by tampering with the Caravans Bill in the way that this amendment proposes. I oppose amendment No 14 and, by extension, amendment Nos 12, 13 and 15, which are linked to it.

Mr Beggs: I, too, oppose amendment Nos 12, 13, 14 and 15. I agree that this is not the right vehicle to bring in such significant changes to Traveller caravan sites, which are a very sensitive issue in any community. There is great potential to exacerbate the community tensions that can arise, particularly if such a site were dropped into a community without appropriate consultation or respect for the views of local people.

Mr F McCann: In that short comment, the Member has outlined my whole argument. We should not regard Travellers as problems in communities, which is the attitude of some councils. Certain councils' attitude to Travellers is highlighted in what the Member just said.

Mr Beggs: I declare an interest as a local councillor. The reason for my comments is that there would be great concern if such sites

were placed in Larne, Carrickfergus or parts of Newtownabbey in my constituency, where there is no tradition of a Travelling community. I would not understand the Housing Executive or some outside body deciding to take such action. However, if it did, there would be huge concern in the local community. Indeed, it may exacerbate tensions. If there are difficulties — the Member used the term “problem” — that need to be addressed, it is much healthier if the council, in facing those difficulties, takes careful consideration of all the options and identifies part of the solution, which could involve the establishment of sites.

Mr Craig: All this revolves around councils' powers to intervene. Some Members have wrongly stated that councils have those powers under current planning regulations. The reality is that there is a consultation process. The Minister made it clear that, although it is a consultation process and not a devolved issue, local councils do not have the authority to deal with the issue that they should have.

That small bit of authority on licensing is the only tool that local councils have to deal with the issue. I am sure that the Member agrees that that is the case and that it would be wrong to remove that one single tool without actually giving councils the proper tools — full planning powers — to deal with these issues.

Mr Beggs: I thank the Member for his contribution and support what he said. I ask those who advocate bypassing local councils on the issue whether they have consulted all the local councillors and residents in the area in which they reside and whether they have identified any possible sites. How would Members react were an outside body — the Northern Ireland Housing Executive, which has its headquarters in Belfast — to decide to locate such a site close to their homes or those of their friends without proper consultation and against their wishes?

Mrs M Bradley: I thank the Member for giving way. I thought that I said that I had worked for years with a council that works with Travellers and that many other councillors and councils in the area do the same. Every one of them is of the same opinion: housing problems are not for councils; they are for the Housing Executive, where the experienced people are. Campsites are no use to anyone. Families need stable homes, and the only way that they will get them

is if they are on the Housing Executive's waiting list to be housed like every other human being.

Mr Beggs: I thank the Member for her contribution. That experience will help to inform local councillors in coming to decisions. I have to say that my experience of that is somewhat limited, because there has not been a tradition of sites in my part of the world. However, I am just thinking about how my constituents would react were an outside body to override the wishes of the local council and position a site in an area where there is no tradition of that happening and no perceived need for it to happen. That would usurp local democracy and go against the direction of trying to devolve more responsibility to a local level.

Mr Kennedy: In relation to the point that the Member for Foyle Mrs Bradley made, there is clear evidence that significant problems arise when attempts are made by the Housing Executive to award houses to members of the Travelling community in settled housing areas, even in well-established Housing Executive estates. Those problems are there, and they cannot be discounted and overlooked. It is right for the Housing Executive to make an effort to resolve those issues. However, it creates a certain amount of tension in local communities.

Mr Beggs: I thank the Member for that. As a member of the Environment Committee, I recall visiting a women's centre in the Brownlow area of Craigavon to discuss an environmental issue about a community garden. I remember being astonished at the surrounding area and at the need for increased education, training and support for the adjacent Traveller community to try to help them to better themselves, because they certainly were not contributing to that. I would even go as far as to say that they might have even been endangering their health and safety through some of their practices. I am, therefore, sympathetic to trying to give additional support and guidance. However, that is a separate issue. Were such a site to be inappropriately located, it would actually endanger others. It is important that we try to intervene, but that is a separate issue.

I strongly believe that local councils should play a role. I hope that, down the line at some point, local planning decisions will fall to councils and that, at that point, they will have some real say in such matters. However, as other Members said earlier, at the minute, councils are only

consulted on planning issues. Therefore, the removal of licensing powers from councils could cause real tensions at local levels, where local councillors and people have seen their concerns and wishes totally ignored by big government. I fear that that would exacerbate difficulties on the ground, and, for that reason, I will oppose this group of amendments.

7.30 pm

The Minister for Social Development: Although I am tempted to contribute to the debate and respond to some of the issues that were raised, given that the Executive were not able to agree a position on amendment Nos 12 to 15, I am constrained in what I can say. However, I confirm that amendment Nos 12 to 15 are technically correct and would be legally effective should they be passed.

Mr McCallister: In addressing this group of amendments, it is important to reiterate the Chairperson's comments that the focus of the Bill is primarily on the residential sector and holiday caravans. In the debate on the first group of amendments, I accepted the fact that the United Kingdom does not have a brilliant track record on Travellers' rights. As a nation, we need to do more and better. As a society in Northern Ireland, we have a long way to go and much work to do to develop our cohesion, sharing and integration strategy. I am determined that issues about Travellers in this group of amendments do not distract from the Bill, because the primary focus is on the residential and holiday sector.

It is late in the evening, and I suspect that many Members have already decided the way in which they intend to vote. No matter how powerful a speech I deliver — I see some sceptical looks — I doubt whether I will change any minds. It has been a useful debate, with conflicting opinions, about balancing the rights of Travellers. Although the Bill's primary focus is not on Travellers, the amendments, and our debate on the first group of amendments, demonstrate the Assembly's commitment to do what it can to help and support Travelling communities and to ensure that the Bill, or, indeed, any legislation, does not disadvantage Travellers. I am not convinced that the balance would be right if we were to accept the amendments, but I place on record the fact that I do not believe that a petition of concern

is the appropriate way to address the issues. Therefore, I will abstain in the vote.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. The debate has been an education for me, and I do not know why I am surprised by the stout defence of councils by councillors and ex-councillors.

I commend John McCallister for introducing the Bill, which is certainly required. I do not think that John envisaged the complexities that would surround the Bill. Indeed, from what we heard today, the Bill will also be controversial.

I have worked with Travellers for 30-odd years and have been in many Travellers' sites. Unlike some Members opposite, I feel that I am in a position to comment on the treatment of Travellers. In my experience with councils, including Newry and Mourne District Council, there were strong prejudices against the Travelling community. However, those attitudes are changing, and perhaps Mr Kennedy will comment on that at some stage. There is now acceptance, and fair efforts have been made to integrate Travellers into our community to the extent that Travellers' sites no longer exist. Some sites in our area were worse than those in the Third World. Even in November, children had to stand under standpipes to try to wash themselves — and people wondered why they were smelly and dirty. I would have been the same if I had had to stand under a standpipe with a bar of soap in November.

I support the amendments. My colleague Mr McCann commented on the DUP's attitude historically. However, it was not just the attitude of the DUP, as we found out today. Some, although perhaps not all, Ulster Unionists had the same train of thought. As Mr McCann said, there has been opposition to Travellers' sites, and there seems to be a reluctance to remove any power from councils. It must be said that they do not have very much power. Perhaps they would have got a lot more through the RPA, and probably rightly so. No doubt they will hold on strongly to the little power that they have at the moment. That seems to be the trend.

Jonathan Craig intervened to mention council attitudes towards Travellers, and he also alluded to other groups. My experience over many years has been that there was a certain reluctance among councillors to have much truck with voluntary groups. Again, that is an attitude that has changed and continues to change, but,

again, I am speaking from personal experience in these matters.

The Housing Executive is a statutory body. It did not come through in the debate that it is recognised as competent. Obviously, it may not be competent in some other areas, and we look forward to hearing about that. However, it is a statutory body with responsibility for Travellers' sites and the provision of them. That responsibility has been mentioned today, and it is important.

Simon Hamilton spoke as Chairperson of the Committee, and he gave a comprehensive summation of the discussion and debate in Committee. There was and continues to be a lot of consensus in the Committee, but there are issues that we will always disagree on, and Travellers is one such issue. Simon made three points about proper consultation. I was struck by what the councillors stood up to say today. As Mr Anderson, Mr Beggs and Mr Craig are councillors — although Mr Craig did not directly mention lack of consultation — could they not find out whether there was consultation and let us know?

Mr Craig: No.

Mr Brady: I am glad that the Member said that, but he was not the one who alluded to it. With respect, the councillors who did allude to it did not give us any information as to whether or not they were consulted.

The Chairperson of the Committee for Social Development: Is the Member seriously suggesting that the onus and responsibility for consulting on what is put before us rests with individual Members of this House? That would signal the development of the very odd and novel concept that we are responsible for running out and consulting with all and sundry in the country to find out whether they are happy with proposals. There are processes for consultation. It is very clear — indeed, the Member has not refuted it — that the amendments put forward by him and others have in no way been consulted on properly or adequately.

Mr Brady: I thank the Member for his intervention. With respect, I did not say whether or not there was consultation. The point that I was trying to make is that a number of members of the Committee are councillors and continue to be councillors. If they were so

exercised about lack of consultation, they could have raised it as an issue. To my recollection, that was not done to any great degree. That is a fairly straightforward and simple point, whether the Members accept it or not. I do not expect councillors to run out and consult with one and all. However, this issue is important, and if they were so exercised about it, they could at least have raised it.

Mr Hamilton's second point was about the inconsistency of the amendments and how they were at odds with the orthodoxy of devolving powers to councils. RPA was also mentioned. He went on to talk about the amendments proposing to exempt Traveller sites only. As far as I am aware, licences are required for other sites, but the amendments talk specifically about Travellers. I am not aware — if others are, perhaps they could enlighten me — of there being particular problems with other sites to the extent that there appears to be with Traveller sites in the view of some people. That is simply my point.

The Member accepted that the issue of Traveller sites is very controversial, and I do not think that anyone would argue with that. However, it has been controversial for a long time, and the nettle should have been grasped a long time ago. I made that point in Committee, and I will continue to make it because there is a lack of responsibility and a lack of people dealing with problems. Travellers are not outside our community; they are members of it, and they should be treated with the dignity and respect that they deserve. They are no worse than anybody else, and I do not think that they necessarily want to be better than anybody else. That is certainly my experience, and I will continue to argue that.

Mary Bradley talked about her experience of working with Travellers; she made it clear that she is au fait with the problems that they face daily. Anna Lo talked about the special circumstances of Travellers; she made the point that there are fewer than 1,500 Travellers in the North. It should be recognised that we are not dealing with a huge problem; we are not dealing with thousands of people. We are talking about people who, for the most part, want to be integrated into our society. The lack of provision has been internationally criticised. Anna Lo's argument was very much in favour of the amendments. She stated that councils

had the opportunity to object, as was said later about the planning system.

Sydney Anderson, as a councillor, made a stout defence of Craigavon Borough Council. He said that he was disappointed by the amendments as they were misplaced and misguided. However, my experience of dealing with Craigavon Borough Council over the years in relation to Travellers is that it was not exemplary in dealing with the problem. Perhaps that is not recognised by Craigavon Borough Council, but it is certainly recognised by other people. I think that the Member invited the Minister to view the sites in Craigavon. He did not make it clear whether he meant “sights” or “sites”, but I assume that it was a bit of both. He talked about equality and human rights and how one section of the community requiring a licence was not morally right. He also talked about a wedge being driven. In my experience, the wedge has been there for a long time. That wedge is not firmly in place; it is starting to loosen a wee bit, but a great deal of work needs to be done on it.

I will make just one comment about Roy Beggs: he is a Nimby; he does not want Travellers in his back yard. Perhaps they just do not want to go there because they realise the reception that they might get. What the Member said today certainly does not inspire confidence in going to his constituency.

Jonathan Craig intervened and talked about council powers. He mentioned the consultation process in planning, so consultation entered his vocabulary today at some stage. Mary Bradley also intervened and talked about houses being required.

7.45 pm

Perhaps I should elaborate on what Roy Beggs said. Although he is a Nimby, he talked about there being no tradition of sites or perceived need for them. Maybe that is why he is a Nimby. Maybe, Roy, you should broaden your experience and come to see a few sites. It might give you an insight into how —

Mr Beggs: I can honestly say that I would not wish for such a site anywhere in my constituency: where skips are provided free by the council, but are not used; where rubbish is being spread around widely; and where socks were stolen — I will not go into detail, but they were used for something for which they were

not meant to be used — from the garden of a women's centre that tries to help disadvantaged members of the community, and desecration occurred at the side of the building. I can assure you that I do not want that anywhere in my constituency.

Mr Speaker: Members should direct their remarks through the Chair.

Mr Brady: The Member said that he would like to help Travellers to better themselves. He has a missionary zeal on which he should expand. Maybe he should go back to Craigavon, or wherever he saw that site, and do his best. If there are such sites in Mr Beggs's constituency, perhaps they are better supervised, looked after and resourced.

In fairness, the Minister was brief, saying simply that the amendments are technically correct. John McCallister was trying to be all things to all men, because his Bill is a precious child to him and he did not want to offend too many people.

Mrs M Bradley: I thank the Member for allowing me to intervene. John's Bill is fabulous, but it has certainly not been helped by the discussions that we have had tonight. It is absolutely and totally incredible that, as representatives of everybody out there, we are talking about a section of the community that is made up of human beings who are the same as everybody else. I have them living in houses in housing estates, and I invite any of you to go with me to see how they live with the people and how the people appreciate living with them.

The Chairperson of the Committee for Social Development:

I remind the Member that the only reason we are debating this issue is because of amendments tabled by her and others. If the Member is concerned about the debate, perhaps now is not the time to worry about that. The time to worry was the moment she tabled the amendments. That is the only reason why the issue is being debated.

Mrs M Bradley: Will the Member give way?

The Chairperson of the Committee for Social Development:

I am afraid that it is not my Floor to give way.

Mrs M Bradley: I say to the Chairman of the Committee that we brought amendments that were rightfully done, but I am not sure whether a petition of concern should have been allowed this evening. It is absolutely appalling that we

have come to this situation in the Chamber. I have never felt as angry in my life as I feel tonight.

Mr Speaker: Let me clarify: this is a valid petition of concern. Any vote in the Assembly can attract a petition of concern. I have no role in it. I refer Members to the Act that lays out clearly what a petition of concern is and when it can be used in the House.

Mr Brady: I thank both Members for their interventions. I am losing count. With respect to what the Chairperson said about the amendments, I think that, apart from the importance that we feel the amendments have, they have opened the debate to wider issues. Although I disagree with the reason for tabling the petition of concern, as the Speaker said, it is an instrument that can be used. We have all used it. If Members feel strongly enough, they can use it. However, with respect the wider debate, this debate has brought out the diverse views that people have towards Travellers, which we need to address. At some stage, we have to sit down and discuss the particular problem. This is not a recent problem; it has been going on for a long time, and we need to deal with it. The debate has been useful because it has contained a wide diversity of views, both from people who have had, and continue to have, experience of working with Travellers on a weekly or daily basis and from people who have absolutely no experience and maybe need to gather some experience before they feel the need to pontificate on issues that they should maybe admit that they do not know that much about.

Mr Speaker: Amendment No 12 is a paving amendment to amendment No 14. As I said earlier, I have received a valid petition of concern that relates to amendment No 12. Therefore, the vote will be on a cross-community basis.

Amendment No 12 proposed: In page 8, line 42, after "paragraph 11" insert "or 11A". — [Mr F McCann.]

Question put.

The Assembly divided: Ayes 31; Noes 32.

AYES

NATIONALIST:

Ms M Anderson, Mr Attwood, Mr Boylan,
Mrs M Bradley, Mr Brady, Mr Burns, Mr Butler,

Mr W Clarke, Mr Gallagher, Mrs D Kelly, Mr G Kelly,
Mr A Maginness, Mr A Maskey, Mr P Maskey,
Mr F McCann, Mr McCartney, Mr McDevitt,
Mr McElduff, Mrs McGill, Mr McGlone, Mr McKay,
Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill,
Mr P Ramsey, Ms S Ramsey, Ms Ruane,
Mr Sheehan.

OTHER:

Dr Farry, Ms Lo.

Tellers for the Ayes: Ms Lo and Mrs McGill.

NOES

UNIONIST:

Mr S Anderson, Mr Armstrong, Mr Beggs, Mr Bell,
Mr Bresland, Lord Browne, Mr Buchanan,
Mr T Clarke, Mr Craig, Mr Easton, Mr Elliott,
Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan,
Mr Givan, Mr Hamilton, Mr Hilditch, Mr Irwin,
Mr Kennedy, Mr I McCrea, Miss McIlveen,
Mr McQuillan, Lord Morrow, Mr Moutray, Mr Poots,
Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey,
Mr Weir, Mr Wells.

Tellers for the Noes: Mr S Anderson and Mr Craig.

Total votes	63	Total Ayes	31	[49.2]
Nationalist		Nationalist		
Votes	29	Ayes	29	[100.0]
Unionist		Unionist		
Votes	32	Ayes	0	[0.0]
Other Votes	2	Other Ayes	2	[100.0]

The following Members voted in both Lobbies and are therefore not counted in the result: Mr McCallister, Mr B McCrea.

Question accordingly negatived (cross-community vote).

Question put, That amendment No 13 be made.

The Assembly divided: Ayes 31; Noes 32.

AYES

NATIONALIST:

Ms M Anderson, Mr Attwood, Mr Boylan,
Mrs M Bradley, Mr Brady, Mr Burns, Mr Butler,
Mr W Clarke, Mr Gallagher, Mrs D Kelly, Mr G Kelly,
Mr A Maginness, Mr A Maskey, Mr P Maskey,
Mr F McCann, Mr McCartney, Mr McDevitt,
Mr McElduff, Mrs McGill, Mr McGlone, Mr McKay,
Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill,

Mr P Ramsey, Ms S Ramsey, Ms Ruane, Mr Sheehan.

OTHER:

Dr Farry, Ms Lo.

Tellers for the Ayes: Ms Lo and Mrs McGill.

NOES

UNIONIST:

Mr S Anderson, Mr Armstrong, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr S Anderson and Mr Craig.

Total votes	63	Total Ayes	31	[49.2]
Nationalist Votes	29	Nationalist Ayes	29	[100.0]
Unionist Votes	32	Unionist Ayes	0	[0.0]
Other Votes	2	Other Ayes	2	[100.0]

The following Members voted in both Lobbies and are therefore not counted in the result: Mr McCallister, Mr B McCrea.

Question accordingly negated (cross-community vote).

Mr Speaker: The question is that clause 11 stand part of the Bill. All those in favour say “aye”.

Some Members: Aye.

Mr Speaker: Contrary, if any, say “no”.

Some Members: No.

Mr Speaker: Order. What we are trying to achieve is to put the Question that clause 11 stand part of the Bill. I know that Members have been going through the Lobbies for some time, and I think that they are looking to the sponsor of the Bill, so let us be clear. I will ask the Question again so that there is clarity on it.

Question put and agreed to.

Clause 11 ordered to stand part of the Bill.

Clauses 12 to 14 ordered to stand part of the Bill.

New Clause

Mr Speaker: Order, Members. Let us keep focused until we finish. Amendment No 14 has already been debated. As I have received a petition of concern relating to amendment No 14, the vote will once again be taken on a cross-community basis.

Amendment No 14 proposed: After clause 14, insert the following new clause:

“Part 4A

Licensing of Caravan Sites

Exemption from licensing of sites for Irish Traveller community provided and managed by the Housing Executive

14A. In the Schedule to the Caravans Act (sites exempt from licensing) after paragraph 11 insert³⁴

‘Sites for Irish Traveller Community

11A. A site license shall not be required for the use as a caravan site of land provided and managed by the Northern Ireland Housing Executive under Article 28A of the Housing (Northern Ireland) Order 1981 (NI 3) (provision of caravan sites for Irish Traveller Community).” — [Mr F McCann.]

Question put.

The Assembly divided: Ayes 30; Noes 32.

AYES

NATIONALIST:

Ms M Anderson, Mr Attwood, Mr Boylan, Mrs M Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mrs D Kelly, Mr G Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr McDevitt, Mr McElduff, Mrs McGill, Mr McGlone, Mr McKay, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ruane, Mr Sheehan.

OTHER:

Dr Farry, Ms Lo.

Tellers for the Ayes: Ms Lo and Mrs McGill.

NOES

UNIONIST:

Mr S Anderson, Mr Armstrong, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Mr Elliott,

Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan,
Mr Givan, Mr Hamilton, Mr Hilditch, Mr Irwin,
Mr Kennedy, Mr I McCrea, Miss McIlveen,
Mr McQuillan, Lord Morrow, Mr Moutray, Mr Poots,
Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey,
Mr Weir, Mr Wells.

Tellers for the Noes: Mr S Anderson and Mr Craig.

Total votes	62	Total Ayes	30	[48.4]
Nationalist Votes	28	Nationalist Ayes	28	[100.0]
Unionist Votes	32	Unionist Ayes	0	[0.0]
Other Votes	2	Other Ayes	2	[100.0]

The following Members voted in both Lobbies
and are therefore not counted in the result: Mr
McCallister, Mr B McCrea.

Question accordingly negatived (cross-community
vote).

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

Clause 15 (Interpretation)

Mr Deputy Speaker: Amendment No 15 is
consequential to amendment No 14, which was
not made. I will not therefore call amendment
No 15.

Amendment No 16, which has already been
debated, is consequential to amendment Nos 4
and 5, which have both been made.

Amendment No 16 made: In page 10, line 26,
leave out

“protected site or a seasonal site”

*and insert “caravan site”. — [The Minister for
Social Development (Mr Attwood).]*

Mr Deputy Speaker: Amendment No 17, which
has already been debated, is consequential to
amendment Nos 4 and 5, which have both been
made.

Amendment No 17 made: In page 10, line 32
leave out “seasonal site” and insert

*“site in respect of which the relevant planning
permission or site licence—*

*(a) is expressed to be granted for holiday use only;
or*

*(b) is otherwise so expressed or subject to such
conditions that there are times of the year when
no caravan may be stationed on the land for
human habitation;”. — [The Minister for Social
Development (Mr Attwood).]*

Amendment No 18 made: In page 10, leave out
line 36. — *[The Minister for Social Development
(Mr Attwood).]*

*Clause 15, as amended, ordered to stand part of
the Bill.*

*Clauses 16 and 17 ordered to stand part of the
Bill.*

Schedule (Agreements under Part 1 of this Act)

Amendment No 19 made: In page 12, line
29, leave out “reasonable” and insert
“proportionate in all the circumstances”. — *[The
Minister for Social Development (Mr Attwood).]*

Amendment No 20 made: In page 12, line 34,
leave out “reasonable” and insert “proportionate
in all the circumstances”. — *[The Minister for
Social Development (Mr Attwood).]*

Amendment No 21 made: In page 13, line 1, leave
out “reasonable” and insert “proportionate in all
the circumstances”. — *[The Minister for Social
Development (Mr Attwood).]*

Amendment No 22 made: In page 14, line 11,
leave out “the rate of 10%” and insert

*“a rate not exceeding 10% of the sale price”.
— [The Minister for Social Development (Mr
Attwood).]*

Amendment No 23 made: In page 14, line 15, at
end insert

*“(11) In relation to a caravan on a travellers’ site
(within the meaning given by section 5(3)(c)), this
paragraph applies with the omission of -*

(a) sub-paragraph (9); and

*(b) in sub-paragraph (10), the words “Except to the
extent mentioned in sub-paragraph (9),”.* — *[The
Minister for Social Development (Mr Attwood).]*

Amendment No 24 made: In page 14, line 30,
leave out “the protected site” and insert

*“any protected site of the owner”. — [The Minister
for Social Development (Mr Attwood).]*

Amendment No 25 made: In page 15, line 5, at
end insert

"or to any amenities on the site" — [The Minister for Social Development (Mr Attwood).]

Schedule, as amended, agreed to.

New Schedule

Amendment No 26 made: After Schedule insert

"SCHEDULE 2

Qualifying caravan owners' association

1. -(1) A Caravan owners' association is a qualifying owners' association in relation to a seasonal site if -

(a) it is an association representing the occupiers of caravans on that site;

(b) at least 50 per cent. of the occupiers of the caravans on that site are members of the association;

(c) it is independent from the owner, who together with any agent or employee of the owner is excluded from membership;

(d) subject to paragraph (c), membership is open to all occupiers who own a caravan on that site and are entitled to an agreement under clause 7(1);

(e) it maintains a list of members which is open to public inspection together with the rules and constitution of the residents' association;

(f) it has a chairman, secretary and treasurer who are elected by and from among the members on an annual basis at the Annual General meeting;

(g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each caravan.

(2) When calculating the percentage of occupiers for the purpose of sub-paragraph (1)(b), each caravan shall be taken to have only one occupier and, in the event of there being more than one occupier of a caravan, its occupier is to be taken to be the occupier whose name first appears on the agreement.

Owner's obligations

2. The owner shall consult a qualifying caravan owners' association, if there is one, about -

(a) significant changes to the operation and management of the seasonal site which affect the occupiers either directly or indirectly; and

(b) changes to site fees or service fees.

3. For the purposes of the consultation in paragraph 2(1) the owner shall give the association at least 28 days' notice in writing of the matters referred to in paragraph 2 which -

(a) describe the matters and how they may affect the occupiers either directly or indirectly in the long and short term; and

(b) states when and where the association can make representations about the matters." — [Mr McCallister.]

New schedule agreed to.

Long title agreed to.

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

Adjourned at 8.35 pm.

Northern Ireland Assembly

Monday 31 January 2011

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

Members observed two minutes' silence.

Assembly Business

Suspension of Standing Orders

Mr Cobain: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 31 January 2011.

Mr Speaker: Before I put the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 31 January 2011.

Mr Speaker: As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

Ministerial Statement

North/South Ministerial Council: Plenary Format

Mr Speaker: I have received notice from the First Minister and the deputy First Minister that the deputy First Minister wishes to make a statement to the House.

The deputy First Minister (Mr M McGuinness):

In compliance with section 52C(2) of the Northern Ireland Act 1998 we wish to make the following statement on the eleventh meeting of the North/South Ministerial Council (NSMC) in plenary format, which was held in the NSMC joint secretariat offices in Armagh on Friday 21 January 2011. The Executive Ministers who attended the meeting have approved this report, and we make it on their behalf.

Our delegation was led by the First Minister, Peter Robinson MLA and me, and we chaired the meeting. In addition, the following Executive Ministers were in attendance: Sammy Wilson, Minister of Finance and Personnel; Michelle Gildernew, Minister of Agriculture and Rural Development; Nelson McCausland, Minister of Culture, Arts and Leisure; Caitríona Ruane, Minister of Education; Danny Kennedy, Minister for Employment and Learning; Arlene Foster, Minister of Enterprise, Trade and Investment; David Ford, Minister of Justice; Conor Murphy, Minister for Regional Development; Alex Attwood, Minister for Social Development; and the junior Ministers in the Office of the First Minister and deputy First Minister (OFMDFM), Robin Newton and Gerry Kelly.

The Irish Government delegation was led by the Taoiseach, Brian Cowen TD. The following Irish Government Ministers were also in attendance: Mary Coughlan TD, Tánaiste and Minister for Education and Skills and Minister for Health and Children; Mary Hanafin TD, Minister for

Tourism, Culture and Sport and Minister for Enterprise, Trade and Innovation; Eamon Ryan TD, Minister for Communications, Energy and Natural Resources; Brendan Smith TD, Minister for Agriculture, Fisheries and Food and Minister for Justice and Law Reform; and Pat Carey TD, Minister for Community, Equality and Gaeltacht Affairs and Minister for Transport.

During the meeting, we discussed a range of common challenges and shared views on the economy, the banks and the National Asset Management Agency (NAMA). It was noted that some £3.35 billion of Northern assets have now been acquired by NAMA. The constraints on budgets in both jurisdictions were recognised, and we welcomed the ongoing discussions between the two Finance Ministers to identify potential cost savings through co-operation and sharing. There was a desire to maximise access to EU funding and resources.

The serious implications for local employment arising from problems in the Quinn Group were discussed. It was recognised that it will be important to maintain cross-party and cross-border co-operation on that issue.

Executive Ministers raised concerns that food quality marks and campaigns in the South to promote, in particular, dairy products could be perceived as protectionist and may adversely impact on cross-border trade.

We welcomed the continued commitment by the Irish Government to funding for the A5 and A8 road projects. The Council renewed its support for the development of a satellite radiotherapy service at Altnagelvin, and Ministers agreed to consider the possibility of further support for the City of Derry Airport.

In discussion on challenges posed by the weather, flooding and influenza, we agreed that it would be important to build on existing co-operation in emergency planning.

Ministers noted a progress report on the 10 NSMC meetings that have been held since the last plenary meeting in July 2010 and welcomed the mutually beneficial co-operation taken forward, some of which I will now outline.

At the trade and business development meeting in November 2010, the EU Commissioner for Research, Innovation and Science, Máire Geoghegan-Quinn, offered Ministers her

continuing support for their work in promoting the innovation agenda.

InterTradeIreland will dedicate resources specifically to increase cross-border collaborative participation in the seventh framework programme for research and technological development, FP7.

The new dual carriageway close to Newry was opened in July 2010, and development work has continued on the A5 — the north-west gateway to Aughnacloy — and the A8, from Belfast to Larne. Those developments, along with progress already made in the overall motorway network in Ireland, will ensure greater road connectivity across the island.

Provisional figures indicate significant reductions in the number of road deaths in both jurisdictions. Initiatives taken forward with the GAA and the Young Farmers' Clubs of Ulster have assisted in the delivery of road safety messages.

The innovative North/South child protection hub was launched in November 2010, and the child protection communication strategy and communiqué, which will promote public awareness and assist everyone in their duty to safeguard children, was also launched.

Progress has continued on the all-island action plan on suicide prevention, the establishment of the new media monitoring service here and the completion of the all-island evaluation of applied suicide intervention skills training. A new action, called "Suicide and the economic situation", has been included in the action plan.

The development of a new satellite radiotherapy centre at Altnagelvin Area Hospital, to which the Irish Government have agreed to provide a capital and revenue contribution, is continuing. Approximately one third of patients who will attend the Altnagelvin centre will be from Donegal and the surrounding areas. The Executive's Finance Minister, in his statement to the Assembly on the Executive's draft Budget, indicated that that key project will be able to proceed.

The Peace III programme has approved 126 projects, worth €207 million, and the INTERREG IVa programme has approved 49 projects, worth €153 million. Total expenditure on both programmes to date is €95.15 million, significantly above the cumulative target to the end of 2010.

A 2010-11 action plan for the all-island animal health and welfare strategy and a work programme to take a joint strategic approach to plant health and pesticides have been put in place. There has been ongoing co-operation in dealing with a number of outbreaks of disease in Japanese larch forests.

The rural enabler project, with approved funding of £2.7 million under the Peace III programme, was endorsed by Ministers.

A comprehensive and collaborative programme of work has been developed, focusing on the early and continuing professional development of Irish-medium teachers. Collaborative work is also continuing on literacy and numeracy. A joint report by the two education inspectorates entitled 'How to Promote Literacy and Numeracy in our Schools' was published in December 2010.

Illegally dumped waste at sites in Slattinagh in Fermanagh and Trillick in County Tyrone has been removed. Following an evaluation, work will commence on the remaining 15 sites. Joint concerted enforcement actions to target shipments of waste are ongoing. The Environmental Protection Agency and the NI Environment Agency are collaborating with a view to accessing funding for priority environmental research under the seventh framework, INTERREG and LIFE+ programmes. The restoration of the Royal canal to reconnect it to the Shannon has been completed. A preferred route for the Clones to upper Lough Erne section of the Ulster canal has also been identified.

In a discussion on child protection, there was an exchange of views and experience of dealing with historical institutional abuse. Collaboration in the risk assessment and management of sex offenders was discussed. The Council also noted that the joint secretariat had identified a number of potential new emerging cross-border mobility issues. The joint secretariat will examine those issues in greater depth in consultation with relevant Departments, agencies and other bodies. A progress report will be presented to the next NSMC institutional meeting. The Border People website has been linked to NI Direct and Citizens Information.

The Council noted progress to date on the A5 and A8 projects, approved the project milestones and payment schedule and agreed to consider a further progress report at the next NSMC plenary.

The Council noted that the consultation with relevant Ministers in both jurisdictions on all aspects of the St Andrews Agreement review is nearing completion. Taking account of the outcome of that consultation, the review group will prepare a report for consideration by the NSMC at its plenary meeting in June 2011.

The Council noted the background and recent developments on a North/South consultative forum and agreed to advance the issue at its June 2011 plenary. The NSMC noted the communiqué issued by the Speaker of the Northern Ireland Assembly and the Ceannt Comhairle of Dáil Éireann following a North/South parliamentary forum conference in Newcastle on 7 and 8 October 2010. The Council approved a schedule of future NSMC meetings.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Elliott): I thank the deputy First Minister for his statement. One of the significant employment matters in Northern Ireland and the Republic relates to the Quinn Insurance Group. Was that discussed at the North/South meeting? If so, is there any information to report, particularly regarding the bids and proposals that are with the administrator? Have the Northern Ireland Executive made any political representation to the administrator?

The deputy First Minister: That subject came up in the course of the meeting. We are all acutely aware of the danger to jobs in the border areas, in both County Monaghan and County Fermanagh. We all absolutely agree that the loss of those jobs would be a devastating blow for the entire community in that area. The administrator is involved in ongoing discussions, and there is interest in the group from several sources. Our concern is to not to interfere in that process but, at the same time, to be involved in discussions with the Dublin Administration about how we can collectively face up to the challenges posed by a very real threat to the economy of that region.

The details of the administrator's ongoing work are sensitive. We do not wish to interfere in that work except to say that the issue is being given attention. We understand that, if the hugely significant employment in that region were lost, it would be pretty devastating to the region. It is a work in progress. Ongoing meetings are taking place, North and South, to try to get a

successful outcome. At this stage, I think that we are all of the view that there is going to be pain whatever the outcome. It is, therefore, a matter of how we can minimise job losses.

12.15 pm

Mr Spratt: I thank the deputy First Minister for his statement. Will he confirm that the Irish Government have proposed efficiency savings in excess of the cumulative 3% year-on-year savings agreed for the North/South implementation bodies? Will he indicate the level of the new cuts?

The deputy First Minister: At the NSMC plenary meeting, we recognised that there are constraints on the Budgets of both jurisdictions and that it is sensible to explore opportunities to save money through mutually beneficial co-operation. We welcome the ongoing discussions between Sammy Wilson and Brian Lenihan on the issue, and I understand that officials from the two Finance Departments will be working together to examine the potential for budgetary savings in greater detail. There will be further discussions about that at the plenary meeting in June.

On 23 July 2010, the Department of Finance and Personnel and the Department of Finance issued guidance to sponsored Departments to inform the preparation of the 2011-13 corporate plans and the 2011 business plans for the bodies. That guidance specified that further minimum cash-releasing efficiency savings of 3% in 2011, cumulating to 9% over the 2012-13 period, are required. It also included a proviso that there may be a review of those efficiency guidelines for 2012-13 to take account of the developing Budget process in both jurisdictions.

Following the Irish Government's 2011 Budget announcement, the Taoiseach wrote to us reiterating his Government's commitment to North/South co-operation. He stated that there may be scope for savings in excess of 3% in some areas and stressed the importance of making joint decisions about the bodies' budgets. We agree with the Taoiseach that the North/South bodies, like all other public bodies, must ensure efficiency. However, it will be important that they have sufficient resources to deliver on their mandates.

Ms M Anderson: Go raibh míle maith agat. I thank the Minister for his statement. I note that the Minister for Social Development is on record

as saying that he will canvass for the Irish Labour Party in the election in the Twenty-six Counties. Some members of his party oppose the building of the A5 linkage between Derry and Dublin. Will the Minister outline the status of the A5 project and of the radiotherapy unit at Altnagelvin, given that the Tory UUP Health Minister is refusing to fund its running costs?

The deputy First Minister: I know that the issue is very close to the heart of the Ulster Unionist Party leader, too. At the plenary meeting, we welcomed the very good progress that has been made on the A5 and the A8. The Taoiseach reaffirmed his commitment to those road projects and the related funding. The Council noted that development work has been continuing on the A5 project with the key milestone of the publication of draft Orders being met in November 2010. The Council agreed the A5 project milestones and payment schedule. Those road developments, along with the progress made in the overall motorway network in Ireland, will ensure greater road connectivity across the island.

The issue is also close to the hearts of many people in the north-west, particularly when we are hoping to attract inward investment and tourism. As we all know, there is a feeling in the north-west that the region's infrastructure has been neglected. It is vital that our roads are up to standard. That project is obviously very important not just for the north-west but for the road network throughout the island. Encouraging tourists to come here is hugely important. We go forward on the basis that the commitments made by the Irish Government, as represented by Brian Cowen at the NSMC meeting, will be kept by any incoming Administration, whatever their complexion.

The radiotherapy centre at Altnagelvin is a hugely important issue for people's health. I will not engage in controversy on the issue except to say that the Health Minister has to make decisions about the project in the time ahead. It is a key project for the North/South Ministerial Council and for the health of our people in Donegal, Derry and the surrounding areas, and it is very important that it goes ahead. Essentially, it represents a challenge for the Health Minister. There is not much point in building a centre if it is not going to be used. I am working on the basis that he will build the centre and that the revenue will be available to ensure that the health needs of our people are met.

Mr Gallagher: I welcome the Minister's statement, particularly on co-operation in relation to the Quinn Group. However, does he accept that Quinn Insurance, which is based at Enniskillen and Cavan, will have its future decided in the coming weeks, and will he assure the House that the two Governments, at prime ministerial level, will continue to do everything possible on a weekly basis to save those jobs and avoid the social and economic devastation that will happen to the region should job losses occur?

The deputy First Minister: I give that assurance. The matter was discussed at recent Executive meetings, and Ministers have engaged in debate about what more can be done to ensure the protection of those jobs, which are so vital to County Fermanagh and County Monaghan. There is no difficulty with our continuing to engage with the Irish Government to see what can be done. That item was also discussed at the meeting of the North/South Ministerial Council; so, given the fact that it has been discussed at recent Executive meetings and at the NSMC, I can give an assurance that we will continue to do our level best to protect those jobs.

People are conscious that we appear to be in a time of change in the political situation down South. There will be a general election within a couple of weeks, and a Government of whatever hue will be formed. I presume that the incoming Administration will regard the protection of jobs in Monaghan and Fermanagh as a vital issue for them.

Dr Farry: I thank the deputy First Minister for his statement. It must have been a very interesting meeting; it is surely noteworthy when the Northern Government are viewed as more stable than the Southern Government.

The Minister's statement referred to:

"ongoing discussions between the two Finance Ministers to identify the potential cost savings through co-operation and sharing."

Will the deputy First Minister expand on that and assure the House that those discussions will be more than simply lip service? Will he assure Members that there will be a genuine scoping exercise in both jurisdictions to see where we can do things on a shared basis and that we will try to factor any conclusions into our forthcoming Budget?

The deputy First Minister: The Finance Ministers North and South are committed to working together where there is mutual benefit. That is a very encouraging position. I do not think that it is sensible to go into the detail of those discussions as they are ongoing, but there is a responsibility on all of us to consider what more can be done.

There has been controversy about the fact that the Department of Health, Social Services and Public Safety has had possession of propositions and proposals that those who investigated shared services for health North and South felt would enhance health provision for people in those jurisdictions. That information has not been made public, which has to be a source of concern. The information would be of benefit to our Finance Minister and to the Finance Minister from Dublin in their ongoing discussions to ensure that we challenge ourselves, without danger to anybody's political aspirations or opinions, to see what could be done that is to the benefit of all our people, where there are real opportunities for cost savings. That goes right across the ambience of government, North and South. There are things that we can do that are to our mutual benefit without compromising anybody's political beliefs or aspirations.

Mr Craig: Will the deputy First Minister indicate how the interests of Northern Ireland are being protected when the Irish Government and NAMA are dealing with the debt levels in Northern Ireland?

The deputy First Minister: We are all very concerned about the economic situation, and the NAMA situation has been of tremendous concern to us. We are particularly concerned that there may be a fire sale, which would have a very destabilising effect on our economic circumstances in the North.

The main focus of discussion at the plenary meeting was on the economic challenges in both jurisdictions and the related issues of the banks and NAMA. We exchanged views on the potential for economic recovery and measures that we are taking to deal with the recession's effects. We emphasised that a strong economy is in all our interests. The Taoiseach recognised that banking restructuring may have implications for us, and he was sympathetic to our concerns that possible downsizing of the banks may lead to job losses. He advised us that some

£3.35 billion of Northern assets have now been acquired by NAMA but that figure may increase as the process rolls out.

In a discussion about the implications of NAMA, we outlined our concerns about employment, access to credit and communication difficulties with NAMA. The Taoiseach advised us that a Northern Ireland-based retired banker had been appointed to review credit refusals to ensure that those who sought credit got a fair hearing. He suggested that the Executive should meet NAMA to discuss those problems, and we intend to act on that suggestion.

The meeting recognised the important discussions on those matters that the two Finance Ministers have held, so we need to maintain our discussions and our co-operation with the Irish Government in these challenging times. No doubt we will have a further in-depth discussion at the next NSMC meeting in June.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. The most recent meeting of the Council noted potential new and emerging issues around cross-border mobility. Will the deputy First Minister provide greater detail on those discussions and how obstacles to cross-border mobility might be overcome, for example, in employment, finance and access to services?

The deputy First Minister: The plenary meeting considered a paper on cross-border mobility issues, and the joint secretariat has undertaken work. Arising from research and consultation, potential issues have been identified. Some of them are quite complex, and the joint secretariat has already had discussions about them with Departments, agencies and other relevant bodies.

A key area of concern appears to be taxation and welfare benefits in border areas. Although the Border People website is doing a good job of keeping people informed, there appears to be an issue with individuals accessing information that they need and with the processing of welfare benefit claims with a cross-border element. Concerns have also been raised about the quality and cost of the cross-border postal service, particularly by Consumer Focus Post. The postal service is not a devolved matter, so there is a limit to what we can do about that. However, as it has been raised as an issue with particular significance for consumers and cross-border trade, it is important for us to explore what can be done. The joint secretariat met

Consumer Focus Post and InterTradeIreland, and InterTradeIreland agreed to include questions on the issue in its January 2011 business monitor, which surveys 1,000 businesses.

Concerns have also been raised about the cost of transferring money and the use of debit cards across the border. Ministers had previously noted that discussions with the main banking groups had led to the publication, for the first time, on the Border People website of a detailed comparative table of typical cross-border transaction charges. That area of the website is extremely popular, second only to the social welfare area.

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

To ensure that cross-border banking information held on the website is up to date, a review was completed last spring.

12.30 pm

Lord Browne: I thank the deputy First Minister for his statement. I note that the plenary meeting was held in the NSMC secretariat's base in Armagh. Will the deputy First Minister confirm that the opening date for the BIC standing secretariat will be announced at the next British-Irish Council summit in June?

The deputy First Minister: The meeting was significant not only because it happened but because we officially opened the new NSMC building, which has been widely welcomed. At the plenary meeting, the First Minister and I, along with the Taoiseach, were pleased to open officially the new building in Armagh, and we all agreed that it was good that the joint secretariat now had a permanent base. The holding of the plenary meeting in the new building was an important milestone, and I pay tribute to all those involved in the project — some of whom are at the Assembly today — including the project team, the contractor, Armagh City and District Council and, of course, the NSMC joint secretariat staff.

The new accommodation has been fully operational since 19 April 2010, and, when practicable, NSMC meetings are held there. That represents a more cost-effective and efficient use of resources. Already, 13 NSMC meetings have been held there. The building is leased to the NSMC joint secretariat by Armagh City and District Council. Maintenance and running costs are the responsibility of the secretariat, and the

total cost of the lease and the running costs are shared, on a 50:50 basis, with the Irish Government.

The design reflects the highest environmental and energy-saving standards, and it complements the existing architecture of the area. The building received the top environmental rating in the Building Research Establishment environmental assessment method (BREEAM). Recently, the new offices received the coveted William Keown access award, which recognises the fact that it is barrier free and user-friendly for everyone, including people with disabilities. In a joint venture with the NSMC joint secretariat, Armagh City and District Council recently commissioned a new piece of art for the atrium wall, which should be in place by the end of June.

BIC meetings are also vital. We all benefit greatly from talking to colleagues from different jurisdictions and from recognising that mutual benefits can be gained for us all. The work of putting in place the BIC secretariat continues and will, I hope, be concluded shortly.

Mrs D Kelly: I welcome the introduction of the cross-border mobility website. I am sure that it will be of some use in assisting the newly created sheriff of Northstead to find out about benefit entitlements in the Republic of Ireland.

My question is on the St Andrews Agreement review, the North/South Consultative Forum and the North/South Parliamentary Forum. How exactly will those points be actioned, given that Sinn Féin and the DUP have yet to agree a paper, through the working group on the Hillsborough agreement, on actions that have not yet been implemented faithfully?

The deputy First Minister: We all know that all those issues are works in progress. At the July 2010 NSMC plenary meeting, it was agreed that the recommendations of the expert advisers on the efficiency and value for money of existing North/South implementation bodies and Tourism Ireland be forwarded to Ministers whose Departments sponsor those bodies for their information and to seek their views.

We also noted that Departments have been tasked to provide views on the second and third terms of reference of the review. It is anticipated that, on receipt of responses to that request, the review group will move rapidly to conclude its deliberations, and it was agreed that the NSMC will consider at a future meeting

the outcome of the consultation that is under way in both jurisdictions on the remaining terms of reference of the St Andrews Agreement review. At the plenary meeting on 21 January, we noted that the consultation with relevant Ministers in both jurisdictions on all aspects of the St Andrews Agreement review is near to completion.

Taking into account that consultation, the review group has been asked to prepare a report for consideration by the NSMC at its next plenary meeting in June 2011. All that is work in progress, and other Departments, not just the Office of the First Minister and deputy First Minister, are involved in it.

Mr Molloy: Go raibh maith agat. I thank the Minister for the statement. In view of the number of tragic deaths from suicide, can the Minister provide more detail about the all-island action plan, particularly its parts about suicide and the economic situation?

The deputy First Minister: That question comes in the aftermath of some sad news in recent days about a terrible situation where people have taken their own lives. That is absolutely of concern to all politicians, North and South, and to everybody in the Assembly who has had to deal with those matters in the course of the past number of months.

The joint secretaries' progress report to the plenary outlined progress on the all-island action plan on suicide prevention. That action plan has been in place since 2005 and continues to develop as new actions are added and completed actions become embedded in mainstream practice. Progress to date includes the development of all-island public information campaigns, the extension of a delivered self-harm registry to sites in the North, and the evaluation of applied suicide intervention skills training. Recent achievements include the establishment of the new media monitoring service in the North, which incorporates learning from the headline service in Ireland.

The economic climate is leading to a rise in unemployment. That is of concern, as research indicates that unemployment is an increased risk factor for suicide and that a 1% increase in unemployment is met with a corresponding 0.8% increase in suicide rates. A new action on suicide and the economic situation has been added to the all-island action plan. Its aim is to ensure the sharing of information on

interventions, including evaluation of specific initiatives, designed to mitigate the impact of unemployment and the economic downturn on individuals.

Mr T Clarke: Can the deputy First Minister confirm that the agreement of this House is required to expand or to reduce the scope of the strand-two institutions?

The deputy First Minister: The rules and agreements are there and have been on display for quite some time, and as far back as 1998. It is very clear that, as we move forward with institutions of a North/South nature, the agreement of the Oireachtas and this House is required. Therefore, we all have to recognise that there are great benefits for all of us if we continue to work together and continue to challenge ourselves to put in place mutually beneficial processes that will bring benefits to all our people. For example, we have already seen the huge success of InterTradelreland and Tourism Ireland. Indeed, we all agree that where savings can be made by working through shared projects, we can do that without interference with anybody's political beliefs or aspirations.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the deputy First Minister for the statement.

An bhfuil an tAire ábalta geallúint do phobal iar-thuaisceart an oileáin seo go ndéanfar an bóthar A5 ag an stádas chéanna a bhí pleanáilte ariamh? Is the Minister able to give an assurance to the community in the north-west of the island that the A5 route will be brought forward at the same status and standard as has been planned heretofore?

The deputy First Minister: Go raibh maith agat. I have already said on a number of occasions in the course of my contribution this morning that that issue was discussed at the plenary meeting, where we welcomed the very good progress on the A5 and A8. The Taoiseach's recommitment, which, to be fair to him, has been consistent, to reaffirming that those road projects and related funding will go ahead was important to us, and we have not heard anything to indicate that there is any danger to the project under that Administration.

The Council noted that development work has been continuing on the A5 project, with the key milestone, the publication of draft orders, being

met in November 2010. The Council agreed the A5 project milestones and payments schedule, and those road developments, along with the progress that already has been made with the overall motorway network in Ireland, will ensure greater road connectivity across the island. Given that an SDLP Member has stated that that party intends to canvass for the Labour Party in the South, the SDLP can use its good offices with the Labour Party to get it to withdraw Joe Costello's statement that there is some doubt over whether those projects will go ahead.

Executive Committee

Business

Dogs (Amendment) Bill: Further Consideration Stage

Mr Deputy Speaker: I call on the Minister of Agriculture and Rural Development to move the Further Consideration Stage of the Dogs (Amendment) Bill.

Moved. — [The Minister of Agriculture and Rural Development (Mrs Gildernew).]

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 the Speaker's provisional grouping of amendments selected list.

There is one group of amendments. The debate will be on amendment Nos 1 to 10, which deal with whether it is appropriate to allow a dog to attack a person or animal when they are trespassing; entry on to property to prevent or to end a dog attack on another animal; and a minor technical amendment.

Once the debate on the 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. If that is clear, we shall proceed.

Clause 6 (Setting on or urging dog to attack)

Mr Deputy Speaker: We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 10.

Members should note that, as amendment Nos 3 and 4 are mutually exclusive, should amendment No 3 be made, I will not call amendment No 4. Members should further note that, as amendment Nos 7 and 8 are mutually exclusive, should amendment No 7 be made, I will not call amendment No 8.

Dr Farry: I beg to move amendment No 1: In page 4, line 13, after "who" insert "without reasonable excuse".

The following amendments stood on the Marshalled List:

No 2: In page 4, line 27, leave out

"A person is not guilty of an offence"

and insert

"It may be a defence for a person". — [Dr Farry.]

No 3: In page 4, line 27, leave out paragraph (4). — *[Dr Farry.]*

No 4: In page 4, line 29, after "land" insert "without reasonable excuse". — *[Dr Farry.]*

No 5: In clause 7, page 5, line 2, after "who" insert "without reasonable excuse". — *[Dr Farry]*

No 6: In clause 7, page 5, line 24, leave out

"A person is not guilty of an offence"

and insert

"It may be a defence for a person". — [Dr Farry.]

No 7: In clause 7, page 5, line 24, leave out paragraph (6). — *[Dr Farry.]*

No 8: In clause 7, page 5, line 26, after "land" insert "without reasonable excuse". — *[Dr Farry]*

No 9: In clause 10, page 9, line 31, leave out "another dog" and insert

"any other animal owned by a person other than the owner of the dog". — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

No 10: In schedule 1, page 12, line 13, at end insert

"and for 'the order under that sub-paragraph' substitute 'that order'." — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

I thank the Bill Office for its co-operation and my party's staff for their work in getting us to this stage. The Alliance Party strongly welcomes the legislation, particularly the clauses that deal with attacks by dogs on other dogs, other animals and people. However, I am concerned that the balance of the Bill, as it is constituted, is not correct, particularly because there is no offence in the context of a trespasser or an animal on private land. Members will be familiar with the problem of attacks by dogs on people, other dogs and animals, and, indeed, many of us have been very frustrated by the impunity with which those attacks occur, given the absence of a proper legal framework. We have all heard complaints in our constituencies about that, and we have all shared that concern. I have come across a number of such cases.

As the Bill is drafted, however, it will not be capable of dealing with all the potential situations that we need to cater for. The Bill is, essentially, 90% sound in that respect, but given that we are updating the Dogs (Northern Ireland) Order 1983 almost 30 years on, it may be another generation before we get another opportunity to revise similar legislation. Even at the eleventh hour of Further Consideration Stage, we need to be mindful of trying to address a potential loophole in the legislation as it stands, and what today may seem to be reasonable and to pose little risk may, with the benefit of hindsight, turn out to be something that we should have addressed.

12.45 pm

The Bill's provisions cover public and private land, which is welcome. However, private land is excluded in the context of unauthorised entry — that is, in the context of a trespass. The Bill is explicit in that no offence is, or can be, committed in the context of a trespass. That sounds like a very black and white approach that does not take particular circumstances into account. Indeed, as Members will be aware, the law on trespass is broad and unambiguous and covers a range of different situations. Indeed, any unauthorised presence on private land could be considered a trespass. There is need for common sense to prevail, and, in particular, for specific circumstances to be taken into account. Although we could speculate on the circumstances in which a trespass could or does arise, it would be reckless of us to try to anticipate all the potential circumstances and to assure ourselves that the legislation, as it stands, is robust.

We must also bear a sense of proportionality in mind. An attack on a person, dog or other animal by another dog may, in practice, amount to much greater harm than the harm of the actual trespass. Ultimately, it will be for the courts to determine whether an offence has occurred, based on the balance of the evidence. It is also worth making the point that a person does not have an absolute right to do anything to another person, even if that person is trespassing on their land. The law takes proportionality into account in that respect. Therefore, I wonder why a different approach is being taken in this Bill, when we talk about a person's animal or a person trespassing and no offence occurring in the context where that person or animal is

attacked by a dog. Indeed, the trespass could be benign and harmless.

People will be aware that there is a lot of controversy around the law, even in situations involving a burglar in someone's house. The law on that matter is clear in that there must be a sense of proportionality. A householder does not have an absolute right to do anything to the burglar in self-defence. The court will want to take into account the degree of risk and threat proven. It is important that the householder shows common sense and a degree of proportionality in their response. That approach needs to be translated to the issue that we are talking about.

There could be a host of situations in which trespass occurs, the reason is relatively harmless and the person is not causing any harm to the land. For example, an animal may stray on to private land, which constitutes a trespass, but that animal may not pose any threat to a person or animal. If someone is using a right of way through the countryside and their dog innocently strays on to private land, the dog is still under the control of the person who is walking the dog. In that context, should the law not give some protection if that dog is mauled by another dog that happens to be on the land?

There could be a situation in which someone is deaf or hard of hearing. A landowner may shout a warning to them to get off the land, but the person may not hear, and a dog may attack or be set on that person. Under the draft legislation, if the person is trespassing, there is no legal remedy. A person who wanders on to land may have dementia and may not be aware of where they are. Again, they would not be causing any threat. There must be some protection in that type of situation.

Amendment Nos 1 to 4 apply to clause 6, which relates to attacks on livestock and certain other animals, and amendment Nos 5 to 8 apply to clause 7, which relates to attacks on persons. In essence, the two sets of amendments are identical, but, within their groups, they should be considered as separate pairs or options for addressing the problem. In essence, amendment Nos 1 and 3 work together and amendment Nos 2 and 4 work together. Similarly, in relation to clause 7, amendment Nos 5 and 7 should be seen together, and amendment Nos 6 and 8 should be seen as a different way of tackling the problem.

In essence, amendment Nos 1, 3, 5 and 7 add reasonableness to those clauses and remove subsections 6(4) and 7(4). The other approach, which is set out in amendments Nos 2, 4, 6 and 8, applies the reasonableness test with regard to trespassing. They also turn the statement that a person is not guilty of an offence on its head; rather, that it may be a defence for a person. That changes the balance of legal arguments.

I am certainly interested to hear the views of other Members on which approach they favour, if any. I have no doubt that some people will not favour either approach. My preference is the approach that is set out in amendment Nos 2, 4, 6 and 8. However, I am open-minded. Although my party welcomes the overall Bill, I stress the importance of the Assembly ensuring that it takes the correct approach. As the Bill stands, I fear that it contains a loophole. Trespass should not be regarded as an absolute. Some degree of proportionality needs to be taken into account, given the nature of particular circumstances. The Alliance Party's amendments will address those problems. My party is also happy to support amendment Nos 9 and 10, which have been proposed by the Minister.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray): It has not been possible to take the collective views of the Committee in respect of the amendments because it has not been able to meet to discuss them. In that case, therefore, I will repeat the Committee's position that was established at Committee Stage when this very issue was debated.

At that time, the Committee agreed that the priority with regard to trespass was to afford the farmer protection from prosecution should he use his dog legitimately to prevent trespass. In all cases, the farmer must have certainty that he is protected while he protects his family and property. The Committee is content that the Bill and the Dogs (Northern Ireland) Order 1983 afford that protection. It appears that the amendments to clauses 6 and 7 would dilute that protection and introduce sufficient confusion as to cause the farmer to be unsure of his rights when it comes to protecting his family. That dilution is effected by moving from a position in which no offence is being committed to one in which a defence might be available.

Although I appreciate and support Mr Farry's sentiments with regard to protecting

vulnerable people in society, as Chairperson of the Committee for Agriculture and Rural Development it would be remiss of me not to ensure that farmers' rights are protected. Let us not lose sight of the fact that we are talking about the deliberate act of trespass: a situation in which a farmer believes that his family and property are at risk. It is right and proper that he be allowed to offer that protection and counter that risk, safe in the knowledge that he can do so without fear of prosecution.

The proposed amendments to clauses 6 and 7, which relate to trespass, in the names of Dr Farry and Mr Lunn, are contrary to the position that was agreed by the Committee at Committee Stage. The amendment to clause 10, in the name of the Minister, extends a Committee recommendation that was agreed with the Department at Consideration Stage and applies it to the clause.

Mr Molloy: Go raibh maith agat. I welcome the fact that the Bill has reached Further Consideration Stage. I support the Committee's position, which is to oppose amendment Nos 1 to 8. There was a great deal of debate on the issue at Committee Stage. Members on all sides expressed concerns about the best way to protect farmers in circumstances in which they must protect their stock and land without giving anyone authority to set a dog upon another dog or a person without proper consideration.

I have concern with the term "reasonable excuse", which appears in a number of the amendments that have been proposed by Dr Farry and Mr Lunn. The result would be the farmer having to prove that he had reasonable cause. That reverses the impact of the Bill as it stands.

The Committee looked at various ideas for the wording of the legislation to ensure the protection of the farmer and the rights of the landowner in that situation. To change that around without any reason or cause, and to have what is basically a play on words, would endanger the Bill and the protection for the farmer, the stock, in particular, and other dogs, which the Committee was concerned about.

I support the Department's line in relation to amendment Nos 9 and 10. On a number of occasions during Committee meetings, the issue of other animals, such as cats, in such a situation was brought up. It does not relate solely to dogs. We know the problems that there have been in the past. Sometimes, cats, in

particular, have to make a speedy exit when dogs are about. The protection of cats and other animals is an important step to consider. On the basis of what we have, I oppose amendment Nos 1 to 8 and support amendment Nos 9 and 10.

Mr Beggs: I, too, oppose amendment Nos 1 to 8 and support amendment Nos 9 and 10. I declare an interest not only as an owner of a small farm of 25 acres of land, but as a householder, because the Bill will have implications for private land, private householders or anyone who has land and who, at some point, may feel threatened by a strange animal or by individuals who come onto their land. The Bill, therefore, has relevance beyond the farming community; it has wider implications.

It is clear that the proposal will weaken the protection that is given under the 1983 Order. There are dangers in changing from that. Under the proposed regulations, a householder or farmer who feels threatened by a dog, animal or trespasser who has come on to their property can seek the assistance of their dog in defending themselves and their property. If amendment Nos 1 to 8 are successful, the householder or farmer would have to be reliant on courts deeming such action to be reasonable. There will be considerable doubt in their minds as to whether they would be able to seek that assistance and, ultimately, be defended.

The media has reported on cases in which an innocent householder or farmer has found themselves under attack. On occasions, the law has sided with the criminal, who may have been burgling or attacking someone's property or animals. There would be doubt, therefore, as to what the outcome in any court would be. I suspect that with that doubt, there will be reluctance to take action. Such reluctance could endanger the individuals and animals on the private household property, farmland or business land, because the householder might not take appropriate action at an early enough stage or seek the assistance that might be available. Therefore, I am concerned about amendment Nos 1 to 8.

I am also concerned that given that the new legislation will largely reflect the 1983 Order, that issue did not appear to be raised during Committee Stage. My concern is that although that problem was not identified, a solution has been identified that may well create other problems. I accept that there has to be balance

in law, and deciding where to have that balance must be done carefully, but my concern is that the amendments may be moving that balance too far in the wrong direction. Most people are reasonable, and reasonable action should be taken. However, I am concerned that, on occasions, others might present conflicting evidence or inaccurate information, which could leave a court deciding that the action taken was not reasonable.

If those amendments are accepted, we will be leaving it to the judgement of a court. Unless there was an independent witness statement, there could easily be two conflicting views. There would be huge dangers, and there would be doubt in the minds of property owners and farmers, should they decide to drive a stray or dangerous animal off their land with the assistance of their dog. For that reason, I have concerns about the amendments, and I indicate my opposition to them.

1.00 pm

The Bill will bring about many positive changes that will improve how dogs are administered and will improve the protections for householders and animals. However, it is important that we continue to get that balance, and I have concerns that the balance could be going too far in a direction that could have unintended consequences.

Mr P J Bradley: I oppose amendment Nos 1 to 8, and I am happy to support the Minister, as I always do, on amendment Nos 9 and 10. The Committee Chairman adequately represented the views of the Committee and my own views, and I thank him for that. I have heard nothing from the Members who have spoken so far that I cannot agree with. The Bill will update the Dogs (Northern Ireland) Order 1983. My understanding is that the Alliance Party's amendments will take us back to pre-1983, and I do not think we want to go that far.

We had lengthy debates, which other Members referred to. In fairness to Mr McCarthy, he only recently became a member of the Agriculture Committee, so he cannot be expected to know about the earlier debates. It will be interesting to hear his views. I am certainly happy to oppose amendment Nos 1 to 8 and to support amendment Nos 9 and 10.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I support the Chairperson's remarks,

and Sinn Féin will oppose amendment Nos 1 to 8 from the Alliance Party. However, I appreciate where Mr Farry is coming from with the amendments. They were discussed at length in Committee. A number of Committee members raised the issues he has spoken about, but the view of the Committee was that we could not punish ordinary people and put them in an impossible position, particularly people from rural areas.

Everybody felt strongly that an owner should have the right to let their dog off on an intruder. Common sense has to prevail. That current position has been in place for a considerable time — since 1983, to be exact — whereby the occupier of a property commits no offence when they set their dog on an intruder to remove them from their property. There cannot be the possibility for ordinary people to be prosecuted for setting their dog to chase off an intruder. That would not be acceptable to Sinn Féin. In Committee, the Department gave great comfort to a number of members on those issues. At Consideration Stage, it was Mr Farry's opinion that the issue was very generic or loose. I appreciate where he is coming from, but it is my position that it would be a legal minefield to open it up at this stage. As the Chairperson said, we did not even have an opportunity as a Committee to have a discussion.

At this late stage, I would not be happy to support the amendments because, legally, it would put the onus on the dog owner who set a dog on an intruder. It would put a great deal of strain on the ordinary person, so I will not support amendment Nos 1 to 8, but I will support amendment Nos 9 and 10.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh míle maith agat, a LeasCheann Comhairle. I tabled two minor technical amendments, which were agreed at Consideration Stage, and I will speak briefly about those in a moment, but first I thank Members for their comments today. I hope that that spirit of co-operation will extend to tomorrow, when we are discussing the Welfare of Animals Bill. I appreciate the comments that have been made today. Before I speak about amendment Nos 9 and 10, I will say a few words on amendment Nos 1 to 8.

I accept that the motivation for tabling the amendments is well intentioned, but I cannot support any of them. We need to be clear

about what the Bill says about dog attacks on trespassers. First, as Members have heard, it does not substantively change the relevant provisions of the 1983 Dogs Order, which simply states that the occupier of a property commits no offence when his or her dog attacks or is set on to remove a trespasser on their property. The Committee for Agriculture and Rural Development sought reassurance on that point at Committee Stage. It was felt strongly that legislation that allowed an owner to be prosecuted for setting his dog to chase off a burglar would not be acceptable. My officials reassured the Committee on that point and noted that the Bill's provisions on that issue simply restate the position under the 1983 Dogs Order.

Perhaps the Member holds too broad a concept of trespass. The law as it stands offers protection to people who are on private property on legitimate business or, as the amendments put it, with "a reasonable excuse". Setting a dog on such a person — someone who is not trespassing — is an offence. Amendment No 1, with respect to livestock and pets, and amendment No 5, with respect to attacks on people, allow that, if a person has "a reasonable excuse", he will not be guilty of an offence when he sets his dog on people, livestock or pets. Importantly, that would not just be the case when faced with a trespasser on his property but in any place, public or private.

Imagine a situation in which someone sets a dog on a passer-by in a street or on livestock in a field. Under current law and under the provisions of the Bill, he or she is guilty of a strict liability offence against which they can cite no defence if the facts are proven. Therefore, we would move from the existing provision, whereby, in one very specific context, it is lawful to set a dog on a person or animals, to a position where anyone anywhere could set a dog on people or animals if they had a reasonable excuse to do so. I do not believe that it is the wish of the Assembly to change and confuse the legislation in that way. Crucially, those amendments would also leave us in a paradoxical position where, if I am asleep in bed and my dog bites a burglar, I am automatically guilty of an offence. However, if I wake up and set the dog on the burglar, I have a defence of reasonable cause. For those reasons, I cannot support amendment Nos 1 or 5.

Amendment No 2 and the parallel amendment, No 6, propose that, although an offence is

committed, there may be a defence in court if the person or animal is trespassing on the dog owner's property. It may be, but it also may not be. Even if it were proven that a dog was set on a person who had no legal right to be on the property, a court might still decide to convict. That is not sensible. Either there is a defence in law, in which case proving that a person who was attacked was trespassing leads to acquittal, or there is not. To state that it "may be" means that the court can take that into account, but it gives no guidance on what weight the court should give to the facts and in what circumstances. That is too subjective and uncertain to form the basis of a criminal trial. Someone who is prosecuted for an offence has the right to know with certainty what factors he or she can rely on in their defence. For that reason, I cannot support amendment Nos 2 and 6.

Amendment Nos 3 and 7 remove entirely the defence that, when an attack has occurred on private land and the person or animal is trespassing, no offence has been committed. Again, that is a move from the existing position of certainty that the occupier of property is not guilty of an offence under the Dogs Order if he or she sets a dog on a person or livestock to remove them from their property to one where, when faced with an intruder in the home, the occupier could not be sure that he or she would not be prosecuted and found guilty of an offence punishable by a fine of up to £2,500 for using his or her dog to drive the intruder off. Therefore, I cannot support those amendments.

I turn to amendment No 4, which amends clause 6 on attacks on animals, and the parallel amendment, No 8, which amends clause 7 on attacks on people. The clauses as amended at Consideration Stage provide that the occupier of land will not be guilty of an offence if his or her dog attacks a trespasser or if he or she sets it on a trespasser. Amendment Nos 6 and 8 reverse that. As I said, I understand the motivation behind Dr Farry's amendments. I also stated that he may misunderstand what is meant by the concept of trespass. The law as it stands already offers protection to people who are on private property on legitimate business or, as the amendments put it, with "a reasonable excuse".

I also remind the Assembly that this is the last amending stage of a Bill. Any late, ill-considered changes that we accept today will be on the statute book and will have the potential to

cause real problems for dog owners, occupiers of property and those charged with enforcing the law. We have heard Members say today that the Bill is a good piece of legislation. I cannot, therefore, support amendment Nos 1 to 8.

There are a lot of very worthwhile provisions in the Dogs (Amendment) Bill. The two minor and largely technical amendments that I have tabled are necessary to tidy up the Bill and its impact on existing legislation. Amendment No 9 relates to clause 10. Members will recall that, at Consideration Stage, the so-called dog-on-dog offence was extended to cover attacks on all domestic animals. As a consequence of that change, the powers in clause 10 should also be extended to cover attacks on any domestic animal, not just dogs. Amendment No 10 is purely technical and corrects a reference in the Dogs (Amendment) Act 2001 to articles of the Dogs Order 1983 that the Bill amends.

As I said, those are minor, technical issues, and I ask Members to support amendment Nos 9 and 10.

Dr Farry: I thank everyone who took part in the debate. Perhaps, this debate has been the warm-up for a slightly longer debate tomorrow. I appreciate the views that were expressed. I realise that the amendments are coming forward at the eleventh hour, but they come from a genuine belief on my part that the legislation, as framed, is too black and white on the issue of trespass. While I accept that my amendments are unlikely to find favour with the House today, it is important that we air the issues and put it on record that there is a different point of view and that some of us are concerned about potential loopholes in the legislation.

I will respond to some of the points that were made. The Minister made a point on the law around trespass. I accept the point that she makes: trespass, in essence, refers only to the people who are on someone else's property on illegitimate business. There is a host of reasons for someone being on private property legitimately, whether it is the postman, someone making a delivery, a carer who is coming or someone who is not sure where he or she is going. The difficulty with that is that, even if someone is legitimately on someone else's property, the factors behind that in some circumstances may well be perfectly benign, but, in other circumstances, the factors will be

malign. It should be up to the householder or farmer to respond.

The way in which the law will be framed makes no distinction on the nature of a trespass, even if it is illegitimate. Mr Beggs made similar arguments. I respond by making the point that the legislation is essentially saying that, if someone is in a house or on a property without proper cause, as the law is framed, the owner or occupier has an absolute right to set an animal on that person, namely a dog. However, if the owner or occupier does not have a dog and uses a weapon instead, be that a knife or a gun, he or she does not have an absolute right to inflict violence on the trespasser. A court would want to take into account the proportionality of the response and the nature of the threat posed.

Obviously, there has been a lot of controversy around that issue, particularly in England and Wales. Common sense must prevail. We cannot grant people an unlimited right to inflict harm on other human beings or on the animals of those people because they are trespassing on their property. Factors that exist in each case have to be taken into account. While that may cause a degree of confusion for the people concerned, that is where we have to go to find a sense of balance.

In practice, most people know where the line is and not to cross it. However, given people's nature, that line may vary from person to person. For example, a pensioner who is fearful for his or her life and uses a greater degree of force by setting a dog on an intruder might be viewed by a court as having taken reasonable action, whereas the same view might not be taken of someone young, fit and healthy who did the same to a fairly small intruder.

1.15 pm

We must also take into account the nature of any intrusion. An intruder could be there to burgle the house, but, equally, he or she could be lost or have wandered innocently on to the property. Finally, we must ask whether there is not a requirement on property holders — be they householders or farmers — to give some thought and consideration to why that person is on their property, rather than assuming that every invasion of property is malign and threatening.

I appreciate the views of the Committee for Agriculture and Rural Development, but we,

as an Assembly, are not here to reflect just the views of farmers, and the Department and the Committee must consider agriculture and rural development interests across society. They must also take into account the interests of all potential sectors, including dog owners and lovers who want greater protection against threats to their animals. There have been tragic cases in which dogs have been mauled by other dogs, so it is important that proper legal protections be in place.

I respect the views of other Members. I am aware that the amendments that I tabled will not go through, but it was important to air the issues that they addressed.

Question, That amendment No 1 be made, put and negatived.

Amendment No 2 proposed: In page 4, line 27, leave out

"A person is not guilty of an offence"

and insert

"It may be a defence for a person". — [Dr Farry.]

Question put and negatived.

Amendment No 3 proposed: In page 4, line 27, leave out paragraph (4). — *[Dr Farry.]*

Question put and negatived.

Amendment No 4 proposed: In page 4, line 29, after "land" insert "without reasonable excuse". — *[Dr Farry.]*

Question put and negatived.

Clause 7 (Attacks on Persons)

Amendment No 5 proposed: In page 5, line 2, after "who" insert "without reasonable excuse". — *[Dr Farry.]*

Question put and negatived.

Amendment No 6 proposed: In page 5, line 24, leave out

"A person is not guilty of an offence"

and insert

"It may be a defence for a person". — [Dr Farry.]

Question put and negatived.

Amendment No 7 proposed: In page 5, line 24, leave out paragraph (6). — *[Dr Farry.]*

Question put and negatived.

Amendment No 8 proposed: In page 5, line 26, after “land” insert “without reasonable excuse”. — [Dr Farry.]

Question put and negatived.

Clause 10 (Entry onto land to prevent or end attack by dog on another dog)

Amendment No 9 made: In page 9, line 31, leave out “another dog” and insert

“any other animal owned by a person other than the owner of the dog”. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Schedule 1 (Minor and consequential amendments)

Amendment No 10 made: In page 12, line 13, at end insert

“and for ‘the order under that sub-paragraph’ substitute ‘that order’.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Mr Deputy Speaker: That concludes the Further Consideration Stage of the Dogs (Amendment) Bill. The Bill stands referred to the Speaker.

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Final Stage

Rev Dr Robert Coulter: I beg to move

That the Allowances to Members of the Assembly (Repeal) Bill [NIA 27/09] do now pass.

As stated at Second Stage, the current framework for paying allowances to Members of the Assembly is governed by sections 47 and 48 of the Northern Ireland Act 1998. Section 47 of the Act allows the Assembly to make provision for allowances for current Members of the Assembly. Section 48 allows the Assembly to make provision for the payment of allowances to or in respect of any person who has ceased to be a Member of the Assembly, that is, a former Member. Three such allowances are provided for in the Allowances to Members of the Assembly Act (Northern Ireland) 2000: resettlement allowance, ill health retirement allowance and winding-up allowance.

Under section 40 of the Northern Ireland Act 1998, the Northern Ireland Assembly Commission is required to provide the Assembly or to ensure that the Assembly is provided with the necessary property, staff and services for the Assembly's purposes. The Commission's report on financial support and pensions for Members, which was agreed by the House on 13 December 2010, recommended changes to the allowances in the 2000 Act. In that report, the Commission recommended changes to the existing calculations used to determine resettlement allowance, ill health retirement allowance and winding-up allowance, as proposed by the Senior Salaries Review Body.

The Bill does not make any provision for the new allowances. It is a relatively technical Bill that repeals existing provisions so that we can put new provisions in their place through the Northern Ireland Assembly (Members' Expenditure) Determination 2010 until such time as an independent financial review panel is established. If the Bill is agreed, on gaining Royal Assent, the replacement allowances provisions agreed by the Assembly on 13 December 2010 will also come into operation.

Question put and agreed to.

Resolved:

That the Allowances to Members of the Assembly (Repeal) Bill [NIA 27/09] do now pass.

Budget 2011-15

Mr Deputy Speaker: The Business Committee has agreed to allow up to three hours for the debate. The proposer will have 15 minutes in which to propose the motion and 15 minutes in which to make a winding-up speech. All other Members who wish to speak will have seven minutes.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): I beg to move

That this Assembly takes note of the draft Budget announced on 15 December 2010 by the Minister of Finance and Personnel.

Go raibh maith agat, a LeasCheann Comhairle. The Finance Committee tabled the motion for the purpose of providing all Members, as representatives of Committees or as individual Assembly Members, with the opportunity to debate the Executive's draft Budget 2011-15, which was launched by the Minister of Finance and Personnel on 15 December 2010. By convention, the Committee for Finance and Personnel prepares a co-ordinated report in response to the Executive's draft Budget on behalf of all Assembly Statutory Committees. The debate will help to inform that report.

Undoubtedly, there has been concern from Members, Committees, stakeholders and the public about the delay in bringing forward the draft Budget. However, it is positive that an Executive-agreed draft Budget is now out to consultation. At the outset, it has to be acknowledged that the lateness of the London Government's spending review contributed significantly to that delay, given that it was not announced until 20 October 2010, by which time the Executive's draft Budget proposals would normally have been announced. Nevertheless, it must also be pointed out that Departments were initially tasked with the development of spending proposals and savings plans as far back as June 2010. In July 2010, the Executive established a Budget review group to take forward budgetary and financial issues. The Executive have now brought forward a four-year Budget, which is beneficial in that it allows for longer-term strategic planning.

Some Departments have raised concerns about the level of detail in the draft Budget document. Those include the basis for the proposed departmental allocations; the rationale and methodology that underpin those allocations;

the assumptions that have been made for the additional revenue that has been factored into the Budget calculations; the additional revenue-raising measures that are under active consideration for inclusion in the final Budget; and when the Budget review group report will be published on the ongoing work being undertaken by Departments to realise the additional revenue.

The Executive adopted a twin-track approach to the consultation on the proposals, whereby DFP is taking forward the consultation at a high level, while individual Departments are responsible for the consultation on their detailed spending plans. The consultation period has been extended by one week to 16 February, and that is to be welcomed.

As the Finance Committee prepares its co-ordinated report on the draft Budget, it will consider a range of strategic as well as DFP-specific issues. After the outcome of the spending review and in preparation for the forthcoming Budget, the Committee invited a wide range of witnesses to give evidence on cross-cutting public finance issues and commissioned research on specific areas. Some issues that were raised in evidence and by Members merit further consideration. I wish to take a few moments to highlight some of those key points.

It has been pointed out that there is a lack of detail about the strategic priority of rebalancing the economy in the draft Budget. The Committee also noted that the London Government shared their draft paper on rebalancing the economy with the Executive before Christmas. Perhaps during the debate, the Minister will tell the House when that paper might be available to the Committee for consideration and when the final paper is expected to be published.

On the topical issue of corporation tax and fiscal flexibility, we heard persuasive arguments for powers to be transferred to the Assembly, a case that was restated, although cautiously in some instances, by economists who appeared before the Committee. Although the Committee appreciates the Minister's concerns about the short-term costs of a more competitive rate of corporation tax, it considers that long-term gains could be made by adopting that approach. However, Committee members are also mindful that a reduction in corporation tax can be a game changer only if the Executive introduce other initiatives to strengthen the local economy.

Perhaps the Minister will update the House today on the progress being made on the issue of corporation tax and any potential implications for the draft Budget.

1.30 pm

The Committee noted that, during the Budget period, the Executive will seek to raise £100 million through capital assets realisation. The Committee has been pressing for further information more generally on capital assets realisation from the Strategic Investment Board. The achievement of longer-term efficiencies is another issue of strategic concern. The Committee is mindful that the public sector here has been working to achieve cumulative efficiencies of between 2% and 3% over the past six years. There is a need for the Executive to set out clearly the essential services and strategic policies that are to receive priority.

The Committee is also considering the issue of preventative spending. Earlier this month, the Committee received a briefing from the Assembly Research and Library Service on the use of early intervention strategies to, at the earliest possible opportunity, lower the chance of the development of negative social problems. Prevention can be a cost effective way of tackling social problems, of which immunisation policies in the Health Service are just one example. Such a cost effective approach could also be used in early years intervention or in justice rehabilitation.

Equally, economists and representatives from the voluntary sector have impressed on the Committee the need to adopt that approach. The draft Budget sets out the Executive's proposals to fund a £20 million social investment fund and a £20 million social protection fund. It has not been possible for the Committee to determine whether those funds might be used for preventative spending or whether they will merely be used reactively. Preventative spending requires a joined-up, long-term approach. That is because many of the benefits of such programmes are often not realised in the short term; neither are they always realised in the Department that made the initial funding available.

Members are aware that, during an economic downturn, preventative spending programmes can help to protect social and economic outcomes. The development of invest to save initiatives may be one way to further that aim.

The Committee will, therefore, be giving that concept further consideration as it develops its report on the draft Budget. Members may also wish to pick up on that issue in this debate. In addition to the issues that I have already mentioned, the Committee will also give further consideration to a range of other strategic and cross-cutting issues, including the removal of end-year flexibility, public sector pay, capital funding and revenue-raising options.

I will turn briefly to the Department of Finance and Personnel's spending and savings proposals. It is probably expected that DFP should be leading by example when it comes to budgetary and financial matters. Nonetheless, on behalf of the Committee, I commend the Department for the timely publication of its plans on 22 December and for the level of detail included in those plans. The Committee is also grateful for the level of engagement with departmental officials on strategic and departmental issues.

During last week's evidence session with departmental officials on DFP's plans, the Committee raised a wide range of issues. At the strategic level, for example, members queried why the real-terms cut to DFP's current expenditure budget is, at 10.5%, lower than the average of 12% across other Departments. Questions were also asked about the guiding principles behind the Department's proposed savings and the basis for the term "inescapable expenditure", including the extent to which expenditure that is classified as such is reviewed and assessed for value for money.

Members have also sought a response from the Department on whether it intends to publish the results of the equality screening work that underpins the high-level impact assessments as previously recommended by the Committee. In considering its response to DFP's spending plans and savings proposals the Committee will also wish to be sure that a firm funding base is established for Land and Property Services, given its important rate assessment and collection functions and its reliance on additional funding via monitoring rounds throughout the 2008-2011 Budget period.

Other areas that will be given further consideration in the Committee's report include the delivery of shared services for the NICS, office accommodation and workplace strategies, procurement and potential revenue gains. The Committee has also received representations

and correspondence from the Assembly Commission and Audit Office respectively, and a number of Committee members expressed concern about draft Budget proposals for those bodies. The Committee will be keen to hear the Minister of Finance and Personnel's views on those matters.

As I mentioned, a LeasCheann Comhairle, the Committee looked at a wide range of issues at strategic and departmental level. Those will be discussed in more detail in the forthcoming report. I look forward to the contributions of other Committees and Members to the debate, which will help to shape that report.

Mr Deputy Speaker: There are Members listed to speak who are Chairpersons of Committees. It is not clear whether all those Members wish to speak as Chairperson. It would be very much appreciated if Members would advise the Table whether they wish to speak as Chairperson.

The Chairperson of the Committee for

Education (Mr Storey): As Chairperson, I wish to inform the House of the Committee's scrutiny, to date, of the Department of Education's (DE) allocations in the Executive's draft Budget and, in particular, the Department of Education's draft budget proposals as published on 13 January 2011.

The Committee was proactive and wrote to the Minister of Education in early July 2010 stressing the need for timely and detailed information, particularly on the impact of the Minister's options for savings proposals. Having received some information on the Department's spending pressures in late August and early September, the Committee held dedicated budget scrutiny sessions at its first two meetings in September. It wrote to the Minister of Education listing eight key issues of resource and capital spending.

In October, November and December, the Committee continued its scrutiny of the initial spending pressures information. The education stakeholders examined, for example, spending on school transport, ICT and non-permanent staff. I highlight to the House a particular response that senior education officials gave to the Committee on 1 December 2010 when they were asked whether the Department was undertaking any option or scenario planning on draft spending and savings proposals. The response greatly concerned me and a number of Committee members:

"Our Department, like any other Department, works under the direction and control of the Minister ... beyond the high-level figures at block level that are available, I have no figures on which to commission any work, nor do I have the authority to commission any work on scenarios."

Following publication of the Executive's draft Budget, the Committee wrote to the Minister again on 17 December 2010 stating that it was imperative that the Committee receive revised spending proposals, made in response to the Executive's draft allocation for education, as soon as possible. I must report to the House that the Committee still awaits the Minister's spending proposals. When the Committee asked senior education officials where the Minister's spending proposals were in the draft Budget published on 13 January, they pointed to two spending areas that totalled £4 million out of a total education budget of nearly £1.9 billion.

On 14 January 2011, the Minister of Education wrote to the Committee stating that she was keen to meet and engage with the Committee at the earliest opportunity to hear the views on her proposals. On 18 January 2011, the Minister attended the Committee, and that was followed by two meetings with senior departmental officials that were dedicated exclusively to the scrutiny of the draft budget.

Immediately after the meeting with the Minister, the Committee wrote to the Department to raise the absence of draft spending proposals and ask key questions on several specific areas. The Committee's key concerns with the Department's draft budget at this point are detailed in an interim response that was made to the Committee for Finance and Personnel last Friday and posted on the Committee's website today. I will give the House a flavour of those issues. I ask Members to listen carefully to what the Department said. On 26 January 2011, the Department's view on the absence of spending proposals was:

"to provide something at this stage could, in fact, be misleading for Committee members ... the Minister is determined to increase the amount of funding available for education ... a further £800 million is yet to be allocated".

Some members questioned the wisdom of that response. They quoted the Executive's draft Budget, which refers to other possible revenue sources and states that, if any have merit, they will be factored into the final allocations.

The Committee heard from officials about a voluntary severance programme, which has been launched and targeted at the non-teaching education management workforce. However, no take-up figures, estimates of savings generated or plans are available. Some Committee members questioned the wisdom of not targeting potential savings from the 11,200 non-permanent non-teaching staff and focusing on natural wastage from retirees and leavers, bearing in mind that the total education workforce comprises some 60,000 staff.

The Committee thanks the Finance Minister for his work on end-year flexibility and particularly welcomes his guarantee of 21 January to put arrangements in place to ensure that schools have access to the £56.7 million surplus that has been accumulated. Committee members noted the co-operation and consensus on the issue.

Although the Committee is concerned about the overall amount of proposed capital budget allocation that is available to DE, some members questioned the Minister's proposal to reclassify £41 million from capital to resource in 2011-12.

On the Minister's proposal to extend free school meals entitlement, the Committee noted the significantly reduced estimates of costs. However, some members remained concerned that the extension of free school meals had not been taken forward by other parts of the United Kingdom and questioned its affordability in the context of the Budget.

I will close with the most worrying aspect of the budget proposals; the proposed list of savings that build from £143 million in year one to £309 million in year four of the Budget period. Some Committee members had serious concerns that the Department's budget document and follow-up paper had little information on how those savings would be achieved and their actual impacts. For example, it is proposed that there will be a saving of £60 million from arm's-length bodies and £105 million from professional support for schools over the four years. However, there is no evidence of plans, consultations or timescales despite the fact that significant savings are proposed from the 1 April 2011. Some Committee members also questioned and had concerns about the remaining spending on special educational needs (SEN) capacity building given that the SEN strategy is not in place. Others questioned

whether the proposed level of savings from teacher substitution costs is achievable. Finally, some Committee members questioned the savings from primary school principal transfer interviews, given that no consultation has yet been undertaken.

I will finish by talking about an area of the savings proposals where all Committee members had major concerns; the aggregated schools budget, which is the money that goes directly to schools and classrooms.

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

The Chairperson of the Committee for Education: That is an outline of the Committee's concerns about the draft Budget proposals.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Elliott): I wish to make a number of comments, first, on behalf of the Committee for the Office of the First Minister and deputy First Minister and then, if time permits, on behalf of the Ulster Unionist Party. I welcome the opportunity to participate in this important debate and thank the Committee for Finance and Personnel for tabling the motion.

Even though this is a take-note debate, the Assembly recognises that, to a large extent, this is a significant opportunity to influence the allocations that will be given to public services in the coming years. It is our responsibility to try to influence the Minister of Finance and Personnel to re-examine allocations and spending areas where we, as Committees, parties or, indeed, constituency representatives, have major concerns.

The Office of the First Minister and deputy First Minister published its proposals for the draft Budget 2011-15 on Thursday 13 January. The First Minister and deputy First Minister then briefed the Committee on the proposals at its meeting on 19 January. During the briefing, the Ministers provided further information on the budget proposals and provided an overview of some of the savings proposals. The Committee looks forward to receiving and scrutinising the detailed savings plans once they have been agreed by Ministers. However, I inform the House that we still have not had sight of those plans.

Committee members discussed a number of issues with the Ministers, including the strategic

value of the Department's capital projects and the importance of maintaining momentum on the regeneration of sites to attract investment and provide jobs for local areas. Ministers also provided further information about the social investment fund and the social protection fund, which the Executive will be taking forward. Members were assured that those funds would be directed towards the most vulnerable and that Ministers were still considering areas and possible themes in which to direct them.

1.45 pm

Members also had a discussion with the Ministers about European funding and the possibility of introducing targets for drawing down funding from the European Union. There were also discussions around a possible Peace IV package, and Ministers advised that the Barroso task force was due to return to Northern Ireland in the next few weeks. The Committee welcomes its return and hopes that this opportunity will provide renewed energy and focus on Europe and the opportunities that it makes available to Northern Ireland.

Ministers advised of success in attracting inward investment to Northern Ireland from the United States, and particular mention was made of the success of the Titanic Quarter area in attracting companies such as HBO. There was also a discussion highlighting the benefits of such investment to the local economy. Over the Budget period, the Committee for the Office of the First Minister and deputy First Minister will monitor carefully how the specific budgets allocated to OFMDFM are used to deliver priorities. However, given the Committee's responsibility for cross-cutting policies on sustainable development, European issues, tackling poverty, and equality and good relations, we will take a keen interest in how the Executive's cross-cutting objectives are being resourced and delivered by all Departments and will work with other statutory Committees to ensure that there is real delivery in those areas.

I will make some comments as a party and constituency representative. There are a number of questions around some of the proposals from the Finance Minister and his Department. I would like to record that, although it was slow to come, we appreciate that a draft Budget eventually came forward.

I will be grateful if the Minister can clarify a number of issues when he eventually gets to his

feet. He has publicly stated that an additional capital funding stream of up to £125 million over the initial four-year period will be made available from Belfast Port. I am interested to hear the Finance Minister clarify the legal status of Belfast Port. What legal right does the Executive have to access the assets of the Port, and in what way can it impose a levy on the activity of the port? Belfast Port is an extremely important part of Northern Ireland's economy. The Ulster Unionist Party is concerned that the proposals in the draft Budget have not been properly thought through and could simultaneously jeopardise planned public spending and a key strategic player in our local economy. Clarification of the Executive's position is crucial on that point.

Although I do not want to impinge on Mr Storey's point, I have heard about the education issues. However, the Minister of Education announced to the Education Committee that:

"the Executive identified an additional £1.6 billion revenue over the Budget period. Half of that has yet to be deployed in the Budget figures ... As members know, a further £800 million is yet to be allocated."

I will be grateful if the Finance Minister can inform the house where the Minister of Education is getting those figures from.

Mr Frew: Her dreams.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:

That is one of the key things that I would like to hear the Minister of Finance say on record here.

Before I leave, I am surprised that no one has yet said that all this is the fault of the Ulster Unionist Party combined with the Tory cuts. I am sure that we will hear that, so, before anybody else raises it, I think it is important that I do. Obviously, it was other parties, through their support for the Labour Party, that put Northern Ireland and the UK in such a difficult economic position. When the DUP voted to keep Labour in power and continue the economic downturn —

The Minister of Finance and Personnel

(Mr S Wilson): Will the Member give way?

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

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: Yes, I will give way.

The Minister of Finance and Personnel: I have just earned him another extra minute. Since the Member throws this wild allegation around, perhaps he will give us the date, the occasion and the vote in which the DUP kept the Labour Party in power.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: I am surprised that the Finance Minister has such a short memory. Perhaps he was not there to vote — like his Sinn Féin colleagues, who do not even turn up to Westminster to vote. Anyway, they are in partnership now, so maybe the two of them can do all of that together.

Ms Ritchie: The SDLP welcomes the fact that we have a draft Budget, as it means that people now have some idea of what the future holds. Credit is due to the Finance Minister for compiling an Executive position against a backdrop of less money. Wait for it, however: there are fundamental deficiencies in the draft Budget, but we can put them right.

The draft Budget is largely the application of what was handed down by the coalition Government. The settlement envisaged cuts of £4 billion. When we net out receipts and a rates increase, the draft Budget envisages cuts of £3·2 billion. Bizarrely, one party that negotiated the Budget, including the £3·2 billion of cuts, still invites us to fight the Tory cuts. It agreed to the £3·2 billion of cuts, but it wants us to fight the cuts. Is that stupid or dishonest, or both?

We can mitigate the cuts. The SDLP has produced a Budget document called 'Partnership and Economic Recovery', in which there are detailed proposals for additional new revenue streams and receipts and for cash-releasing efficiency savings. Again, one party pretends that the Budget already contains billions in net or new revenue. That is not true. When normal receipts are stripped away, there is little new money: less than 1% of the total Budget.

The Budget is vital over the next four years as currency, interest rates and taxation matters are decided elsewhere. The Executive's only real economic lever is public expenditure. That means that the Budget must be about much more than who gets what outcome; it must

deliver on an economic strategy. That is our second criticism. All economic commentators recognise the need to rebalance the Northern Ireland economy. That means reducing the public sector and making it more efficient. It means focusing job creation and investing scarce capital in the right areas.

Where are the proposals to move assets and activities from the public to the private sector? Where is the plan to generate jobs in the short term and get the economy moving? 'Partnership and Economic Recovery' provides some answers. Let us sell Department for Regional Development (DRD) car parks. They would do better in the private sector as they would generate a major receipt to fund other priorities. We should dispose of other assets that have a revenue stream. We should not be dogmatic about the transfer out of state control of Belfast port, a proportion of the forestry assets or any other appropriate infrastructure. Indeed, consider Northern Ireland Water. The solution to the problem of making Northern Ireland Water perform better simply does not lie in bring it back into DRD, as the Minister proposes. Will it really do better as a branch of the Civil Service? We should mutualise Northern Ireland Water so that it performs to commercial standards but does so in the public interest rather than for shareholder gain. Where is the job creation? There needs to be more investment in the tourism and construction sectors, which are indigenous and job rich.

Our third criticism is that the draft Budget is simply not joined up. Each Department has been given its haircut, but there has been little thinking outside of departmental silos. The result is a Budget that has been generated by the DUP and Sinn Féin in a private negotiation. I do not condemn that; we would be in a worse place if the DUP and Sinn Féin had failed to reach agreement.

However, we now have the Minister of Health, Social Services and Public Safety saying that he has been allocated a capital budget to build a radiotherapy centre in Derry but not the budget to run it.

In education, we need funding and provision for the schools' modernisation programme, because many schools throughout Northern Ireland are still in a state of disrepair, and we face the unacceptable prospect of hiking up student fees, the consequence of which will be

to make third-level education the preserve of the rich once again.

Furthermore, there is housing. With the 40% overall reduction in capital, the housing budget has been cut by — would you believe it? — 40%. We have not reprioritised our capital programme honestly but have just spread the pain around. Incidentally, if any Member can identify a programme that does more than investment in social housing to stimulate job creation, reduce human misery and meet important social policy objectives, let us find more money for it. Despite such shortfalls in funding for health, education, student finance and housing, £80 million has been provided for a new Sinn Féin/DUP community fund to be directed to their chosen groups. I can only call such a slush fund a disgrace.

Nevertheless, we have to find solutions. How can we sort all this out? We should forget about personalities and genuinely do what is best for the North, such as abandoning the silo approach. The SDLP will not be territorial about the Budget. I have listed improvements that are needed, and, as a party, we have shown how they can be achieved. I hope that the Executive will work to arrive at a final Budget that my party can support.

Dr Farry: The Alliance Party welcomes the fact that we have a draft Budget before us. It is almost certainly not the Budget that the Alliance Party would have sought to strike as a single party. For that, I refer people to our paper 'Shared Solutions', which was published in November 2010. Nonetheless, we respect the nature of government that we have in Northern Ireland and the fact that we are in a power-sharing arrangement, so the Budget has to be progressed by a process of negotiation among parties. Indeed, the two party leaders who spoke before me need to make clear their long-term intentions on the Budget and decide whether they are in or out of the Executive, because passing a Budget goes to the heart of participation in an Executive. Parties cannot be in and out at the same time. If the Executive do pass a final Budget, even on a majority basis, every Minister will be bound by collective responsibility to support it. In the coming weeks, therefore, that issue will come up for a number of parties in the Chamber.

For our part, we accept the need to address the UK national deficit. However, we are concerned

by the pace at which it is being done and, indeed, by its differential impact on regions such as Northern Ireland. Nevertheless, although the comprehensive spending review may be objectionable to us all, we have a duty to strike a Budget within the limits set out and to bear in mind local revenue-raising opportunities. We also have to pass comment on the process. It is important that we have a four-year Budget in order to allow proper forward planning and the efficient use of resources, not just for Departments but for those whom the Departments fund. That said, a Budget need not be set in stone, and there will be situations in which circumstances change and requiring fresh thinking, so we need something broader than the monitoring rounds that we have had in the past. I would like the Minister to give that some thought.

I also ask him to reflect on what, up until now, has been a flawed consultation process. First, the Executive were late in striking the draft Budget, which is down to more than the simple fact that the UK Government did not give us figures until 20 October 2010. Our Scottish and Welsh counterparts were quicker than Northern Ireland by several weeks, if not longer. We were extremely slow, and that has curtailed the consultation process. Beyond that, we have had an absolute fiasco around the departmental spending plans, which should have been integrated into the overall draft Budget statement. If that was not possible, there was an obligation to produce them within seven days. Only three Departments — Justice, Finance and Personnel, and Culture, Arts and Leisure — came anywhere close to meeting that time frame. The others, including some major spending Departments, failed miserably to do so. Consequently, we have a consultation process in which the detail came out very late.

Even then, the level of detail varies considerably across Departments. The Department of Education and the Department of Health, Social Services and Public Safety are the two biggest offenders in that regard and the two biggest spenders. It is shocking how our Government treat the people of Northern Ireland over what is the most important decision facing this society.

2.00 pm

I will also comment on the lack of strategic approach to the Budget so far. We need a very clear statement as to how it links in to the

economic drivers of change in this society. Indeed, we should have also seen a Programme for Government and investment strategy possibly even ahead of a Budget, because the policy should inform the finance rather than the finance informing the policy. We need to focus on three economic issues at this stage. First, we need to ask ourselves whether we are directing enough from current expenditure to capital to continue to invest in our infrastructure and to address the downturn in the construction sector. Secondly, what contingencies are we putting in place to give us the ability to potentially lower the rate of corporation tax, if that happens over the lifetime of the Budget? Thirdly, are we prepared to give a commitment to a green new deal beyond the simple plastic bag tax, which will generate £4 million a year?

A number of important cross-cutting issues have not been properly addressed by the Executive. I would like certain issues to have been addressed clearly in the draft Budget statement. Although one may argue that some of the issues can be left to individual Departments, there is no evidence of Departments, apart from a few examples such as the Department of Justice, following through on any of those issues. For example, what are we doing to address the cost of managing a divided society and to realise the savings that can be found from investing in shared services? What will we do to try to find shared services on a North/South basis? Leaving aside the issue of politics, which is completely different, I would hate to see a situation where the two jurisdictions on this island retreat into their own silos due to the enormous financial pressures that they are under rather than trying to find opportunities for new shared services.

We also have to focus on early intervention and prevention. The evidence is quite stark that intervening early can save money down the line. We need to take a leap of faith in that regard. That is also linked to greater use of the voluntary and community sector. We also have to do a proper benchmarking exercise and ask ourselves whether the profile of expenditure in Northern Ireland, compared with that of our neighbours, is justified. Let us do those comparisons and see how we are doing, and we may learn some lessons about how to find additional savings. We should not be afraid of initiatives such as market testing.

The Budget is very heavily premised around assumptions on revenue raising. At this stage, a commitment to raising £842 million is set firmly in stone. However, some people question the assumptions behind that, such as the property market situation over the coming years. People are not overly optimistic about how quickly that will recover. Beyond that, we have a purely speculative figure of another £800 million that may or may not be raised, and I rather fear that a lot of parties are making commitments and assumptions on the basis of that money being generated.

We also continue to run away from the issue of how we fund our water infrastructure in Northern Ireland. The events at Christmas have brought that into extremely stark relief. We cannot continue to fund water on the cheap, and we cannot continue to have a situation where water has to compete against health and education for extremely scarce resources. We have to be realistic about that issue, look to what our neighbours are doing and make a commitment to face up to charging for water. If we do that, we must ensure that it is done on a fair basis and is linked to water usage.

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

Mr Neeson: Will the Member give way?

Dr Farry: Yes, sure.

Mr Neeson: Does my honourable friend share my concerns that the money that was supposed to be set aside for improvements to the A2 does not seem to be there and that, once again, the scheme has been put back by the Minister for Regional Development?

Dr Farry: I thank my colleague for that comment. It reflects concerns that we have about a whole host of departmental spending plans. Hopefully, we will have the chance to outline those over the coming days. In regional development, we are in danger of losing important investments in infrastructure because we are not prepared to take brave decisions elsewhere. The long-term sustainability of this society and our economy may well suffer because of our short-sightedness and continued populous approaches to decisions. In education, I am concerned about the redirection of money from capital to current. That goes against the whole thread of Treasury rules and is, essentially, recognition of the failure to address the inefficiencies in the education

system. We are pouring good money after bad rather than being prepared to take difficult decisions.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray):

The Committee for Agriculture and Rural Development welcomes the opportunity to provide its comments to the House as part of this debate. The Committee and, indeed, the rural community have been waiting for the Department's proposals and are now identifying their impact in Northern Ireland.

As is always the case, these budgets have been rushed out at the last minute, and Statutory Committees and the industry are asked for comments. The Committee believes that the Executive need to re-examine the scheduling of the budgets, particularly where they have coincided with an extremely heavy legislative programme. The scrutiny of budgets and departmental spends has been an ongoing difficulty throughout this mandate and is an area on which the Committee wishes to see improvement in the next mandate.

The Committee is pleased to see the commitment to the land parcel identification system in the budget. The Northern Ireland economy cannot support the continued application of extreme penalty disallowances by the EU. The Committee is disappointed that the savings will result in the loss of 80 posts in the Department and has received guarantees that those savings will be achieved without the need for redundancies. However, the Committee has requested additional information on the specific areas from which those posts will be lost to ensure that front line services are not depleted.

The Committee is disappointed at the absence of detail in the proposed plan, and it is concerned at the number of aspirational savings that are identified, such as a reliance on the reduction in animal diseases, particularly given the fact that the Department has not achieved its targets on those areas in the current CSR. On a number of occasions, the Committee has stated, and has been supported by the Public Accounts Committee, the Northern Ireland Audit Office and the industry, that the Department should eradicate TB rather than study and control it. That would release between £80 million and £100 million over the course of the next CSR spending period.

The Committee is concerned, therefore, that other as yet undeclared savings would have to be brought into effect if the proposed reductions in animal diseases are not realised. That could potentially have a more serious impact on the delivery of front line services to the industry and to rural communities. The Committee has been advised that the proposed savings will be achieved not through the eradication of TB but by a reduction of the amounts of compensation that are paid directly to farmers. The Committee will want to see the detail of those proposals in a timely fashion to allow for consultation with stakeholders on the matter.

It is disappointing to see a reduction in the commitment to the food strategy, particularly as the agrifood sector has been one of the few to expand and to create jobs during the recession. The Department is being short-sighted, particularly as that sector contributes some £3 billion to our economy.

Although the Committee does not disagree with the principle of dispersing Civil Service offices outside of greater Belfast, it is concerned at the timing and the cost of the proposed relocation of the Department's headquarters. The Committee agreed that that was not appropriate, given the fiscal constraints facing the economy, and noted that the overall capital cost of the relocation was estimated to be £26 million, which was to be split across the next two CSR periods. The Department has not been able to provide an economic appraisal indicating how that figure has been arrived at and what other ancillary costs are expected, such as the costs of relocating up to 1,000 officials. In addition, the notional charges for maintenance for Dundonald House that were levied on the Department by DFP over the past three years total £5.96 million. Relocation and restraining costs alone could, potentially, be a similar amount.

The Committee believes that this is not the time to test the viability of placing a departmental headquarters at a location outside the greater Belfast area, as indicated in the Minister's statement, particularly when the economy is under such severe pressure as a result of the cuts. The proposed move could have been shelved for a more affluent time when, quite frankly, it could be afforded. The Committee also seeks assurances that the national contributions to the Northern Ireland rural development programme, co-funded with the European Union, will be protected. The Committee previously

expressed grave concerns at the programme's lack of progress, particularly with regard to axis 3, and believes that it is imperative that the funds continue to be made available and dispersed in the rural community.

The Committee welcomes the Department's commitment towards the countryside management scheme, as it is an important and well-supported programme, but it is disappointed that the Department will fall short of its Programme for Government target of land covered by agrienvironment agreements.

As I said, the proposals in DARD's draft budget lack detail and ambition. The Committee that will be constituted in the new mandate will have a very important task in ensuring that the Department does not waiver from those plans because the consequence would be an immediate and devastating impact on the delivery of front line services.

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. I will make a key strategic point that has been drawn to the attention of the Assembly on more than one occasion in relation to the Budget process: the Finance Committee, in its deliberations and in its second report into the Executive's Budget and expenditure process, recommended that although it considers the setting of a clear timetable to include key milestones at the start of each Budget process, it is vital that there be clarity on the shape, frequency and duration of future Budget cycles.

In noting that, it is disappointing that the draft Budget statement makes no reference whatsoever to an annual formalised review. To reiterate: the benefits of the in-year monitoring process are clear, but it is not obvious to me that the quarterly exercises are uniformly beneficial. Two monitoring reviews at the beginning of the third and fourth quartiles would retain all the existing benefits while freeing up timing resources to pursue the Finance Committee's proposal. It is disappointing, and perhaps the Minister will reflect on that. The proposal will have the benefit of greater transparency and buy-in, which is of significant importance. It should be considered, and perhaps we will get some indication that the Minister will respond to that consideration.

In fairness to members of Committees, some of the issues have been addressed already. Therefore I will confine myself to two points that I think are overarching. The first is the proposed

allocation to the Commission, that is, the Assembly operation, and the second relates to the Audit Office. There is considerable concern in each of them, which is reflected across the parties, that those bodies are an essential element in the accountability mechanisms that the Assembly has devised and which it applies.

Legislation makes it abundantly clear that there should be no interference by the Executive in the Audit Office. I welcome the Minister's attendance here, and I draw his attention to the excellent research report that was prepared for the Finance Committee, which, to some extent, deals with that and explicitly spells out the statutory independence of the Audit Committee. There should be no reduction of resources that would affect the ability of the Audit Committee to do its work.

2.15 pm

During the lifetime of the current mandate, which is the first full term that the Assembly has completed, one can see quite clearly that Committees, in their scrutiny and advisory role, have begun to develop an understanding of their powers and their ability to hold to account Ministers and departmental officials, some of whom are highly paid and powerful individuals. During the past four years, scrutiny Committees have demonstrated an ability to get to grips with the amount of detail and, in fact, have started to provide evidence-based confidence that the process of checks and balances is not only important but effective.

That brings me to the role of the Commission. Scrutiny Committees cannot function unless the Commission has sufficient resources to ensure that they are all properly serviced, not just with experience and senior secretariat leadership, but, in fact, within that leadership, with the high-level administrative skill, experience and research ability that is necessary to track through legislative proposals, policy developments or performance assessment on a step-by-step basis, as required.

It is of considerable concern to me and my party that both the Assembly Commission and the Audit Office have been singled out. Their treatment stands out from that of all the Departments, some of which are high spenders. I defy anyone to challenge my view that had the scrutiny process actually discovered examples of malpractice — work in which procurement guidance was not properly followed or areas

where savings could have been identified and applied to sustain, maintain and develop front line services — it would be extremely short-sighted of the Assembly to limit in any way scrutiny Committees' ability to continue to develop and enhance that role. I ask for a significant review of that to be undertaken.

I sought a rationale from DFP officials who appeared before the Committee, particularly with regard to the Assembly Commission. I did not get it. Officials pointed to the fact that both the Commission and the Audit Office had an element of underspend. However, the Department of Finance and Personnel also had underspend. I find it somewhat ironic, therefore, that officials would use that argument to justify what I believe to be an attempt to put manners on two bodies that provide vital muscle, resource and strength to the scrutiny process. It behoves Ministers to recognise and to respect that and it is for the Assembly to defend it.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development, like others, has been hampered in its scrutiny of its Department's work on the draft Budget by a lack of information, the timeliness of the availability of that information, and, indeed, a lack of clarification being delivered to the Committee even though it was sought after a meeting with the Minister.

That said, the Committee has largely supported the bulk of the draft budget that has been presented to it by the Minister for Social Development. Down through the years, and particularly in recent months, the Committee has pushed issues in many areas that the Minister has taken on board in his draft budget and savings and expenditure plan. In particular, I am thinking about a large measure of protection for the voluntary and community sector. My Committee colleagues and I had thought that that sector would be seen as an easy target for cuts. Therefore, we welcome the protection that has been afforded to it.

Not unrelated to that is the Committee's long, keen interest down through the years in funding for neighbourhood renewal, areas of risk and small pockets of deprivation. Again, it welcomes the measure of protection that has been offered to those funds. We note with interest and, again, with support that the Minister has reiterated to that sector his desire to see further collaboration and savings. Therefore,

although protection has been put in place, there is a push for further efficiencies. That is to be welcomed. Other Ministers should do likewise.

There is also support for what appears to be a freeze — pardon the pun — for funding for the warm homes scheme. Although funding for that scheme has been protected, concern has been expressed about where additional moneys that would have been put into the anti-fuel poverty budget line have gone to and about what is to be done with that funding, which amounts to roughly £10 million.

On a slightly more negative side, concern has been expressed in the Committee about possible job losses in the Housing Executive and how that is to be managed. However, we note that a decision on a rent increase may mitigate that and, indeed, allow the Housing Executive to have additional funds to invest elsewhere.

We have also noted with interest the proposal to save some £20 million from the housing associations on an ongoing annual basis, which is a total of £80 million over the Budget period. The Minister has come to the Committee with his view that that might be ambitious, but, upon questioning from me, I noted that he did not disagree with the principle behind that. We look forward to seeing his proposals on how that might be achieved. I have been supportive of that approach, which is included in the draft Budget, for some time, but would like to see more detail on it.

There is not as much money available for capital expenditure in the Department for Social Development as anybody would like, but we are dealing with a difficult capital expenditure settlement. If there was more money, we would like to see it spent on the maintenance of existing stock or on housing newbuild, but everybody appreciates that we are dealing with a difficult capital settlement.

I will speak now in a personal and party capacity. I have heard it said that there are certain deficiencies in the draft Budget process. If there are deficiencies in the draft Budget, they are only as deficient as the system that created it. It is difficult to set a Budget in any circumstances, but it is particularly difficult to do so in the sort of circumstances that we face in the Northern Ireland Assembly, which is a five-party mandatory coalition. I ask Members to take a look at other jurisdictions and at the time

that they took to get agreement. In fact, there was a lack of agreement at times. They did not have the political complexities that we had to juggle with.

Those complexities were confounded further by the fact that we were facing a Budget settlement that had some 40% cuts in our capital expenditure and close to 10% cuts in our current expenditure. I do not think that I need to remind people which party in the House canvassed for that degree of cuts. I do not think that I need to go into any detail. If anyone is confused, they can refer to the Ulster Unionist Party manifesto from May of last year, which reveals all the answers as to which party canvassed for those cuts. *[Interruption.]*

Mr Deputy Speaker: Order.

The Chairperson of the Committee for Social Development:

I note the yelping from the Member for North Belfast. I know that he was not a fan of that particular linkage, but, like the rest of his colleagues, he is caught by it.

The 22 October conclusion to the CSR settlement should also be factored in. When the context of political complexity, the late settlement notice and the very difficult Budget settlement are taken into account, it is a miracle that we have come up with a draft Budget at all, never mind a four-year draft Budget, which is unique in the devolved regions across the United Kingdom.

I have also heard complaints about the consultation process. I understand those complaints. It baffles me as to why there has been a delay. As far back as May and June last year, the Finance Minister was warning every Department in the Executive to come forward with savings plans. Many of those Departments received settlements that were more advantageous to them than what they were planning for or being asked to plan for in May or June. One would think that to come forward with savings in expenditure plans would have been an easy operation for them, but some took weeks and weeks to do that. If there is any blame to be bandied around for the consultation, it must go to those Departments that are to blame for it.

Dr Farry: I am grateful to the Member for giving way. Will he comment on the fact that some Ministers have formally provided answers to questions for written answer saying that they have received the settlement from the draft Budget and that they will commence sitting

down with their officials to work out what it means for the Department? What does that sort of statement say about the respect that those Ministers have for the public of Northern Ireland?

The Chairperson of the Committee for Social Development:

I find that baffling as well. Every Department should have been planning well in advance. We knew what was coming, by and large. We did not know the precise figures, but we should have at least known the ballpark, and we did. In fact, some Departments have done much better than they thought they would have done back in June of last year.

The Budget is not everything that everybody wanted it to be — it could not be — yet there is much that is positive in it. There are no water charges factored in over the four-year period. There is a real-terms freeze for domestic regional ratepayers, thus protecting people in difficult times. There is support for the green new deal, support for a social protection fund, and provision for a social investment fund.

I note that the leader of the SDLP said that it was a DUP/Sinn Féin community development fund. If she looks at the draft Budget, she will see that it is to be administered by the Office of the First Minister and deputy First Minister. The leader of the SDLP has not only written off her own chances of success in the upcoming Assembly election, but has done that for the Ulster Unionist Party. I know that everybody is all for honesty and frankness in politics, but I am sure that her party colleagues will not appreciate that, never mind the Ulster Unionist Party.

The Budget is certainly not without difficulties and deficiencies, but it is only as deficient as the process that set it.

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

As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. The debate will continue after Question Time, when the next Member to speak will be John McCallister.

The debate stood suspended.

(Mr Speaker in the Chair)

2.30 pm

Oral Answers to Questions

Social Development

Housing Executive: Weather Damage

1. **Ms S Ramsey** asked the Minister for Social Development whether the Housing Executive is checking all maintenance orders issued for repairs during the Christmas period to ensure that they have been actioned. (AQO 892/11)

7. **Mr K Robinson** asked the Minister for Social Development for his assessment of the level of damage caused to Housing Executive properties during the recent adverse weather. (AQO 898/11)

The Minister for Social Development

(Mr Attwood): I thank the Member for her question. I also thank all Members who forwarded individual cases to me about Housing Executive or housing association responses to the cold weather. Those have been important in informing my mind about the issues around the Housing Executive, especially during its initial phase of response. That narrative has helped me in addressing and managing the situation.

The answer to Ms Ramsey's question is yes. At local level, senior management level and departmental level, we are making sure that all the maintenance orders have been processed; that proper invoices are being submitted; that, if necessary, invoices are being challenged, and that the very small number of outstanding works are completed expeditiously.

Those small number of works continue to be progressed but have to await, for technical and good, substantial and professional reasons, the drying out of a small number of properties. During the cold weather spell, the Housing Executive, on current figures, had to place more than 40,000 individual orders, all of which had to be processed by the Housing Executive and the contractors.

The contractors measured up, in large part, but there were, in my view, instances when they did not fully measure up on a case-by-case basis. There may even have been clusters when

contractors fully failed to respond. That is why I instructed the Housing Executive to evaluate the contractors' response in general, with regard to their areas of responsibility, to ensure that if further work has to be done with contractors it will be attended to.

Mr Speaker: Before I call Sue Ramsey for a supplementary question, Minister, do you still intend to group questions 1 and 7?

The Minister for Social Development: I am sorry, Mr Speaker. I do.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his response. Was he concerned at that time, based on the information that he was getting from local representatives and probably from some of his constituents? I know that the adverse weather brought difficulties. However, there are still people who were critical of the attitude and response of some contractors at the time.

Mr Speaker: I encourage the Member to come to her question.

Ms S Ramsey: Is the Minister happy with that and is there a time frame for the absolute completion of some of those work orders?

The Minister for Social Development: I thank the Member for her supplementary question. The timeframe is as soon as possible but some properties, because of the extent of the damage, must be allowed to dry out properly. If one accelerates the process of drying out one will create further problems in the medium and longer term. I have professional advice from the Housing Executive confirming why a small number of properties have to be handled in a certain way.

It was clear that an emergency situation was developing. That is why I called the Housing Executive in on two occasions before Christmas — on 21 and 23 December. That is why on 21 and 22 December I had four conversations with the chairperson of the Housing Executive to upgrade its response to the emergency. I did not sit back and wait for the crisis to develop and then take action belatedly. I anticipated what would happen and tried to intervene to help the Housing Executive manage the situation. There were issues that should have been handled better in its initial response; however, over the length of the period and given the scale of the

problem, the Housing Executive increasingly escalated its response and measured up.

Mr K Robinson: I thank the Minister for his answer. Given that severe weather affected 22,000 properties out of a Housing Executive stock of about 90,000 does that not indicate that some houses are less prepared for the severe conditions that we had? Will the Minister give a reason for that and indicate a way to solve that problem?

The Minister for Social Development: I thank the Member for that important question. The figures do suggest that there may be a problem with the Housing Executive's stock. I asked for an assessment of what further interventions will be necessary, such as insulation, lagging and dealing with the freezing of gas condenser boiler pipes, to mitigate the risk in the future.

However, as I explained to the Social Development Committee last week, there may be other reasons why the Housing Executive stock was disproportionately affected. It may be that, because of the cost of heating fuel and electricity, people are not in a position to heat their homes adequately. Given the profile of Housing Executive tenants, among whom there may be a higher level of welfare benefit entitlement, it may simply be the case that a significant number of them are unable to heat their whole home and are heating one or two rooms, which carries the risk of damage from a cold freeze.

I take the point that an assessment has to be made to see what further interventions are necessary to improve the stock, as the Housing Executive does on a rolling basis through ongoing maintenance and heating improvements. Those programmes result in an increase in lagging and insulation.

Mr Humphrey: I also commend Housing Executive staff for the work that they did, after the difficulties that the general public initially had in trying to contact them about problems such as frozen pipes, boilers busting and so on.

Does the Minister agree that the old adage of prevention is better than cure applies? A constituent of mine from Rusholme Street in the Shankill area contacted me. She has been waiting for three years to get her house insulated and to get lagging around her hot water tank.

Mr Speaker: I ask the Member to come to his question.

Mr Humphrey: Will the Minister give us some assurance about the work that is being done in the Executive to ensure that homes are properly insulated?

The Minister for Social Development: Again, I acknowledge the principle behind the question. All of us, including myself — I do not have lagging on some pipes in my own property — need to take what steps we can as private householders, and the Housing Executive and housing associations have to take what steps they can on behalf of their tenants, to improve energy efficiency and insulation.

As of January 2010, the Housing Executive has 50 schemes, affecting 3,700 properties. As a consequence, there will be an upgrade of insulation and lagging. In the 2011-12 financial year, 25 heating schemes are planned, which will affect nearly 1,600 properties. The consequence of that, in addition to a new heating installation, will be upgrades in lagging and insulation.

As I will touch upon later, the fact that we have a warm homes strategy and the fuel poverty strategy that I will be launching over the next number of days, means that there will be further interventions to ensure that, going forward in these difficult financial circumstances, there are adequate, if not increased, budget lines to bring about a situation in which we have warm homes, which will mitigate the risk of damage during cold conditions.

Mr McDevitt: What was the extent of the damage to the housing stock as a result of the cold weather spell and the subsequent problems with mains water supply?

The Minister for Social Development: I thank the Member for that question. As I indicated earlier, we have 90,000 Housing Executive properties. In relation to those properties, over 40,000 orders were placed in response to the cold weather. There were parts of Northern Ireland, especially neighbourhoods in Omagh, Fermanagh and south Tyrone, where nearly all properties were affected by the cold spell. The figures suggest that that was particularly the case in Omagh and that the problem was less severe in the eastern part of Northern Ireland. The scale of the problem was unprecedented.

What remains is a small number of properties that are drying out before major remedial work is undertaken. That work is the equivalent of the multi-element improvements that the Housing Executive carried out until a number of years ago.

That shows the scale of the problem around Northern Ireland, and, save for the initial phase, it also shows the scale of the response by the Housing Executive and many other contractors.

Neighbourhood Renewal Partnerships

2. Mr McElduff asked the Minister for Social Development why neighbourhood renewal partnerships have been asked to apply for funding for a one-year period despite the commitment of funding for a four-year period in the draft Budget. (AQO 893/11)

The Minister for Social Development: I thank the Member for his question. Since the day and hour that I came into office, I have made it very clear that I would attempt to secure a budget line for neighbourhood renewal going forward. Since the draft Budget came out, I have said publicly that the neighbourhood renewal budget line going forward, including revenue and year-to-year costs, will be ring-fenced. Indeed, I am attempting to enhance it. However, the draft Budget was endorsed by only three parties around the Executive table in December, and the full Budget has yet to be endorsed by the House. Although I trust that the Budget will be materially different from the draft Budget as endorsed by those three parties, it will not necessarily be feasible for me to put in place what I want to, namely, four-year commitments to neighbourhood renewal projects going forward.

What did I do about it? I brought in all the neighbourhood renewal partnerships before Christmas, and I spoke to the Belfast area partnerships after Christmas. I told them that, if it was possible to get four-year funding at the beginning of the next financial year, I would do so. I also told them that, if it was not possible, I would try to ensure that some groups get a commitment for funding over the full four years of the next comprehensive spending review (CSR) period early in the next financial year. That would mean that some organisations would need to adjust how they do their work during the first year of the next CSR period so that they could get funding for the subsequent three

years. It would also mean that some would not get any funding at all, because I do not believe that they are doing their work properly. Others would get new funding streams, as new work is needed in neighbourhood renewal areas. That is a responsible and measured way of trying to get money for neighbourhood renewal. Many neighbourhood renewal organisations have told me that they appreciate the up-front commitment to the securing and enhancing of the budget line. However, they have asked why, if neighbourhood renewal is managed in that open, transparent and accountable way, the so-called social investment fund that comes from the Office of the First Minister and deputy First Minister (OFMDFM) is not dealt with in the same way.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. Will the Minister tell the House whether all the groups that are funded under neighbourhood renewal have been notified of the continuation or otherwise of their funding? The Minister touched a little on funding being awarded only on a one-year basis. However, does he appreciate the uncertainty that that leads to and how it makes planning for the future impossible?

The Minister for Social Development: When I came into office, I met with a number of the neighbourhood renewal partnerships, and I told them that I would try to create the certainty that a four-year funding cycle would bring. I do not believe in ad hoc, year-to-year funding, because it creates doubts and uncertainty and does not help organisations to embed themselves or have funding that is secure enough to fulfil their purposes.

However, I am not responsible for the fact that the draft Budget was not signed until December, and I am not responsible for the fact that, if we get to this point, we will not have a full Budget signed off during March. The funding issue is a consequence of the difficulties with our budgetary process, but we do not need to rehearse those today. In that context, however, neighbourhood renewal partnerships and organisations in neighbourhood renewal areas have told me that the balanced and proper way to proceed is through my proposed funding model, my attempts to get four-year funding for many groups going forward — if not at the beginning of the next financial year, certainly during it — while saying that some

groups do not merit funding and others do. All organisations have been so advised.

Mr Beggs: Small pockets of deprivation funding is part of neighbourhood renewal. Will the Minister ensure that the equality of treatment to smaller communities that qualify for that funding will continue? When does he expect them to be advised of the areas that will qualify and of the amounts that they can expect to receive?

The Minister for Social Development: I am prepared to give the reassurance that, whenever I talk about neighbourhood renewal, I am really talking about the family of neighbourhood renewal-type funding projects. Those include small pockets of deprivation and areas at risk, and, as with the neighbourhood renewal areas, the organisations that are currently in receipt of money will hear in the very near future the proposals for taking that matter forward.

2.45 pm

Ms Lo: Does the Minister agree that short-term funding over the past few years has prevented many projects from embarking on long-term and strategic actions to improve the quality of life for communities?

The Minister for Social Development: I do not necessarily agree with the Member's assertion. The neighbourhood renewal evaluation confirmed that the neighbourhood renewal strategy is beginning to embed in the 36 relevant areas and to have a material effect on the quality of life experienced in those areas. Although there has been some uncertainty around funding, the evidence shows that most neighbourhood renewal organisations and partnerships are beginning to apply themselves successfully to the tasks that they have set.

I go around Northern Ireland visiting neighbourhood renewal areas week in and week out, and I see that the funding going into organisations is beginning to make a material difference. If one goes to Lurgan, Portadown, Craigavon and various other areas, one will see how sport, through the construction of multi-use games area (MUGA) pitches, is creating opportunities for young people and others to recreate and behave responsibly, bearing in mind the difficulties and pressures that exist in those communities.

If we have an agreed Budget, my model is the only feasible model. However, within that

model, I am trying to ensure that, before 1 April or as soon as possible after that date, all organisations that are doing the necessary work will have funding for the four-year cycle.

Boiler Replacement

3. Mr Hamilton asked the Minister for Social Development whether his Department will introduce a boiler replacement scheme.

(AQO 894/11)

The Minister for Social Development: I am actively considering the potential for a boiler replacement pilot scheme, and if I am minded to go down that road, I will inform the Assembly soon, probably in the very near future. If I go down that road and launch a new fuel poverty strategy, not only must we deal with the issue of warm homes through the traditional mechanisms and, potentially, through a boiler scrappage scheme, but we need to deal with the other two issues that create fuel poverty; namely, income level and the price of fuel. In any proposals that I make, I will build on the good work that Margaret Ritchie did on warm homes, and I will begin to create and build best practice around issues such as the price of fuel. It is self-evident that if, for example, there are 120,000 houses in the public sector in Northern Ireland between housing associations and the Housing Executive, that will create leverage on the price of energy from the energy companies. That should be exploited.

Mr Hamilton: I thank the Minister for his reply. He will remember the Assembly's unanimous support for a private Members' business motion that I proposed some time ago calling for a boiler scrappage scheme for Northern Ireland, so I welcome his announcement of a possible pilot scheme.

Does the Minister agree that the results of the recent Northern Ireland house condition survey and the actual and anecdotal evidence of some houses' conditions during the recent cold snap suggest that there is an urgent need for a boiler scrappage scheme and other radical initiatives for better heating and fuel efficiency of homes?

The Minister for Social Development: I agree with the sentiment of the question. Forty-four per cent of our people are in fuel poverty, and that figure increases to more than 80% for some of our senior citizens. It is an acute issue, and that is why I welcomed the unanimous view

of the Assembly in that regard. However, as a result of the acute weather, the Assembly and the London Government have an obligation to help people who are in particular need as a result of damage to their homes.

That is why I have written to OFMDFM on two occasions proposing that we take forward work on an emergency payment in a number of categories to try to mitigate the costs that Housing Executive and housing association tenants are incurring as a result of damage to their houses, increased energy bills for using heaters, and the like. That is an important intervention. That sort of work is an appropriate and proportionate response to the acute weather and is indicative of the best intentions of the Assembly and the Executive in progressing a wider warm homes strategy.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. If the Minister decides to go down that road and give us all a warm glow, will he ensure that any replacement scheme benefits low earners and people on benefits who are homeowners, taking into account the cost of replacement heating systems?

The Minister for Social Development: I would certainly like to give everybody a warm glow, unlike the Member's party colleague who wants to give everybody "warm weather payments" — whatever they might be. *[Laughter.]* I know that the Member knows, and I know, that they are cold weather payments, but another Member seems to think that they are warm weather payments.

If we go down that road at all, I do not intend to repeat the scheme that was run in England, whereby people received a £400 grant towards boiler replacement on a first come, first served basis. Given the figures that I just rehearsed with Mr Hamilton about the scale and profile of fuel poverty in Northern Ireland, it is self-evident and compelling to endorse Mr Brady's point that if we go down the road of any intervention in warm homes, it should be targeted on those most in need.

Mr O'Loan: The Minister has partially answered my question. Why can we not, and why did we not, simply replicate the UK government scheme? Why must the scheme be different here?

The Minister for Social Development: I touched on that issue. In 2009, the English scheme offered £400 cashback for up to 125,000 privately rented

or owned households to upgrade their oil or gas boilers. We could adopt that model. However, given that there will be less money, fewer jobs and welfare payments and rising mortgage repossession as people begin to experience the consequences of the reduction in support for mortgage interest and other debt issues, I believe that we should target money at those in need. Any potential boiler scrappage scheme must deal with that.

Unless our Budget deals fundamentally with the issue of hardship and undoes its intention to create a hardship fund with a budget line of only £20 million in year one, with no guaranteed income in years two, three and four, this debate, and previous debates on the Floor about warm homes, will be academic. We need a hardship fund that has guaranteed funding over each year of the CSR, which must match the proposals that I sent to the Executive before Christmas, namely that at least £30 million a year with additional moneys should be directed towards the scheme on a year-to-year basis. That would be proof positive of a commitment to those in need and disadvantage.

Housing Associations and Social Housing

4. Mr McCallister asked the Minister for Social Development for an update on the proposed release of £20 million per year from housing association reserves to supplement the newbuild programme as outlined in the draft Budget 2011-15. (AQO 895/11)

5. Mr Lunn asked the Minister for Social Development for his assessment of the proposal to save money by reducing housing associations' grants by £20 million in each of the next four years. (AQO 896/11)

10. Mr Savage asked the Minister for Social Development for his assessment of the impact that his Department's draft budget will have on social housing targets in the period 2011-15. (AQO 901/11)

The Minister for Social Development: Mr Speaker, I will take questions 4, 5 and 10 together.

The situation is acute for housing newbuild. This year, we will be able to build over 2,000 properties. I will shortly announce how many houses we built over the past three years. Over the next four years, on the basis of the draft

Budget, we will be lucky to be able to build half the number of houses that we built in recent years. All the figures suggest that housing stress and waiting lists will increase over the next four to five years, and if that is combined with fewer houses being built, it is an unhelpful and unwelcome situation.

That has been compounded by the arbitrary and unilateral DFP decision, endorsed by three parties at the Executive table, to pick £80 million over four years out of housing association reserves to help fund newbuild. As Members know, I am a believer in radical reform and a positive image of the housing association sector in Northern Ireland. I have asked it to do more on joint procurement and to consider mergers and working together on shared services. I have asked it to deal with the internal costs issues, but, to date, not one housing association chief executive who has, in my view, a generous if not extravagant salary, has taken up my invitation to take a voluntary pay cut. I want to reform the housing associations, but, at the same time, we cannot put their financial viability in jeopardy, as DFP and three parties at the Executive table have done, in unilaterally and arbitrarily —

Mr Speaker: You have run over time, Minister.

Mr McCallister: I am grateful to the Minister for his reply. I am aware that, when he appeared before the Committee, he was hoping to have had some answers on the matter; 23 January rings a bell. What is his assessment of the impact that this could have on the housing associations? Do they have the £20 million a year that has been suggested in the draft Budget? Can the Executive take that money from the housing associations and use it? Does he have the power to do that?

The Minister for Social Development: I do not have the legal power —

Mr Speaker: Minister, do you intend to group your answers to questions 4 and 5?

The Minister for Social Development: I did indicate that, Mr Speaker.

Mr Speaker: OK, sorry.

The Minister for Social Development: I do not have the legal power, but I have the operational power. If I adjust Housing Executive grant figures to housing associations to help their newbuild schemes and reduce the scale of such grants, the housing associations will be obliged to find their own sources of funding to fill the

gap, either by borrowing from the European Investment Bank and the bond market or by reducing their level of reserves. That model has been used before and I am prepared to use it again. However, the issue is this: what is the bottom line when it comes to housing association reserves that can be legitimately used for newbuild projects in a way that does not put their financial viability in jeopardy? Although there is money that can be used for that purpose, it is my firm conviction that £80 million over four years is extravagant and not credible.

Mr Lunn: I thank the Minister for his answers so far. The figure mentioned in the draft Budget was £200 million of potential reserves. Is he satisfied that that figure is reasonably accurate? It is certainly disputed by the housing associations.

The Minister for Social Development: The figure is actually in excess of £200 million; it is probably in or around £230 million. However, the issue is more to do with the definition of “reserves” and whether they are cash reserves, or close to cash reserves, that do not have any other purpose and can be used for capital newbuild, or whether they are reserves that are necessary in order to prove financial viability, to draw down money from the European Investment Bank or to maintain stock, which is a very important issue, given the earlier questions about Housing Executive stock over the cold weather. Those reserves may not be available for any other purpose.

The real issue is about identifying the true level of reserves that can be used for newbuild purposes. I have interrogated the housing associations in that regard. They have provided information to me, and, in the very near future, we will determine what they say is available for newbuild purposes. I may have to push them further, and I am prepared to do that if it is the right way to go. I do not believe that picking a figure out of thin air, as DFP and three parties at the Executive table did, is a wise course of action.

3.00 pm

Agriculture and Rural Development

Woodland

1. **Mr Kinahan** asked the Minister of Agriculture and Rural Development what level of resources

she intends to invest in the forestry sector over the next four years to increase the total acreage of woodland. (AQO 907/11)

The Minister of Agriculture and Rural Development (Ms Gildernew): The Executive's draft Budget was announced by the Minister of Finance and Personnel on 15 December 2010.

I have agreed a provisional budget allocation, which has been published on the DARD website. The Department is inviting views on those proposals from stakeholders. More detailed allocation to areas such as woodland creation has yet to be agreed.

In the current Programme for Government, I made resources available to increase woodland cover by 1,650 hectares by March 2011. That will be done primarily through the conversion of agricultural land to woodland under the woodland grant scheme. That was always going to be a challenging target, not least because of the pressures that farmers and landowners face. Up to the end of December 2010, 671 hectares of new woodland had been created. That is obviously less than I had planned at this stage of the PFG, and it is unlikely that the target will be achieved by March this year. However, I remain committed to the forestry strategy's long-term aim of doubling the area of woodland in the North of Ireland at a rate that will depend on both the willingness of landowners and farmers to plant trees and available budget cover. In November 2009, by announcing increases in grant rates of up to 30%, I encouraged landowners and farmers to plant trees. There has been a steep rise in the area of woodland creation applied for since then. I expect that increased interest in applications to result in more woodland creation that will continue into the next PFG period.

My Department will increase its efforts to promote the benefits of woodland creation and to provide assistance to farmers and landowners in the creation of new woodlands. The available support is significant and includes increased grant rates; changes in the single farm payment to allow farmers to continue to receive the single farm payment as well as a forestry grant for land converted; and advice and guidance from skilled and professionally qualified staff in my Department. I will consider how best the Department can integrate woodland creation and other land use

management to achieve the priorities that we set for both agriculture and forestry.

Mr Kinahan: I thank the Minister for her thorough answer, and I congratulate her on the increased woodland that she has managed to put in place. What resources will the Minister put in place to open woodland up to the community and encourage people to use it?

The Minister of Agriculture and Rural Development: I am keen for people to be better able to use our woodlands for their health and well-being. In July 2009, I announced a recreation and social use forestry strategy that sets out how we intend to promote the recreational and social use of forests. It includes a wide range of elements, including mountain biking, walking trails and angling, that will enable the increased use of forests for recreation. The strategy is aimed not just at encouraging tourism, which I am keen to expand into rural areas, but at benefiting the people who live and work in the rural community.

Mr O'Loan: What is the Minister doing to encourage private investment in trees and forestry?

The Minister of Agriculture and Rural Development: Increased grant rates for private investment is one of the things that I feel would most help in the planting and creation of new woodland. Although those rates have increased significantly, we still face a barrier, because, in Europe, the definition of a farmer for planting woodland is 25%. I feel that that is high and that somewhere between 25% and 15% would be better. However, 15% would be best. I wrote to Commissioner Ciolos on this matter recently and received a reply that was not overly encouraging. However, I hope that we can continue to press the Commission on the issue, given our very low levels of afforestation and the need to increase the targets.

Mr Girvan: Sudden oak death has affected a large number of forests in South Antrim and in the east Antrim area in particular. What mechanism does the Department have for the reforestation of those areas? How long do they have to be left before they can be replanted?

The Minister of Agriculture and Rural Development: Worryingly, they have to be left for a significant time — about two years — before they can be replanted. We hope to have all the trees removed by the spring. Under biosecurity

measures, the trees are taken and processed. Biosecurity advice is given to people who go into forests that have been affected by sudden oak death. We ask that people respect that advice so that they do not bring disease back to their own homes and gardens. There have been nine confirmed outbreaks so far. That figure has not increased over the wintertime, but I imagine that there will be further cases of sudden oak death come the springtime. It is a serious problem, and my Department is treating it as an extremely high priority.

Mr W Clarke: Will the Minister outline what grant incentives are available for landowners who wish to convert their land for forestry use?

The Minister of Agriculture and Rural Development: There are three schemes: the woodland grant scheme is grant-aided at a rate of up to £2,400 a hectare; the farm woodland premium scheme has payments ranging from £60 to £290 a hectare a year for up to 15 years; and the land on which single farm payment was claimed and paid in 2008 and was subsequently converted to woodland under those schemes automatically remains eligible for single farm payments. That is a good boost to people who are thinking of creating woodland.

Grant aid is also available for the establishment of short rotation coppice (SRC), which is a specialised form of forestry plantation that involves growing high-yielding willow at close spacing and then harvesting it at regular intervals every two to three years as a biomass energy crop. The maximum rate of grant for SRC is £1,000 a hectare.

Pig Feed

2. **Mr I McCrea** asked the Minister of Agriculture and Rural Development what action she has taken to help reduce the cost of feed for pig farmers. (AQO 908/11)

The Minister of Agriculture and Rural Development: I am very aware of the difficulties faced by the pig sector, which have been brought about by the global rise in cereal and protein prices and by the fact that pig meat production and prices have yet to respond to those input cost increases. That position clearly cannot persist, and there will be an EU-wide adjustment in pig meat prices when European pig meat production falls in response to the pressures. That represents the long-term and sustainable

solution to higher feed input costs, which seem set to persist in the immediate future. Since my press release of 26 January, it has been encouraging to note that the EU has agreed to open private storage aid to offer support to the struggling pig meat sector.

There are limitations to what DARD can do about market prices. However, the Department offers assistance to pig producers in a number of ways. Benchmarking, which is available to all producers via CAFRE, establishes the strength and weaknesses of individual units and identifies where improvements can be made and costs saved. Additionally, the pig grading information system (PiGIS), which CAFRE and AFBI developed jointly, assists producers to analyse pig carcass data, thereby enabling them to make management adjustments to meet market demand quickly. Significant improvement in returns can be achieved by concentration on improving carcass quality. The manure efficiency technology scheme (METS) and the farm modernisation programme are also available to help pig producers. Further support is provided via research through AFBI. In addition to those measures, our pig producers have been given substantial assistance at farm level to aid compliance with environmental restrictions.

Mr I McCrea: There was certainly a great deal of information in that answer. As she stated, the Minister is more than aware that the cost of pig feed has almost doubled over the past few years. Does she agree that one way to combat that rise is to increase the price that the industry pays farmers for each pig? Will she outline what work she and her Department are doing to ensure that pig farmers get the best price from the industry for each beast?

The Minister of Agriculture and Rural Development

The Minister of Agriculture and Rural Development: The problem is not just in the pig sector. Many other farming sectors recognise that input costs are not being met by output costs. The price for finished pigs has dropped significantly. In 2010, the overall price was 127.74p a kilogram, which was 4.3% below the 2009 level. At the week ending 15 January, the producer price had gone down to 126.52p a kilogram. We cannot get involved in market prices. However, we obviously can and do continue to press home the message that there needs to be respect across the supply chain and that producers, processors and retailers all have a responsibility to get the product to us. However, if one element does not get a fair

share of the price, the whole sustainability of the supply chain will be damaged, and more people will go out of business. So, I continue to press it home to processors and retailers that our producers need to get a fair price. They are producing meat at below the cost of production, which is neither sustainable nor fair in the long term.

Mr Armstrong: It is good of the Minister to make the House aware of how pig farmers work and that benchmarking does not guarantee profitability. Pig farmers are very efficient and have been working well. Their biggest concern is about what action the Minister is taking to ensure that regulations do not place local pig farmers at a disadvantage with other producers of pork products who may be importing to the United Kingdom.

The Minister of Agriculture and Rural

Development: Again, I have raised that issue consistently with the Commissioner and officials because I think that standards similar to the quite stringent restrictions and regulations put on our pig sector need to be applied to products being imported into the EU. I agree with the Member: the pig industry has seen a significant decline over the past 20 years to a level where only the best pig producers are still in business. We want to keep them in business, and we want to keep them profitable. We invest significantly in benchmarking and in ensuring that farmers are within compliance to show our commitment to a sustainable pig industry here. However, with feed costs at their present height, it is important to ensure good feed efficiency by reducing wastage. That can be achieved by calibrating feeders and adjusting stock density and by marketing pigs at the correct weight and carcass specification.

I agree that it is a challenging time for our pig farmers, and we will do all that we can to help them in this period.

Farm Modernisation Programme

3. **Mr Girvan** asked the Minister of Agriculture and Rural Development for an update on the farm modernisation programme tranche 2 including the uptake for the scheme and the number of successful applications. (AQO 909/11)

6. **Mr Craig** asked the Minister of Agriculture and Rural Development for an update on the farm modernisation programme. (AQO 912/11)

The Minister of Agriculture and Rural

Development: With your permission, a Cheann Comhairle, I will answer questions 3 and 6 together.

The closing date for applications for tranche 2 of the farm modernisation programme closed on 26 November 2010. During the six-week open period, almost 8,000 applications were received, 87% of which were online submissions and just over 1,000 of which were returned in hard copy. As the average amount of funding sought per application is in the region of £3,000, I hope that more than 2,300 applicants will be successful.

To establish the threshold score to determine the allocation of the £7 million of funding available, it has been necessary to populate the details of the hard copy returns of the applications received on to the EU database. That is time-consuming, which is one of the reasons why I was keen to encourage use of the online application facility provided. I am pleased to report that the task has been completed and that letters of offer have started to be issued to successful applicants. I expect that the £7 million will be fully committed to successful farmers by the end of March 2011.

Mr Girvan: I thank the Minister for her answer. Is it possible to identify areas that have not necessarily been as successful in applying as others? Some areas seem to be good at getting their applications in while others are not. Are there any gaps in the Province as regards areas that have not been so proactive in submitting applications?

The Minister of Agriculture and Rural

Development: It is too early to say what the geographical spread will be until we have assessed all the applications. However, there has been a great deal of interest and excitement about the opening of applications for tranche 2 funding. From talking to farmers throughout the Six Counties, I believe that there will be a good uptake across the board.

Mr Craig: I listened with interest to the Minister saying that 87% of applicants replied online. That may be a tribute to having our broadband rolled out in rural areas. The Minister indicated that she does not yet have the area-by-area breakdown of who is applying. Does she know when those figures will be available? Will the fact that the forms were filled in online not speed up that process? There are suspicions

that in some areas such as Lagan Valley the uptake may not have been as great as in others.

3.15 pm

The Minister of Agriculture and Rural

Development: I will look at that information. Our main concern and priority at this stage is getting letters of offer out and getting applications assessed and paid. I did not get those types of question about tranche 1. Nobody tried to find out whether areas had succeeded or failed during that tranche, so that is interesting.

I am proud of the fact that 87% of farmers applied online. It certainly sped up the process considerably. I have no doubt that that was helped by the extra £2 million that I recently put into broadband in rural areas. We recognised that there were difficulties. A lot of our farmers are of a certain age and may not have the necessary computer skills to complete that form online. We worked closely with others, which was demonstrated when the equality impact assessment was being conducted. We had a helpline operated by the managing agent, and we had great support from the Rural Support network, the Library Service, DARD rural enterprise staff and others to help to take hard copies of the forms and submit them through the Internet. That certainly helped and is a great example of what can be done when there is a wee bit of an incentive.

Mr Gallagher: I thank the Minister for that information. Those of us in some rural areas, although welcoming the high percentage of online applications, want to know whether those who do not have broadband available are at a disadvantage. Will the Minister confirm whether her Department is prioritising online applications?

The Minister of Agriculture and Rural

Development: We certainly see the benefit in online applications. The Member and I share a constituency. He knows, as I do, the difficulties with broadband provision in constituencies such as Fermanagh and South Tyrone. We encouraged others to help farmers who do not have access to broadband or the necessary computer skills to submit their forms online. As well as the organisations that I just named, NIAPA, the Ulster Farmers' Union and my constituency office helped people to put their forms on the Internet. It sped up the process and made it a lot simpler for us to assess the

forms and to get the money out as quickly as possible.

The Department will use the Internet more and more for communicating with our customers, because it is so much better. For example, the integrated administration and control system (IACS) online form does not allow anyone to make a mistake. We both know the difficulties for farmers who maybe wait until the spring to get their single farm payment instead of getting it when it first becomes available before Christmas. There is certainly great benefit in operating online, but we have to recognise that the infrastructure is not as we would like it to be right across the rural Six Counties.

Mr Cree: Does the Minister accept that large, highly profitable firms in disadvantaged areas are more successful than more marginal firms in my area, for example, and that those firms are, therefore, being penalised because of their location?

The Minister of Agriculture and Rural

Development: I believe that people, whatever their location, need to have equality of services. Had the Quinn Group, which was based in Derrylin, been based in, Dunmurry, for example, would it have had a different experience? I suggest that it certainly would have and that it would have had a better service if it had been located closer to Belfast. It is important that we ensure that rural communities are not left behind. We have been left behind for so long in terms of our roads infrastructure and how we can encourage businesses to invest in the west. It is important that we are not equally left behind when it comes to the IT and technology infrastructure. Businesses, wherever they are, should be able to compete with businesses in and around Belfast.

Rural Poverty

4. **Mr Doherty** asked the Minister of Agriculture and Rural Development, given the current poor economic conditions, what priority she will give to tackling rural poverty. (AQO 910/11)

The Minister of Agriculture and Rural

Development: When I took up the post of Minister, I acted quickly to ensure that the Executive agreed to bring forward a £10 million package to tackle poverty and exclusion as a Programme for Government target up to the end of March this year. The subsequent initiatives that were

developed and led by my Department and were aimed at tackling poverty are having a brilliant impact on our rural communities, but there is still an awful lot to do. That is why I have fought hard to secure and retain the existing funding level and why, given that more and more people are falling into poverty in the current climate, I want to enhance our commitment to tackling rural poverty and exclusion by raising expenditure to around £16 million during the next Budget period.

It is key that we build on the many successful initiatives on which my Department is leading and that we develop others to help to address poverty and exclusion. Through working with other Departments and agencies, more than 10,000 people have benefited from a range of projects, including community transport; rural childcare provision; better access to a range of grants, benefits and services; the installation of heating to address fuel poverty; the rural support helpline; enhanced access to rural broadband, as I said; and small grants for local projects that address local rural needs. I believe that a true and meaningful cross-departmental approach has brought in more money, added value to what we have done and shown what we can achieve when we work together.

Mr Doherty: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her very detailed answer. Will she provide more details on the benefit take-up programme in rural areas?

The Minister of Agriculture and Rural

Development: I am very excited about that, and it has been of great value. A pilot scheme run by Fermanagh Rural Community Network showed that every £1 invested was able to secure £6 in entitlements, so it was a really significant project. Our project is very lively: almost 4,000 visits have been completed, and I expect great benefits to be realised for rural communities as referrals are worked through in the next six months. At this stage, we have covered 30% of the most deprived rural super output areas, and I would love to see the scheme roll out to them all.

I will take this opportunity to advise the House about one case in particular. Just before Christmas, during the very cold weather, one of our project enablers identified and visited a house in which the occupants — a husband, wife and four children aged below 12 — were existing in very poor conditions. They were dealing with severe financial difficulties and illness, and

they were sleeping and living in one room, using firewood gathered on a daily basis as a means of heat. We made immediate contact with various agencies. We got heating oil, clothes and food for the children. We got disability living allowance fast-tracked and a social worker assigned, and the family is now availing itself of Sure Start and other local services. Through my Department's intervention and with assistance from other agencies, the life of that family has improved considerably. That is why we need to continue working to build on all the anti-poverty work that we have done to date.

Mr Campbell: The Minister will be aware that some small businesses in rural areas, particularly areas affected by socio-economic problems, are having difficulty expanding or relocating their business in those areas. Will she ensure that, when it comes to planning matters, her officials co-operate as closely as possible with Department for Regional Development officials to ensure that businesses retain their integrity in isolated rural areas?

The Minister of Agriculture and Rural

Development: I always try to do that, and I would want my officials to work on planning matters not only with DRD but with the Department of Enterprise, Trade and Investment and the Department of the Environment to ensure that what can be done is done to keep those businesses in rural communities. They provide jobs and services for people in rural areas. The Member will be aware that 40% of people in the Six Counties live in a rural area, so we need a financial infrastructure to create jobs and services in rural as well as urban areas. It is a matter of us all working together to ensure that we maximise everybody's quality of life, and we must work across Departments to make sure that that happens.

Mr Beggs: The Minister illustrated how many disadvantaged communities may not be aware of their entitlement to benefits and other schemes, such as the warm homes scheme. How will she continue to assist organisations, such as the North Antrim Community Network and its associated organisations, so that local people are well informed and can assist their neighbours when they spot that assistance is required?

The Minister of Agriculture and Rural

Development: I am a great believer in the bottom-up approach, and we use the Rural

Support networks to identify people who can be trained as rural enablers, so that people do not have somebody coming from outside the area to ascertain the need in that area. It is all done at grass-roots level, and that is one of the benefits of the project. As I said, more than 4,000 visits have taken place, and our trained enablers have been able to gain people's trust, find out what they need and ensure that they are pointed towards the grants, services and benefits to which they are entitled.

Rural people can be slow to look for benefits. They can be proud and do not like to admit that they are struggling. This project, which has been delivered in collaboration with the Department of Health, Social Services and Public Safety, has been excellent, and I would love it to be rolled out to all the rural super output areas.

Mr McCarthy: In a previous response, the Minister mentioned community transport. Is she aware that her counterpart in the Department for Regional Development has announced a massive reduction of 50% to Down Community Transport's funding. That will mean that a lot of people in the Down and Ards area will not be able to avail themselves of the transport to which they are used. That will inevitably contribute to —

Mr Speaker: The Member should come to his question.

Mr McCarthy: It will inevitably contribute to isolation and poverty. Will the Minister correspond with Minister Murphy to ensure that that does not happen and that her policy can be fulfilled in the Down and Ards area?

The Minister of Agriculture and Rural

Development: I speak frequently to Minister Murphy on that issue, and, through the work that we have done on assisted rural travel and dial-a-lift, my Department has funded over 100,000 passenger trips in the first 12 months of the assisted rural travel scheme. Each of the 16 rural community transport partnerships are showing excellent and increasing month-on-month usage figures, with over 1,700 individuals using the scheme in November. I would be concerned about reductions in any of those transport schemes.

The Member is absolutely right: rural transport is the key to people's ability to socialise, to get out and about and to go to appointments. It is a real lifeline, especially for people with

disabilities. We spoke to young people with disabilities and to others with mobility problems, and, to me, rural transport is a necessity and not a luxury. However, we need to ensure that, in the current financial climate, those schemes get priority and are funded for the community's benefit.

Bluetongue

5. **Mr P Ramsey** asked the Minister of Agriculture and Rural Development whether she has any plans to reduce the measures currently in place to protect against bluetongue disease.
(AQO 911/11)

The Minister of Agriculture and Rural

Development: Following the widespread outbreaks of bluetongue in Europe and Britain, I, with the support of UFU and other stakeholders, have consistently urged importers not to put their business and that of their neighbours at risk by importing animals from bluetongue protection zones in Britain and Europe. The industry also decided to operate a voluntary ban on the imports of slaughter animals from bluetongue-affected areas. In addition, any susceptible animals that come here from Britain or Europe are tested after they arrive to ensure that they have complied with the legal requirements. Those animals are restricted and isolated until the results of those tests are known.

I shudder to think of the consequences had those measures not been in place. I remind the House that, almost three years ago on 14 February 2008, those control measures allowed us to quickly identify and cull an imported animal. Further investigations were carried out, and a total of 30 animals were culled because they had been infected with the disease or posed a threat of further disease spread. Economic estimates show that the local industry could have suffered to the tune of £75 million in that intervening period if bluetongue had become established then. I have been consistent on that issue in maintaining a fortress-Ireland approach to keeping bluetongue out, and I do not intend to make any policy changes at this time.

Mr P Ramsey: I thank the Minister for her detailed and robust answer. On 15 November 2010, the European Union proposed an amendment to the directive that prohibits vaccination against the disease in bluetongue-free areas. The new proposal will permit the

development of a vaccination strategy. How does the Minister view that amendment?

The Minister of Agriculture and Rural

Development: At this time, you cannot vaccinate outside a bluetongue protection zone. We have a bluetongue-free Ireland without vaccination. That is our first line of defence, and keeping bluetongue out is still the best and most important thing that we can do. Obviously, I will look at changes as they happen in Europe and assess the position then, but I assure the House and the Member that the fortress-Ireland approach and not importing cattle that are affected by bluetongue has been the best policy so far to protect our industry from a significant financial impact.

Committee Business

Budget 2011-15

Debate resumed on motion:

That this Assembly takes note of the draft Budget announced on 15 December 2010 by the Minister of Finance and Personnel. — [The Chairperson of the Committee for Finance and Personnel (Mr McKay).]

Mr McCallister: In opening, I will make some general comments about the budgeting process. I agree with colleagues that the lateness of the draft Budget has caused problems. I am sure that, in his response, the Minister will give some indication of how he plans to deal with that.

The lateness of the draft Budget and the consultation process will cause huge problems for how budgets will be managed and implemented, particularly during such a difficult period, in a matter of weeks and perhaps less from the Budget being agreed — if the Executive agree a Budget in this mandate.

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

3.30 pm

I will set in context the state of public finances across the United Kingdom and the challenges that we face as a nation: for us to put right our public finances and clear up the mess from 13 disastrous years of a Labour Government will be very difficult, and there will be challenging times ahead. I agree with my party leader that it would have been much better to have brought that Government to an end earlier rather than leaving them to run their course for the full 13 years. However, it was for others to decide what way they voted in contributing to that.

I turn to some of the issues that are reflected by the Committees on which I represent the Ulster Unionist Party. The Chairperson of the Committee for Social Development reflected some of the comments that have been made at Committee on the contribution of £80 million, or £20 million a year, from housing associations. It is interesting that I brought up that issue with the Minister for Social Development during Question Time. There are issues about whether it is wise to proceed with that and whether the figures of £20 million a year and £80 million over the cycle can be realised. Most housing associations doubt that it can.

How will the Department get that money from housing associations? Minister Attwood said that some of their grant rate could be changed, but it seems unlikely that that would equate to the £80 million that is stated in the draft Budget. It would be difficult, and it is somewhat reckless to throw out a figure when there is no evidence to back up that it can be achieved. It is difficult to see how the 2,500 houses a year that are needed can continue to be built —

The Minister of Finance and Personnel (Mr S Wilson): Will the Member give way?

Mr McCallister: Yes.

The Minister of Finance and Personnel: The Member said that the figures are reckless and that it does not seem likely that they can be realised. On what basis does he make that judgement? Given that £220 million in reserves are held by housing associations, and based on the information that benchmarks them against housing associations and housing bodies elsewhere, is it not possible that they could borrow more and that they do not need the level of reserves that they hold? If he is to make that suggestion, he at least must justify it.

Mr McCallister: I am grateful to the Minister. I make that judgement on the same basis as he thinks that it is proper that he can simply write into the draft Budget a figure for which there is no basis. His colleague the Minister for Social Development, who is the lead Minister on the issue, did not give any indication to the House or to the Committee that that was achievable. On that basis, I am quite content to stand over my remark. I feel that it was reckless simply to write into the draft Budget a figure that the Minister for Social Development thinks might not be entirely possible to achieve, as he has said to the Committee and to the House. Therefore, my questioning that figure is based on a sound argument, and I look forward to hearing the Minister provide detail on where he can get the £80 million and how he can build houses. At a time when the need for houses is rising, Minister Attwood said that we may be lucky to build half the number of houses that are being built currently. The Minister of Finance and Personnel must address those issues in his response.

I turn to the other Committee on which I sit, the Committee for Health, Social Services and Public Safety. There has been an interesting debate between the Minister of Finance and

Personnel and the Minister of Health, Social Services and Public Safety. It is interesting how the figures have been reached and whether the Department of Health is getting the level of protection that colleagues in England are affording to health around other parts of the UK.

Just before Question Time, the Minister's colleague Mr Hamilton was laying into us for standing on a manifesto last year with the Conservatives. I was one of the candidates who stood on that manifesto, and one of the proudest bits of that manifesto was our rock-solid commitment to protect health across the United Kingdom and to stick with that, recognising that it is one of the most important government functions to protect and defend. When the Conservatives got into power with the Lib Dems, they delivered on that, and they have protected health. However, according not only to the Department but to Research Services in the Assembly, Northern Ireland is £80 million a year short of the protection that England has, building that up over a four-year period. That makes a significant difference to the way that this is protected.

Mrs O'Neill: If health was to receive the same capital allocation as England, there would be a reduction of £120 million. Would you support that?

Mr McCallister: The Member knows very well that they would then have to try to convert moneys from capital to revenue or revenue back to capital, and other Departments are struggling with how to do that. She is only taking one issue out of this because it will affect Altnagelvin. Projects have been announced, but the Department of Health does not know whether they have been funded.

If the monitoring process goes ahead, there is a mystery around the £20 million that health has been promised, according to the Chairperson of the Committee and to Alex Easton. They were assured by the Finance Minister that that was the case, yet the Department and the Health Minister have no evidence to back that up. Health needs to be protected. We need the same protection with a revenue spend that other parts of the UK are getting. I hope that the Deputy Chairperson of the Committee will help and join us in supporting that.

Mr O'Loan: I am pleased to take part in this important debate. It is the first significant debate that we have had on the draft Budget,

but we will have other opportunities. It is a critical debate because how we plan to apply our resources, even over a four-year period, is a very significant decision for the Assembly. It is critical that the Assembly engage with that debate in a very serious way.

We should look back on the euphoria, and no less a word could describe it, that existed throughout our community and the media in particular, who conveyed the public sentiment when the draft Budget emerged just before Christmas. There had been a huge delay in producing the draft Budget, and people even feared that we might create an emergency Budget on 31 March, with the permanent secretary having to intervene. Fortunately, that did not happen, but around the great delight among the public that a draft Budget had emerged, the delay and the tedious and often ill-judged arguments were very quickly forgiven and forgotten, and there was real pleasure among the public that the Assembly was doing its business. There is a lesson for us there. The public really want to see the Assembly working, and they surely deserve that from us.

At the outset, I declare my stance on the draft Budget. I do not think that it is a good Budget, and I want to see it improved. Ultimately, I will look for the Minister to see that he is open to that. I will say more about that, but, first, I want to say something about the process of creating the Budget. The process in the Executive has not been healthy. Stephen Farry made a remark earlier about parties having to consider their position when they address the Budget.

I think that he was expressing a view towards parties such as mine. He might have been as wise to direct his remarks to the parties in the Office of the First Minister and deputy First Minister about how they have conducted the process. Although there was a Budget review group, Members know that the real meat of the work to create the Budget was done between the two parties that are represented in that office. That achieved neither a good Budget nor political coherence or agreement on it. The Alliance Party, which, because it is "alliance" in name, believes that it has a prerogative to comment on bringing the community together in a political sense, might, as I say, direct its criticisms at those parties because of how they go about much of their business, and the Budget in particular.

I want to remark on the lack of opportunity for the public and the Assembly to comment on such issues as the time frame and detail in the Budget process. The last of the draft departmental spending plans emerged only about 12 January 2011. A response to the Budget is needed by 16 February 2011. That timeframe is hopelessly inadequate, especially if we are to allow key stakeholders to respond. Even when departmental spending plans were seen, the detail was nowhere near adequate. In many cases, key stakeholders do not know where they stand when they look at those documents.

I want to return to my view on the draft Budget. Its first major failing is its lack of an overall plan; I do not know what the Budget is about. Is it just about getting through the next four years, or does the Assembly have any strategic vision? The documentation that appeared with the previous Budget four years ago was an inch thick; compare that with the slim volume that has appeared on this occasion. After four years of bedding in this phase of the Assembly, one would expect that it would have more to say in a focused way about its strategic direction.

Mrs D Kelly: Does the Member share my concern that, as yet, there is no Programme for Government? Surely a Programme for Government should have come before the draft Budget was presented to the Assembly?

Mr O'Loan: The Member emphasises my point. That is absolutely what I am getting at: what are the Assembly and Executive now about? That is no longer defined. People say that if one does not know where one wants to go, one could end up anywhere. When one ends up somewhere, one has no way of knowing whether that is where one wanted to be. The Assembly is bound to have an economic goal that it wants to reach; however, no real focus towards that goal is presented in the draft Budget.

There are huge variations in departmental spending cuts. The Department for Regional Development's budget has been cut by 20·6%. As Deputy Chairperson of the Committee for Culture, Arts and Leisure, I am highly critical of the budget for its respective Department, which has been cut by 17·7%. The budget for the Department of Health has been cut by 2·6%. In between, there are many huge variations for which no rationale has been provided.

Departmental spending plans vary hugely in their presentation, size, structure and style. Indeed, in some cases, there is still an absence of saving plans, and plans have not been subject to equality impact assessment. Remarkably, that includes the plan from the Office of the First Minister and deputy First Minister, which one would expect to take the lead. It states that equality impact will be assessed when it comes to look at programmes. I could expand on the absolute inadequacy of that approach. However, I will not.

As I say, there are huge variations in departmental cuts. That comes back to my point that no overall plan has been presented to the Assembly in the draft Budget. How does the draft Budget respond to the Treasury's cuts of 8% on the revenue side and 40% on the capital side? Largely, those cuts have been passed on. When the previous Budget was created, the phrase that was used by the First Minister and echoed by the deputy First Minister was that it had been "made in Ulster". This Budget was not made in Ulster: it was made in Whitehall and passed on. For example, the pay freeze on salaries over £21,000 has been replicated. This is not a case of devolved government thinking for itself.

3.45 pm

If Members look at the final table in the draft Budget document, they will see that about half of the supposed £842 million is coming from the DSD; and they might ask why. Those are the repayments of Housing Executive debt. That is simply replicating what was there in the past.

The actual changes in the draft Budget are of the order of £400 million, which is about 10% of the £4 billion deficit that we were presented with by the Treasury. This is a Budget that was made in Whitehall; it is not one that was made here by the people for the people.

The Minister of Finance and Personnel: Will the Member give way?

Mr O'Loan: I am not sure whether the Deputy Speaker will allow me to give way.

Mr Deputy Speaker: Please bring your remarks to a close.

Mr O'Loan: I have to bring my remarks to a close.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I will start with some commentary on the education budget. In particular, I urge

Members to read the report that the Education Committee sent back to the Department of Finance and Personnel, because, alas, the response given by the Chairperson of the Education Committee was somewhat partisan and edited.

The Education Committee has taken a detailed look at the education budget. With regard to where we are, it makes bleak reading. *[Interruption.]* Apologies, Mr Deputy Speaker; I am missing the joke.

Mr Deputy Speaker: It seems to be one that is being shared between two.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. The budget faced by the Department of Education is a very difficult one, without doubt. Some £150 million will be lost in the first year of a four-year budget. In the timescale within which the Department has to work, that is causing potential difficulties, not only due to the size of the cuts, but in the planning for them. I welcome the fact that, by and large, the Department and the Minister have ensured that front line services and jobs have been secured in the first year.

Mr O'Loan: Will you give way?

Mr Deputy Speaker: Members must make their remarks through the Chair.

Mr O'Dowd: By and large, front line services and jobs have been protected in the first year. I also welcome the fact that there has been an appeal for a reallocation of £41 million of capital to revenue. That is a matter that the Executive will have to take seriously when they look at the figures with which the Department of Education has to deal.

Following the Committee's discussion, one area of concern that I have relates to the particular interest that was paid by some parties to free school meals. Free school meals were referred to as a luxury and as an airy-fairy idea that we cannot afford. I argue that we cannot afford to do without them. It is very well for Members and others to refer to free school meals as luxuries, but the fact is that more and more families are relying on the free school meal entitlement to ensure that their children receive a substantial meal through the day. Although some will argue that it is not the role of the Department of Education to provide nutrition to children, I argue that it is, because a child who is well fed and

warm will learn more than one who is hungry and cold.

Mr O'Loan: Will the Member give way?

Mr O'Dowd: Please give me one second. It appears that those Members who have targeted the extension of the free school meals entitlement are politically rather than financially driven. They are driven by a thought process that says that if this is not happening in England, Scotland and Wales, it should not happen here. We are our own bosses on this matter, and I believe that it should happen here.

Mr O'Loan: I thank the Member for giving way. I want to go back to his earlier point when he said, if I heard him right, that front line services in the Department of Education would be maintained in the first year. Subsequently, he said that they would be largely maintained in the first year. The figures that I am reading show that the Department of Education's budget for this year is £1,915 million, and then goes down to £1,807 million in the next year. That is a savage reduction. The overall reduction over the four years is 12.7%. I do not criticise the Minister, necessarily, although I do not know what case she made. Her budget has got a very savage cut.

Mr O'Dowd: I am aware of the figures in the Department of Education's budget.

Mr O'Loan: Reflecting that figure, how are front line services —

Mr O'Dowd: Mr Deputy Speaker, I am no longer giving way. The Member had a chance to make his speech. I acknowledge the budgetary outcomes, and I will come to them. However, I urge Members to be aware that the entitlement to free school meals and school uniform grants is vital to low-income families and should not become an easy target for cuts now or in the future.

I move on to the Budget allocations. The Budget is certainly not one that we in Sinn Féin would introduce if we were in a Government that had full economic powers and budgetary control. We have learned many lessons over the past number of months. I hear commentary from the SDLP Benches. We have seen the performance of Fianna Fáil, Fine Gael and whoever the SDLP's sister party is at the moment — it might be Labour; they swap and change so often that it is hard to keep up with. We will not be taking

economic lessons from any of the political parties that the SDLP has aligned itself to.

Mrs D Kelly: At least they know about economics.

Mr O'Dowd: I will not be deflected by the commentary, because I will return to those issues. However, people can be assured that this is not a Sinn Féin Budget. It is a Budget brought about by a coalition Government of an institution that does not have full economic powers and is not in control of its economic destiny. That is the reality. Sinn Féin's vision of the future will be much more about a society that cares for the most vulnerable, and about bringing forward a Budget that cares for the vulnerable and builds a sustainable economy.

We are discussing what is ungraciously known as the block grant, and how we divide that up. That ignores the fact that tens of millions of pounds — indeed, billions of pounds — of tax and revenue flow from this island to Britain, and that Britain still has economic dominance on this island, which means that we do not have full control of our economic destiny.

The Chairperson of the Committee for Education (Mr Storey): Will the Member give way?

Mr O'Dowd: Give me one minute and I will. When we talk about a Budget, let us be conscious of what we are talking about. We are talking about the division of the ungraciously named block grant. We must aspire to something more than that. Surely even those in unionism believe that they are capable of taking control of their own economic levers to move this society forward. I will allow a quick intervention.

The Chairperson of the Committee for Education:

I thank the Member for giving way. Given the great economic success of the Irish Republic and the Member's aspirations for a united Ireland, does he want to tell the House where the money would come from if he ever got his way — which he will never get — and we had a united Ireland?

Mr O'Dowd: Let us agree on one note as I come to the end. I agree that the parties down South made a complete hames of the potential economic wealth that would have benefitted all the people of the island. However, I believe that the people in this Chamber could do as good a job of driving the economy forward as

those behind the Whitehall Budget that the Member from the SDLP put forward. I say to the Members opposite: let us take control of our economic destiny, instead of dividing up the ungraciously known block grant.

Mr Deputy Speaker: I call Mr Paul Frew, and I remind Members that we are supposed to be discussing the Budget.

The Chairperson of the Committee for

Education: On a point of order, Mr Deputy Speaker. I missed the previous comments, but, as you know, I came speedily into the Chamber. I was accused, as Chairperson of the Committee for Education, of making a partisan contribution. Will you refer the comments of the Member to the Speaker in order to clarify that I was reflecting the comments of the Committee? Although that may not suit some people, those were the comments that were made.

Mr Deputy Speaker: You have made your point. I call Mr Frew.

Mr McLaughlin: Further to that point of order, Mr Deputy Speaker.

Mr Deputy Speaker: I am not taking any more points of order. I call Mr Frew.

Mr Frew: Eventually. I welcome the chance to debate the draft Budget. These are very challenging times and it is a challenging draft Budget to go with those times. The economic landscape has changed dramatically over the past number of years. Many people find themselves unemployed, especially in the private sector. Construction has suffered greatly, as has manufacturing, business and finance. I am very concerned about retail in the coming year, especially our independent retailers, of which there are many in my constituency of North Antrim.

Unemployment in Northern Ireland has more than doubled since 2008, and many in the private sector, if they are fortunate enough to have a job, have had to take a pay freeze or even a pay cut of 10%, 12% or 15%. It is certainly clear that the form of government that we have has not helped the Budget process and, one could argue, it has not helped our country during these challenging times.

Therefore, I support getting back to a voluntary coalition as soon as possible so that government will be much more focused and driven in its policy and decisions. I quote the

previous SDLP leader's words about the "ugly scaffolding" around Stormont. The people of this country deserve that we move as quickly as possible to the point when we can have a voluntary coalition Government.

I turn to the draft Budget. Having talked to many who work in the public sector, I believe that they are prepared to take a share of the pain that the private sector has endured over the past number of years. They are sympathetic to a pay freeze. They realise why that has to be done, and the difficulty that Northern Ireland and the UK face. There is also a one-year moratorium on Civil Service recruitment. That needs to be reviewed because young people are coming through and leaving education. I support that freeze being revisited after the first year.

The employment of external consultants is of great concern to the wider public. There is a desire to exert further downward pressure in the Budget to reduce reliance on external consultants, and I welcome that. I also welcome the transfer of resources from current expenditure to capital investment. That will relieve some of the pressure on the private sector, particularly the construction industry, which will see that not as a shot in the arm, but as less pain than was first thought when seeing the Conservative and Lib Dem plans. I would not say that it is any better than that, but that transfer will aid the building and maintaining of our infrastructure.

The social investment fund, which has £20 million a year to spend on revitalising the most deprived and marginalised communities, and the social protection fund, which has £20 million in the first year and relies on additional receipts after that, will be badly needed to counter the negative outcomes of the welfare reform agenda and to provide assistance and support to those who suffer most as a consequence. I welcome those funds, but we need to see their mechanics: how they work in practice and how that money will get deep down to benefiting the most vulnerable.

Mrs D Kelly: I share the Member's concerns about the most vulnerable. Does the Member share my concern about the health budget taking an immediate hit of £200 million cash out of its budget come 1 April and the impact that that will have on poverty and ill health?

Mr Frew: We certainly need to be worried and concerned about that. However, we also have

to look at the Budget as a whole and how the Executive have tried to support and protect health as best they can. On that point, if we contrast the attitude of the Health Minister with his colleague the Minister for Employment and Learning, we can certainly see a difference between two Ministers from the same party.

As Members of the House and representatives of our people, we can say to the people that we are in a bad place and that it will be very difficult over the next couple of years. However, a Minister should be able to state that he or she has a plan to get us out of this mess. If Ministers were to say such things, it would be much more encouraging to the public and would instil confidence in the House.

Mr A Maginness: As a member of the Committee for Enterprise, Trade and Investment, does the Member agree that one way to assist Invest Northern Ireland to get around its problems with lack of funding would be for the Minister to introduce, as the independent review of economic policy recommended, the ability for Invest Northern Ireland to include end-year flexibility where required?

That would really ease the situation for Invest Northern Ireland and would assist us in trying to create jobs in Northern Ireland.

4.00 pm

Mr Frew: I thank the Member for his intervention. He brings me on to my next point. As a member of the Enterprise, Trade and Investment Committee, I am concerned. Although this Budget should be about protecting our most vulnerable, it should also be about enhancing our economy, because when we are in recession and getting it tight, this is the time to plan. We have an economic strategy, and we have to make sure that this Budget works in tandem with it. We have to make sure that the economic strategy and the Budget go together toe-to-toe, so that they lift Northern Ireland out of the recession and make it a better place for our people. We should be looking at that.

Allow me to paint a picture in my remaining minute. We do not want our economy to be in a position where it has been bound, gagged and locked in a room with a window. We do not want it to look out the window to see the world's economies passing by, unable to influence them or speak to them. We have to be careful with our Budget and make sure that it works in tandem

with our economic strategy. Our economic strategy is the priority for the Government.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I want to address the draft health budget in particular. Sinn Féin fully recognises the historic underfunding of the Health Service, and we fully understand the rising demand in it. We should be maximising the funding available to health and education services. We should be protecting and prioritising job retention in front line services.

There is no doubt that the draft health budget is challenging in general terms, but the biggest problem for Health Committee members has been a lack of information and detail to allow us to properly scrutinise the impact that it will have. The Minister frequently calls for support for additional funding for his Department, yet he has failed to publish the PEDU report, he has failed to publish detailed spending plans and we do not have a proper breakdown of his proposed expenditure.

When the Minister of Finance and Personnel delivered the draft Budget, he talked about some protection being afforded to the health element. However, the Health Minister, Michael McGimpsey, has said that that was a bogus claim. Perhaps the Minister of Finance and Personnel will pick up on that and provide some clarification.

One area that is particularly lacking in the draft departmental budget is identified efficiencies. The Minister is not putting any clearly identified efficiencies on the table for us. Some of the major areas that stand out to us as potential areas for savings include the prescribing of drugs; the procurement of goods and services; increasing investment in the public health agenda; improving attendances at hospital appointments; addressing our overreliance on private healthcare providers; examining the salaries of senior health sector staff, including bonuses amounting to £11 million in one year and £57 million over the past four years; and our overuse of agency staff. The list goes on.

In the North, we are reported to spend more on medicines compared with England, Scotland and Wales. Figures show that £400 million a year is spent on medicines here. That equates to £224 a person, which is £60 per head more than is spent in England. It appears that one reason for that high cost is our overreliance on high-cost pharmaceutical drugs. We need to move more

towards generic medicine tendering, and more needs to be done to push that agenda, because it will save money for the Health Service in the long run. Those drugs are not lesser drugs; they are equally good. The other thing that we need to tackle is the culture of a pill for every ill. We need to do some homework with GPs on the culture of prescribing tablets instead of looking at alternatives.

As I said at the start, Sinn Féin recognises the demand on the Health Service. That demand will continue to grow if we do not start to seriously tackle the public health agenda. Let us educate people to make better choices and let us target areas of social deprivation, where life expectancy is lower than it is in more affluent areas. There needs to be more effort and more resources directed at that area. What has the Minister done in his term to address that issue?

Mrs D Kelly: Will the Member give way?

Mrs O'Neill: I will finish my point and then let you in.

Of the entire health budget, 1.6% is spent on the public health agenda. That is not a long-term approach to tackling rising demand on the Health Service. If we do not tackle the reasons why people get sick in the first place, increased demands will be placed on the Health Service.

Mrs D Kelly: I thank the Member for giving way. I welcome her comments about the public health agenda, but does she share my concerns that that area is most likely to be hit and funding reduced across the trusts? Indeed, the Southern Trust recently said that public health is an area of business that it may not be able to support in the near future.

Mrs O'Neill: I thank the Member for her intervention. The figure of 1.6% is a minute portion of the health budget to be spent on the public health agenda. Increasing demands will be placed on the Health Service if we do not tackle why people get sick. Therefore, I welcome the Member's comments.

The Committee for Health, Social Services and Public Safety examined the Department's bids. I was particularly interested in the demographic changes and the bid that was made to meet the cost of our ageing population. The Committee heard from two leading health economists, who suggested that that bid could be more modest. Both referred to the proximity-to-death

effect, with those in the last year of their lives requiring more from the Health Service. Up until then, there is a lesser cost to the Health Service. The Department must factor that into its calculations, yet when the Committee challenged it on the issue, officials did not appear to have taken it on board.

Another interesting point that the two health economists brought to the table was their view that it is reasonable for an organisation of the Health Service's size to find efficiency savings of between 5% and 8% each year when pushed to do so. The Health Service is not being asked to come up with savings of that level, and although departmental officials dismissed the idea out of hand, it is something that needs to be explored further.

The other issue of concern is jobs. Michael McGimpsey has thrown out a figure of 4,000 job losses in the Health Service, yet he has never once stated that he will cut bonuses for consultants, who received £11 million this year and £57 million over the past four years. I wonder where the Minister did his calculations. Indeed, they must have been done on the back of an envelope, because, despite three calls for information, the figures have not been made available.

Staff morale is low. The Minister keeps talking about job losses, but he is not tackling —

Mr Frew: Will the Member give way?

Mrs O'Neill: OK.

Mr Frew: Does the Member agree that the Department's website has 14 bullet-pointed negatives, including 4,000 job losses, an extension of waiting lists, further closure of beds and the downgrading of fire stations? How does that help public morale?

Mrs O'Neill: Morale is low, and the Minister needs to address that. Not once has he made a statement to say that he will prioritise jobs in the Health Service.

In the remaining time that I have, I want to pick up on the Minister's threat that he does not have the revenue to go ahead either with the cancer unit at Altnagelvin Hospital or the Desertcreat police training college. There is no choice in the matter — the cancer unit at Altnagelvin Hospital must go ahead. The cancer unit at the City Hospital in Belfast cannot cope with the additional demand, and Health Service

figures suggest that it will be full to capacity in the next three years. Where will cancer patients go then? The funding must be found.

Desertcreat police college is also a necessity. I declare an interest, as it is in my constituency. I am glad that the Committee has supported the call for Desertcreat police college and the cancer unit at Altnagelvin Hospital to proceed. Additional funding is coming from the Dublin Government for the project at Altnagelvin Hospital and from the Department of Justice for Desertcreat police college. Those projects cannot be dismissed and set to one side.

The Minister must also publish the North/South feasibility study, which he has so far refused to do. That document will highlight efficiencies that can be made by working together on this small island.

In conclusion, Michael McGimpsey's attitude throughout the draft Budget process has been flippant and not good enough. We all need to work to maximise funding for the Health Service. Michael McGimpsey cannot be allowed to wash his hands of it and walk away.

The Chairperson of the Audit Committee

(Mr Craig): It is important that I begin by clarifying the strange role of the Audit Committee. It has a narrow but important and significant role to consider, agree and lay the Estimates of the Northern Ireland Audit Office (NIAO) before the Assembly. It has the role by virtue of the Northern Ireland Act 1998, which makes it explicit that the Committee carry out that role in place of DFP. I find that a very strange anomaly. However, there is a reason why that is the case. The Comptroller and Auditor General and the Northern Ireland Audit Office are servants of the Assembly, not servants of the Executive. The Northern Ireland Audit Office's role is to provide effective support to the Assembly in its task of holding Departments, Executive agencies and other public bodies to account for their use of public money. For that reason, the Northern Ireland Audit Office must be independent of the Executive, and, therefore, its budget is not set by the Executive.

Nevertheless, the Northern Ireland Executive's departmental expenditure limits are there and figures are included in the draft Budget for reductions in the Northern Ireland Audit Office. Although it certainly does not take its direction from the Executive, the Audit Committee fully recognises the significant reduction in the levels

of funding available from the Northern Ireland Executive's departmental expenditure limit over the Budget period. The Audit Committee thinks that it is important, therefore, that the Northern Ireland Audit Office should take its share of the pain, and there is clear logic in that. How could the Audit Office audit the Departments that are taking a lot of the pain when it would be getting away scot free? There has been a look at reducing the cost to the public purse, and it will be demonstrated in the near future that the Northern Ireland Audit Office is willing and ready to bear its fair share of the savings that must be made.

The Audit Committee met on 9 December 2010 and received a presentation from the Comptroller and Auditor General on the efficiency savings that could be made by the Northern Ireland Audit Office over the Budget period. The presentation set out how the Northern Ireland Audit Office intends to build on efficiencies already made this year by, among other things, reducing significantly its outsourcing requirements, reducing recruitment and implementing a two-year pay freeze.

The Committee considered carefully the proposed savings outlined by the Comptroller and Auditor General. It also considered the overall reduction in the Northern Ireland Executive's departmental expenditure limit and to the planned reductions to the budgets of the other Audit Office bodies in the rest of the UK. Having considered all that, the Audit Committee agreed that it would expect to see the Northern Ireland Audit Office reduce its budgetary expenditure by at least 10% in cash terms by 2014-15.

The Comptroller and Auditor General has advised that the proposed savings represent the maximum reduction that could be made by the Northern Ireland Audit Office while still maintaining the same quality and extent of service to the Assembly that has been offered in recent years. In the present climate, it is important that maximum savings are made. However, the Audit Committee is committed to ensuring that the Audit Office has the resources necessary to ensure that it continues to support the Assembly in its task of holding other bodies to account.

It has been painful for the Audit Office, but it has been painful for just about every Department in Northern Ireland to face up to the realities of the cuts that are being imposed in our Budget.

The Audit Office made it clear that it will take its share of those cuts, deliver what are recognised as the average savings for all the Departments and set an example. There was a very clear feeling from the Comptroller and Auditor General that, if that were not the case, it would impinge on his ability to audit other Departments.

4.15 pm

I hope that those savings are made. The Comptroller and Auditor General gave clear commitments that they would not reduce the Audit Office's effectiveness in any way, shape or form. Therefore, it was only on those grounds that the Audit Committee accepted the budget that he brought forward.

Mr B McCrea: A number of points were made on which I did not bother to intervene, because I will deal with them in my speech. However, I would like to find out some things from Ms O'Neill. Does she recognise the statement that the Minister of Education made saying:

"We are undoubtedly in very difficult times and, in difficult times, we have to maximise the funding to our education system"

as well as to our health system? Those are the key areas, are they not? We should maximise funding to them. Therefore, it is not fair to describe the Minister of Health, Social Services and Public Safety as "flippant" when he is trying to point out that there is serious structural underfunding that will have grave implications.

Mrs O'Neill: Does the Member not agree that the Minister is flippant when he says things in Committee that suggest that he will not be Minister next time around, so it does not really matter to him?

Mr B McCrea: The Member can take it that way if she wants. *[Interruption.]* I hear truculent voices left of centre to me. I will get on to the DUP Members in just a moment. If they will wait their turn, I will get round to them.

I have not heard as much trivial drivel in a very long time. When people start to get into this issue, they ask whether there is sufficient capital in the draft Budget. Ms O'Neill mentioned something about calculations for jobs being done on the back of a fag packet, which is how I think she put it. I asked the Minister of Education four times whether she could tell us how many jobs are going to go in the Department of Education and whether

she could tell us, with all the savings that she has made, what the eventual saving to the Department will be. Eventually, after discussion, the deputy permanent secretary said that he did not know, because there are 1,200 cost centres, but the figure that was given in the past was £200 million. That was the bid that was put in but not accepted. We have a situation in education where we have been asked to take cuts of £150 million in year one, yet we have no way of making them happen. No one will tell us what the financial plan is. That is why it is disingenuous for certain Members to say that it is wrong for one Minister to do hide a financial plan, when their Minister is even worse. People must be honest with one another.

I would like to hear what the Minister of Finance and Personnel has to say about capital availability. A rather interesting proposal has been made, which is that the Minister of Education plans to transfer £41 million of capital to resource. I would be interested to hear the Minister of Finance and Personnel's stance on that. I have never heard the like of it. I have never heard it done before, and I do not think that it is the right thing to do. It is certainly not the right thing to do without a proper investigation of the knock-on effects. We have a situation in our schools where we have £300 million of maintenance work that must be done. Some £100 million of that is category one, which concerns health and safety issues. Therefore, that work must be done. We have a budget of only £10 million. If we are not to have a capital budget, how will we deal with those issues? Is the Minister of Finance and Personnel going to tell me?

The Minister of Finance and Personnel

(Mr S Wilson): Does the Member want a technical explanation of whether that is possible, or does he want a political explanation of whether it is desirable? Technically, it is possible because the Executive have changed current spending into capital spending. That can be changed back up to the limit of the change that we have made, but not beyond that. He is, of course, right to say that Whitehall would not allow us to change capital allocations into resource spending. Is it politically desirable? I think that that is for the Minister of Education to decide.

Mr B McCrea: I think that the Minister of Education will bounce that decision to the Executive. It may well end up at the Minister of Finance and Personnel's table for guidance.

Given that the Minister of Finance and Personnel has now joined the debate, will he comment on the issue of the outstanding £800 million? In a Hansard report of an Education Committee meeting, Mr O'Dowd said to the Minister of Education:

"You said during your presentation and on a number of occasions that there are additional outstanding moneys in the Executive in the region of £800 million. The Executive identified £1.6 billion. How will we go about lobbying to secure funding for education?"

An interesting dialogue follows about where that money might come from and how the Minister of Education might access it. Minister, is there any such money? If the money is not there, the Minister of Education is simply crossing her fingers and hoping for the best. There is no plan, no mission of sorting out these issues, redundancies will have to be made, and there are insufficient revenue resources. This issue was raised only at an Education Committee meeting. Nobody has brought it to the attention of the Finance Minister, so I am doing so now for his consideration. These are serious issues. Has £800 million gone missing?

The Minister of Finance and Personnel: No.
[Laughter.]

Mr B McCrea: So, when the Members opposite are talking about plans and fiscal issues, they are talking nonsense. We have a real issue with unfunded liabilities, and education has been hit particularly hard. I have a general interest in the issue of capital. It is clear to me that there is insufficient capital in the Budget for the projects that we want to take forward, and I do not know how we will deal with that. People have spoken about constructive approaches, but there may be other ways. No doubt the Minister will enlighten us. Other methods are available: the Minister could persuade Westminster to give us more money, or consideration could be given to PFIs, PPPs or venture capital, which is not exactly the flavour of the month.

Mrs D Kelly: Does the Member not find it somewhat hypocritical that parties here pretend to be against the Budget cuts that their Executive Ministers voted for?

Mr B McCrea: Mrs Kelly's question brings me to a point on which I was going to conclude. Mr Frew spoke about the dichotomy of views in the Ulster Unionist Party. That is pretty rich coming

from his party. People talk about cuts, and say that these are Tory cuts. I will not argue one way or the other. However, which party maintained Gordon Brown in office for so long? Which party gave the nine-finger salute that kept people going? Which party had the opportunity to vote for or against the party? Which party promised us never, never, never? Which party talks the good talk but when it comes round to it, they turn tail —

Mr Deputy Speaker: Order, please.

Mr B McCrea: They run for cover, and they cannot deliver —

Mr Deputy Speaker: Order, please.

Mr B McCrea: That party over there is disingenuous —

Mr Deputy Speaker: Order, please.

Mr B McCrea: The people of Northern Ireland will find that out, and we look forward to the election.

Mr Deputy Speaker: Order, please. The Member will resume his seat. Mr McCrea, I think that your time is up anyway.

Mr P Ramsey: I will speak on behalf of the Assembly Commission. On 8 November 2010, I outlined the work undertaken by the Commission in response to the impending comprehensive spending review when I spoke on a motion in the name of Peter Robinson MLA. I made it clear then that the Commission recognised the fact that Budget cuts would affect all areas of the public sector. Equally, the Commission recognised the fact that the Assembly must play its part in ensuring that it operates efficiently and in line with the cuts being applied across the wider public sector. After that debate, the will of the House was clear, and it endorsed a move to reduce expenditure by at least 8% in line with the levels of reductions being sought from other Executive Departments. With that in mind, the Commission asked officials to prepare proposals to achieve a 13% real reduction in its budget by 2014-15, taking account of previous expenditure and future pressures. The budget approved by the Commission on 7 December 2010 achieved an overall real saving on its 2010-11 budget of 13.3% over the four years of the comprehensive spending review period.

It is worth noting that the Assembly Commission's proposed real reduction of 13.3% compares favourably with external comparators. For example, it exceeds the overall real reduction in the Northern Ireland block grant of 8% — a figure quoted by the Department of Finance and Personnel. The Assembly Commission's cash savings also exceed the individual cash savings to be made by eight of the 12 Departments. The agreed savings exceed the real cuts imposed by the Scottish Parliament and the Welsh Assembly Government of 12% and 12.5% respectively.

The Assembly Commission exceeded its own spending review target and has fully complied with the resolution that was passed in the Assembly on 8 November 2010. However, I must express my surprise and disappointment and that of other Assembly Commission members when it was revealed that the Executive's draft Budget included a significantly higher level of savings — almost double those that were agreed by the Commission.

At its meeting on 15 December 2010, the Assembly Commission reaffirmed its agreed budget reduction of 13.3%. At its meeting on 25 January 2011, the Commission committed itself to a programme of efficiency reviews across the Assembly secretariat, which will, over the CSR period, lead to future savings. The Commission welcomed the opportunity to provide written evidence to the Committee for Finance and Personnel on 26 January 2011. The Clerk/Director General, as accounting officer, attended the meeting to outline his budgetary position and to discuss the likely adverse effect on the quality of service and support for Members in the discharge of their duties in the Assembly and across the community arising from the proposed expenditure reduction of 25.7%.

In the course of that meeting, we also discussed the issue of a more appropriate future process for agreeing the budget for the Assembly as a parliamentary institution. Further work is required to establish a system that avoids any greying of the constitutional lines between the Assembly and the Executive with regard to appropriate governance and accountability. I can confirm that the funding that has been proposed is not sufficient to enable the Assembly Commission to continue to provide an effective service to the Assembly. The Commission will continue to seek a way forward that provides the necessary funding to ensure the continued delivery of high-quality

services and financial support to Members in the discharge of their duties.

I want to raise some personal points directly with the Minister of Finance and Personnel. The most worrying, distressing and traumatic incident in any family's life is when one of its members is told that they have cancer. It is a major issue, not only in my constituency but throughout the north-west of Ireland. When a mother, sister, brother or father is told that their relative has cancer and will likely have to travel for radiotherapy three or four days a week for five or six months, the distress and trauma is just as great on the family members as it is on the patient. It is further pressure and strain that they could do without. We welcome in the Budget the agreed commitment for a radiotherapy unit in Altnagelvin Hospital in Derry and the commitment that the deputy First Minister made today that the Irish Government have pledged one third of the revenue required to manage that service at Altnagelvin Hospital. I want to ask the Minister of Finance and Personnel, given the effect that it would have on ensuring quality of service and access to treatment, whether he will support that.

Mr Wells: I totally concur with the Member's views on Altnagelvin Hospital. I assure him that the Minister of Finance and Personnel has provided the capital funding for the new radiotherapy unit, which will be enormously beneficial, not only to the people of his city but to the people of Donegal, Sligo and other places. However, the Minister of Health, Social Services and Public Safety is using this issue as a pawn in a chess game with DFP. He is threatening that he will not go ahead with the project, not because he does not have the capital but because, in year four, he will not have the money for the running costs. Despite that, he is already paying the running costs of the unit at Belfast City Hospital. It is extremely cynical of him to use such a high-profile project and to risk losing the funding from the Irish Republic simply to gain some sort of credence with the Minister of Finance and Personnel.

4.30 pm

Mr P Ramsey: I thank the Chairperson of the Health Committee for his intervention. Mr Deputy Speaker, as you know from your constituency, the anger, frustration and deep hurt felt by so many people is clear. We have the revenue and capital commitment from the Irish

Government, and we want to give assurances to the many people in Derry who suffer from cancer.

I will make a few final points about the draft Budget as a member of the Committee for Employment and Learning and wearing my constituency hat. It is clear that, in coming years, there will be an ever greater likelihood of our young people wanting to remain in Northern Ireland to study in full-time higher education. Therefore, we need extended courses and a commitment from the Minister of Finance and Personnel to what the Minister for Employment and Learning has already agreed in principle, namely the expansion of numbers at Magee College, which is part of the University of Ulster. The biggest commitment in respect of capital, projects —

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

Mr P Ramsey: — and regeneration is the commitment to extend the Magee campus for the city's future generations.

Mr Bell: As someone who read psychology, I sometimes hesitate to speak on economic matters. However, having witnessed the economic performance of the Crown Steward and Bailiff of the Manor of Northstead, I feel somewhat more secure in doing so today.

There are important matters in the draft Budget. The First Minister stated very early on that employment and learning and the promotion of jobs were critical to success. We do not just want a recovery, we want a jobs-led recovery. Any objective observer of the draft Budget will acknowledge that the Department for Employment and Learning has got perhaps the second most generous allocation, which is right. If we are to come out of recession, we will have to come out of it with an employment-led format. We were promised a light touch by the First Minister. The draft Budget has done exactly what he said as regards employment and learning, which is helpful.

There is a lot of speculation about the future of student fees and access to university. I am proud of the fact that more students from low socio-economic groups go to university in Northern Ireland than in any other part of the United Kingdom. I am proud that I came from a working-class community and accessed university. Few of us — certainly no one on these Benches — wishes to pull the drawbridge

up behind us. It is vital that we maintain learning on the basis of people's ability to learn as opposed to their ability to pay.

There has been some speculation and, indeed, very premature comment today about the extent by which student fees will rise. Given that we in the House have not had access to the Stuart report — we will not see it until next week — and the Committee has not had a chance to look at it, it would be inappropriate to comment further. It suffices to say that the Ulster Unionist Party and the Conservative Party campaigned on a series of cuts for Northern Ireland. It is difficult to disguise their nakedness in having promoted those cuts. The Conservative and Ulster Unionist manifesto was clear, and Northern Ireland is living today with the consequences of that for which the Ulster Unionists and Conservatives sought a mandate.

We will have to deal with those cuts. We will have to deal with them in a way that maximises the potential to promote a jobs-led recovery from recession. However, I understand from what Professor Barnett and others have said — I had some discussions with them today — that the reality, given the cuts that the Ulster Unionists, Conservatives and Liberals have put together for Northern Ireland, is that there is no way to avoid a rise in student fees. We need to take a cautious approach to that.

Mrs D Kelly: I thank the Member for giving way. The Member is right to point out that the DEL budget did not suffer the same level of cuts as those of other Departments. However, the DEL budget has inescapable commitments and elements. Statutory responsibilities account for a large part of the budget allocation.

The point about tuition fees is a matter of grave concern. Some £40 million is to come out of the DEL budget in year 3, which coincidentally coincides with the introduction of higher tuition fees in GB. However, the Assembly will decide on the level of tuition fees in the North. It is, therefore, up to Ministers and the House to ensure that tuition fees are set at a level that allows the maximum number of students to go to higher education.

Mr Bell: I fully support the need to ensure that student fees are set at a level that affords accessibility. However, we cannot shy away from the fact that the allocation given and the severe cut inherited from the Ulster Unionists and Conservatives will mean that student fees will

inevitably rise. However, they will have to justify that, not us.

The other major issue is the education maintenance allowance. Many young people in Strangford who attend either the South Eastern Regional College or another college depend on that allowance. It has been put in the public domain, particularly by the Conservatives in England, that the education maintenance allowance is just pocket money that people do not need. However, I make a strong appeal on behalf of my constituents in Strangford who attend the South Eastern Regional College in Newtownards, because they literally would not be able to do so but for the education maintenance allowance. We bailed out the bankers, so surely we should not penalise those at the lowest level of our society who are seeking to get an education and are only looking for a hand up not a handout, which is what the education maintenance allowance affords them.

I am disappointed at the number of hoax calls being made in Northern Ireland and at the amount of public money being wasted on that when it could be used to invest in services in Northern Ireland. At the weekend, the police were forced into a situation when they as public servants legitimately responded to a call. Six vehicles were damaged at a massive cost to the public purse, and missiles, fireworks, paint and petrol bombs were inflicted on the police. That all cost the public money, money that could have gone towards cancer units or the education maintenance allowance.

Mr Givan: The Member will be aware that a bid of £200 million to deal with the dissident threat and front line policing is currently before the Treasury and that the Justice Department's budget is based on it receiving that allocation. Does the Member share my concern that we need that information from the Treasury?

Mr Bell: I fully share that concern. It is important that Northern Ireland's security comes first. My point is that money is being wasted in Northern Ireland. In south Belfast, the Fire and Rescue Service responded to five hoax calls in 48 minutes. Public money is being drained through a waste of resources that are desperately needed in many other areas. What we desperately need from the Budget and what we will be looking to do with the employment and learning budget is to ensure that, when we come out of this, we have a richly educated

population rather than reverting to the old stage of the educated rich.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. Like most, if not all, of the Members who spoke, I welcome the opportunity to speak in this debate. I am interested and keen to hear the Minister's response, because I listened to Members say that, when they go to Committees and get down to the nitty-gritty of this, they find that there seems to be some confusion about what the Minister has said previously and about what information has and has not been brought to Committees. It will, therefore, be interesting to get some more of that information.

For my sins — I know that I am big sinner — I sit on the Health Committee and the Employment and Learning Committee. I am also party spokesperson for children and young people. Jonathan Bell made a point earlier about intervention programmes for children and young people. We saw over the weekend what happens when money is taken away from such intervention programmes. A bigger mess is out there waiting to be created, and other people are stepping into that gap. We need to focus on what impact the Budget will have on people from the cradle to the grave if we do not get it right.

In my constituency this morning, I attended the funeral of a young man of 13 who took his own life, and, on Wednesday, I will attend the funeral of a young girl of 11 who died prematurely. It would be remiss of me not to mention that or to recognise the good work being done to combat suicide and self-harm and on the Protect Life strategy. It is an indictment of us as a society when children of 11 and 13 and other ages die for no reason other than that they can see no future and have no hope. In planning for the future, we say that the Budget will protect this or that, but I appeal to the Minister and to other Ministers here not to do what we have always done or what the British Government did which was to take money away from children and young people's services.

Mrs M Bradley: Will the Member give way?

Ms S Ramsey: I will in two seconds, Mary.

We must not have a knee-jerk reaction to the provision of children and young people's services, because they are our future.

Mrs M Bradley: Will the Member join me in calling for the First Minister and deputy First

Minister to reinstate the Executive's fund for children?

Ms S Ramsey: The Executive's fund for children and young people had a good headline ethos, but I have difficulties with it, and I will use this opportunity to explain why. That fund was supposed to be used to provide additional money for the areas of greatest need, but it was never used in that way. The Health and Education Departments, as well as DSD, did not fund projects, and, therefore, the projects had to get money from the children and young people's fund. I am concerned about that. If it is additional money, it must be ring-fenced as such. It is not to be used to do the job of the statutory agencies. We are all aware of that. We need to be careful about how that money works for community groups.

The responsibility for children and young people cuts across all Departments. We need to ensure that all Ministers play their part and we protect those services. If it was announced tomorrow that the Royal was to close, I have no doubt that thousands of people would take to the street. However, it is hard to motivate people by talking about individual children and families. As political leaders, we need to give that leadership and ensure that we protect our future by not targeting that funding.

I will raise a couple of points about student fees. The University of Ulster said that there should be no increase in fees. I am unsure where Queen's University sits on that point, although I have an idea. The Stuart report questioned the benefit to students of fees.

Mr Bell: The Member may not have noticed, but I saw some breaking news on the lunchtime broadcast. It was reported that the University of Ulster's vice chancellor, Richard Barnett, said today that, given the level of cuts to which the Conservatives and Ulster Unionists have led us, there is now no chance of student fees in Northern Ireland not being raised.

Ms S Ramsey: I did not see that report, although I picked up on the story. When the draft Budget was published a couple of weeks ago, he said that there should not be any increase in student fees, so I do not know what is happening there.

The Minister for Employment and Learning, Danny Kennedy, keeps saying that DEL is the engine room for economic recovery, and I agree with him. The Programme for Government put

the economy at its heart, and I am concerned about what will happen if we increase fees and stop young people getting involved in third-level education. If those young people were to go elsewhere to continue their education, who would man that engine room? We need to strike a balance that ensures that young people are able to go on to third-level education or to go down the vocational route, depending on their choice. There is talk about adult apprenticeships going to the wall and about the increase in student fees. The Minister told me that the issue is the ability to learn, not the ability to pay. I would like clarification today on whether there is any resource in the current draft Budget that would mean that student fees would not need to increase.

I agree with Jonathan that kids do not want a handout; they want a hand up. We have talked about the targeted approach to EMA, and the issue is protecting and targeting those in the most vulnerable positions. It is not just a matter of people getting £30 and putting it in their pocket, and we assume that they are doing this, that or the other with it. It is about kids being able to access up-to-date clothes, for example, so that they do not get bullied in school and helping kids from low-income families. That money gives them a bit of independence.

Young people have taken to the streets; they say that EMA works. We have just finished a NEETs inquiry; we know that EMA works. I want clarity from the Minister that there is nothing in the draft Budget that says that EMA should be abolished.

4.45 pm

My last couple of points are about clarity on health budget issues. I have said, time and again, that health has been underfunded. I would not trust the British Government to go shopping for me. They have underfunded health. However, there are issues, and we have been —
[Interruption.]

Ms S Ramsey: I will probably go — no, I will not.
[Laughter.]

Mr Bell: Go on.

Ms S Ramsey: No, I will leave it. Big John is there.

Investing for Health is a cross-departmental strategy and is one of the most radical documents of its time. Where is it? We are still waiting for it, and I am sick of asking for it. We

should be given that and other information so that we can support the Minister and confirm that he needs £56 million or £57 million for consultant fees and £78 million to put aside for increments. Negotiations that affect our staff here are taking place in London. Let us take control of that. Let us decide a suitable wage. The Minister says that he is freezing bonuses, but that is not for another five years, and bonuses can go on for 30 years. We need to get to the bottom of all of that stuff, and I appreciate that the Minister will come to some of that information.

I end with an appeal: we should not rifle the budget that deals with children and young people. We need to wrap this around our future, which is our children and young people.

The Minister of Finance and Personnel: I thank everyone who participated in today's debate. I am sure that this debate will be replicated on a number of occasions between now and the end of March as we go through the Supplementary Estimates and then the debate on the final Budget. Many of the points will be raised time and again. I thank the Committee for making the opportunity available so that we can draw together the main issues in the important process that we are going through. I am also grateful for Members' comments on the Executive's proposals. I will attempt to respond to as many of the points as I can.

First of all, I will make some comments about the strategic context underlying the Budget. It has been made against a backdrop of one of the most difficult Budget settlements that we have had during the whole time of devolution. There is an 8% reduction in real terms in current spending and a 40% reduction in capital spending. Although the First Minister, the deputy First Minister and I have argued the case for Northern Ireland with the Prime Minister and the Chancellor at every opportunity that we have had, nevertheless we have got the outcome that we have today. Mr O'Loan referred to the Budget as being made in Whitehall rather than Northern Ireland. To a certain extent, he is right, given that 90% of the money that we have to spend comes as a result of the block grant. Therefore, the options were limited. However, I hope that, as I develop some of the answers today, we will see where we have tried to put our Assembly and Executive fingerprint on the Budget for Northern Ireland.

We were faced with a difficult task. We had to deal with a block grant that had been reduced by the kind of figures that I have just given the Assembly, and we had to maximise revenue at a time when it was very difficult. Trying to raise extra taxes at a time of recession, when people are already feeling the difficulties with their personal finances, was not going to be very politically appealing. Raising revenue through the sale of assets at a time of recession was also going to be difficult. Nevertheless, some £842 million of additional revenue streams has been incorporated into the draft Budget. A number of Members, including the Chairman of the Committee, Mr Farry and Mr O'Loan, raised the issue of how secure those are. We will look at them in a moment or two and see just how secure and realistic they are.

Another key objective of the Budget was to give protection to the Health Service, and Members asked what protection has been given. I can say that the health element of the Health Service has been given a real increase of 0.2%, which, once you have allowed for inflation, means that additional resources will still be available to the Health Service. That compares favourably with Scotland — I know that Mr McNarry gets very concerned about me getting the decimal point in the right place, so I hope that I get it right this time — where the increase was 0.3% — not 3.0%, just in case I make the same mistake again — and, of course, with Wales, where there was a real reduction of 1.6%. So, we have given that protection. In addition, of course — I know that Members raised this point — in England, although protection of 0.4% was given, £20 billion of efficiencies have to be found during the Budget period. We have not imposed those efficiency constraints on the Northern Ireland Health Minister.

We have also imposed a pay freeze on those earning more than £21,000 a year. I believe that that was the correct thing to do. Members asked what we were doing to protect jobs. Here is one thing that we are doing: ensuring that people at least have a pay packet to take home. It may be frozen for two years, but that is better than having no pay packet to take home. Therefore, the decision was a wise one. Mr O'Loan dismissed it as aping what they did in England. Perhaps he would have preferred us not to ape that, but we would then have about 800 civil servants not taking any pay home. It was the correct thing for the Executive to do, and it was a good decision to make.

On top of all that, we have the provision for the Presbyterian Mutual Society. The Treasury agreed to give us £170 million of additional borrowing, and it has contributed £25 million towards the access fund, which the Executive will make available as well.

A number of Members raised the issue of capital spending. What have we done to protect jobs in the construction industry? Over the five-year period, we have switched £250 million from current to capital spending. That will help the construction industry. Despite what the naysayers in the debate have said, that again illustrates that we have tried to think strategically in the Budget, looking at where the problems are, where we need to build up infrastructure and, within the limited resources available to us, how we will do that. That means that, by 2014-15, we will be spending £1.5 billion on capital investment, which is in keeping with the long-term trend in capital spending. Some people compare it to the spikes that there have been in the past two years; however, according to the long-term figures, we will be back on trend as a result of our decisions to switch some money and to try to raise additional receipts from various sources, which I will outline in a moment or two.

I turn now to comments by individual Members. First, Mr McKay, the Chairperson of the Committee for Finance and Personnel, raised the issue of the lack of detail in some of the submissions made by Departments. I hope that he does not get his knuckles rapped by some of his own Ministers; they were guilty of that as well. Perhaps the fact that the Chairperson of the Committee was prepared to condemn Ministers who did not supply details in time shows that there is some independence in Sinn Féin. It is something about which I had some concern, and I expressed that concern publicly. I believe that, if we are to scrutinise how money is spent, it is right to make information available in a timely manner. However, if individual Committees feel that that detail has not been given, they must take it up with their Minister.

Mr McKay also raised the issue of the UK Government's rebalancing paper on corporation tax. The First Minister, the deputy First Minister, myself and, I think, the Minister of Enterprise, Trade and Investment are to meet David Gauke on Wednesday to discuss the paper. We have the first draft, but I regret that there has been no input so far from the Northern Ireland

Executive or the Departments. Again, that is not in keeping with the terms of reference, and we should have had our input by now. We wish to query some figures in that and have an input. Only once all that information has been incorporated and the Treasury has given us some answers about how it reached the figures in the document will it be right to publish it. I cannot give a date for publication because I do not know how quickly the Treasury will respond. To a certain extent, it is not totally in our hands.

Mr McKay also raised the issue of capital assets disposal, as did Mr Farry and Mr O'Loan. From what I could gather from what he said, I think Mr McCallister did so too, though he maybe put it in a much more convoluted way than some other Members. Nevertheless, there are concerns about how robust the figures are. First, £447 million has been identified by Departments over the four years as capital receipts. Since those amounts have been provided by the Departments and have been included in the departmental baselines, it is safe to assume that those receipts are safe and will be delivered on. In addition, the Executive have agreed to include £100 million over the four-year period to be realised through the central assets management unit. That will happen mostly through the use of our own assets, either by selling them and leasing them back or, if they are no longer required, selling them and getting the capital receipt. Again, we have been ultra-cautious, and we have loaded that towards the end of the period, when we believe that the market will be a bit more secure. It will be £10 million next year, then £20 million, £30 million and £40 million in subsequent years. It is spread over a longer period. That is a fairly conservative estimate, and we will be disappointed if we do not get more than that.

We have also anticipated that we will get some money from the harbour. A total of £5 million has been allocated next year for the extension to the Paint Hall, which will be important for the development of the film industry in Northern Ireland. Moreover, there will be two lots of £15 million towards the end of the period. It is not, as Mr Elliott suggested, £125 million. He got a lot of other things wrong, and I do not know where he got that figure. The Minister for Regional Development had suggested £125 million, but it was never included in the Budget figures. There are a number of ways to do that. The harbour can surrender it to the Budget for

infrastructure projects that are related to the port. That is fairly wide terminology. One of the reasons why the £30 million is in the last two years of the Budget period is that, if we require a change in legislation, there will be a change in legislation and we will have plenty of time to get that through to deliver on the figures.

Mr McKay also mentioned the allocation for the Northern Ireland Assembly and the Northern Ireland Audit Office, as did Mr McLaughlin and Mr Ramsey. In previous Budget exercises, it was normal practice to exempt non-ministerial departments from savings and efficiencies. Therefore, over the past four years, the Assembly and the Audit Office have had no requirement to find efficiencies. When one looks at the returns that they have made every year and the degree of underspend, it becomes fairly clear that there is a fair amount of fat in the budgets of both bodies. Some people have tried to make a constitutional issue out of this and say that, somehow or other, we are interfering with the ability of Members to do their job and the ability of the Audit Office to scrutinise Departments and the work of Ministers.

Nothing could be further from the truth. At the end of the day, it is the Assembly that has to vote on the Budget; so this is not DFP imposing some restriction on the Assembly Commission or the Audit Office because it is afraid that they might do their job too effectively. It is the Assembly that will make the decision.

5.00 pm

At the time when we are dealing with difficult budget allocations, let us look at the Northern Ireland Assembly. Over the past four years, it has had an average capital underspend of more than 50%. On resource, or current spending, it has had an average underspend of nearly 6%, so a 5% efficiency saving should not be too difficult for it to find. The Northern Ireland Audit Office, which, ironically, has condemned Departments for not spending all of their money and for having huge underspends, has had an average underspend of 7% over the past two years. A 5% efficiency saving is not too much to ask from it, and I would have thought that the Northern Ireland Audit Office would have wanted to lead by example. It should not condemn Departments if it has underspends itself. I should also point out that, when we were making the figures for the Budget, the Audit

Committee had not even submitted the figures that it had anticipated would be needed —

Mr P Ramsey: Will the Minister give way?

The Minister of Finance and Personnel: I will give way, yes.

Mr P Ramsey: Earlier, I spoke on behalf of the Assembly Commission. The Commission agreed 13.3% budget cuts, which is more than what eight of the Government Departments were expected to produce. Does the Minister think that it is reasonable to double that to over 26% and not expect wholesale redundancies from clerical positions, research positions and Committee staff? Does the Minister really believe that there can be effective accountability of Departments with the effects of reduced services to Members, office allowance costs and staffing? There is no doubt that, at the very least, there will be a 25% loss in staff in the Assembly if the Minister persists and lets the Budget go through.

The Minister of Finance and Personnel: I do not want to start debating the intricacies of the Northern Ireland Assembly budget with the Member across the Floor, but the Assembly was exempt from efficiencies for four years when other Departments were subject to efficiencies. Given the Assembly Commission's level of underspend in capital and in revenue over the past four years, that indicates that funds had not been spent. We could look at some of the practices, including the bonus practices and equal pay decisions that the Assembly Commission has made to see whether it really has been spending its money effectively. All I am saying is that, when Departments are having to face tight budgets, it would be very difficult if the Assembly were not seen to be bearing its part of the burden. I hope that that has dealt with the Member's query, and I have no doubt that we will come back to that because it seems to be exercising a large number of Members.

Mr McLaughlin: I have two brief points. I raised the issue of the statutory remit and the protection of the independence of the Audit Office. Last October, the Assembly passed a motion supporting the view that the Commission should experience the same levels of efficiencies as the Departments, not twice the level that has been applied to the Departments.

The Minister of Finance and Personnel: I do not want to hark back to the points that I

have made already, but the Assembly will vote on the Budget and decide whether sufficient resources have been made available for carrying out the scrutiny function that the Member has mentioned and which we all recognise is an important scrutiny function. All I will say is that levels of underspend by the Audit Office suggest that savings of the order of 5% can be made, which should not damage the ability of the Audit Office to carry out the work that it needs to do.

Mr McKay, Mr Elliott and a number of other Members raised the issue of revenue-raising options. There is £1.6 billion of additional revenue, and only £842 million of it was included in this Budget, so where is the rest of it? Basil McCrea, who is now absent — I thought that he wanted some information on this issue, but clearly not — raised the issue of the Minister of Education indicating that she was going to bid for that money. That money is not available. There are revenue-raising proposals that the Budget review group should look at, could look at and would look at. That is being done. Some of them might be delivered and some might not. Some might be delivered quickly and some more slowly.

Only — I emphasise the word “only” — when we are sure that the money will be available will it be allocated to Departments. I have not presided, as Mr McNarry knows, and I will not preside over a black hole in the Budget that could have been anticipated. For that reason, any kind of revenue measures that have been suggested, which we cannot be sure will be delivered on, have not been and will not be included in the Budget. Ministers can make all the bids they want, but if the money is not there, they cannot make bids for it. It is as simple as that.

Mr Elliott had to defend his position — I want to come back to this — that, somehow or other, the problems that we face are not the problems of those who advocated that we vote for a party that wanted to cut quickly and deeply, but that they are the problems caused by people like me who he says kept the Labour Party as the Government. When I asked him when that happened, he could not tell me, but Basil McCrea indicated that it was during the vote on the 42-day detention plan.

I do not know how to give a nine-finger salute, because I have only eight of them, but counting does not seem to be the forte of some Members anyway. Anyhow, my party was very proud that it

kept the proposal that the Government wished for the detention of terrorists for 42 days if it was for the safety of the country. Mr Elliott and his party may think that it is better to make a political point against a Labour Government than to leave the country unsafe. We took a judgement. It was a good thing to do, and it would not have brought the Government down anyway. They would have come back the next day with a proposal of 28 days or something else. Therefore, first of all, he does not understand what the issue was in Parliament, and he did not even remember when it was. Secondly, it seems that he has gone soft on terrorism. Therefore, it is a double whammy.

Mr Storey raised a very important issue, and I want to take the opportunity to give some reassurance again on end-year flexibility and the impact on schools. It is an issue that I believe caused unnecessary distress to schools. It was not handled well, and it caused a lot of distress to schools and principals. The fact of the matter is that end-year flexibility has been lost, and £316 million has been removed from our Budget as a result. To me, it was a gratuitous raid on our Budget by the Conservative/Liberal Democrat Government at Westminster. I do not mind taking our part in the pain of whatever national adjustment needs to be made to our finances, but that was over and above whatever reduction needed to be made. The Chancellor saw an opportunity to grab some money that was allocated to Northern Ireland, which Northern Ireland Departments were encouraged to save. So much for the special relationship that we were supposed to have when the Tories said that they would stand for election here and the Ulster Unionist Party said that that special relationship would safeguard Northern Ireland. Blow the safeguard; that is all that I can say. There has been a smash-and-grab raid on Northern Ireland's Budget.

Some people thought that the impact of that would be to take away from schools money that they had rightly and prudently saved. I want that saving to continue, as does the Minister of Education. I assure the Assembly that we will put in place arrangements for schools that have saved money to enable them to access it; to enable those that want to save money in the future to save it; and to enable those that want to access money in the future to do so. Only in that way can we ensure that school budgets are used properly. I was glad that —

Mr D Bradley: I thank the Minister for giving way. I noted the joint press release on end-year flexibility that was issued by him and the Minister of Education, which stated that arrangements would be put in place to replace money that, as he says, was stolen by the Tory Government. Will he give the House some detail as to what those arrangements are and where that money will come from?

The Minister of Finance and Personnel: I can give that detail. Basically, to put it in a nutshell, the Assembly will operate its own end-year flexibility scheme, to use terminology that people understand. Given that the flow of money into the scheme every year, by and large, equals the flow of money out of it — sometimes, there is a bit of a difference — and provided that there is assurance that the money will be available, there should be no difficulty in meeting the demand. That is the simplest way that I can explain it in a debate such as this. I am more than happy to talk to the Member privately. The system has worked, by and large, for the past number of years. The money that schools save in one year is drawn down by other schools that are not saving or are spending. It assures schools that they can save and have access to that money. It should be almost self-financing. Indeed, it will be. In years when there is a difference, of course, additional money will have to be found.

Ms Ritchie, among others, raised the issue of funding for housing. When I look at plans in the DSD consultation document, it appears that the Minister has decided that the housing programme should bear the brunt of reductions in resource and capital. While resource reductions are targeted on back-office functions, capital reductions will have an impact on the social housing programme. However, I believe that that can be offset in a number of ways. For one thing, housing associations' reserves can be used. We believe that housing associations are capable of using £20 million from reserves for newbuild. We do not actually take that money from them; we simply give them a lower grant for every house that they build. Given the fact that housing associations in Northern Ireland appear to have higher reserves and borrow much less than housing associations throughout the rest of the United Kingdom, that is perfectly deliverable. Of course, given the fact that houses cost at least 20% less to build than they did two years ago, more houses can be built for every pound that is spent.

Mr Farry raised the issues of the green new deal and a divided society. I welcome his comments on the four-year Budget. It is important to have the certainty that it brings. As far as the green new deal is concerned, the Executive have committed £4 million per year. If we could spend £72 million during the period, that would lever in around £181 million. Of course, that would tend to be for labour-intensive work, such as insulating houses, and so on. It is a good job-creation project. Although I do not care too much for the "green new deal" title, anything that saves people money on their heating Bills is a good long-term investment, especially when it helps to reduce fuel poverty. The group met with an interdepartmental group on 17 January, and it was agreed that it would submit a robust business plan with the final costings for the scheme by mid-February.

5.15 pm

We have talked about the costs of a divided society before, so the Member can probably give the answer for me. There are certain things that we will not deal with quickly, and there are some costs, more social than economic, that he will say are part of a divided society. Nevertheless, it is important to look for a better way of doing the things that we do and of delivering our services, especially at a time of scarce resources.

I am sorry that I have not got to the points that some Members made. I thank Members for their contributions. I look forward to having this debate again and again and again before the end of the Assembly term. As we come to the final Budget, I am sure that that many of the comments that have been made will be looked at and addressed by Committees and looked at seriously by the Executive.

The Deputy Chairperson of the Committee for Finance and Personnel (Mr McNarry):

On behalf of the Committee, I thank those who contributed to the take-note debate. Having listened carefully to their opinions and views, I ask Ministers and Members, first, to consider whether the Assembly is exercising a worthwhile function and, secondly, to consider whether it can make a difference in improving how Northern Ireland is governed, how our constituents are represented, how public money is spent and how public services are delivered for the betterment of all our people. It would be surprising if any Member disagreed with the belief that this locally elected body can exercise

a vital role in ensuring more accountable and accessible government, particularly when one considers how far we have come since the time prior to devolution.

If it is the case that there is consensus on the value of the Assembly as an institution, surely we must affirm the right of the Assembly to be allowed to fulfil its role effectively. In that regard, however, I regretfully detected several key themes from today's debate that would lead one to believe that there is a process at play, whether by accident or design, effectively to marginalise the Assembly and to clip its wings. Serious concerns have been raised around the lack of proper engagement with Committees and the wider public. During today's debate, we heard Committee members talk about how they are being stymied in doing their work. To date, seven out of the 11 Statutory Committees, in addition to the Chairpersons' Liaison Group, have indicated to the Committee for Finance and Personnel their dissatisfaction with the timescale and the availability of information to enable them to scrutinise their Department's proposals effectively.

It is not only Committees that are affected in that way. The wider public is presented with difficulties in responding to a high-level Budget document that lacks detail and delegates responsibility to each of the 12 Departments for the substantiation of their figures within an exceedingly tight timescale. At its meeting last week, members of the Committee for Finance and Personnel sought assurance from DFP officials on the extent to which the Department is meeting the requirements for proper consultation on its draft spending and saving plans. The Committee had previously noted judicial review decisions regarding proper consultation. One judgement in particular outlined the four requirements of consultation. It stated:

"To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken."

If those elements of good practice in consultation are not demonstrated by engagement with Assembly Committees and the wider public, it is open to challenge as a flawed process.

The Committee has undertaken detailed work in respect of the Budget process throughout this mandate. It has contributed to DFP's Budget review process and put forward many recommendations on how things could be improved. It is therefore very disappointing that we are where we are with this important Budget, which will set the spending for the whole of the next Assembly mandate.

Judging by the evidence presented by both the Assembly's corporate body — the Assembly Commission — and the Audit Committee, we can detect a real threat to the future capability of the Assembly and its independent scrutineer, the Northern Ireland Audit Office, arising from the allocations proposed in the draft Budget 2011-15. As has been noted during the debate, the draft Budget proposes real cuts for both bodies that are far in excess of any that they consider necessary in order to carry out their functions effectively.

In recent evidence to the Committee, senior DFP officials have pointed the finger at the Assembly Commission and the Northern Ireland Audit Office because of the level of underspend by both bodies. It was indicated that that was taken into account in determining the proposed allocations for those bodies. Today, I heard the Minister's firmness on the issue. He was brilliantly disappointing in what was probably his most unconvincing and unassured performance yet in the House. Therefore, although I had intended to focus on the more strategic picture, because that issue has been raised by so many others, it is only proper that I refer to the Committee's considerable experience of examining underspend across all Departments.

In fact, most Departments and public bodies have had some level of underspend over the years. That is borne out by the fact —

Mr Bell: On a point of order, Mr Deputy Speaker. Is it permissible to read before summing up? If the Member is reading before the Minister has spoken, is he reading something that was written before the summing up?

Mr Deputy Speaker: That is not a point of order.

Mr McNarry: You should never underestimate my cleverness, Mr Bell. In fact, most Departments and public bodies have had some level of underspend over the years. That is borne out by the fact that over £300 million in EYF stock had accumulated, which was, for the most part,

lost to the Executive as a result of the spending review. Therefore, it is surely important not to take a simplistic approach to the issue, but to examine the reasons for any underspend and to establish whether they were due, for example, to overestimating our bad prior-year forecasting, to poor in-year monitoring, to unforeseen or extenuating circumstances or to things being done more efficiently. It is also crucial to examine whether in-year reduced requirements were declared early enough in the monitoring process to allow redistribution to other Departments. It is only after a robust assessment of those issues that informed decisions can be made on the extent to which there is fat, if any, in allocations.

It is ironic that DFP points the finger at the Assembly and the Audit Office on underspend. Perhaps it should examine its own house first because, rather than leading by example on that matter, the Minister, on his own watch, has in fact been a leading culprit in underspending in recent years, as have his predecessors. Over the past three years, his Department's underspend in current expenditure has been above average. In 2009-2010, it was 3.4% compared to 0.7% across Departments, for 2008-09 it was 0.9% compared to 0.5% across Departments, and for 2007-08 it was 3.1% compared to 2.1% across Departments. I am pretty sure that I have my decimal points in the right place this time.

Using that logic, does it not follow that we should at least be asking DFP to take a higher cut in its budget than other Departments, particularly those with primary responsibility for frontline services? The Minister may argue, and he does so fairly competently, that the in-year monitoring process would always provide a mechanism to ensure that the bodies had access to whatever funding was necessary and that no bids previously made have been left uncovered. Surely that misses the point about ensuring the independence desired by all, leaving aside that we all know, given the diminishing level of reduced requirements being declared by Departments during the in-year process, that no guarantees can be provided.

Our Assembly is a young institution that is only now proudly completing its first full mandate; it can undoubtedly point to many successes in the exercise of its scrutiny functions of issues that heretofore went unchecked. We cannot underestimate and risk diminishing the role of Assembly Committees in holding local

Ministers to account or for keeping on their toes the departmental accounting officers and senior civil servants who hold positions of considerable influence. Therefore let us give the Committees credit that in carrying out that scrutiny work, along with their role of offering advice to Ministers, they are valuably assisting the Executive in overseeing the delivery of their strategic objectives.

Collectively, we can agree that all public bodies should endeavour to maximise efficiencies, and the Assembly should be no exception. However, there is a strong argument that lean times require stronger, not weaker, scrutiny. Therefore given DFP's role in ensuring that:

"public expenditure is managed effectively to deliver best value for the people of Northern Ireland"

I expect that it would be the Minister who would most value the scrutiny and challenge function of the Assembly and the Audit Office.

If there is to be a recognition of the vital role that the Assembly can play over the next four years and the importance of allowing it to demonstrate its worth, it follows that we should expect to see an improved engagement between the Executive and the Assembly, including its scrutiny Committees, necessitating significant improvements to the Budget process and, more immediately, requiring things to be put right in the final Budget allocations for the Assembly and the Audit Office.

It is clear that many Members are not content or comfortable with where we are on this issue. Doing things in a hurry is far from satisfactory, which is why it is fortuitous that this is a take-note debate. In its co-ordinated report on the draft Budget the Committee will be reflecting the outcome of the debate and the issues raised by Assembly Committees and external stakeholders. I trust that the recommendations in that report will be taken into account in the final draft Budget presented to the Assembly for debate and approval in March.

I thank all who contributed to this take-note debate and who see its merits.

Question put and agreed to.

Resolved:

That this Assembly takes note of the draft Budget announced on 15 December 2010 by the Minister of Finance and Personnel.

Northern Ireland Act 1998: Review of Sections 16A to 16C

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour for the debate. The proposer will have 15 minutes in which 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.

5.30 pm

The Chairperson of the Assembly and Executive Review Committee (Mr Spratt): I beg to move

That this Assembly approves the report of the Assembly and Executive Review Committee on the review of the operation of sections 16A to 16C of the Northern Ireland Act 1998.

I thank the Committee Clerk and the Committee staff for all their work in the preparation of the report. I also thank members of the Committee who attended on a regular basis and made contributions to the debate.

The 2006 negotiations that resulted in the St Andrews Agreement facilitated the restoration of the Assembly and brought hope that devolution would allow the fate of the political institutions in Northern Ireland to be decided by its own political representatives. However, no one was ever under the illusion that the negotiations were cut and dried, that every issue had been settled or that all serious divisions had been healed. Indeed, one could rightly point to the establishment of the Assembly and Executive Review Committee and its delegated functions as recognition that that was certainly not the case.

However, since the conclusion of the St Andrews negotiations, the determination of political parties to address those outstanding issues has been in evidence. Indeed, my Committee's contribution to the resolution of some of those issues is already on the record.

I think it worthwhile to provide a little background on the report. The report is yet another example of the Assembly addressing issues that arose from the St Andrews Agreement and the consequent amendments to the Northern Ireland Act 1998.

The Northern Ireland (St Andrews Agreement) Act 2006 inserted the new sections 29A and 29B into the 1998 Act, which provided for the establishment and particular functions of the Assembly and Executive Review Committee. Those functions include requiring the Assembly

and Executive Review Committee, under Standing Order 59(3), to consider the operation of sections 16A to 16C of the 1998 Act and, in particular, to consider whether to recommend that the Secretary of State make an Order to:

"amend that Act and any other enactment so far as may be necessary to secure that they have effect, as from the date of the 2011 Assembly, as if the executive selection amendments had not been made."

I do not intend to detail all those Executive selection amendments, but they include sections 16A to 16C, which require the First Minister and the deputy First Minister and Northern Ireland Ministers, other than the Minister of Justice, to be appointed within seven days of the first meeting of the Assembly after an election. Those sections also modify provisions for the appointment of the First Minister and deputy First Minister.

I think it worthwhile to highlight two key changes to the original section 16 of the 1998 Act that have attracted some attention and to which I am sure Members will refer. First, under the original section 16, the First Minister and deputy First Minister were elected jointly by the Assembly and required the support of a majority of Members voting in the election, a majority of designated nationalists voting and a majority of designated unionists voting. The current arrangements see the First Minister and deputy First Minister appointed by the largest political party of the largest political designation and the largest political party of the second largest political designation respectively.

I should point out to Members that paragraph 4 of the report may suggest otherwise. It refers to:

"the second largest party of the second largest designation."

I do not want to raise the hopes of Members in another party that that is the case. Of course, the "second largest party" refers to the largest party that represents the second largest political designation. The Committee will take steps to notify all members of that point of clarification after the debate.

Secondly, and notwithstanding what I have just said, in accordance with section 16C(6) of the Northern Ireland Act 1998, when the largest political party of the largest political designation is not the largest party in the Assembly, the largest party in the Assembly will nominate the

First Minister and the largest political party of the largest political designation will nominate the deputy First Minister. It was in that context that the Committee considered whether it should recommend to the Secretary of State that the amendments to the Northern Ireland (St Andrews Agreement) Act 2006 should cease to have effect. That would result in the appointment of Northern Ireland Ministers, the First Minister and the deputy First Minister, etc, reverting to the position before 2006, and the general operation of section 16A to 16C in the context of making amendments other than those that I have just mentioned.

Had the Committee agreed a course of action, and had that course of action been endorsed with cross-community support in the Assembly before 1 February 2011, the Secretary of State would have been legally obliged to bring forward an Order to reverse the effects of the Executive selection amendments. To be perfectly clear, the Committee recognises that that is the only scenario in which the Secretary of State is legally obliged to act in respect of the Executive selection amendments. Therefore, the Committee is clear that, in relation to any other proposed amendments, the Secretary of State is not obliged to act. He may see a political imperative to do so, but that is for him to decide in the wider context of the evolving political situation in Northern Ireland.

When considering the issues, the Committee sought the views of all the political parties represented in the Assembly and all independent Members. Those parties that are not represented on the Committee were invited to attend meetings and to take part in discussions or to send non-elected representatives to meetings as observers. I hope that those actions reflect the Committee's adoption of an inclusive approach to its deliberations.

The Committee is no stranger to contentious issues, nor has it shied away from them. Its approach has always been to try to achieve consensus where possible, and it was the same with this issue. However, an exploration of the middle ground ultimately proved fruitless. That is not a failing in itself, but a simple recognition of political reality.

Members will note in the report that a proposal, the outcome of which would have been to support reversing the effects of the Executive selection amendments, was rejected by the Committee by

a majority decision. Members will also see that the Secretary of State has only recently written to the Committee on that decision, stating that he will not bring forward an Order to reverse the effect of the Executive selection amendments as the Committee did not make such a recommendation. The Committee has fulfilled its statutory obligation on that issue.

The Secretary of State has not yet indicated whether he will take action on the Committee's request for section 16C(6) to be removed from the Act. As I mentioned earlier, when the largest political party of the largest political designation is not the largest party in the Assembly, section 16C(6) allows the largest party in the Assembly to nominate the First Minister and the largest political party of the largest political designation to nominate the deputy First Minister. However, I refer Members to what I said earlier: he is under no obligation to do that. That is not to say that the Committee's position would not bring some political pressure to bear on his future consideration of the issue.

Some members of the Committee see the proposed removal of that section as a retrograde step that ensures that there would never be a First Minister from the minority nationalist political designation. Other members believe that it is right that the First Minister should be appointed from the largest political party of the largest political designation: two diametrically opposing views. In such circumstances, the Committee took the only course of action open to it and voted on the proposal to remove section 16C(6). As I have noted, the Committee supported that proposal by a majority vote. The Committee then agreed unanimously that it should write to the Secretary of State outlining its position that the decision had been taken on the basis of simple majority, and that has been done.

The Assembly and Executive Review Committee has not shirked its responsibilities. It has not avoided taking difficult decisions, and it has decided and agreed on a course of action. The Committee now seeks the Assembly's endorsement of the Committee's report, which clearly sets out that course of action.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin welcomes the report and puts on record its thanks to the Chairperson for steering the Committee through the piece of work. He has mentioned already

the good work done by the Committee staff, and I endorse that.

Sinn Féin's position has been outlined throughout the report, and it was articulated at the many sessions when the matter was discussed. As the report states, the Committee did not reach a consensus. I suppose that, in many ways, that was inevitable. Broadly speaking, Sinn Féin's opinion is that there should not be a problem with the largest party in the Assembly nominating the First Minister. As the Chairperson said, that change came about as a result of the discussions to re-establish the institutions. In that sense, Sinn Féin sees it as a plus, and we see how the institutions are now up and running. Therefore, it was added to the process.

Sinn Féin's priority throughout the discussions and since has been to maintain and to protect the principles of the Good Friday Agreement. We felt not only that we should protect and maintain those principles, but that we had to ensure that the institutions were up and running and functioning. One outcome of the discussions and the workings was that the Office of the First Minister and deputy First Minister is now seen as co-equal — a joint office — whereas that was not always apparent or not acted out as equal. That is how Sinn Féin feels that it should be, and that is why we are satisfied with that.

In summary, the new arrangement is up and running and it is seen to be working. The principles and the integrity of the Good Friday Agreement remain intact, but, underneath that, we see the Assembly functioning, and that is how it should be. In Sinn Féin's opinion, it lays open the door and sets provision for the fact that if a nationalist party were the largest party in the Assembly, it would nominate the First Minister. Sinn Féin sees that not only as fair, but as right and proper.

Mr Elliott: I thank the Committee Chairperson for proposing the motion and for getting through it. It was not the easiest process of explanation. I hope that Members were able to follow it because, as someone who has been on the Committee for a short time, I found it quite difficult to follow the difficult sections.

Mr McCartney talked about Sinn Féin defending and supporting the principles of the Belfast Agreement. Had Sinn Féin done that, it would have supported the UUP's motion in the Committee. My party believes that the legislation should

never have been tampered with at Westminster. Even Mr McCartney accepted that it was within the parameters of the Belfast Agreement, broadly acceptable to most and needed cross-community support. We thought that the principle of cross-community support was enshrined in Sinn Féin's principles and values. Obviously, it is not.

5.45 pm

It is clear that we had to debate this in Committee here and bring forward some proposals because of dirty deals that were done at Westminster between Sinn Féin and the Government at that time. The St Andrews Agreement was changed by the Northern Ireland (St Andrews Agreement) Act 2006. Behind the scenes dealing, to which other parties were not privy, went on. I am not sure whether the DUP were privy to it; DUP Members will say for themselves. To me, it was clear that deals were ongoing between Sinn Féin and the Labour Government. It is unfortunate that those changes were allowed to be made and that the St Andrews Agreement was tampered with.

Even when an amendment was tabled at Westminster to remove those lines in section 16C(6), it was not accepted. A number of Conservative MPs supported their removal but, unfortunately, that was not allowed to happen. The people who allowed this to happen and to become an issue here have a lot to answer for. My party believes that it should never have come to this. Now that it has, no consensus was reached in the Committee and a division occurred. That was likely. The SDLP, thankfully, agreed to change the legislation. We thank that party for its support because we felt that it was fundamental to get back to a cross-community basis. We thought that that was the principle behind what was already there, but obviously Sinn Féin and the DUP do not agree. We are left with a position that is very poor for the broader politics of Northern Ireland.

Mr McDavitt: I add my thanks to the Chairperson, the deputy Chairperson and the Committee's clerking team for their work on this complex and difficult issue. Wading through all the options available to us at every stage along the way must have presented a great challenge. They did so in a way that I felt was very respectful to all our positions and certainly aided and facilitated the good and easy conduct of the Committee in making its report.

It is a matter of regret to the SDLP that it is not a report that enjoys any consensus. It is the report of a divided Committee, and that division reflects some of the wider political divisions in the House about the very nature of the Office of the First Minister and deputy First Minister. The SDLP came to the Committee advocating a return to the provisions in the 1998 Act, those of the Good Friday Agreement. They required that the First Minister and the deputy First Minister be elected jointly by all the Members of the House on a cross-community vote, thus installing them as a joint, co-equal office that knew no superiority or rank but was genuinely, absolutely, institutionally and procedurally at one and rooted firmly in equality.

Colleagues who have spoken previously have referred to the reasons why that provision was changed. They have theories about what might have happened around the enactment of the St Andrews Agreement Act 2006. For whatever reason, the rules were changed. It is now the case that the First Minister and the deputy First Minister are not elected jointly. In my opinion and that of my party, they do not have the same legislative claim to co-equality and absolute equality as they did when put before the people in May 1998 as a model to reflect the new beginning for us all in this region.

The SDLP will continue to argue the simple point that it would be better for all of us, more stable for the region and a more powerful symbol of partnership, reconciliation and a genuine new beginning if we were to ensure that those who lead our Executive were genuinely equal, elected together and separated not even by name. If a mistake was made in 1998, it was to allow them to be called First Minister and deputy First Minister when in fact they are nothing of the sort: they are co-equal and joint.

The issue will undoubtedly crop up again in the next mandate. I hope that we will all have the courage to see that there is a better way, which will involve trust and political conditions to ensure and to develop a process that is more in the light of 1998, more rooted in absolute co-equality, in genuine joint First Ministers and requiring the cross-community support of everyone in this House for those individuals to take their office.

I thank the Chairperson, the Deputy Chairperson and the Committee Clerks for their work. Despite

all the divisions, this difficult issue was debated professionally and with great respect.

Dr Farry: The Alliance Party is not represented on this august Committee, but I recognise its work in discharging its duty on this matter even though, ultimately, it did not reach consensus.

This is a polarised debate not only across the Chamber but within the two blocs or designations. The Alliance Party rejects the notion that there should be designations in the Chamber, and for that reason, the debate takes on a slightly sidelined perspective.

Mr Bell: Will the Member inform the House when the Alliance Party changed its policy? It is my understanding that, on one occasion, the Alliance Party designated itself unionist.

Dr Farry: Mr Bell has a very good memory. It happened many, many years ago to save the Chamber from the DUP and from some members of the Ulster Unionist Party who had changed sides.

Designations create an artificial division in here and unhelpfully reinforce societal divisions. They take away from Members' equality of votes and do not allow for flexibility and changes both in wider society and in the political make-up of the Chamber. We talk about the nationalist bloc or the unionist bloc being the biggest, but perhaps, one day, the Alliance or another bloc might be bigger than either of those.

For the Alliance Party, the posts of First Minister and deputy First Minister are co-equal in standing. As Conall McDevitt stated, the only difference is in name, and there is no legal distinction. We want to stress the importance of their being viewed as a joint office. At times, that "jointness" has come across reasonably well, not only in this mandate but in the past. At other times, in both Assembly mandates, it has been extremely disjointed. We are concerned that the issue of which party has a claim on the First Minister could readily polarise wider society. If the issue became the main narrative behind an election, it would be regrettable and would definitely take away from the important consideration of socio-economic issues to which we should be turning our attention.

I reject the notion that if a nationalist Member, in particular a Sinn Féin Member, became First Minister, it would somehow cause a constitutional crisis or, indeed, that The Queen,

as the Ulster Unionists once suggested, would be mortally offended that the First Minister did not shake her hand, bow, curtsy or whatever, in her presence. I think that she appreciates the important subtleties of Northern Ireland.

Our preference is for the First Minister and deputy First Minister to be part of a negotiated Executive, whether one wants to call that a voluntary coalition or not. It would be negotiated by parties and sustained by a weighted-majority vote. The parties would move in and out of government depending on the prevailing circumstances of the day. I appreciate that some parties contend that that argument has still to be won. However, I make the point again that, as far as we are concerned, that approach is not designed to exclude any one particular party, but to ensure proper collective responsibility and cohesion in government.

Short of that, our preference is a return to the situation that pertained in 1998, when the First Minister and deputy First Minister were jointly elected by the Assembly under what is termed a cross-community vote in legislation, although we question the legitimacy of the particular methodology that was used. Nevertheless, it is the lesser evil to have a joint election rather than simply having an appointment. We can also look to the example of the past year, when a Minister of Justice was elected on a cross-community vote. That has turned out well, in that the devolution of policing and justice powers has bedded down and the post has gained cross-community buy-in. That is an example of how effective that type of vote can be in practice. In the circumstance in question, it would once again stress the joint nature of the office.

In the long run, that is the way to go. A lot of the debate is, to some extent, based on a false argument that we should not be having. The ultimate significance of the way in which it breaks down is not that important, because it is a joint office with identical powers, and only one word, deputy, to distinguish the two posts.

Mr Hamilton: If we think momentarily about Stephen Farry's dream of the Alliance Party bloc or another bloc being the biggest in the Assembly, we can all seek some comfort in the fact that because of the way in which the legislation is constituted, he will never be First Minister or deputy First Minister. He will know, however, that some of the points that he

touched on, particularly on voluntary coalition, are wholeheartedly echoed by my party. Ultimately, no matter about the issue at hand, my party and others want the Assembly to go in that direction.

I will not rehearse everything that has been said, particularly by the Chairperson of the Assembly and Executive Review Committee. I welcome the report, and I regret that it does not reflect a consensus in the Committee, although I should not be surprised by that. The St Andrews Agreement, as opposed to the Northern Ireland (St Andrews Agreement) Act 2006, outlined that the First Minister should be nominated by the nominating officer of the largest political party from the largest designation. The 2006 Act diverted considerably from that, particularly the section that inserted sections 16A to 16C, which are the focus of the report, into the Northern Ireland Act 1998.

Without getting into the tongue-twister that troubled other Members, if the largest designation did not contain the largest party, the nomination would instead be made simply by the largest party. It is the DUP's view, which has been backed by the Committee, that section 16C(6) of the Northern Ireland Act 1998 should be removed, as it is entirely inconsistent with the St Andrews Agreement. It is our belief that any arrangements that require either Assembly approval or political negotiations are a recipe for instability.

We have all benefited from the measure of stability that we have had in the current mandate and, hopefully, will have in the future. In our view, there was a flaw in the Belfast Agreement arrangements: if the largest party did not come from the largest designation, there was the potential that the Assembly might not have been able to elect a First Minister or a deputy First Minister, with all the inherent instability that that would have created.

Mr B McCrea: I wonder whether the Member can shed some light on why there is a difference between the St Andrews Agreement and the Northern Ireland (St Andrews Agreement) Act 2006.

Mr Hamilton: I am not sure whether the Member was active in politics at that time, so perhaps he does not recall it just as clearly.

The Government of the day legislated to differentiate between the St Andrews Agreement

and the St Andrews Agreement Act. That is very clear, and it was opposed by my party and others. That is the position. It is regrettable that the Government of the day did that.

In conclusion, I echo my party's call for the Committee to include in its report that the Secretary of State should legislate immediately to reverse what was done in the St Andrews Agreement Act, reflect the Committee's position and reflect in legislation what was actually agreed at St Andrews.

6.00 pm

Mr Bell: I add my thanks to the Chairperson of the Assembly and Executive Review Committee, Jimmy Spratt, and the Committee staff for negotiating through some difficult and complex legislation and producing the report. Given his written communication with us, I fear that the Secretary of State may not act on the report, but he should: there are several good things in the report.

We have just had a debate on the draft Budget. We have just told the people of Northern Ireland to look carefully at how they spend their money. We have told them to examine where there is waste in the system and how they could be more efficient at less cost. That is one of the principles behind the proposal to reduce the number of MLAs to 70 or 75. Any reasonable, objective observer who looks at Northern Ireland will state that 108 MLAs is too many and that having 70 or 75 MLAs would serve us better in respect of efficiency of business and cost to the public purse.

I fear that we are sending a message out that people should do as we say and not as we do. I appreciate that legislative time frames etc are too tight for arrangements to be made in time for the new mandate in 2011, but I hope that they can be looked at again in the period up to 2015. We have to lead by example. We have to cut the fat and excess out of the service and set an example in how we seek to end the recession. We are asking for it to be ended through increased efficiency and less cost. We would do well to consider fully the proposal to reduce the number of MLAs.

I thank the leader of the Ulster Unionist Party. Some appear to seek confusion on this issue, but, if I heard Mr Elliott correctly, the Hansard report will record that he said that there was a change between what was agreed at St Andrews

and what appeared in the legislation. Mr Hamilton elucidated that point in response to Mr McCrea's intervention. We have all read about and seen people trying to make out that there was some form of agreement at St Andrews for what became sections 16B and 16C. It was not agreed at St Andrews. What was agreed at St Andrews —

Mr B McCrea: Will the Member give way?

Mr Bell: May I finish the point and then let you in?

Mr B McCrea: Surely.

Mr Bell: What was agreed at St Andrews was that it would be the largest party from the largest designation. The subsequent legislation, which we opposed, did not reflect the St Andrews Agreement. Those who choose to be true to the factual record will acknowledge that what was agreed at St Andrews is different to what was agreed in the legislation.

Mr B McCrea: I thank the Member for giving way. I am interested in the point that he makes about the change between the St Andrews Agreement and the St Andrews Agreement Act. He stated that his party opposed that change. How exactly did they do that? Did DUP MPs speak against it? Did they vote against it? Did they vote for it at any time? It seems strange that we would have missed a change to something as big as the St Andrews Agreement, in which at the DUP was front and central, and that a big fuss would not have been made about that change. What was the nature of the DUP's opposition?

Mr Bell: I appreciate the dilemma in which Mr McCrea finds himself; he has no representation in the British Parliament.

Even a basic observer of GCSE standard or probably slightly less would understand the opposition that was given, the guillotine that was opposed, the amendments that were suggested and the track line that led to that opposition, which could be seen from the DUP press statements, interviews and everything else. That was very clear. It was certainly clear to the Member's party leader. It may still be unclear to him, but that is probably why Tom is leader and he is not. That is part of the confusion that there has been an attempt to engender. However, to be fair to the leader of the Ulster Unionists, he made it clear that change was there, and that is on the record.

We should look towards good government in the future. We strongly support what Dr Farry said about a voluntary coalition. That is what we aim for and what we should aspire to. That would lead to better government in the House. However, we have to deal with the situation that we are in. The report is a serious attempt to do that. I do not agree with what Mr McDevitt said, although I appreciate that he put forward very sincerely the argument that we should revert to the situation in 1998.

Mr Elliott: I thank the Member for giving way. Is he saying that the DUP MPs were for, against or abstained from the vote on that in the House of Commons and the House of Lords?

Mr Bell: I would have appreciated it if the Member had heard me correctly. I say to the Member: do not go back to the confusion. You were honest and correct at the start.

Mr Deputy Speaker: Time is up.

Mr Bell: I commend the report to the House. We look towards the day when a voluntary coalition becomes a reality.

Mr O'Loan: Attending meetings of the Assembly and Executive Review Committee on this matter was a surreal experience. It is, therefore, probably appropriate that that surreal experience has been continued in today's debate. I commend the Chairperson for how he conducted business. However, had he not pointed out the typographical error on page 3 of the report, where it read that the second largest party of the second largest political designation nominates a member of the Assembly to be the deputy First Minister, and had we adopted that report today, I assume that the leader of the SDLP would have been sent for tomorrow morning and asked to nominate a deputy First Minister.

The Chairperson of the Assembly and Executive Review Committee: I am really sorry for interrupting your party tomorrow; it cannot take place now.

Mr O'Loan: Exactly. The alertness of the Chairperson has unfortunately prevented that from occurring. As I say, it was a surreal experience. For all the outcome that we produced, there were many meetings, and members spent quite a long time staring fixedly at a point on the opposite wall. I suppose that some members might have felt more used

to that experience than others. Some of us welcomed the opportunity to turn up at 11.00 am every Tuesday for a cup of coffee and a biscuit, and that became part of the social life of the Assembly.

There were only ever three options. The first was to rescind the Executive selection amendments. However, it was fairly clear, fairly soon that that was not going to happen. The second option was to agree on some other proposal of amendment, which is what we did in the end. The third option was to simply agree to disagree. The last two options would have ended up in pretty much the same place anyway. That was the surreal nature of it, and quite a bit of the debate moved around chasing a will-o'-the-wisp.

We finally ended up with the short report that Members have in front of them, which probably fits in well with the contradictions that were there. Although the DUP presents its position as being very consistent, many of us think that it sought and obtained a particular position at St Andrews, even though it might have varied that subsequently. Sinn Féin had no difficulty at all in taking quite opposite positions on the same point. It said that it was absolutely committed to the Good Friday Agreement and to the changes that were created in the St Andrews Act, which alter a fundamental aspect of the Good Friday Agreement.

We are not well pleased with the eventual outcome as expressed in the Committee's report. Anything that takes away from the joint nature of the office is not good for the Assembly. How anyone can try to argue, as someone who spoke earlier did, that the change made by the St Andrews Agreement Act makes OFMDFM more of a joint office, I do not know. It has weakened the joint nature of that office. We would like that reinstated, and, if further change can be made around nomenclature that would reinforce or make more public and more visible the joint nature of that office, it would be a healthy development.

Mr Givan: I add my thanks to the Committee staff for their work in producing the report. Beyond some of the technical stuff that has been commented on, it is interesting that the report sets out parties' positions on the number of MLAs we should have. My party's position is clear on that: there should be around 75. We are very much in tune with the Alliance Party on

that matter; likewise on the voluntary coalition. I wonder why it does not just designate itself as unionist and come and join us. It should come off that fence or else designate itself as a nationalist party and help change that system.

Dr Farry: The answer, for everyone's benefit, is that there is merit in a party being cross-community and not defining itself as either unionist or nationalist. It is the way of the future.

Mr Givan: It just means that your votes do not count in this House under the current rules.

I want to pick up on some of Conall McDevitt's comments. He talked glowingly about how the 1998 agreement had created such a fine office: the Office of the First Minister and Deputy First Minister. He said that returning to that arrangement would help generate trust and create a genuine commitment to partnership and power sharing. At that time, I was not a Member, but I worked for a Member, and my recollection of the relationship that David Trimble and Seamus Mallon had was not that it was an equal one, nor did it operate through genuine trust and sharing. Indeed, they rarely spoke to each other. They had offices at far ends of the Building, and only rarely did either of them cross that divide. For the record, I am not talking about David Trimble's party; I am talking about his relationship with the SDLP Deputy First Minister.

Mr McDevitt: Will the Member concede that, whatever tensions may have existed in the Office of the First Minister and Deputy First Minister during the first mandate, the relationships within that office were a darn sight better than the relationships between that office and the Ministers from his party who did not even turn up to do their job?

Mr Givan: Those Ministers, despite not being at the actual Executive meetings in person, did their jobs very successfully. I could list how that is the case. For example, we have the free transport that was pioneered by Peter Robinson in DRD. I could go on, but the fact that we have moved from having two Ministers in the Executive to having the largest party in the Assembly holding a number of Departments demonstrates our record.

I will address some of the other comments. I share the disappointment of the leader of the Ulster Unionist Party about the amendments. He said that, when opportunities arose for

amendments to be made, some Conservative Party MPs supported them, but the Labour Government had an outright majority then and were able to vote down the position that was being put forward. However, he did not then go on to make the point that we have since had an election that his party campaigned for and that that party was successful in that it is now the largest party in the coalition Government. Although there is no legal compulsion on the Secretary of State to make a change, politically, if he so wished, he could.

If the reports are right, maybe that is why Tom Elliott was rather unhappy when he had his meeting with the Secretary of State. If the reports are true, he stormed out because the Secretary of State would not make that change. If the Ulster Unionist Party's political masters at Westminster wanted to make the change, they could make that political move. I did not hear Tom Elliott make that comment.

6.15 pm

Mr B McCrea: We are trying to find out exactly why the change took place, so will the Member tell us whether the DUP peers in the House of Lords voted for clause 8 or opposed it, as UUP peers did?

Mr Givan: I thank the Member for the intervention. We have dealt with that point, and colleagues made our position very clear. Basil McCrea, the wannabe leader, is trying to deflect from the fact that his political masters at Westminster do not want to face up to the reality that the Secretary of State — *[Interruption.]*

Mr Deputy Speaker: Order, please. Members will make their remarks through the Chair.

Mr Givan: I recognise the fact that the Member for Lagan Valley does not want the public to realise that, politically, the Secretary of State — his political master — could make the change if he wished to do so. The UUP is a franchisee. Perhaps it wants to break the contract and get a refund; it is clearly not getting a good deal.

The report clearly highlights that there is no consensus on the issue. I look forward to the Committee undertaking investigations into other issues and hope that we will be able to get consensus in the future.

The Deputy Chairperson of the Assembly and Executive Review Committee (Mr A Maskey): Go raibh maith agat, a

LeasCheann Comhairle. I thank all the Members for their contribution to the discussions. It seems that there were more contributions in a short while this afternoon than there were in the entire Committee deliberations. Two members of the Committee introduced a little rancour this afternoon that, thankfully, they did not introduce into the Committee meetings. Tom Elliott talked about the dirty deals. Hansard will show — it will be easy to trawl through his contributions because they were not that big — that he did not introduce any of that into the debate in Committee.

The response to Mr Farry's remarks is that, although there are no Alliance Party members of the Assembly and Executive Review Committee — precisely because the Committee was established in the first instance from Executive parties — all the parties in the Assembly were invited to take part in the deliberations. The Alliance Party sent one of its unelected officials to attend Committee meetings, and it could have taken part.

It is important to place it on record that the Committee's deliberations were quite measured and very balanced. All the parties made their respective points. Nobody really felt the need to dwell on them, because people understood that the issue is essentially a political one. Although the Committee, in conducting the review, was carrying out one of its mandates, everybody clearly understood from the outset that there would not be consensus. The minutes of the Committee meetings on the matter will reflect that two votes were taken, both of which were passed by a majority, but that there was no consensus. On that basis and on the terms of reference that are afforded to the British Secretary of State, we do not anticipate any further action. Indeed, Members will note in the report the letter that has been received from the Secretary of State, which reminds us that he intends to take no action. Although some Members this afternoon alluded to the possibility, prospect or desire that the Secretary of State may be minded politically to make a move, I suggest that he will be very cautious in that regard and will be mindful of his wider political responsibilities, which, by and large, should be not to interfere in our affairs.

The Committee, in carrying out the review, carried out its mandate reasonably successfully. All the Committee members who contributed at the meetings did so in an honest and measured

way. It is important to say that the Committee has a lot of other work to do on matters that are essentially political. Most of them are highly complex and many are quite contentious. Those matters will not be addressed easily. I was very pleased, as was the Chairperson, at how members conducted their business. For the most part, even if we go back to the transfer of policing and justice powers, members conducted themselves maturely and properly while making their respective political positions clear for the record. Of course, those positions have not changed, and we heard some of them this afternoon.

Speaking as Deputy Chairperson of the Assembly and Executive Review Committee, I wish to place on record my thanks to all members of the Committee for their contributions, all officials and staff who supported the Committee in its work and all those who sent observers to attend meetings and to witness the matters under discussion.

With your indulgence, a LeasCheann Comhairle, to conclude my remarks, perhaps you will allow me to speak as a party representative. It is regrettable that two members of the Committee introduced a little bit of rancour here, and I shall respond on that basis. As I said, Tom Elliott made some pretty negative and unnecessary remarks about dirty deals and so on. I do not know what he was referring to, but I would have preferred him either to raise them in Committee — he had an opportunity to do so on a number of occasions — or have the courtesy to remain in the Chamber.

Mr McFarland: I thank the Committee for allowing me to sit in as an observer. The Deputy Chairperson will recall that I brought up the issue of dealing. Unfortunately, I did not get to speak today. A deal was done, and it was done with the acquiescence of the Democratic Unionist Party, which, when the Ulster Unionist MP Lady Hermon moved amendments, talked them out, particularly Minister Wilson. The UUP ended up having no input. The current arrangements were brought in as a result of a Sinn Féin deal with the Government, with a change to the St Andrews Agreement introduced at the last minute. The change was allowed to stay with the acquiescence of the DUP, because it is a handy thing to have. We will see it emerge at election time, when, if people do not vote for the DUP, they will get Martin McGuinness as Prime Minister.

The Deputy Chairperson of the Assembly and Executive Review Committee: I thank the Member for that contribution. For a second, I thought that he was going to speak for Tom Elliott, but, fair enough, he made his contribution.

A number of Members, particularly those from the DUP, need to learn a little lesson from all this. Members have referred to the St Andrews Agreement and to the 2006 Act. Over the past few years, there has been a lesson to learn. From a party perspective, I have not seen any agreement or set of negotiations that reached a conclusion in the British Parliament being dealt with honourably, honestly or in keeping with the spirit of that agreement or negotiation. Therefore, when Members talk about negotiations, they need to be careful when they are involved in discussions. I heard parties talking about what was agreed. I do not know what they agreed or who they agreed it with. From our perspective, from the Good Friday Agreement right through to now, many aspects of the Good Friday Agreement, not least the Patten recommendations that flowed from it, were not translated faithfully into legislation by the British Government. When people get into negotiations, they need to go into them with their eyes open, or they will end up with an Act —

Mr A Maginness: You did not accept that.

The Deputy Chairperson of the Assembly and Executive Review Committee: Exactly, and for a number of reasons. If the Member wants to contribute, he could ask. Nevertheless, I will respond through the Chair. As we said at the time, Patten was a compromise on the Good Friday Agreement, and, when the Mandelson legislation was tabled in Westminster, the Patten report was diluted further. It took a number of years and extensive negotiations to claw some of that back, and it is still a work in progress. Thankfully, we have made progress.

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

The essential point that I wish to make is that, in some ways, you could argue that this whole discussion is much to-do about nothing. People refer to the joint nature of the office of the First Minister and deputy First Minister. We said clearly that we would stick rigidly to the principles of the Good Friday Agreement, so I argue, as we did at the time — I am not sure how many people are listening to this argument — that the terms “First Minister” and

“deputy First Minister” should never have been agreed to. That was agreed to by parties in this House. They may now talk about changes to the nomenclature, but they agreed to that nomenclature at the time. As far as we are concerned, there never should have been an agreement that one of those posts was even nominally inferior to the other. We will always argue — indeed, the parties made the arguments themselves — that, regardless of the titles, those posts were co-equal and joint offices. That remains the case. Regardless of how those Members were appointed as First Minister and deputy First Minister, regardless of how they were elected and regardless of their titles, that post remains co-equal and joint. Not one thing has been done since St Andrews or to this very moment that has undermined the joint and co-equal nature of that post. That is as it should be, and that is the principle that we will rigidly and robustly adhere to and protect.

I welcome Mr McDevitt’s acknowledgement by default that all was not wonderful in the relationship between the original First Minister and Deputy First Minister. In fact, the very poor relationship is legendary. Therefore, far from building trust and embracing the co-equal nature of that office, the two office holders very often and very publicly displayed quite the opposite. Time has moved on. Parties do not need to like each other; individuals do not need to like each other; but they have to work with each other on the basis of mutual respect. Notwithstanding the political difficulties that we all face and some that we share around the Chamber, these institutions are working. They need to work a lot better, and people around the Chamber need to, I think, adopt a little more maturity to make the institutions work a little better for everybody. I do not think that the public have a major fundamental problem with and spend a lot of time worrying about the way in which the Office of the First Minister and deputy First Minister is currently implemented. I think it is fairly safe to say that.

The Alliance Party referred to the fact that it was not on the Committee. I made it clear that that party was entitled to be at the Committee. It was invited along to the Committee, and it sent an observer. However, it is interesting to hear Mr Farry talk about that in a contorted way. On the one hand, he says that he would like to go back to 1998, but, on the other hand, he sings the virtues of how the Minister of Justice was appointed. I share both those sentiments and

agree. I supported how the Minister of Justice was appointed, because it meant that we had a Minister of Justice who was appointed from among our own rather than some fly-by-night who comes in from London once a week or once a fortnight to tell us what to do. There may well be in some people's minds a little contradiction. However, those little contradictions have been well worth addressing and facing up to because we have a Minister of Justice who is locally elected, answerable to people in this Chamber and, therefore, answerable to all the people we represent.

Because of the nature of the arrangements for the appointment of the First Minister and deputy First Minister, the institutions are working. I am not suggesting that that was the one linchpin that closed the deal on us re-establishing the institutions, but it was one of the important building blocks. I make no apology for making it clear that our party is clearly of the view that the principles of the Good Friday Agreement are completely enshrined in the current arrangements in that the post is required to be filled by the largest party from both the main traditions in our society. That being the case, the joint office holders of the Office of the First Minister and deputy First Minister are truly reflective of the largest voting blocs in our society. That is as democratic as we can get at this moment in time, and, of course, those posts are co-equal, joint and inseparable.

I will conclude by, on behalf of my party and of the Committee, thanking all those who have contributed to the debate this afternoon and have supported the work of the Committee. In recognition of our political differences, it is important to say to the general public here that we are up and running for business and are, hopefully, now being measured by what we deliver for people as opposed to how we define ourselves.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Assembly and Executive Review Committee on the review of the operation of sections 16A to 16C of the Northern Ireland Act 1998.

6.30 pm

Private Members' Business

Cyclists (Protective Headgear) Bill: Second Stage

Mr P Ramsey: I beg to move

That the Second Stage of the Cyclists (Protective Headgear) Bill [NIA Bill 9/10] be agreed.

I thank the Bill Office in particular for helping me along the process over the past 12 months, and I thank Headway, the organisation for brain injury, which has been very supportive and encouraging of the Bill. Last year the all-party working group on road safety, of which I was chairperson, met a group of people with head injuries and parents of children with head injuries. We were told in great and personal detail of the harrowing impact that the head injuries had had on the children and their families. Head injuries cause a range of debilitating conditions, including personality disorder, physical and intellectual disability, loss of sight and hearing and speech disorders.

A recent report by the British Medical Association (BMA) states:

"while skull fractures can heal, injuries to the brain, unlike those to the rest of the body, generally do not and may sometimes have long-term consequences. Though not always visible and sometimes seemingly minor, brain injury is complex. It can cause physical, cognitive, social and vocational changes that affect an individual for a variable time period."

As we all know, head injuries can also be fatal. Recently, I met parents who had lost a child to a head injury after a very simple cycling accident. I cannot begin to imagine — nor, I suppose, can any Member — the pain and anguish that those parents are living with. All of the parents whom I met expressed feelings of guilt and remorse. Any of us who are parents can understand that and feel great sympathy for and empathy with them. I know that those parents are taking a close interest in today's debate.

As a legislator and, more importantly, as a father of four children, it is important to say that not one of us who has children is a perfect parent. We cannot be 100% vigilant. Children can be very active, they are accident-prone

and they do not always do what you ask or tell them to do. That most people come through their childhood relatively unscathed is due in large part to a high degree of luck as well as vigilance, but, again, we are all human. I have introduced the Bill to the House and brought it to Second Stage because those parents asked me to do it. They want me to ensure that other children, parents and families are spared the lifelong pain of head injury, which can be avoided through the use of a cycle helmet.

I hope that the House and the Department will give very serious consideration to the Bill. When I considered and consulted on whether the scope of the legislation should include adults as well as children, I spoke to a number of cyclists. Many adults who cycle said that they sometimes wear a helmet and that, sometimes, they do not. Often, for quick journeys, they do not bother with a helmet just because of the convenience. Many of them said that, if the legislation were in place, they would spend the extra minute or two fitting the helmet. Therefore, I decided that the legislation should cover all age groups, not just children.

The legislation that I have proposed would ensure that adults are legally obliged to wear a helmet when cycling. The legislation would make adults legally responsible for ensuring that children in their care wear a helmet. A fine of £50 would be imposed on the adult who was in breach of the legislation. On the first offence, the fine would be waived on the production of a new helmet and the receipt of purchase. I emphasise that offences under the legislation would not be criminal. I have no desire to criminalise anyone as a result of the Bill. From my personal and political perspective, the intention has always been to encourage helmet use to prevent serious injury and death, particularly to children.

I have researched a number of issues that relate to the Bill. I have considered the extent of the head injury problem that results from cycling accidents and the efficacy of helmet use. I have looked at the international experience of the introduction of relevant legislation. I have sent consultation information to hundreds of organisations, and I have heard from people and organisations that are opposed to the mandatory use of helmets. I have also heard from people and organisations that support their use.

I will outline the number of head injuries sustained by cyclists. I recently asked the Minister of Health, Social Services and Public Safety to detail the figures for adults and children who have been admitted to hospital with head injuries sustained as a result of cycling accidents. The figures were significantly higher than I had expected. Some 422 children and 213 adults were admitted over the five-year period up to 2010.

According to a 2008 report from the UK's Department for Transport, cyclists accounted for 5% of all people killed and 9% of all people seriously injured in road accidents. Some 115 pedal cyclists were killed, and 2,450 were reported as seriously injured on roads across Britain. Approximately 40% of seriously injured pedal cyclists who were admitted to hospital suffered head injuries.

A key consideration in bringing forward the legislation was the efficacy of helmet use in reducing injury. I read a report recently on Olympic gold medallist James Cracknell, who was struck by the wing mirror of a truck in America over the summer. His helmet was split in two, and he was badly injured, but the doctors told him in no uncertain terms that he would have died if he had not been wearing a helmet. He is now one of the chief advocates of wearing cycle helmets.

There are many claims and counterclaims about the effectiveness of helmets. Therefore, I appeal to Members to give the Committee access so that it can ascertain with a higher level of resource than I will ever have the claims and counterclaims and the conclusive and non-conclusive evidence that both sides of the argument are making. Scrutiny is important, because it will enable the Committee to do that.

People who are opposed to mandatory legislation cite reports that argue that helmets are ineffective in protecting against head and brain injury. However, respected and rigorous reports show strong evidence that helmets are effective in reducing head injury.

According to the BMA, the use of properly fitted helmets reduces the risk of head and brain injury by 65% to 88% and reduces the risk of injury to the upper face by 65%. I have read a number of studies that give similar findings on the efficacy of helmets in providing protection from head injury.

The Cochrane review presents evidence that helmets provide a 63% to 88% reduction in the risk of head, brain and severe brain injury for all ages of cyclists. Helmets provide equal levels of protection for crashes. For those involving motor vehicles, the protection rate is 69%, and for crashes from all other causes, the protection offered is 68%. Injuries to the upper and mid facial areas are reduced by 65%.

A review conducted by the UK Transport Research Laboratory in 2009 concluded that up to 16% of fatalities could have been prevented if the cyclist had worn a cycle helmet. That is why the BMA policy on cycle helmets has recently been changed. It has balanced possible negative impacts on the numbers of people cycling with the positive impacts that are related to the reduction of head injuries. In February 2010, the BMA called for cycle helmet wearing to be made compulsory. The association recognises that voluntary helmet wearing should increase before the law is enacted.

There is a range of research into the impact of legislation on the prevalence of helmet use and head-injury statistics. Much of the evidence that I studied shows a positive correlation between the introduction of legislation and the subsequent increase in helmet use. Let me refer to a peer-reviewed 'British Medical Journal' study into the impact of cycling helmet legislation in Canada, where there are different pieces of legislation in various states. It makes for interesting comparisons. The study found that helmets were reportedly worn by 73·2% of respondents in Nova Scotia, where legislation applies to all ages; by 40·6% of respondents in Ontario, where legislation applies to those who are under 18 years of age; and by almost 30% of respondents in similar areas where no legislation exists. It also found that, following the implementation of legislation in Prince Edward Island and Alberta, recreational and commuting bicycle use remained unchanged among youths and adults.

The study concluded that Canadian youths and adults are more likely to wear helmets as the comprehensive use of helmet legislation increases. Interestingly, it also found that helmet legislation is not associated with changes in ridership. In other words, it did not impact negatively on the number of people who use bicycles. I can provide references on those figures if any Member is interested in reviewing any of the evidence that I have presented.

As I said, I sent out hundreds of consultation letters and e-mails outlining the Bill; I communicated with a wide range of stakeholders; and I consulted with community groups, health professionals, health organisations, district policing partnerships, local authorities and MLAs. I received more positive responses than negative ones. I want to spend a few moments to examine concerns that were raised. Incidentally, I have a folder here that contains copies of letters that support the legislation and one that contains letters that oppose it. They are available for any Member who wants to see them.

It surprised me that some cycling organisations are opposed to the Bill. The reason why it surprises me is that in organised cycling events, even informal rides out, cyclists are invariably helmeted. It also surprised me because the main governing body for cycling racing, the Union Cycliste Internationale (UCI), has made helmets compulsory in all racing events. It is, therefore, surprising that some cycling organisations argue against the same level of protection for children and adults as they insist on for themselves. Let us face it: most cyclists are not professional; they cycle on roads that are shared by motorised traffic, with the obvious accompanying risks.

Sustrans opposes the Bill because it is concerned that it might bring about a reduction in cycle use. I met that organisation several times in the lead up to the Bill's introduction. I share its other concerns about road safety and the need for a more focused approach to it. Certainly, I have previously brought to the Floor the subject of 20 mph zones in residential areas. I have also written to the Minister a number of times on that issue. One of our own Members had intended to introduce a private Member's Bill on the subject, but he did not have time to do so.

Sustrans and other organisations have argued that after the introduction of mandatory helmet legislation in Australia, for example, there was a reduction in the number of people who cycled. Different groups can put forward counter-arguments either in favour of or against the proposal. That is why I appeal to Members to allow the Bill to get to Committee Stage so that they can scrutinise it, call for evidence and determine whether that evidence is conclusive.

I read a range of reports that claim that cycling has not been reduced. To be honest: it was

difficult to get an authoritative study that shows that that is the case. The Australian Monash University found that:

"The first year following the introduction of the helmet wearing law coincided with a reduction in the number of people riding their bicycles. By 1992, two years after the law, the number of bicyclists was approaching pre-law levels in adults and children but was still greatly reduced in teenagers."

It stabilised after the two-year period.

6.45 pm

I have read other studies that argue that there was a reduction in the numbers of cyclists at some of the survey points in Australia but that other environmental factors caused a dip in those figures. A conclusion of an authoritative review of various studies into the impact of helmet legislation by Macpherson and Spinks in 2008 concluded that:

"Although the results of the review support bicycle helmet legislation for reducing head injuries, the evidence is currently insufficient to either support or negate the claims of bicycle helmet opponents that helmet laws may discourage cycling."

Earlier, I referred to a 2010 Canadian study, which found no adverse effect on the number of people who cycle. I will share my references with my colleagues in the Chamber, if they wish. I have the information, and they can see it for themselves.

I am not for one minute dismissing claims that cycling incidence reduces after the introduction of helmet legislation. In fact, it is out of concern for any negative impact that I have proposed a three-year introductory period, if the legislation were approved, during which there would be a publicity campaign and time for schools, the Department and other parties to enter into a full awareness campaign. That full three years would allow ample opportunity for those groups and other cycling groups to come on board and to become aware of the regulations.

Another common argument against mandatory helmet legislation is that the use of cycle helmets is a matter for individuals to decide for themselves. That is the same civil libertarian movement argument that was made against compulsory motorcycle helmet use, compulsory seat belt wearing and the smoking bans. I will make some counter arguments. First, there is the issue of child protection. We have rafts of

legislation in relation to the health and safety of all children, which place legal requirements on parents and carers. We insist that children under a certain size have appropriately sized seats in cars, for example. Secondly, following an accident, there is a resulting, often lifelong, obligation on the state to provide financial and other support to the now disabled person. In other words, head injuries have a wider societal impact. It is not only the injured person who suffers; it is the wider family and community.

The seat belt and motorcycle helmet legislation provides a precedent for the mandatory use of health and safety equipment to protect the individual from injury.

Some organisations, including Sustrans, argue that it would be better to have higher standards of safety in general with, for instance, more cycle paths and speed limits of 20 mph in residential areas. I do not agree that they are mutually exclusive; they are not. I agree that there should be a maximum speed of 20 mph in residential areas, and I proposed that a number of years ago in the House. I asked parliamentary questions, particularly in relation to more cycle paths, because we know that one of the key elements of the Programme for Government is greater participation in sport. In bringing forward this legislation, I do not for one minute want to have a detrimental effect on participation in cycling.

I accept that there may be an initial negative impact on cycling numbers while people make the cultural shift towards the habitual use of a cycle helmet that will be necessary under the legislation. I have no desire to see a drop-off in cycle numbers. I want more people to use bicycles. That is why the Bill proposes that, prior to making helmets mandatory, there should be a three-year period in which there will be an extensive campaign by various Departments to educate and encourage more voluntary use of helmets.

Although some people oppose the Bill, many more responded positively to the consultation. Most of the responses, particularly those from the community sector, policing partnerships, local district councils and the health sector, were supportive of my efforts in proposing the Bill.

The British Medical Association is strongly in favour of mandatory helmet legislation. The BMA has informed me that its pro-helmet legislation policy is shared by the following organisations:

the Royal College of Surgeons in London; the Royal College of Paediatrics and Child Health; the Royal College of Nursing; and Headway, the brain injury association.

I refer to a recent statement from neurosurgeon Roy McConnell who, on a UTV 'Insight' programme on the subject over the past summer holidays — I think in July — said:

"In the last ten days, we've had six children with very serious head injuries all having been admitted, all were on bikes and none wearing helmets. The parents had bought helmets, but the children had opted not to wear them. I think largely because it's not cool. In the last week, we've had three children admitted to the intensive care unit — we've had neurosurgery on three so far and we're removing brain haematomas. We're measuring the pressure in their heads and treating them with drugs to treat the pressure in their heads. We're also seeing a lot of skull fractures."

Those are the words of a neurosurgeon from the Royal Victoria Hospital, appealing to legislators in Northern Ireland to make a difference to stop not just the pain and suffering of the children involved, but the grief of the parents.

I made the point about positive responses from community health organisations, children's organisations, district policing partnerships and local authorities. Members will be glad that I am nearing a conclusion.

I am aware that the Bill has caused a certain amount of controversy and understandable concerns. People have genuine concerns that the legislation may discourage cycling. However, the evidence that I have seen suggests that many of those claims and concerns are exaggerated, and there is no clear evidence for them. That is why it is important to bring forward legislation that will enable the Committee — which has much more resources than I have as a private Member — to look at the Bill holistically and gather evidence from other regions and countries across the world to determine who is right and whether the evidence is sound.

There is strong evidence that cycling helmets are effective in reducing head injuries. I have absolutely no doubt about it, and I do not think that any Member in the Chamber has any doubt that wearing cycle helmets could save lives, particularly those of children. There is absolutely no doubt about it. We know that a child does not have the same sense of road maturity as an adult in relation to speed, going around a

corner and various other elements of cycling. That is why it is important from my perspective, purely in the context of road safety, that there is legislation to make a difference.

There is strong evidence that legislation is effective in increasing helmet use. I ask my colleagues to give serious consideration to the evidence and to consider the views of the respected organisations that I have named, particularly those of health professionals and the British Medical Association.

I will end by quoting for the record some extracts from a letter that was recently distributed to all Assembly Members from Sinead King:

"When I was just six-years-old, I fell off my bicycle while playing outside my house. I banged my head in the fall... I was riding a Barbie bike when it happened, which shows how young I was... Had I been wearing a cycle helmet at the time, my life — and the lives of my family — would have been very different... I fell unconscious and was rushed to the Royal Hospital in Belfast. By the time Mum and Dad got there, the surgeons had started to operate. They discovered I had fractured a bone just above my left ear, which led to a blood clot forming on my brain. My long curls were shaved off as the surgeons operated to save my life... I was in intensive care in the neurology ward for a week after the operation, with a drain in my head to remove the excess blood. My family were told it would be a long road to recovery. It was similar to the after-effects of a stroke and I had severe weakness down the whole left-hand side of my body for the next couple of years."

I spent the entire summer of 2008 in plaster and in a wheelchair following an operation to lengthen my Achilles tendons, which had seized as a result of my left-sided weakness."

I had to attend Physio-therapy and regular checkups for 13 years, but I have now been given the all clear, 15 years later"

This is the important punchline of Sinead's letter:

"I don't want other people to go through this, which is why I am so passionate about campaigning to make cycle helmets compulsory. Please support the Private Members Bill to make cycle helmets compulsory in Northern Ireland."

Members, we can all make fancy arguments for and against legislation. At the end of the day, I am trying to prevent the terrible pain and life-long debility caused by head injury. Helmet legislation is just one step towards that. It is just one action that can be taken to improve

road safety. Helmets clearly protect against head injury. International experience shows that legislation significantly increases helmet use. I ask you to give the Bill serious consideration.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. I want to say a few words as Chairperson of the Environment Committee and also as Sinn Féin spokesperson on road safety.

On behalf of the Committee, I commend the Member on the Bill. The Environment Committee considered the mandatory wearing of cycle helmets some time ago. It would be fair to say that it did not come to a clear conclusion. In 2008, the Committee considered initial proposals for a new road safety strategy. It was concerned that the proposed strategy was silent on cycling altogether and made a recommendation to the Department that it give consideration to the mandatory wearing of cycle helmets.

The Committee also requested sight of any evidence that the Department had relating to the wearing of cycle helmets and road injuries. In response, the Department advised the Committee that on that issue it relies on research by the Department for Transport in London. That indicates that the British Medical Association advocates mandatory use of cycle helmets as part of a range of measures to improve cycling safety. However, it believes that the first step before enacting such law is to attain higher rates of voluntary use.

According to the Department for Transport, there is a wealth of published evidence for and against the promotion and compulsory use of cycle helmets. So, in light of the evidence available it is firmly of the view that the wearing of cycle helmets should be strongly recommended but not made compulsory. To date, therefore, the Department has not given formal consideration to making mandatory the wearing of cycle helmets in the North.

The Department also indicated that there has been opposition by cycling groups to making helmets compulsory. However, it pointed out that the latest Department for Transport research project will include representatives from cycling groups, and it was hopeful that the outcome of the work would help to inform a future policy direction that would keep cyclists safe and be acceptable to all parties.

The Committee accepted that response and in its more recent consideration of the road safety

strategy welcomed the measures proposed to improve the safety of cyclists. On behalf of the Committee, I reiterate its ongoing interest in this issue and suggest that it may be an area that a future Environment Committee may wish to look at more closely.

I wish to say a few words as Sinn Féin spokesperson on road safety. I fully recognise and sympathise with the Member's rationale for bringing the legislation forward. I worked with the Member on the road safety group here —

Mr A Maginness: Will the Member, as Chairperson of the Environment Committee, state precisely the Committee's position? You said that the Committee took a view to recommend to the Department that it should be encouraging people to wear helmets. However, was the Committee minded to reject the concept of compulsory helmet use completely or to consider that at a later stage?

Can the Chairperson enlighten the Assembly as to the date on which the Committee made the decision that he believes was made?

7.00 pm

Mr Boylan: I cannot clarify the date, but the Committee concluded that if the issue was brought back to us at a future date, we might consider it. That was possibly two years ago or more. I am just trying to recollect.

Mr A Maginness: The Committee did not take a view on this specific piece of legislation. However, it was dealing with a potential situation two years ago or thereabouts. That is the view of the Committee. However, the Committee does not have a current position on the Bill that my friend has proposed.

Mr Boylan: It is fair to say that.

I fully recognise, and indeed sympathise with, the Member's rationale for proposing the Bill. I also realise that there are merits to his proposal. However, even with those merits, there are areas in the Bill that would be impractical. I want to touch on two such areas.

There is clearly a concern that if the Bill was passed, it would open the door to the criminalisation of parents, who although with the best intentions send their children out on their bicycles wearing helmets, have no control over what they do once they are out of sight. Proposing the Bill, the Member clearly said that

he did not want anyone to be criminalised by its provisions. However, we have to recognise that the Bill proposes that if children are found to not be wearing helmets, their parents are liable for a fine of £50.

I support trying to introduce new measures to protect children in particular when it comes to road safety. However, although there is merit in the principle behind the original idea behind the Bill, the enforcement issue has to be questioned.

The PSNI and the Department of Justice believe that it would not be possible to implement the Bill's proposals due to the extra manpower and administration that would be required. When he is winding, maybe the Member will elaborate on how, if the Bill was passed, he would address that.

Local cycling groups have raised concerns in opposition to the compulsory wearing of helmets. There is evidence that making the wearing of helmets a legal requirement reduces the number of people who take up cycling. I have been a member of the Regional Development Committee for the past four years. During that time, we have been trying to encourage people to go out on bicycles and to get healthier and fitter. One of the members of that Committee who is in the Chamber uses a bike fairly frequently and leads the way on the issue. The Bill may reduce the number of people who use bicycles.

I say all of that while recognising that we must send a clear message that the Assembly supports a strong recommendation for all cycle users to wear helmets. All Members should take this and every opportunity to voice that recommendation, encourage more education and ensure more voluntary use of helmets. Maybe we should look at encouraging those who sell bicycles to sell helmets along with them. I am not sure how we would go about doing that. Maybe we should be trying to encourage voluntary use that way.

Mr McGlone: The Member has been talking about encouraging Members to send out a message. The one way to do that and to send out a very clear message is to pass legislation. We heard similar arguments about youngsters using seat belts in the back seats of cars. Let us encourage safety and use the powers that we have to encourage it by legislating.

Mr Boylan: I take the Member's point and I agree with what he says, but we must be realistic, and any legislation that is passed must be good legislation. I heard Mr Ramsey being interviewed on the radio this morning and his comments about this being a legislative Assembly. However, the main arguments against the Bill concern how enforcement will be rolled out and dealt with. How that will be undertaken is unclear. As spokesman for Sinn Féin, I have reservations about the Bill.

We could address the issue through education, encouragement and other methods. At some point, the Committee for the Environment may recommend looking at the legislation again, but that may not be possible in the current mandate. Unfortunately, I cannot support the Bill as drafted.

Mr Ross: It was evident from Mr Ramsey's opening speech that he is passionate about the issue. It can be an emotive subject, and Mr Ramsey told the House about some of the personal stories that he had heard, which highlight the importance of debating the issue. However, I was slightly concerned when he referred to "bicycle helmet opponents", although I do not think that he meant to phrase it in that manner. The argument against legislating for the compulsory wearing of helmets is certainly not one of being completely opposed to their use. Those are two very different things.

The Chairperson of the Committee for the Environment mentioned that the issue was discussed a number of years ago in that Committee under the chairmanship of Patsy McGlone. That discussion formed part of the Committee's discussion on road safety, and, as the current Chairperson correctly said, no agreement was reached at that stage. Indeed, almost all Committee members aired reservations. It was one of the only issues on which there was debate, because the Committee worked well on the road safety strategy and agreed most of the areas in the strategy in their entirety.

I congratulate Mr Ramsey on bringing this private Member's Bill to the House. He has raised awareness of the issue, which is important even if I cannot ultimately support the Bill's passage today. As this is the Bill's Second Stage, I will stick to debating its general principles rather than get into some of the detail about the level of fine, any waivers, where they

should kick in and who should pay a fine for minors.

The Bill is well intentioned. I share Mr Ramsey's passion for road safety and better safety, whether for pedestrians or users of cars, motorcycles or bicycles. My record over the past four years shows that I have taken a keen interest in road safety issues, both in Committee and in tabling motions on graduated driving licences (GDLs), lowering the drink-drive limit and supporting 20 mph limits around schools and in built-up residential areas, to which Mr Ramsey referred in his opening remarks.

Mr Ramsey said that this issue is controversial. However, after I proposed the introduction of the GDL, there was some controversy, and I took quite a bit of flack from young people. Controversy is not necessarily a bad thing if it gets a debate going, educates that debate and raises awareness of an issue, and controversy has certainly done that for this Bill.

I want to see more people using cycle helmets. It is important that individuals look after their own safety when they are on the road, whether they are pedestrians or cyclists or they are driving cars, motorcycles or anything else. The message is getting through and more people are wearing helmets while cycling on our roads.

I disagree with the Member's opening comments in that I do not believe that the legislation is necessary or appropriate. The temptation for legislatures to look as though they are always active and looking to do something and, therefore, to legislate, is always there. However, that may be as a result of media interest in what the new Assembly does. Nevertheless, legislation in certain areas is not always necessary or desirable. Indeed, on many occasions, I have argued that the Assembly will not, ultimately, be judged on the volume of legislation that it passes but on the quality of that legislation and its impact on the community that we seek to represent.

Mr A Maginness: I assure the Member that the Bill is not being introduced for the sake of legislating. I know that my friend Mr Ramsey would not do that. The legislation has raised issues on the compulsory wearing of safety helmets for bicyclists. It is an interesting debate, and it has caused considerable interest inside and outside the House. I know that the Member agrees that it is a good debate and a worthwhile discussion. If that is the case, will

he vote for Second Stage to provide a further opportunity for the matter to be thoroughly researched and for the arguments to be gone through in greater detail in Committee? That question is not just for Mr Ross, but for other Members. Whether one is for the legislation or against it, I would have thought that the process of going to Committee and having the legislation dealt with thoroughly would be important for the House and for the public.

Mr Ross: I thank the Member for his contribution. I do not think that Mr Ramsey is introducing legislation for the sake of it. I recognise that the Bill is well intentioned, and I made reference to that. Ultimately, it is my view that the legislation is not desirable, and I have already made it clear that I will not support it at Second Stage. The reason is that the general principles of the Bill are debated at Second Stage, and the general principle is to make it a legal requirement for anybody using a bicycle to wear a helmet, and I disagree with that. It would not be desirable to make it a legal requirement for those who ride bicycles to wear a helmet, and, in the course of my speech, I will try to make the argument that led me to that decision.

There is a plethora of evidence and research on making the wearing of cycle helmets compulsory. I have read much of that research and evidence, as well as personally contacting cycling organisations in my East Antrim constituency and throughout the length and breadth of Northern Ireland. Having done that research and spoken to people — from those who cycle every week as part of clubs to those who casually cycle to their local shops to keep fit — I do not believe that it would be right for the Assembly to criminalise those individuals who ride a bicycle a few hundred yards down the road to pick up milk once a week if they do not wear a helmet. That is not in the public interest, and it would not be a good use of police time. If that individual were to refuse to pay a fixed penalty notice of £50, or whatever else would come from the legislation, it would not be a good use of court time. I find it difficult to argue that it would be in the greater public interest if we were to criminalise those who do not wear helmets.

I said that I had personally contacted many cycling groups throughout the Province. As the proposer of the Bill said, many of those organisations are opposed to the legislation for a number of reasons, but mainly because they

feel that it would result in fewer people riding bicycles.

This morning, I read some of the press comment from Tim Edgar of the CTC, which is a UK national cyclists' organisation. He said:

"there's robust evidence that making helmets compulsory puts people off cycling in the first place."

He also referred to Sustrans. Any Members who have worked with Sustrans in their constituencies are aware of how important it considers cycling to be and how much it tries to get people to take up cycling, particularly on the safer routes to schools initiative, which I have worked on in my constituency. Sustrans has also expressed reservations and pointed to how similar laws in certain areas of the United States had reduced the number of people using bicycles.

7.15 pm

This is not a new concept, as the Member who proposed the legislation said. The idea of making it compulsory to wear helmets has been around for over 20 years. So, too, has some of the research and evidence that has led us to the views that we are expressing in today's debate. Some of that research has shown that despite higher numbers of people wearing helmets in areas where legislation was passed, there was no notable reduction in the numbers of cyclists reporting to hospitals or doctors with head injuries. There is also evidence that suggests that the physical outcome for the majority of accidents involving cyclists and other road users, such as cars or other motorised vehicles, may not differ irrespective of whether a helmet is worn. Some of that evidence is useful in deciding whether we should have the legal obligation to wear helmets when cycling.

It is important, in deliberating a Bill such as this, to consider many factors, including the unintended consequences of legislation. I always talk about unintended consequences, but it is important that we examine them when deciding on a Bill. It is also important that we examine the safety aspects; the health of an individual cyclist; the environment; the human rights element, which is not something that I talk about a lot, but there is a human rights aspect to this; how easy it would be to enforce the legislation; and the costs, not only to the individual, which I imagine are fairly minimal, but to the Department, the police and the Court

Service. There are delays in the Court Service at present, and this could add to those.

A huge factor is that such a law might discourage people from cycling, as I and other Members have mentioned. Many organisations argue that the health benefits of cycling outweigh the risks. No Member, from any side of this Assembly, wants to see fewer people cycling. No one wants to discourage people from getting on their bicycles rather than taking their cars. We all want to encourage people to have a healthier lifestyle.

Mr Ramsey referred to some of the evidence from Victoria, Australia, where legislation for compulsory cycle helmets was introduced in the early 1990s. There was a 36% drop in the numbers cycling, although that, perhaps, levelled out over time. However, it is important that we look at that. There is also evidence from some of the states in America where this law was introduced. In the United States, cycle helmet legislation differs from state to state. Where it was introduced, there was a dramatic decrease in the number of individuals cycling. There is also evidence that many people disregarded the law altogether and that, too, is something that we should take into consideration.

Mr Ramsey also talked about some of the provinces of Canada that introduced the compulsory wearing of helmets. If we look at that evidence in the round, it is important to note that a number of improvements were made to pedestrian safety and general road safety, which coincided with that legislation, so it is unclear whether compulsory wearing of cycle helmets made the difference or whether there was a general change in the culture of road safety. At that time, there was a huge awareness campaign in those Canadian provinces. There was also some separation of traffic and more cycle lanes were introduced.

Legislation making the wearing of cycle helmets compulsory has been rescinded in some jurisdictions in the United States and in Mexico. We could trade statistics on this all day. However, an interesting thing for all Members to note is the position in the Netherlands and Denmark, where there are high numbers of cyclists. Anyone who visits the Netherlands and comes out of the central train station in Amsterdam recognises that there are hundreds

of cyclists around. Indeed, they have priority over motorised traffic in Amsterdam.

Denmark and the Netherlands have many cyclists and among the best road safety statistics and the fewest injuries for cyclists. Importantly, they also have among the lowest numbers of cyclists who wear helmets. We have to ask ourselves why that is. If people in the Netherlands and Denmark are not wearing helmets, why do they still have a better road safety record? It is down to issues such as public awareness and the fact that the number of cyclists changes drivers' attitudes. Drivers are more aware of cyclists and the dangers for them, and they adapt their driving accordingly. In some towns in the Netherlands, cycling traffic is separated from motorised traffic, which is also important.

Opponents of the mandatory wearing of cycle helmets point out that many other parts of the body can be injured in cycling incidents. It is not only about head injuries, and in many cases, a helmet would not necessarily save an individual's life. That is an emotive issue and is difficult to debate, but it has to be taken into consideration.

Some major organisations claim that the benefits of wearing cycle helmets have not been proven. I do not necessarily sympathise with that argument, and I feel uncomfortable voicing it. It is similar to debates many years ago about boxing and whether the headgear that an amateur boxer wore actually caused him more damage because of the extra weight on his head and its impact on his neck. It is worth putting those concerns on the record and also the concerns of those who believe that cycle helmets could strangle an individual if he or she fell off a bicycle.

As the Chairperson said, we all have a responsibility to encourage cyclists to be careful on the roads. They should take whatever precautions that they feel are necessary, including wearing cycle helmets or reflective clothing. I encourage those individuals to do that. Occasionally, as I am leaving the Building, I see Mr McDevitt wearing his cycle gear and reflective clothing, which makes cyclists more visible, particularly in the evenings. It should not be illegal not to take those precautions.

People who favour legislation argue that it would prevent further head injuries for cyclists, but I am not necessarily convinced by that argument.

There is no law to stop anyone wearing a helmet. People who take responsibility for themselves and wear helmets will continue to do so. It is argued that people must take personal responsibility for wearing reflective clothing, and so on. Parents also have a responsibility to ensure that they know where their children are and that they are wearing any required safety gear.

It is slightly disingenuous to argue that this legislation will prevent tragedies. There is evidence from around the world that in many tragedies involving cyclists — each one is a tragedy — the wearing of a cycle helmet would have made no difference. In accidents involving lorries or larger cars, cycle helmets make minimal difference. I listened to the arguments about seat belts and motorcycles, but the situation with bicycles and cycle helmets is different because protection is afforded only to the head. It is important to bear in mind those arguments.

There are differences between the mandatory wearing of seat belts and motorcycle helmets and the smoking ban. I do not think that that is a fair comparison. We know that motorbikes travel at considerable speeds and accelerate very fast, and cars are much the same. Likewise, seatbelts are different because they protect the whole body and other passengers in a car. If those in the back seat are shunted forward in an accident, the people in front of them are protected. There is a wider issue there.

Mr Ramsey talked about the smoking ban. In that case, the personal choice of someone to smoke has a direct effect on other people. Again, it is a different argument to make.

Many Governments around the world have debated the issue of cycling helmets and have ultimately decided against implementing legislation, with the exception of Australia and some states in the United States. It is my understanding that the Executive have discussed the issue but could not agree on it and will not support the Bill.

I have considered the issue and have looked at the evidence from many places around the world. I have listened to the concerns of cyclists and cycling organisations, and I have decided that I will not support the Bill. However, irrespective of the result of the debate, I hope that Mr Ramsey will continue his efforts and will work with officials in the Department of the

Environment and DRD to ensure that there is greater understanding and awareness of cycling issues in an overall road safety strategy, perhaps to improve cycling standards or, speaking as someone who did his cycling proficiency test in primary school a long time ago, to ensure that children are taught safe techniques when they are learning to ride their bicycles.

It is the same for everyone. There is an awareness that people need to improve their riding skills. There should be a greater emphasis on individual responsibility for wearing reflective clothing and helmets and for understanding issues on the road. Arguably, improving cycling standards overall is far more important than whether we approve the Bill's Second Stage tonight. I hope that Mr Ramsey will take up those issues with officials in those Departments so that we can ensure that the message gets out and the public are aware of it, which will mean that we will not have to legislate to make wearing cycling helmets compulsory.

Mr Kinahan: I congratulate Mr Ramsey for all the work that he has done to put the Bill together. I was incredibly impressed by everything that he put into his argument. I feel slightly wrong in not agreeing with him about the route that he is going down because of the amount of work that he has put in. I also congratulate Headway on its thorough lobbying. Its representatives must keep that going. They will realise why when they hear my comments later.

All of us who received the e-mails on the subject will have been particularly hurt or will have great sympathy with the harrowing story of the family in Newry. We realise that this is an incredibly important matter and that wearing protective headgear while riding bicycles is important. It is not that which I oppose today. I believe that we must tackle the issue in a slightly different way.

I am concerned that we need to get the legislation right. We know that much of what we do in legislative chambers has effects that we did not think would happen. For example, the smoking ban, which seemed exactly right from a health perspective, has led to a reduction in the number of pubs and the loss of a whole way of life. We know that the Dangerous Dogs Act 1991 created the very dogs that we were trying to prevent becoming the weapon of choice for criminals. We can all find more examples, but I use those to illustrate the need to do correctly

whatever it is that we choose to do about the matter.

It is envisaged that the Bill will be enacted in three years' time. If that is the case, we should take more time over it. The Bill proposes a £50 fine, which, again, I would like to look at in more detail. The Committee for the Environment has been discussing £75 fines for litter, and the responsibility for numerous other measures will be transferred to councils, which will be able to enforce fines. I would like to look at that in more detail. Even on the £75 fine, it took much discussion to decide the direction in which to go.

7.30 pm

The Bill sets out that it is to be the police who enforce the fine. Our police have plenty to do at the moment. Indeed, they have so much to do that we all complain that there are not enough of them on the streets carrying out all their other tasks. I am sure that all Members also know that the youths on the street, most of who act perfectly normally, feel that they are being treated unfairly by not just the police but the communities around them. A £50 fine, although aimed at parents, may increase that feeling among young people. I want to see more detail on how we will deal with that.

I take on board the fact that Mr Ramsey is not trying to criminalise people. That is absolutely right. We have to get the right balance with the legislation. We also know from the Bill that Mr Ramsey wants a database to be kept. Who will keep that database? Will it be kept by the police? We are trying to minimise the amount of red tape that the police have to follow, so that we will get more police on the ground rather than having them back at base buried by red tape. I want to know more about it. In Mr Ross's very thorough speech, we heard about numerous other matters, such as injuries and the pros and the cons. I would like to have heard more.

In case Mr Ramsey thinks that I am against the Bill, I reiterate that I think that this is exactly the right way in which we should go, but not quite so quickly. I have been on the Committee for the Environment for just under two years, and the Bill has not appeared before us in my time. All that I have seen of it is what has come through in recent e-mails. It is very new to me, hence my doubts and my wanting to know so much more.

I want to see the statistics, but I also want a chance to hear all the arguments that go with them. In the past few weeks, I have heard and read statistics that indicate that the number of people bicycling in Australia went down. However, I also heard today that that number went back up again quite quickly. As we all know, we can use statistics in almost any way that we want. I go back to my point that I want to learn more. I would like to see the Bill in front of the Committee.

We have only 13 weeks left. Mr Ramsey may be aiming the Bill at the Committee for the Environment, but we have a busy schedule already, particularly with the Planning Bill. That reinforces my point. I would like to hear all the arguments. I would like a good amount of time. I would like consultation. I would like to know what the police think. We have heard from Mr Ramsey what the police said, but I would like to hear from the police themselves and for them to discuss the matter with the Committee.

There are many other things that we can encourage. Mr Ross and Mr Ramsey talked about having a good public awareness campaign and educating and campaigning, through parents, schools and even salesmen. I would like to know what we have in place at the moment. When I bought bicycles for my children, I was encouraged to buy helmets. That is right, but it should be enforced. I am told that VAT is not paid on helmets, which is also right.

We need to look at the speed limits such as the 20 mph speed limit that was mentioned and perhaps others. However, when we suggested a 45 mph speed limit on country roads, we were told that the police could not enforce it. We need to know whether it is possible to enforce what we are trying to put in place today. We can do much more, such as designing safety helmets in a way that makes children want to wear them. There is a whole mass of detail that I want to learn about. However, buried in the back of my head is the idea of freedom. We legislate too often, too much and on too many issues. I reiterate that I want to know more.

I went through the windscreen of my Mini when I was 18 years old. I was not wearing a seat belt. If I had been wearing a seat belt, I would not be here today. Cars have improved since then. They have airbags, they are stronger and everything else, and it is all part of making things safer. I went across to one side of the car, out through

the windscreen and then hit my head. You can all make your own judgements about what effect that has had on me. *[Laughter.]*

I also spent a lot of time of riding, which as many Members will know is one of the most dangerous sports, and did not wear a helmet. My mother fell off once and landed on her helmet, and she did more damage to herself in that way. There are a lot of things that we need to get right when putting through legislation. I know that we have to do something about this issue and would, therefore, like it to be addressed during the next Assembly mandate. If Mr Ramsey and I are here and if I am on the Environment Committee, I will work with him to try to ensure that we get the right legislation through. However, I think that today is the wrong time to do that.

Mr Lunn: Like other Members, I congratulate Pat Ramsey on all the work that he has done in the preparation of the Bill. I know that he has a long-standing commitment to road safety, because I worked with him on the all-party group and on road safety committees. I also know that he has a great personal interest in the issue and has certainly brought it to the fore in the Assembly in the manner in which it deserves.

I will certainly encourage my grandchildren, the eldest of whom is six, to wear a helmet when they are of cycling age and will ensure that their parents encourage them to do that too. Some years ago, my friend came off his bicycle in the main street in Hillsborough, County Down. He was going up the hill rather than down, so there was not much speed involved, and there was not a vehicle involved either. He simply hit an obstruction or grating on the road, came off his bike and hit his head off the edge of the pavement. He has not worked since and will not do so again. It was the simplest accident that one can envisage, and I acknowledge that a helmet made to today's standards would certainly have saved him an awful lot of grief and pain.

It has been some time since I have dealt with an issue that has produced such diametrically opposed views among the cycling fraternity and the medical profession about the right way forward. Pat quoted the BMA at some length. It now appears to be in favour of a Bill, but just not yet. The BMA wants a process of encouragement to try to increase the voluntary use of helmets, and, in advance of whatever

Bill eventually comes before the House, that is to be absolutely encouraged. It amuses me slightly that organisations such as Sustrans and the CTC want a measure of personal freedom, given that I am absolutely certain that their representatives all wear helmets. I think that it has been confirmed that they do indeed wear helmets and other protective gear on their various rallies and runs.

I think that Mr Ramsey and others made the point that it would perhaps be better at this point if it were left to the Committee to bring the legislation back another day, almost inevitably during the next mandate. Now that the Minister is here, perhaps he will confirm whether it is even possible to take forward the legislation. However, he will have a job doing so, because it appears that everybody is opposed to it. Having said that, would it be practically possible to bring it to a conclusion, given the timescale and the workload of the Environment Committee? I very much doubt that it would.

A lot has been made of Sustrans's opinion that making helmet wearing compulsory would lead to a massive reduction in cycling activity. Frankly, I do not know whether or not that would happen. However, there appears to be some evidence from around the world — Australia, Canada and New Zealand — that such a law causes a fall in activity. However, there is also evidence that activity increases again and that it does not really make much difference in the short to medium term. If I know the people of Northern Ireland, I think that they would probably continue to use their bikes and defy the law, rather than put them away because they had to wear a crash helmet. That would lead to another problem that Members highlighted: what do the police do about it?

It would not be a criminal offence; just a bit of paperwork. I would like to hear the views of the police in more detail. Perhaps the Member who delivers the winding-up speech can confirm whether any research has been done in that area.

Sustrans and the other main cycling organisations emphasise health issues and are concerned about the deterioration of the nation's health. We should be doing everything that we can to encourage children in particular to indulge in physical activity for the very obvious reason that children are getting bigger every year. A bit of exercise would not do most of them any harm. I am in favour of anything that encourages

physical activity. The question is whether the introduction of compulsory wearing of helmets would put a block on that activity. I really do not know. Are persuasion and education better than legislation?

If we reach a vote, I think that it is fair to say that my group would be slightly split. On balance, I think that we would vote to allow the legislation to continue its passage, but we would much prefer the more sensible course of action: that the legislation be left for now and brought back in the next mandate when the Committee would have the chance to have a proper look at it, as various Members have said, and have a proper discussion. The Committee could take evidence on the Bill in the normal way and bring that information back to the House in a more considered form so that, perhaps, we could reach agreement on it.

I must confess that I did not wear a helmet in my cycling days. In fact, in my cycling days, I do not believe that there were cycle helmets. If I tried to cycle now, I would not need one, because I would only be able to travel around 100 yds. However, I acknowledge the terrific work that has been done on the Bill. I hope that that work is not lost and that we can come back to it in due course. Hopefully, Mr Ramsey will be here to pilot it through its various stages once again.

Mr Bell: I pay tribute to Mr Ramsey, who is one of the gentlemen of politics. He put a very sincere and eloquent case. I should say from the outset that, on balance, I do not think that the evidence supports that case, but there is an important debate to be had. The crucial point is that there is nothing to prevent anyone from wearing protective headgear. On the rare occasion when I get on a bike, I wear a helmet, and my two children wear helmets when they get on their bikes. Generally, when I am putting the bikes away in the garage at night, I put the helmets over the handlebars, so that when they wheel the bikes out of the garage, the helmets are there, ready to go on.

We should give every encouragement to people to wear a helmet. That should be a voluntary choice, based on a lot of the evidence that Mr Ramsey outlined. In setting out his case, he said that, on the rare occasion when someone has an accident, a helmet will afford a level of protection. For all those reasons, the message

should go out from the House that anybody who cycles should wear a protective cycling helmet.

The question is whether we should impose legislation to effectively criminalise people for not wearing a helmet. Part of our job, which is often not reported, is to consider and scrutinise the legislation before us. My reading of the legislation is that it is not just when cycling on a public road that one has to wear a protective helmet; one must be worn when cycling on any open space. Therefore, up and down Portavogie or Cloughey or on many farms, if people want to cycle across a field, are we saying that they have to wear a protective helmet or else pay a £50 fine, or impose a £50 fine on the parent if they are children?

It basically says to the police that if they see a child on a bicycle who is not wearing a helmet, their duty is to stop them, take down their details and — not in the first instance but certainly in the second — fine their parents £50.

7.45 pm

There are strong arguments for and against, and I know that some people think that the balance has gone too far in favour of a nanny state. I received an e-mail that congratulated me on being a child of the 70s. It listed all the things that we did: we were able to go out and play all day without a mobile phone, we went out and played and were told to come home when it was dark and we all drank lemonade from the same bottle. It finished by stating that we rode our bicycles without helmets and survived. There is something in that. People from Newtownards and other places have lobbied me saying that the choice should be theirs not ours.

Is this the most effective form of legislation? Speeding by people in vehicles causes much more damage and injury. Those who are guilty of speeding are fined £60 and given three penalty points, but people who ride their bicycles without a helmet will be fined £50. A balance has to be struck in favour of encouragement but not in favour of legislation that will ultimately mean that the Police Service must not only prosecute but must keep a database of all the people whom it has stopped without a helmet. The legislation must be approached with great sensitivity. Just because I do not support it does not mean that I do not empathise with the sincere testimony of people who have been injured.

The question is whether the legislation could do harm. The argument from those who are looking for sustainable transport and from cycling organisations is that the legislation would reduce physical exercise and cycling. Therefore, would the House not be better directing its mind towards legislative measures in road safety, better cycle routes and better encouragement and advice to drivers? Is that not a better use of legislation and legislative tools than a blanket ban? The question is whether the police could enforce it. In one sense, they can, because, if they are out and about and see someone without a helmet, they can stop them, take down their details and issue them or their parents with a fine of £50. If the cyclist is moving, do the police go after them in a car? How exactly would they go about it? Should bicycles have a registration plate? The task becomes extremely difficult and onerous.

Many of us have argued for different policing priorities —

Mr Ross: The Member makes a compelling point about the practicality of police enforcement, but there is also a desirability issue. Is it desirable and in the public interest for the police to go after an elderly person who rides their bicycle a few hundred yards down the road to get a loaf of bread or a pint of milk and fine them? I think that most Members will agree that it is not.

Mr Bell: I support that fully. The Member for East Antrim makes the point very well. If we manage to detect only seven out of 10 burglaries —

Mr A Maginness: I understand the argument that the Member is making. However, in making law one tries to get across certain values, and the value here is one of personal safety for people, particularly children. There is a declaratory element in the legislation that the Member fails to take into consideration when he goes through that sort of legislative gymnastics.

The Member should look at the value of the Bill, which is about getting that message across firmly to the public, particularly young people. With respect, I think that that is what the Member is forgetting about.

Mr Bell: I take the Member's point about value. However, safety is the value that we should put across. I am not sure about the argument that he advanced about legislative gymnastics. If he means that the adequate scrutiny of legislation, which is our role, is gymnastics —

Mr A Maginness: If the Member is saying that the Bill needs to be scrutinised more, will he assure the House that, when it comes to the Second Stage vote, he will vote for it to go to Committee Stage?

Mr Bell: It is interesting that the Member asked me to assure the House about something that I have already declared I will vote against. Our role is to scrutinise the Bill and to ask whether it is valid. Is it valid to criminalise every child who comes home from school but forgets or, for whatever reason, decides not to put on a helmet? Is it valid to chase up each of those children and subject their parents to a £50 fine? Is that best value? In effect, that is what the Bill would mean. Anyone who scrutinises the Bill would find that that is exactly what we would be asking for. We would be asking a police patrol, which usually comprises two people in a car — sometimes, one car may be somewhere else doing something else, so only one car might be available — to pull over to stop a child, take down their details and go through a bureaucratic process of finding their parents, which would require the setting up an entire level of administration to register their names. As the Bill states, all that effort would be for something as simple as crossing from a yard to a field, because —

Mr Ross: I thank the Member for giving way. Everybody in the House would agree that we want to ensure that as many people as possible cycle. We want people to cycle so that road congestion can be tackled and individual fitness and health improved. We also want increased road safety and safety for cyclists. I think that we can all agree on that. Members on this side of the House differ from Members on the opposite Benches on whether legislation is necessary to do that. The Member made the point well that an unintended consequence of the Bill might be that fewer people cycle. Members on this side of the House would point out that we could encourage more people to cycle and could increase road safety and awareness of road safety issues by perhaps using an awareness campaign or a road safety strategy. We believe that, through such a campaign, we could get to that point without legislation.

Mr Bell: For those reasons, which I will not repeat, that is the point on which I will conclude. Let it not be said that there is anything less than the most sincere sympathy in the House for people who have suffered.

Mr D Bradley: The Member's points are similar to those that were made when legislation on seatbelts was being introduced. It was said that they were an incursion on personal liberty and that the police would not be able to properly patrol the situation. However, as it turned out, all those arguments were false, and everyone now recognises the benefits of seatbelts in reducing the number of serious injuries and saving lives. Surely if the Bill were implemented, it would have the same effect. Therefore, the Member's arguments do not stand up.

Mr Bell: The first premise that needs to be examined is whether, as with seatbelt legislation, driving a motorised vehicle is the same as riding a bike. It is not. Is the speed of a push bike the same as that of a motorised vehicle? It is not. Is the volume of traffic the same? It is not. Therefore, if it is not the same for those and many other criteria that I could go through, we are not comparing apples with apples. We are talking about a completely different means of transport.

The message that should go out from the House is that the common advice — it is almost common sense — is that people should wear protective headgear. However, if a child takes a bike out, not just on the public road but on any open space at all, he or she is, under the legislation, to be penalised with a £50 fine for not having a helmet on. That is too excessive a tool.

I looked at the evidence from the cycling fraternity. I do not know whether I did so exhaustively, and I am sure that I did not consult everybody. However, that research gave me a very strong lead that I should not go for legislation. That is the view of the cyclists themselves. The information and evidence base suggest that, in Northern Ireland, where, let us face it, we do not exercise enough and are meant to be encouraging a more healthy lifestyle, the introduction of such a punitive measure would decrease the amount of cycling. There may be evidence to the contrary, but the evidence that I read strongly suggested that cycling would decrease.

The Bill asks for police enforceability, but in light of the level of policing and resources that we have and the criminal challenges that we face, I wonder whether it is right to divert the police from some of the most serious crimes. Many of us have been campaigning for a visible police presence in town centres, particularly at the weekends. Is it right to divert them to

speed checks or, given all the administration and policing resource costs, to finding and penalising people who are cycling without a helmet on any open space? To me, that is not an effective police priority.

Mr Callaghan: The Member paints a picture of the Bill imposing a draconian requirement on every police officer who encounters a child or a pensioner on a bicycle with some groceries in the back basket to be, as he put it, criminalised with a penalty notice. Does the Member recognise that, in fact, the Bill provides for a police officer to use discretion? The wording in clause 4 is that the officer “may issue” a notice, not “shall issue” a notice. Furthermore, under the waiver clause, clause 6, the appalling vista of criminalisation can be waylaid if the person involved produces proof of purchase of a cycle helmet at a police station within 28 days.

Mr Bell: I will deal with each of those points in turn. If I read the legislation correctly, the waiver is only for the first offence. Therefore, a police officer could, potentially, stop a seven- or eight-year-old child and have to consult a database to see whether a first offence has been waived. I will give way again if he can show me the second waiver in the legislation.

Mr Callaghan: I would be grateful if the Member could explain to the House where in the Bill is the requirement for the constable to establish whether a waiver was previously given. Either there was a charge or there was not a charge, and it is taken forward on that basis.

Mr Bell: The answer to that is contained in the legislation that we are expected to be scrutinising and speaking on this evening. The legislation is clear, which is why I gave the Member the opportunity to respond. He suggested that there could be continual waivers. The legislation is clear: there can be a waiver only for the first offence. Therefore, the logic is that the police officer who stops the eight-year-old child has the option to waive the penalty if it is the child's first offence. However, if it is the child's second offence, the legislation does not allow for that to be waived. That is why the legislation is poor.

I agree with the Member that the thrust should be to wear a helmet. The Member's argument is the same as mine: we should all encourage people to wear a helmet. However, the police have discretion or, in other words, the police should not enforce the law that is in front of

them. If that is the case, it should not be law. If you are saying to a police officer that you are training them to do a job, but that, if they find someone who is breaking that law, you do not want them to prosecute, it should not be law.

8.00 pm

Mr Callaghan: Will the Member give way?

Mr Bell: Yes, one last time.

Mr Callaghan: Given that the Member has put out a challenge to me, I am grateful for the opportunity to clarify the position. Obviously, the waiver applies where a penalty charge has been issued for the first time. I was making the point that the constable has discretion to issue a penalty charge in the first place, before consideration of the waiver kicks in. I think that the Member is mistaken in assuming that the waiver is the discretion at the point of the incident that is encountered by the police officer. To my understanding, that is not the meaning of the Bill, and the discretion that I was pointing out in the Bill applies regardless of whatever waiver kicks in after any penalty charge is applied.

Mr Bell: My reading of the legislation is that the waiver is there for the first offence, not for the second offence. If you are starting from the premise of having law but writing into that that it can be waived, does that not negate the need for legislation?

The Member raised a valid point about production of a receipt. According to the legislation, a person can have the offence waived if, within 28 days, they can produce a new receipt for a new helmet. What happens if the eight-year-old child already has a helmet? Effectively, the police person can waive the £50 fine but only if the parent can produce a new receipt for a new helmet. That is the way that I have read the legislation. It says that they have to produce a new receipt for a helmet. Does an old receipt for an existing helmet count, or do they have to produce a completely new receipt?

Mr Ross: I fear that we are delving into the detail of the Bill when, at Second Stage, we are supposed to look at the generalities. I do not want us to get too far distracted from the main point. Whether the individual is a 70-year-old gentleman taking his bicycle to his local shop or whether it is a 10-year-old child, the question that needs to be at the forefront of Members'

minds is: is it in the public interest for the police and the courts to pursue that individual? If they fail to turn up at the police station within 28 days or refuse to pay a fixed penalty notice, is it in the public interest to seek a prosecution against a 70-year-old man who went to his local shop or against a 10-year-old child? That is the main issue on which we need to keep our minds focused in this debate.

Mr Bell: It is in the interest of public health that we should encourage helmets to be worn, but it is not in the public interest that we should legislate against helmets not being worn. It is in the public interest to encourage exercise, but the Bill has the potential to deter significant numbers of people from cycling.

Why is the cycling fraternity largely telling us that it does not want a legal ban? Many people in the cycling fraternity wear protective headgear as a matter of course. Is the legislation enforceable and in the public interest, whether for a child or a pensioner who is on any aspect of open space? Is the correct tool a legislative instrument to penalise that person to the tune of £50? I say that it is not, but Mr Ramsey has made his argument very well on what we should advertise, educate for and encourage.

Mr McDevitt: I suppose that I should declare an interest in the debate. I arrived here this morning by bike, and, when we eventually leave here, I will do so by bike. It is worth noting that, weighing 7 kg, my bike is very light. When I cycle down the hill, it will probably hit around 35 miles an hour. Coming off anything at that speed is dangerous, so I never get on a bicycle without a helmet, irrespective of what other clothes I might have on.

This is an interesting debate, and it is interesting that it has polarised Members who care about and enjoy cycling. People who cycle tend to do so for freedom and because it gives them the opportunity to get around the city quickly. They do not have to worry about parking, and, to some extent, they are allowed to bypass some of the rules and regulations of the road in order to go freely wherever they want. While they are doing so, they are exercising, so cycling is fantastic.

This city is made for cycling. It is not particularly hilly, nor particularly large, yet we have designed it and continue to design it in a way that utterly impedes the take-up of cycling and puts obstacles — particularly for women, research

suggests — in the way of people wanting to get on their bike. Those obstacles exist because we design everything around the basic premise that the only thing that ever goes on a road is a motor vehicle.

Mr Ross talked about Amsterdam and the fact that there is a preference for bicycles in great continental cities. As a result, there are more bicycles than cars. In this city, there is no preference for bicycles, so there is nothing but cars. It is worth reflecting on our shared ambition, which is to get more people to use sustainable transport. Cycling is a very affordable, healthy form of sustainable transport, and people should be as safe as possible when doing it. As legislators, we need to take every reasonable step that we can to ensure that they are safe while doing it.

There are many things that we could do, and making cycle helmets compulsory is just one of them. However, to my mind, there is no danger in sending the Bill to Committee for further debate. There is much more danger in pulling 98% of the cycling budget out of Belfast, which is what we did this year. There is a lot more danger in refusing to consider seriously 20 mph zones in urban residential streets, which we doggedly do, hiding behind small pilot schemes.

Mr Ross: I understand the point that the Member is making, but, at Second Stage, we are asked to support the Bill's general principles. The general principle is that it should be a legal requirement for anybody on a bicycle to wear a helmet. I disagree with that. That is why I am voting against the Bill's Second Stage this evening. I understand the argument, but the Member needs to understand that there are Members on this side of the House who disagree with the general principle of having to wear a helmet when on a bicycle. That is why I will vote against the Bill.

Mr McDevitt: I appreciate Mr Ross's views. We should be debating the Bill's general principles and its policy merits. That is the point at this stage of debate. It is not about the level of fine or the modality of the exercise of that fine. It should be about considering the evidence, and I think that we all come to the House with a desire to be evidence-based in our policymaking and to ensure that that evidence is deeply contested. I say that as someone who is a proud member of the cycling fraternity and cycles around City Hall at the drop of a

hat to demonstrate against any Minister who threatens any budget for the cycling fraternity. However, it is not an open-and-shut case. There is ample evidence, and I have read it. I have a huge amount of sympathy with lots of it, which suggests that making anything compulsory can act as a barrier to uptake. However, equally, there is evidence elsewhere that contradicts that.

The fact is that all the evidence that we have been debating is now somewhat outdated. The advances in technology, particularly headgear technology, over the past decade have been massive. Any Member who rummages through the back of the garage or shed at home and finds a helmet that was bought a decade ago will see that it does not compare to the headgear that we wear now or might have bought in the past couple of years. Helmets today are entirely different pieces of kit. Therefore, there is a strong and significant argument for the debate on the issue to continue. I say that as someone who wants the debate to come down on the side of the cyclist. As someone with a vested interest, I say that I do not want anything on the statute book in this region that will be an impediment to cycling uptake. However, in all honesty, I cannot, at this moment, form a judgement on that from an experiential point of view or from the evidence that is available. The reason why I cannot do so is that I believe that globally, regionally and across these islands, we will benefit from looking at where we are on the issue; advances that have taken place in the past six or seven years; changes in the design and technology of helmets; and changes in behaviour.

I am sure that Members will agree that the number of people on bicycles in the city today is unbelievable compared with the number five years ago. That is probably because of the ride-to-work scheme, which is a fantastic and simple initiative. The Civil Service cannot get its head around implementing it yet, which is a bit of a joke. The Minister may take that away, and I am sure that he will. It is a fantastic scheme that simply incentivises people to get a bike. When they are incentivised to get a bike, as they were by the Minister last year, they may decide to use it to get to work only once or twice a year. However, if they do that just once or twice a year, it is a huge advance on the situation of 10 years ago when it was, frankly, considered uncool and socially unacceptable to be on a bike. It was a poor man's thing, which is nonsense.

Therefore, I urge colleagues to reflect on the fact that, although there is a huge and significant debate to be had on the Bill's policy merits, there are also significant evidential gaps on the type of policy evidence or research that we would need to consider in order to inform our view.

I appeal to those Members who make it back to the Assembly after the summer break to make a concerted effort to get here at least once a month on their bike.

The Minister of the Environment (Mr Poots): I welcome the opportunity to consider the Cyclists (Protective Headgear) Bill, which has been proposed by the Member for Foyle Mr Ramsey. Outside the Chamber, the mandatory wearing of cycling helmets is a hotly debated subject. That has been matched by views that have been expressed here this evening. It has been a good debate thus far. It has certainly provided Members with the chance to make their own contribution to the debate. It also allows me to clarify my position on the proposal to legislate to require cyclists of all ages, whether on the road or off-road, to wear helmets while cycling.

Before I get into the arguments for and against legislative intervention, I want to recognise the time and energy that has been given to the issue by the Member for Foyle Mr Ramsey. I know that his views are sincerely held. He means well in bringing the issue before the House. I welcome the fact that he has done so and that Members have exchanged views on the issue.

The Bill seeks to prevent injury. The excellent work that has been carried out in that complex area by the medical profession and others, such as the brain injury association Headway, has also been highlighted. I am sure that all Members will agree that we should commend the efforts and commitments of those who are involved in the Health Service and the work that they do, particularly in dealing with head injuries. The lifelong process of adjustment that is required of individuals affected by brain injury and those who care for them is a highly emotive subject. Certainly, the personal story that Mr Ramsey related to the House was emotive. However, emotion is not a sound basis on which to make good legislative decisions. The best legislation is based on clear objective evidence; will be effective in addressing the issue that it is intended to resolve; and will not have significant unintended consequences. Therein lies the problem: although a lot of research has been

done in this area, findings have been interpreted in very different ways. In fact, one of the few things that are clear is that there is absolutely no consensus on the benefits of making cycling helmets compulsory. Therefore, it is not surprising that there is no legal requirement elsewhere in the UK or, indeed, in the Republic of Ireland for cyclists to wear helmets.

As the Minister with responsibility for road safety, I will make my position clear on the use of cycling helmets. I am convinced that, in the event of a collision, when a cyclist hits their head, a cycle helmet can be effective in reducing injury in some cases. My Department's policy is demonstrated in the advice that is given in the 'The Highway Code'. It reflects that position by strongly encouraging all cyclists to wear an approved helmet of the correct size and that is safely secured. That might make Members wonder why we do not want to go that step further and make the wearing of helmets compulsory. Although the Bill is well intentioned, I believe that it overlooks some significant downsides in requiring the compulsory wearing of cycling helmets.

8.15 pm

With its complex system of warnings, penalties, appeals and intrusion into what many people believe should be a personal choice, is the legislation the most effective way to improve road safety, personal health and well-being? Will it convince people to exercise that responsibility? I do not believe that it will. Many other steps can be taken in the first instance. We can look at training, particularly the training of young people, and the opportunities to take young people through another series of steps on how to use the roads safely while cycling. There are also issues around the training of drivers. As I said before in the House, I do not believe that the current driving test is fit for purpose. It is largely a test of manoeuvrability, as opposed to a test of driving skills and how drivers should respond to other road users, such as pedestrians, cyclists, motorcyclists or horse riders. All those people are more vulnerable as a consequence of poor driving.

I also have a responsibility to protect and promote the natural environment. Cycling is a sustainable form of transport that brings environmental benefits. I stress to the House that cycling is not a dangerous form of transport. Mr McDevitt, who gave his experience of cycling,

will agree with me. In that respect, we do not want to give it the appearance of being dangerous, and, as a consequence, something that people will choose not to do, so as to avoid the perceived danger.

Cycling is also a leisure and sporting activity with huge potential to improve personal and public health. Although there is no question in my mind, therefore, that we must encourage cycle helmet use, we, as a Government, also want people to cycle more. There is a bit of a difficulty with that, to say the least. A real worry for me is that the evidence seems to indicate that, if you force people to wear a cycle helmet, you will end up with fewer people cycling. As Members may be aware, many prominent cycling organisations in Northern Ireland are strongly opposed to the introduction of compulsory helmet-wearing for that very reason. They raised concerns that the introduction of similar laws in other countries has led to reductions in people cycling. In Northern Ireland, only 0.25% of the 6,000 miles that we travel each year is on a bicycle, and around 0.5% of the 900 journeys is on a bicycle. Can we afford to reduce that usage further?

My views on road safety are well known. No level of road death is acceptable, and I strongly believe that that is the case for all road users. In comparative terms, cycling is not a major contributor to the overall road safety problem in Northern Ireland. Figures indicate that the non-legislative interventions that are in place are having a huge and positive impact. There were no adult cyclist deaths in 2009 or 2010, and there have been no child cyclist deaths in Northern Ireland since 2005. Data show that the number of road casualties involving cyclists has fallen dramatically over the past decade, despite a concurrent increase in cycling as a mode of transport. Some of the deaths that have occurred would have occurred in any event, regardless of whether the cyclist was wearing a helmet. A lot of the impact was taken in the lower part of the body and was a result of impact with a heavier vehicle.

Setting aside the possible impact on the level of cycling and the potential loss of the wider environmental and health benefits, there will be significant costs associated with the Bill. I did not mention costs until this point, as it is never easy to talk about money when talking about road safety. However, I can assure Members that, if I genuinely believed that the Bill would

be effective in further reducing road casualties, I would strongly support it.

Road safety work carried out by my Department is, like all other work, determined by budget resources, and our work is prioritised by identifying the main causes of road deaths and serious injuries and then allocating resources accordingly. Members will see that, if the Bill were to be passed, it would have significant cost implications for my Department. Those would include the funding of a campaign to promote the voluntary use of cycle helmets and raise awareness of the Bill. Alongside that would be the establishment of an adjudicator's appeal system, with the associated accommodation, administration and staff costs. All of those would likely have to be met from existing budget allocations, meaning that some of the resources directed at the main causes of death and serious injury would inevitably have to be diverted. That would mean moving our focus away from inattention, carelessness, speeding, drink- and drug-driving and failure to wear a seatbelt. Those are the very issues on which, all the evidence tells us, we must focus the bulk of our efforts and resources. Indeed, many of those measures are currently keeping cyclists safe on our roads.

As I have stated, the Bill is undoubtedly well intentioned, but it is not needed. Evidence from eminent bodies such as the BMA and the Department for Transport has led me to what I am convinced is the correct view: there is no compelling case for compulsion. We should continue to do all that we can to encourage helmet-wearing through voluntary initiatives and other non-statutory measures. I strongly counsel against the diversion of scarce, finite resources to implement such potentially counterproductive legislation.

I will also indicate that the Executive, from DRD's perspective, wish to encourage more people to cycle and would therefore have difficulties with the Bill. The Health Department faces something of a dilemma because, on one hand, if we introduce the compulsory wearing of helmets there might be a small downturn in the number of head injuries, but, on the other hand, there might be a significant further rise in obesity and other health problems associated with lack of exercise. I have outlined my own Department's issues. The Department of Justice feels that it is not implementable and would not be a good use of police resources. So, within

the Executive there was a clear view that we would not support the Bill, and I speak on behalf of the Executive on the issue.

I call on Members to consider the wider implications of the Bill and support my position and that of the Executive in opposing its further passage. There is not adequate time to properly address the issues, in any event. I was criticised for bringing a Bill before the House in December — I think by members of the party opposite — because there would not be enough time to discuss the Bill. It is now February, and this Bill is at the same stage. I therefore do not think that we would do the Bill justice if we gave it the go-ahead to go to Committee Stage. The Member would perhaps be better coming back in the next term — I trust that he will be here in the next term to do that — and giving some further thought to the issue.

Mr P Ramsey: I thank all Members for their contributions. They were not all favourable, but the point of my exercise all along was to ensure that there was public discussion of the use of cycle helmets. Hopefully that will continue. There may not be an appetite for the Bill at the present time, but I certainly have hope. There is evidence out there that is clearly steering me towards the legislation point of view. Members can talk, and I listened to the Minister intently. Other than cycling groups, I am not sure who else he consulted.

There is clearly uncertainty about the evidence, and that was my principal point. When there is uncertainty and clarity is required, it is more important that a Committee should have the opportunity to audit that, bring in evidence, write to other jurisdictions and get a definitive answer as to whether there has been a detrimental effect cycling across the world.

The Minister said that no other jurisdiction in Britain or Ireland had such legislation. However, the States of Jersey is bringing forward a proposition requiring the wearing of cycle helmets, particularly among children. Twenty-two states in America have passed legislation, as have Australia, Canada and New Zealand. It is my view, which I make on behalf of the parents to whom I spoke, that the children of Northern Ireland need the same protection as the children in those states in America or in Australia and New Zealand. That protection is vital.

I met Michelle Donnelly here today. Michelle is from Strabane. Her daughter fell off her bike

in July. She was not travelling on her bike, but she fell off it and was rushed from Altnagelvin Hospital to intensive care in Belfast. She said on the radio that she would have much preferred to pay a £50 penalty than face the stress and trauma of having to take her daughter to hospital and its aftermath. I will not go into the details or circumstances.

If the Bill became law, I would not expect the PSNI to drop everything and run down lanes or into private areas to apprehend people; I did not want them to start targeting cyclists either. I expect — it is in my Bill — the police to use discretion at all times when enforcing the law. I expect them to give advice and warnings where appropriate, as they generally do anyway. However, I want the police to be armed with the sanction to enforce the law on cycle helmets. Why do I want that? Because of the unnecessary pain and suffering of the families who have been in contact with me and who initially came to an all-party road safety group meeting here at Stormont.

Mr Ross: I understand the emotive argument that the Member is making. However, there is nothing preventing any cyclist from wearing a cycle helmet. What is important is that in the cases that the Member mentioned — there is a powerful argument to be made there — there is an argument for increased awareness of road and cycling safety. That does not need to be done through legislation, which, whether he intends it or not, could affect the 70-year-old gentleman cycling to his local shop or a child. That is where the problems are for this side of the House.

Mr P Ramsey: I thank the Member. He was clear that he was absolutely opposed to any form of legislation. However, I say to him again and to all Members that the important thing was to allow the Committee to examine all the facts thoroughly, including the rights and wrongs and uses of cycling helmets and to look at other areas.

The Minister outlined in great detail his Department's position. I met departmental officials on this issue and sensed some encouragement from them. The Minister said that he had listened to cycling groups. Did he listen to any other groups? There is a raft of groups. I must say that he acknowledged the contribution of Headway and the significant contribution of the medical profession, which

works in difficult and distressing circumstances when dealing with parents.

I admit that there is a bewildering array of arguments, and that is why I wanted the Committee for the Environment to examine the Bill much more thoroughly than we are doing here. This was about the general principle of the Bill. Members opted to cherry-pick elements of it. That is up to them; that is what we are here for.

Cathal Boylan, as Chairperson of the Committee, spoke about the Committee seeking information and evidence from the Department.

He said that the Committee asked the Department whether it would consider the introduction of the compulsory wearing of cycle helmets. That was so long ago. As my colleague Conall McDevitt said, we need to be looking at up-to-date models of best practice, even when it comes to the manufacturing of helmets. I am not sure whether the Environment Committee had the opportunity, and I will give way if necessary, even to look at the Bill. It would have been a good measure for the Committee to do that.

8.30 pm

I made the point very early in the debate that there were no circumstances under which I wanted to criminalise anyone for not wearing a cycle helmet. That was clearly instilled in the Bill. The Chairperson referred to that.

I know that the Committee is under serious pressure, given that other pieces of legislation are coming through, but, because of the sensitive nature of the Bill, I am disappointed that more time could not have been taken to deliberate on it.

Alistair Ross was honest enough to say that he was totally against the Bill. He talked about awareness and the general principles of the Bill, saying that it was well intentioned. He made a point that we all agree with: we want to see more people wearing cycle helmets. The figures are alarming. A 2008 survey indicated that on major roads, in built-up areas, 34% of adult cyclists and only 17% of child cyclists wore helmets. That is not good enough when it comes to trying to reduce the number of accidents on our roads.

Mr Ross: Will the Member also acknowledge the argument that I made that countries such as the Netherlands and Denmark, where a very low proportion of cyclists wear helmets, have a much better cycling safety record. That leads

us to deduce that the argument is not about whether it should be a legal requirement to wear cycle helmet; it is about the awareness among the public and those who are driving cars and are sharing roads with cyclists. That is where the Assembly should focus, instead of going down the route of legislation, which, as I said, regardless of whether the Member intends it to or not, will criminalise people.

Mr P Ramsey: It would not criminalise people; at most, people would receive a penalty notice.

In the Netherlands, the Government have invested hugely in infrastructure. That is why the Netherlands has such a vast array of cycle lanes — far more than in any other European country.

Danny Kinahan thought that my approach was reasonable. He was very sympathetic, particularly towards the families of those injured as a result of not wearing a cycle helmet. He was struck by some of the e-mails and testimonies. He made the point that wearing cycling headgear was very important. He also made the point that we should be taking time to give the Bill more consideration. That is what I was asking for from the very start.

We talked about police enforcement. I was not totally won over by the argument that the police should enforce the legislation. Had somebody suggested another method of enforcement, such as a local government idea under the new structure, I would certainly have examined it. However, such suggestions would have been made when the Bill was going through its scrutiny stages. If somebody had tabled a reasonable amendment to the Bill, I would have considered it. When I and the Bills Office staff examined the issue of enforcement, the police seemed to be the obvious choice.

I sensed, and Danny conceded this, that the Committee is so busy that it might not be able to take on something else. He talked about speed limits and alternatives to the Bill. We all agree about speed limits. While the Minister is here, I want to say that something has to be done in residential areas, such as imposing 20 mph limits to reduce the number of people, particularly children and old people, who, unfortunately, are at the wrong end of things when accidents occur.

Trevor Lunn said that he would ensure that all of his grandchildren were well wrapped up when they went out on bicycles. He acknowledged

that helmets can make a serious difference. There is no doubt that that is true. He said that there were a range of views on other matters and asked whether the Bill could be brought to a conclusion. I was not rushing the Bill through, expecting to get a definitive answer before the mandate was over. In fact, in private conversations that I had with a number of Members, I said that I was prepared to allow the Committee to take its time.

If they had to wait until the next mandate, that might allow the Department to kick-in, if there were evidence available, about whether it is correct to proceed with the Bill. Mr Lunn talked about the Alliance Party being split on the subject, but he was generally supportive of Bill progressing to Committee Stage.

Jonathan Bell felt that the debate is important. I know that he is intensely opposed to the £50 fine, but, having spoken to Michelle Donnelly, Sinead King and parents, I know that they would have paid that fine gladly, rather than have their children being injured. Indeed, Michelle and Sinead have championed the use of cycling helmets to ensure that other children wear them. Children are at a higher risk of injury from cycling accidents, and the vast majority of injuries occur not on roads but when children are outside their own houses and when they are getting on or off their bikes. That is the evidence that I have received, and the incident in Strabane, which left a three-year old girl in intensive care in Belfast, occurred after she came off her bike in her own back garden.

The Assembly's function is to scrutinise legislation. Jonathan made that point also, and that is why I want the Bill to proceed to its Committee Stage. If it does so, it can be scrutinised for the next six months, and we can find out who is right and who is wrong, and whether there is any conclusive evidence.

Jonathan also made the point about better road safety and creating more cycle routes, and we all support that. We need investment for that, and, in my initial comments, I referred to the Programme for Government and the importance of encouraging greater participation in sports such as cycling. Cycling groups made the point that the Bill will have a detrimental effect on participation in cycling. However, the evidence that I saw is that participation rates stabilise after a period of time.

Conall McDevitt supported the Bill, and he is one of the key Members of the Assembly who is a cyclist. He raised the point that 90% of the budget for cycling in and around Belfast has been cut, which is worrying when we take on board some of the points that were made by other Members about trying to encourage greater participation in cycling. Conall also has a passion for 20 mph zones, as most Members do. We need to deal with that issue and I call on the Minister to take that up. I know that the jury is out with Conall as to whether we should go down the route of legislation, but he is clear about the need to get evidence and look at global, regional and local situations. There are arguments on both sides. We must examine all the evidence and not just whether it has a detrimental effect. We need to conduct a major case study, and the only way that that can happen is if the Bill progresses to Committee Stage.

In contributing to the debate, the Minister of the Environment talked about this as being hotly debated subject matter, which it is. However, it is only hotly debated within cycling groups. I make the point again: the only people who are objecting to the Bill, from the hundreds of consultation papers that were issued throughout Northern Ireland, were members of cycling groups. I received responses from district policing partnerships, local authorities, health authorities and surgeons across Northern Ireland who were supportive of the Bill. I say to the Minister that he should consult and take opinions from that community. District policing partnerships comprise councillors, community representatives and professional people, and the vast majority of those who responded to me supported the Bill.

The Minister said that Members favour improving public health, and I certainly agree with that.

However, and with this I will finish, I became involved in the all-party group on road safety when it commenced in the Assembly and, for personal reasons, I have a passion for road safety. Headway encouraged me to introduce the Bill, and I believe that the parents who have been in contact with me are correct: the best way to make our children safe is to have legislation to make them wear helmets. At the last minute, I appeal to Members not to agree on legislation but to agree to allow the general principle of the Bill to go to Committee and be scrutinised further so that professionals

can study and gather evidence so that we can decide which side we are on.

Question put.

The Assembly divided: Ayes 20; Noes 18.

AYES

Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Callaghan, Mr Dallat, Dr Farry, Mr Gallagher, Mrs D Kelly, Mr Lunn, Mr A Maginness, Mr McCallister, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGlone, Mr P Ramsey, Ms Ritchie, Mr Wells.

Tellers for the Ayes: Mr PJ Bradley and Mr A Maginness.

NOES

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Boylan, Mr Butler, Mr T Clarke, Mr Girvan, Mr Hamilton, Mr Kinahan, Miss McIlveen, Ms Ní Chuilín, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr Ross, Ms Ruane, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Bell and Mr Ross.

Question accordingly agreed to:

Resolved:

That the Second Stage of the Cyclists (Protective Headgear) Bill be agreed.

Adjourned at 8.52 pm.

Northern Ireland Assembly

Tuesday 1 February 2011

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

Members observed two minutes' silence.

Ministerial Statement

Hillsborough Castle Agreement: Policing and Justice

Mr Speaker: I have received notice from the Minister of Justice that he wishes to make a statement.

The Minister of Justice (Mr Ford): With your permission, Mr Speaker, I wish to make a statement on the progress that has been made against the actions set out in section 1 of the Hillsborough Castle Agreement of February 2010, entitled "Policing and Justice".

The section begins and ends with a commentary and a number of commitments regarding the institutional aspects of the devolution of justice, before going on to state that there will be an addendum to the Programme for Government for the Department of Justice (DOJ) to be drafted by the Justice Minister and brought to the Assembly for approval.

Members will recall that, in September 2010, I secured the agreement of the Executive to such an addendum and that it was accepted by the Assembly with cross-community support on 12 October 2010, which was another important milestone on the journey to effective devolution.

The addendum set out the priorities of the Department of Justice. Although it focused on the current financial year, in line with the remaining period of the Programme for Government, the addendum laid the foundation for an agenda of change that will impact well into the longer term. Although it was not possible to incorporate all the Department's activities in 15 key goals, in broad terms those goals underpin a strategic framework for reforming and reshaping the justice system in Northern Ireland. An indication was also made in the Hillsborough Castle Agreement of actions

that the agreed policies of the Department could usefully include, all of which were reflected in the addendum. It is on those that I wish to focus.

The first action listed was to build on the ongoing tribunal reform programme. Although the Department of Justice is responsible for the administration of the majority of tribunals sitting in Northern Ireland, the statutory, financial and policy responsibilities for many of those tribunals remain with other Northern Ireland Departments. The devolution of justice provides the opportunity for the DOJ to assume those responsibilities. I have now secured the support of the Justice Committee and the Executive for such a transfer, and the recent settlement of departmental budgets allows my officials, working with their counterparts in relevant Departments, to agree the appropriate transfer of resources. Although time is now undoubtedly tight to deliver this agreement and for the transfer Order to be made before dissolution, I remain committed to the creation of an administration for tribunals that is more independent and user-focused and provides value for money.

The next action highlighted in the agreement was that the Department of Justice should learn from international best practice in matters of criminal justice. The Department and those whom I have appointed to assist me as I carry forward my agenda to reshape the justice system are looking to international best practice. Examples include the youth justice review team, which has commissioned a review of the international evidence on teenagers in custody and how the transition from childhood to young adulthood is managed in that context. The proposals for an offender levy and victims of crime fund provide another example, having been informed by learning from research commissioned on international best practice across a range of jurisdictions where similar levy

systems operate, including the USA, Australia, Sweden and Belgium.

The third action identified was the full provision of adequate funding and other resources for legal services to the disadvantaged in society, ensuring equality of access to justice for all. In response to that, in September 2010, I announced a fundamental review of access to justice. The review is examining, from first principles, the question of how best to secure access to justice for all, including the least well off in society, and is focusing particularly on whether there are better ways of resolving disputes, including approaches that do not require court action. The review will also examine value for money and will seek to identify opportunities for efficiencies. The review is being undertaken by Mr Jim Daniell. Although a first report was due at the end of January, Mr Daniell has agreed to a request for an extension from the professional legal bodies to allow them to submit comments. I expect his first report in March 2011 and a final report by the end of June 2011.

The fourth action identified was the establishment of a sentencing guidelines council. Public confidence in sentencing is fundamental to an effective criminal justice system, and it was with that in mind that, in October 2010, I launched a public consultation exercise on a sentencing guidelines mechanism. The consultation seeks views on how three options for a sentencing guidelines mechanism may enhance public confidence, transparency, consistency and community engagement in sentencing issues. The consultation had been due to end on 18 January 2011, and, although a good range of submissions had been received by that date, I agreed to extend the deadline to facilitate additional respondents who wished to make submissions. I will publish a report on the responses before the Assembly is dissolved, and I hope that the new Executive will make decisions on the way forward as a priority.

The next action identified in the agreement was a review of alternatives to custody. For the safety of our community we need prisons. However, if prisons are to play an effective role in safeguarding our community, they must be used effectively and only when they are the most effective response. Today, I am launching a paper reviewing community sentences. The consultation paper explores the role and scope of community sentences, drawing comparisons

with national and international experience, and examines whether there is the potential to make more effective use of such disposals, including, where appropriate, as an alternative to short-term custodial sentences for lower-risk offenders. Crucially, the paper also addresses the issue of public confidence.

We need to get past the perception, or misperception, that community sentences are a soft option. They provide challenge, engagement and supervision, often across a period that is longer than that imposed on those who go to prison for short sentences. Three out of four of those who get a probation or community service order do not reoffend within a year; indeed, Northern Ireland is a leader when it comes to the effectiveness of such sentences. They provide a context in which an offender can be challenged about his or her behaviour and can undergo programmes to address underlying issues. Alongside that, they lead to offenders putting something back: community service orders result in 140,000 hours of unpaid work each year for the benefit of the community.

I want to encourage an informed debate about the role of community sentences, particularly as they have an important place in complementing custody. One aspect of that debate is how community penalties sit with short prison sentences. My colleague Dermot Ahern, until recently Minister for Justice, Equality and Law Reform in the South, recently indicated an intention to legislate to encourage greater use of community service orders as an alternative where a short prison sentence would otherwise have been imposed. No one disputes that imprisonment remains the most appropriate sentence for those who commit serious offences or pose a substantial risk of harm to society. However, community sentences have a vital place in steering offenders in the next category towards addressing their behaviour and making better decisions in the future. We need to build confidence in community solutions. I want to listen carefully to those with views on the matter before formulating robust plans for the future.

The next action identified in the agreement was adequate provision of diversionary alternatives to prosecution. The Justice Bill responds to that and includes provision for the introduction of police fixed penalties as an alternative to prosecution at court. The new penalty notices enable uncontested offences by first-time or

non-habitual offenders, which often result in fine-based disposals on conviction, to be dealt with quickly and effectively without the need to engage the formal court process.

The Bill also includes provision for the introduction of prosecutor-led conditional cautions. Those cautions will target specific aspects of behaviour through the offender's agreement to comply with rehabilitative or reparative conditions that address issues that underpin their offending behaviour. Those new measures will complement a raft of diversionary measures that are already available to police and prosecutors, including exercise of police discretion with victim consent, juvenile and adult informed warnings, juvenile and adult cautions, youth conference orders and community-based restorative justice referrals.

The next action identified was a review of the powers of the Prisoner Ombudsman, in light of experience elsewhere. I have been and remain committed to putting the powers of the Prisoner Ombudsman on a statutory basis and have taken initial steps in considering how best to achieve that. Conscious of the work undertaken by the Office of the First Minister and deputy First Minister in relation to the powers of the Assembly Ombudsman and the need to ensure that we consider all appropriate options, I have written to OFMDFM to seek its views on the wider issue of considering ombudsman services more generally. On receipt of a response, I will consider how we should proceed with the review indicated in the Hillsborough agreement, including how we best take account of experiences in other jurisdictions.

The next action identified, which is one that I prioritised immediately on my election as Minister, was a review of the conditions of detention, management and oversight of all prisons. Members will be aware that I announced such a review in June 2010. The very impressive review team that we assembled, led by Dame Anne Owers, has been engaged in that work since July. The team is nearing completion of the first stage of its review, which I hope to publish later this month. The review will be crucial in ensuring that we achieve the kind of transformation and change that is necessary for the service.

The next action identified was a comprehensive strategy for the management of offenders. Work is under way to develop such a strategy

under the heading of a 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 that hinder them from getting back out of it. It is a broad project with far-reaching links across a number of Departments. It will demonstrate, more than any other, that, if we are really serious about reducing offending and reoffending in Northern Ireland, we will need to bring an Executive-wide focus to the task. The target for the publication of the strategy is February 2012.

A comprehensive reducing offending strategy will inform the direction of the criminal justice system over the next five to ten years. My expectation is that there will be opportunities for immediate improvements, but opportunities for substantial and sustainable gains are likely to mean investing in actions in the short term to reap benefits in the medium and longer term. Nowhere is that more evident than in the case of early intervention with young children at risk of becoming involved in offending. If we can divert young people from offending, the potential benefits for them, their families and communities and, indeed, Northern Ireland as a whole are enormous.

The next action identified was consideration of a women's prison that is fit for purpose and meets international obligations and best practice. The issue of appropriate women's prison facilities in Northern Ireland has been on the agenda for many years, but I am determined to resolve it. A business case is under development, and it takes account of projected future accommodation need and the potential to divert women from custody through appropriate community sentencing and early intervention. Further site options are being explored, and the 2010 capital allocation to the Department of Justice provides an opportunity for greater certainty about the potential to redevelop the sections of the prison estate, including women's facilities, that are in greatest need of investment.

Other key actions were identified in the agreement. One of those is a review of how children and young people are processed at all stages of the criminal justice system, including detention, to ensure compliance with international obligations and best practice. I announced the commencement of that review in November 2010, and the review team has been

engaged in an intensive series of meetings and briefings with a wide range of stakeholders, including the judiciary, young people, departmental officials and representatives of the statutory, voluntary and community sectors. The review team will report its findings and recommendations to me in June 2011.

10.45 am

Another action was the development of a victims' code of practice to set out the minimum standard of service that criminal justice agencies will be expected to provide to the victims of crime and to consider whether all or part of such a code should be placed on a statutory footing. I announced a public consultation on the new code of practice in October 2010, and that consultation closed last week. Our next step is to review the responses with the aim of launching the code in advance of the dissolution of the Assembly in late March.

The final action identified in the agreement was a miscellaneous provisions Bill. That action is, of course, being delivered in the form of the Justice Bill, of which Members will be well aware. Its provisions include new and additional alternatives to prosecution, to which I referred; the creation of new policing and community safety partnerships; sports provisions; the creation of an offender levy that will resource the new victims of crime fund; and extending special measures for vulnerable and intimidated witnesses giving evidence.

I should also provide the Assembly with an update on one aspect of the financial settlement, which was detailed in a letter from the then Prime Minister and then reproduced in the text of the agreement. The terms included a commitment that the Executive would have access to the reserve to meet any exceptional security pressures relating to policing and justice. On the same basis, HM Treasury was prepared to make available up to an additional £37.4 million in 2010-11. The Treasury provided that £37.4 million and approximately £13 million of additional support in that year. Under that aspect of the settlement, we have made a detailed and compelling case in recent months for an additional £200 million to help to maintain the service's need to tackle the threat from terrorism over the next four years. I am assured that that case is in the final stages of consideration at the very highest levels of government.

Operations such as the one that we saw in north Belfast last week are a stark reminder of the need to protect our community from those who are intent on death and destruction in defiance of the clearly stated will of people from every community across this island. I will continue to press for an urgent decision that will provide the confidence that our community needs at this time.

I believe that we can look back with some sense of achievement on the matters that we committed to as parties at Hillsborough on 5 February and as MLAs in this place on 12 April. I am pleased to say that I have found the justice system as a whole ready and willing to change. I wish to place on record my thanks to the many officials and stakeholders across the system who have made such a significant and positive contribution to the programme of operational delivery and strategic reform in which we are engaged, a programme that goes well beyond the work that I have detailed in this statement. I also thank the Justice Committee, under the chairmanship of Lord Morrow, for its advice and assistance since devolution last year.

I have said on numerous occasions that we will be judged on how the Assembly and Executive carry out their new responsibilities for the benefit of all the people of Northern Ireland. I must say that, in the many and varied contexts that I find myself as Minister of Justice, the expression that I hear from our community is one of enormous goodwill and continued support for the decision that we took to devolve justice powers to the Assembly. That continued support must not be taken for granted, and I wish to stress that, although much progress has been made, the programme of work that I outlined will present the Assembly with some significant decisions and challenges in the early years of the next mandate. If the parties in the Assembly continue to work together, we will retain the goodwill, support and co-operation of our wider community. The introductory paragraph of the Hillsborough agreement described its text as:

"an affirmation of our shared belief in the importance of working together in a spirit of partnership to deliver success for the entire community."

Let that be our guide.

The Chairperson of the Committee for Justice (Lord Morrow): I thank the Minister for today's

statement and wish to ask him about a couple points around it.

The Minister referred to the financial settlement and, in particular, to the commitment that the Executive would have access to the reserve to meet any exceptional security pressures relating to policing and justice. He also highlighted the bid made by the Chief Constable for an additional £200 million. Does he agree with the Justice Committee that it will not be possible to agree the budget for the Department of Justice until confirmation has been received that the bid will be granted because of the severe implications for that budget should it be unsuccessful or only partially successful? Given the very tight timescale within which we must have an agreed budget in place, it is imperative that the Treasury indicate immediately that the bid will be met in full. It would be helpful if the Minister could outline the actions that are being taken by him, the Minister of Finance and Personnel and the Executive as a whole to ensure that the bid is successful.

The Minister mentioned a review of how children and young people are processed at all stages of the criminal justice system. Will that review address the regrettable and totally unacceptable avoidable delays that currently happen in youth cases?

Finally, will the Minister provide the date on which the interim report on the review of the conditions of detention, management and oversight of all prisons will be available and the likely timescale for the achievement of the transformation that he believes is necessary for the service? Does he think that reform is likely to take three or four years or longer to achieve, or does he envisage it taking place in a shorter period?

The Minister of Justice: I thank Lord Morrow for that series of questions. I think that he claimed there were two, but I counted three, one of which had two parts.

First, he raised the extremely important issue of the financial situation. I met the Chief Constable and the Secretary of State as recently as yesterday afternoon. The Secretary of State informed the Chief Constable and me that the matter is being processed at the highest levels of government and is near to conclusion. I think that the Secretary of State is in no doubt — I do not believe that the Ministers in the Treasury could be in any doubt — about

the vital importance of that £200 million bid being granted over the next CSR period. I have pursued that action continually with the Chief Constable over recent weeks and months.

The bid has also been supported in practice by the Executive and by the Minister of Finance and Personnel, in that an additional £45 million is being granted in the CSR period from Executive resources. That is the key to showing that this Assembly and Executive are doing all that can be expected of them to unlock the additional bid. However, Lord Morrow is absolutely right: the consequences of that bid not being met in full would be extremely serious for us all.

Lord Morrow also referred to delays in the court system. That has been one of my priorities since I took office, and some progress has been made. For example, there is better working between the PSNI and the PPS than we saw a year or two ago, but there is undoubtedly much more to be done. If young people are to be taken to court, they deserve an early court hearing in order that they can be made aware of the consequences of their actions at an early stage, which is likely to aid in the rehabilitation process. There is no point in delaying a young person's case for years because, when they get to court, they may well have forgotten what the offence was all about. The issues of youth justice and delay include the concerns that Lord Morrow raised.

Lord Morrow asked specifically for a date for the publication of the interim report on the management and oversight of prisons. I understand that we are likely to be in a position to publish the report from the Owers team before the end of this month, but that is but the first step in a multi-step process. We need to start to make reforms in the Prison Service at a very early point, on financial grounds if nothing else. It is, frankly, unlikely that those will be achieved in full before close to the end of the next CSR period. However, we need to start making some early wins to ensure that we improve the management of our prisons and make some of the financial savings required.

The Deputy Chairperson of the Committee for Justice (Mr McCartney): Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra.

I welcome the Minister's statement. He knows that we have supported the prisons review; indeed, we met the review team on a number

of occasions. There are a number of reports from the Criminal Justice Inspection about corporate management and governance as well as other reports, including those from the Prisoner Ombudsman. Given that there has been a recent announcement that corporate manslaughter will be put on the statute book —

Mr Speaker: I urge the Member to come to his question.

Mr McCartney: I was just laying the context for it, a Cheann Comhairle.

As we await the outcome of the interim report, is this an appropriate time for the Minister to take steps to put the powers of the Prisoner Ombudsman on a statutory basis?

The Minister of Justice: I thank Mr McCartney for helping me to set out the circumstances. His remarks were possibly slightly briefer than mine.

The Member asked whether this was the time for statutory powers for the Prisoner Ombudsman. I said in my statement, as on other occasions, that I am committed to statutory powers being granted. However, in the context in which the First Minister and deputy First Minister are reviewing the process for ombudsmen in general — I understand that the matter is also before the Committee for the Office of the First Minister and deputy First Minister — there is a limit to what we can do if other matters are changing and may affect the process. I recently wrote, for the second time, to the First Minister and deputy First Minister to ask them where the wider review of ombudsman powers was. I am committed, as soon as I know the wider position, to looking at how to review the powers of the Prisoner Ombudsman. Indeed, the roles of other ombudsmen who relate to the justice system need to be examined at the same time.

Mr A Maginness: I welcome the statement this morning. The SDLP fully supports the programme that has been outlined. We welcome the progress made, although we would like it to be faster, and we support what the Minister is doing.

I agree that community sentences are not a soft option. Of those who serve such sentences, three out of four do not reoffend. Can the Minister square that with the reduction in the Probation Board's budget, which will mean the loss of 60 jobs? That will interfere with and

perhaps reduce the Probation Board's good work on community sentences.

The Minister of Justice: I thank Mr Maginness for his compliments and for his support during my time in office. I can say only that I, as Minister, would also like faster progress on some issues, but we all know that significant change cannot be achieved that quickly.

The Member mentioned the budget for the probation service. That seems to be slightly outwith the scope of this statement, but I will try to respond. The details of the Department's budget are still being worked through, and there are issues that relate to exactly where different cuts will fall. Members are aware that the Department of Justice, in common with other Departments, has to bear its share of the cuts. Discussions are ongoing between the probation service and the relevant section of the Department to determine what adjustments can be made. I fully recognise the probation service's good work, which is, as the Member highlighted, extremely successful. Indeed, it is an exemplar in these islands of work that is successful in diverting people from crime. Nonetheless, that does not mean that the service can be exempt from cuts. However, I am determined to do all that I can to ensure that money is put into the most effective front line services, regardless of which agency or, in some cases, which NGO provides them.

Dr Farry: I thank the Minister for his statement, and I welcome the progress to date on what is, ultimately, a long-term and wide-ranging programme of reform.

One of the features of the Hillsborough agreement was the considerable detail provided on the headline policies. To what extent has policy being agreed in advance helped the Minister with implementation? What wider lessons does he take from that feature of the Hillsborough agreement?

The Minister of Justice: I thank my colleague for his supportive words. The fact that I took up office as Minister of Justice with such a firm statement of policy proposals in the Hillsborough Castle Agreement — those were expanded on and further worked through in discussions that colleagues and I had with other parties before I was elected Minister — has been of considerable benefit to the operation of the Department of Justice. That is particularly the case with the Justice Bill, which is well

advanced on its journey through the Assembly, and with other aspects of the programme that I highlighted this morning.

Perhaps there is a lesson there for the entire operation of the Executive, but I suspect that I would be being even more mischievous if I were to extend the discussion much further at this stage.

11.00 am

Mr Givan: The Minister's statement touched on the review that is taking place, and we await the detail of it. We will be looking for the balance in prisons to be turned from a focus on prisoners' rights and privileges to one in which the staff are in control so that we could prevent incidents such as the one that occurred only last week. On that incident, will the Minister advise the House what measures are being put in place to ensure that there is a robust regime and that adequate searches can take place to prevent similar items being smuggled into prisons and inappropriate images being downloaded? What review and actions took place immediately after the incident to restrict prisoners' access to computer facilities and equipment? Furthermore, will the Minister give details of any restrictions on the prisoner in question that have been put in place while the investigation is ongoing?

The Minister of Justice: I thank the Member for his comments. I am not sure what last week's incident at Maghaberry has to do with my statement of progress against the Hillsborough Castle Agreement. However, I will respond briefly to the Member's questions.

A planned, intelligence-led search uncovered a mobile phone in the prison and illegal access to the Internet by a prisoner. The incident was a good sign of the Prison Service acting proactively, and it was followed up with a full examination, not just of that computer, but of all computers to which prisoners had access, resulting in the full forensic examination of a number of them. So far, the issue that Mr Givan highlighted is the only one that has been drawn to the Prison Service's attention. In fact, it is an example of how good work in the Prison Service has led to a problem being uncovered, so, rather than using it as an opportunity to parody the service, we should recognise it as an example of something that it got right.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Providing better access to justice

was cited in the addendum to the Programme for Government and, indeed, throughout the sentiments of the Justice Bill. Will the Minister clarify how families who have attempted over many years to gain access to court inquests in order to find out the circumstances surrounding the death of their loved ones should proceed? Furthermore, will the Minister clarify the position on legal aid for families who pursue such cases?

The Minister of Justice: I thank the Member for her question. The access to justice review looks, of course, to the future of access rather than specifically at historical inquests. Learning how to resolve the issues of the past is a major problem for this society, and it is a matter of considerable regret to me that, despite other people being responsible for dealing with the legacy of the past, the great bulk of the work is being done by the Police Service's Historical Enquiries Team, the Coroners Service, which is carrying out historical inquests, and, indeed, the Police Ombudsman. All those bodies relate to the Department of Justice and all are budgeted for the future not the past.

I have been seeking to ensure that there is adequate funding to deal with legacy inquests. Frankly, the issue goes way beyond the responsibilities of the Department of Justice, and I sometimes wish that, collectively, in conjunction with those in the Northern Ireland Office who also bear responsibility, we could recognise that we have a considerable need to deal with the past, which is not being addressed adequately at the moment.

Mr Buchanan: I thank the Minister for his statement and for the many actions that he described in it, the most important of which is the code of practice for dealing with victims. Far too often, the judicial system appears to favour perpetrators over victims. Will the Minister assure the House that the code of practice for dealing with victims will be fit for purpose and will give due credence to the hurt and pain that victims experience and that the balance will change so that victims' rights are protected over those of perpetrators?

The Minister of Justice: I thank the Member for his complimentary remarks. I understand that, at this stage, we have had 20 responses to the consultation on the code of practice, which has just closed. Those responses have generally been positive about the proposals. It is clear that, at different stages in the criminal justice

system, victims have, up to now, not felt well treated. We have good examples and examples where different agencies failed to keep victims informed about the process or provide them with proper support. I hope that the code of practice will be fully launched before the dissolution of the Assembly. It will considerably strengthen the services provided to victims by all the agencies in the criminal justice system.

Mr Gardiner: I thank the Minister for his statement this morning. Will he provide an update on the unavoidable delays in the criminal justice system and outline what action he has taken to speed up and streamline the justice system in Northern Ireland? That action was outlined in the Hillsborough agreement and is much needed for victims.

The Minister of Justice: I thank the Member. Earlier, I referred briefly to the issue of speeding up the criminal justice system. I addressed that issue with the Criminal Justice Board in my second week in office, and it is now directed by the issues group that I established by bringing together people at senior level in the police, the Public Prosecution Service and the Department of Justice and in consultation with the judiciary. Good work is being done at different levels, but we still need to ensure that we get a full joining-up of the different agencies. I have been very pleased by the better relationships that I have seen between the Police Service and the Public Prosecution Service in ensuring that files are prepared and handled properly. We also have examples at county court level of work that has been done to ensure that cases are speeded up and that there is not a perpetual culture of adjournments. We also need to ensure that, as the Bill proposes, we divert less serious offenders from the justice system entirely. We hope to do so by fixed penalties and prosecutorial cautions, both of which will make an impact. However, we still require the system to act in a more joined-up way, and I am committed to continuing to drive that forward.

Mr McDevitt: I, too, welcome the statement this morning, particularly the Minister's update on the review of the conditions of detention management and oversight of prisoners. I note that during the period of the review, there have been serious failings in the management and oversight of prisoners. Therefore, specifically, how many prison officers have been disciplined as a result of the unintended releases from Maghaberry and from Belfast and Downpatrick courts?

The Minister of Justice: I am afraid that I cannot give the Member an answer to that at this point. However, I will write to him with the exact numbers.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. I, too, welcome the Minister's statement. I want to ask about reviews of alternatives to custody and, indeed, diversionary alternatives to prosecution. What guidelines will be issued to the Police Service and others to ensure that those measures are carried out in an appropriate and proper manner and that the public can be confident that such measures are being carried out proportionately?

The Minister of Justice: I thank the Member for the question. The simple answer is that we need to ensure that, when we carry out the review, we see the responses and ensure that appropriate guidance is developed, not just for the Police Service but for all the relevant agencies. There is no doubt that there are significant opportunities if we develop alternatives to custody. I have already highlighted the successes of non-custodial sentences and, for example, the work being done by the Probation Board on probation orders or community service orders. However, it is clear that we need to ensure that the review brings together all the evidence and produces a package that is implemented across the entire system.

Mr Spratt: I thank the Minister for his statement. I want to ask about the £200 million. I welcome the fact that that case is nearing a conclusion to deal with the terrorist dissident threat. However, given that, in 2010-11, almost £50 million has been spent to deal with the security threat, which will total £200 million over a four-year period, and given the very expensive nature of operations, such as the one on the Antrim Road the other day, will the Minister assure the Assembly that if additional pressure comes over the next four years and a compelling case is made by the Chief Constable for additional funding over and above what is now being sought, he, along with the Finance Minister, will take that case to the Treasury?

The Minister of Justice: I thank Mr Spratt for that supportive comment. I should make it clear that the £200 million that is being sought from the Treasury is in addition to the £45 million that has been granted from Executive funds, so it is a slight increase over the baseline of the year that is ending. However, as I will continue

to do, I have made it clear that the bid for additional funding in the current CSR period is based on the current level of security threat. If there is any increase in that threat, I will support the Chief Constable in making a further robust case to the Treasury.

Mr O'Loan: I note the Minister's earlier answer about placing the Prisoner Ombudsman on a statutory basis, and I support that very strongly. However, I am concerned about his consideration of amalgamating that function with other ombudsman services. Will he agree that the function of the Prisoner Ombudsman is absolutely distinctive in character and, therefore, needs to be protected in a body that is absolutely separate and independent?

The Minister of Justice: I thank Mr O'Loan for his point. It is clear that there is a specific function to be performed, which is performed currently by the Prisoner Ombudsman. However, given the range of issues that have to be considered and the range of ombudsman-type services that exist, in the current financial circumstances, we have to look seriously at what opportunities there are for co-operation, such as shared back office services. The independence of the function must be absolute, but that does not necessarily mean that the organisation could continue in the same way, given the financial pressures that we are under.

Mr Lyttle: I thank the Minister for the frequency with which he has updated the House on what is a significant programme of reform. Given that, this morning, the House recognised the benefit of the Executive working together, how important does the Minister think it is that the Executive work together to deliver the reducing offending strategy, particularly to prevent children and young people from entering the justice system?

The Minister of Justice: Again, Mr Speaker, I seem to be getting a very easy ride this morning. I thank the Member for that point. He is absolutely right on the necessity of the Executive working together. Indeed, I trust that it is not breaching confidence too far to say that, under the work that is being done in the Executive subgroup on children and young people, there have been discussions about the best way of managing the work that is being done and about who should take the lead. It seems to me that responsibility for some areas of the welfare of children at an early stage falls to the Department of Health, Social Services

and Public Safety. However, there are also issues on which the Department of Justice, particularly through the Youth Justice Agency, is probably more appropriately placed to take a lead than had been the case in the Executive before the Department was established.

I am discussing those points with ministerial colleagues. My colleague's point was exactly right: we need to ensure that there is full Executive co-ordination, co-operation and partnership working, because so many of the issues that we face are cross-cutting, and if we continue to deal with them in silos, we are in real trouble.

11.15 am

Executive Committee Business

Welfare of Animals Bill: Consideration Stage

Mr Speaker: I call the Minister of Agriculture and Rural Development, Ms Michelle Gildernew, to move the Consideration Stage of the Welfare of Animals Bill.

Moved. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Mr Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are five groups of amendments, and we will debate the amendments in each group in turn. Members should address all the amendments in each group on which they wish to comment.

The first debate will be on amendment Nos 1 and 19, which deal with prohibited procedures and clarify the routine procedures that will continue to be permitted in the Bill. The second debate will be on amendment Nos 2, 5 to 10 and 20, which deal with the docking of dogs' tails. The third debate will be on amendment Nos 3 and 4, which remove an exemption in the Bill to offences relating to photographs and videos of animals fighting. The fourth debate will be on amendment Nos 11 and 12, which deal with enforcement and clarify the meaning of an "inspector". The fifth debate will be on amendment Nos 13 to 18 and 21, which deal with subordinate legislation, principally concerning a change in regulation-making powers from negative resolution to the affirmative resolution procedure.

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.

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5 (Prohibited procedures)

Mr Speaker: We now come to the first group of amendments for debate. The group comprises amendment Nos 1 and 19. The amendments deal with prohibited procedures and clarify the routine procedures that will continue to be permitted in the Bill.

The Minister of Agriculture and Rural Development (Ms Gildernew): I beg to move amendment No 1: In page 3, line 31, leave out subsections (5), (6) and (7) and insert

"(5) This section does not apply—

(a) in relation to—

(i) any procedure carried out by a veterinary surgeon;

(ii) any procedure carried out for the diagnosis of disease;

(iii) any procedure carried out for the purposes of medical treatment of an animal;

(iv) any other procedure which is specified in regulations made by the Department;

(b) to the removal of the whole or any part of a dog's tail (which is dealt with in section 6).

(6) Before making regulations under subsection (5), the Department must consult such persons appearing to the Department to represent relevant interests as the Department considers appropriate."

The following amendment stood on the Marshalled List:

No 19: Leave out schedule 1. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

The Minister of Agriculture and Rural

Development: Before I speak to the first group of amendments, I take the opportunity to thank the Chairperson, his predecessor and members of the Committee for Agriculture and Rural Development for their detailed and constructive scrutiny of the Bill. The 13 amendments that I tabled are the result of a lot of hard work and the efforts of the Office of the Legislative Counsel, our legal advisers and officials in my Department. I thank everyone involved for their efforts. In particular, I thank the many stakeholders who contributed to the Bill's development. Their advice and contributions have been invaluable.

The amendments that I tabled will strengthen the Bill, which, in turn, will put us at the forefront in our protection of farmed and non-farmed animals. I will discuss the amendments in detail in a moment. First, I want to remind the Assembly why the Bill is before us and speak about its key benefits. The Bill is intended to replace the Welfare of Animals Act 1972, which, at almost 40 years old, is no longer sufficient to deal with the animal welfare issues of today. The Bill updates and strengthens the existing powers in that Act. The Bill's new powers will address the legislative gap between the high level of protection afforded to farmed animals compared with the somewhat limited protection given to non-farmed animals, including domestic pets and horses.

The key benefits of the Bill are as follows: a duty of care will be provided to all protected animals, including domestic pets and horses; it will be possible to take action to prevent animals from suffering, as opposed to the current position, in which action can be taken only after suffering has occurred; stronger powers will be provided to deal with animal fighting, including dog fighting; powers will be provided to regulate, through subordinate legislation, a wide range of activities involving animals, such as dog-breeding establishments; and it will increase the penalties for serious animal welfare offences.

My proposed amendments do not change those key benefits. In some instances, they strengthen them. For example, the amendment to clause 8 provides further, stronger powers to curtail animal fighting.

I turn now to the amendments to the Bill. Amendment No 1 is one of a group of two amendments, amendments Nos 1 and 19, which deal with prohibited procedures. Prohibited procedures are those that interfere with the sensitive tissues or bone structure of an animal, such as ear cropping of dogs, devocalising of birds or dogs, and so on. Clause 5 makes it an offence to carry out a prohibited procedure on any protected animal unless it is carried out by a veterinary surgeon or is specified as being exempted from general prohibition. Normal farming practices would continue to be allowed.

Amendment No 1 provides clarification as to the routine procedures that will continue to be permitted and includes regulation-making powers to specify all permitted procedures,

which would otherwise be prohibited by the powers in the Bill. The amendment was suggested by the Committee for Agriculture and Rural Development and some stakeholders who felt that the original clause and associated schedule did not clearly set out all routine procedures, such as ear tagging of cattle and sheep and castration of lambs, which will continue to be permitted after the Bill's enactment. The amendment will allow the Department to make subordinate legislation to specify each and every procedure that will continue to be permitted. Such legislation will be subject to consultation with stakeholders and the Committee for Agriculture and Rural Development, and it will be made by draft affirmative resolution of the Assembly.

Amendment No 19 is consequential to amendment No 1 in that schedule 1 would no longer be required, as all procedures that would continue to be permitted under the Bill would be included in subordinate legislation that is made under the amended clause 5. In addition, the first two elements that are in schedule 1 have been included in clause 5 as part of the amendment. Therefore, schedule 1 should be removed from the Bill.

I propose to amend clause 5 and to remove schedule 1 from the Bill, as agreed with the Committee. I urge Members to support amendment No 1 in this group and to facilitate the removal of schedule 1 from the Bill. When it comes to the vote on the schedule, I intend to oppose that it stands part of the Bill. I encourage Members to do the same. Those are the group 1 amendments. Go raibh míle maith agat.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray): I want to thank Committee members, departmental officials, all witnesses who appeared before or made representations to the Committee, the Bill Office and the Committee support team for their important contributions to the Bill.

I support the proposed amendment to clause 5 and the Minister's opposition to schedule 1. During Committee Stage, members expressed concern as to the definition of a prohibited procedure. They indicated that they required clarity on which routine farming procedures would be permitted to be carried out. Members, therefore, proposed — I am glad to say that the Department agreed — that it would be beneficial to set out in subordinate legislation

the routine procedures that would be permitted when the Bill is enacted.

The new list of procedures will, in due course, negate the need for schedule 1 to the Bill, which, we have been advised, will be opposed by the Minister, rather than the Bill being amended in order to have it removed. The Committee has not discussed that development. However, as it has the same effect as amendment No 19, I feel confident to say on the Committee's behalf that it will support the Minister's opposition to schedule 1.

The Committee for Agriculture and Rural Development supports amendment No 1 and is opposed to schedule 1's standing part of the Bill.

Mr Beggs: I declare an interest as a local councillor, as some aspects of the Bill would, ultimately, engage local councils in the protection of animal welfare. I welcome the Bill's Consideration Stage. The Bill will give greater protection to the welfare of animals.

In the first group of amendments for debate, amendment Nos 1 and 19 jointly bring positive change. As has been indicated, the Assembly is asked to approve enabling legislation. Detailed regulation can be agreed in subordinate legislation. That will allow much greater flexibility from the Minister and the Department in meeting animals' needs and, indeed, those of industry that is involved in that area.

In giving the Department the ability to make regulations, it is important to note that the Bill requires that the affirmative resolution procedure will be required on every aspect but one. Therefore, this is not giving power to the Department carte blanche, but is enabling it to make regulations that, ultimately, will have to be approved by the Assembly, which is entirely appropriate. Therefore, I am comfortable in supporting amendment Nos 1 and 19, which will remove schedule 1.

The Minister of Agriculture and Rural

Development: Go raibh míle maith agat, a Cheann Comhairle. As I said in my opening remarks, amendment No 1 will provide clarification to animal owners and set out clearly the procedures that will continue to be permitted. The subordinate legislation will specify, as appropriate, the time frame within which the procedure can be carried out, whether an anaesthetic must be administered and

whether a veterinary surgeon must undertake the procedure.

I am grateful for the Committee's contribution on the amendments, and I call on Members to support amendment No 1 and to oppose that schedule 1 stands part of the Bill.

Question, That amendment No 1 be made, put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Docking of dogs' tails)

Mr Speaker: We now come to the second group of amendments for debate, which relate to the docking of dogs' tails. With amendment No 2, it will be convenient to debate amendment Nos 5 to 10 and amendment No 20. Members should note that amendment Nos 5 to 10 and amendment No 20 are consequential to amendment No 2.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray): I beg to move amendment No 2: In page 4, line 18, leave out subsections (4), (5) and (6) and insert

"(4) Subsections (1) and (2) do not apply if the dog is a certified working dog that is not more than 5 days old.

(5) For the purposes of subsection (4), a dog is a certified working dog if a veterinary surgeon has certified, in accordance with regulations made by the Department, that the first and second conditions mentioned below are met.

(6) The first condition referred to in subsection (5) is that there has been produced to the veterinary surgeon such evidence as the Department may by regulations require for the purpose of showing that the dog is likely to be used for work in connection with law enforcement, lawful pest control or the lawful shooting of animals.

(7) The second condition referred to in subsection (5) is that the dog is of a breed specified in Schedule 1A for the purposes of this subsection.

(8) The Department may by regulations add to, or remove, breeds of dog from the list in Schedule 1A.

(9) 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.

(10) 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.

(11) A person commits an offence if that person takes a dog, or causes a dog to be taken, from a place in Northern Ireland for the purpose of having the whole or any part of its tail removed, otherwise than for the purpose of medical treatment administered by a veterinary surgeon.

(12) A person commits an offence if—

(a) that person shows a dog at an event to which that person pays a fee or members of the public are admitted on payment of a fee,

(b) the dog's tail has been wholly or partly removed (in Northern Ireland or elsewhere), and

(c) the removal took place after the coming into operation of this section.

(13) 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.

(14) It is a defence for a person accused of an offence under subsection (12) to show that that person reasonably believed—

(a) 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;

(b) that the removal took place before the coming into operation of this section; or

(c) that the dog was one in relation to which subsection (13) applies.

(15) 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.

(16) The Department may by regulations make provision about the functions of inspectors in relation to—

(a) certificates for the purposes of this section, and

(b) the identification of dogs as subsection (4) dogs.

(17) Before making regulations under this section, the Department must consult such persons appearing to the Department to represent any interests concerned as the Department considers appropriate.

(18) In this section 'subsection (4) dog' means a dog whose tail has, after the coming into operation of this section, been wholly or partly removed without contravening subsection (1), because of the application of subsection (4)."

The following amendments stood on the Marshalled List:

No 5: In clause 31, page 18, line 18, leave out "sections 6(5)" and insert "sections 6(5) and 6(10)". — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

No 6: In clause 31, page 18, line 24, leave out

"sections 4, 5, 6(1), (2) and (4)"

and insert

"sections 4, 5, 6(1), (2), (4) and (15)". — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

No 7: In clause 32, page 18, line 31, leave out

"sections 4, 5, 6(1), (2) and (4)"

and insert

"sections 4, 5, 6(1), (2), (4) and (15)". — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

No 8: In clause 33, page 20, line 17, leave out

"sections 4, 5, 6(1), (2) and (4)"

and insert

"sections 4, 5, 6(1), (2), (4) and (15)". — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

No 9: In clause 36, page 21, line 36, leave out

"sections 4, 5, 6(1), (2) and (4)"

and insert

"sections 4, 5, 6(1), (2), (4) and (15)". — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

No 10: In clause 41, page 25, line 3, leave out

"sections 4, 5, 6(1), (2) and (4)"

and insert

"sections 4, 5, 6(1), (2), (4) and (15)". — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

No 20: After schedule 1, insert the following new schedule

"SCHEDULE 1A**DOGS SPECIFIED FOR THE PURPOSES OF SECTION 6(7)**

- 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.*" — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

The Chairperson of the Committee for Agriculture and Rural Development:

Amendment Nos 2 and 20 relate to tail docking and amendment Nos 5 to 10 relate to the varying levels of penalties.

Mr Speaker, with your indulgence, and that of the House, I will provide clarity on how the Committee arrived at this stage. I do so in the hope that the Committee can remove the confusion surrounding clause 6 and tail docking that some Members and the wider Northern Ireland constituency may be experiencing. If Members have queries on the matter, I will be happy to note them during the debate and respond during my winding-up speech on the amendments.

Tail docking is a medical procedure to remove part of the tail. Typically, it is done by snipping off the tail with surgical scissors. It may also be done by placing a band on to the tail to cut off blood supply, causing the tail to fall off. Docking is carried out by a veterinarian between two and five days of the start of a puppy's life. However, older puppies and dogs require general anaesthesia and must undergo the more major procedure of tail amputation.

Tail docking is controversial, and the majority of debate during Committee Stage was on that matter. Those who support tail docking consider it a routine procedure that is practical and minimally painful. On the other hand, many who disapprove describe it as a painful mutilation that is unnecessary.

When the principles of the Bill were first presented to the Committee 12 months ago, the Department indicated that it was of a mind to

ban the docking of dogs' tails. The Committee was aware of the importance of working dogs in the rural community and that tail docking was often performed on them to protect their tails from injury in the field. The Committee has been consistent in its belief that there should be an exemption in respect of working dogs on welfare grounds while acknowledging that the cosmetic docking of tails brings no welfare benefits to the dog and should, therefore, be banned. That belief was communicated to the Department on numerous occasions. However, in the interests of transparency, the Committee agreed at that stage that it wished to see strong evidence from the Department supporting the case for a total ban. It is regrettable that the Department failed, in the Committee's view, to provide any substantive evidence supporting the total ban on tail docking.

At the first Committee Stage evidence session on 22 September 2010, despite the fact that, again, members called for an exemption for working dogs, the Department continued to state that it would seek to ban tail docking, indicating that that was based on advice, not evidence.

The Department's precise words were:

"The advice on which we are working came from the Royal College of Veterinary Surgeons and our vets."

That is from the Hansard report of the Committee meeting on 22 September 2009. That is important, because it is indicative of the total reluctance of the Department to listen to alternative views, of its dismissal of all other evidence — I stress the word evidence — presented to it, and of its refusal to hear the voices of the rural community.

11.30 am

I will return to the advice that the Department received from the Royal College of Veterinary Surgeons (RCVS) in a moment, but I would like to mention a particular concern about the language that the RCVS and, more particularly, the Department, used during Committee Stage. That included the term "mutilation" when referring to tail docking. That is an extremely emotive term aimed at provoking public reaction and grabbing the headlines. That was, however, surpassed by the Department's likening of the docking of a dog's tail to "cutting off your wee finger". Unsubstantiated, unsupported statements of that type, clearly aimed at making

newspaper headlines, rather than at furthering an argument, are unnecessary and unhelpful.

I now turn to the main scientific evidence that was presented by the Department in support of the ban on docking. As previously stated, that was based on the advice received from the Royal College of Veterinary Surgeons and on a University of Bristol report that the Department introduced as evidence during Committee Stage. The report was titled, with another flurry of emotive headlines, 'Risk factors for tail injuries in dogs in Great Britain'. As evidence of the Committee's desire to be convinced by the Royal College of Veterinary Surgeons, members took evidence from Vets NI in March 2010 on behalf of the college, and again from Vets NI, this time supported by the RCVS, on 12 October. It is a matter of record in Hansard how the latter meeting went, and I assure Members that the first meeting was no different.

With the indulgence of the House, I will briefly summarise the arguments made during the evidence sessions. Vets NI apprised the Committee of four reasons to oppose tail docking: pain; the removal of an appendage that is used for communication; the potential for long-term side effects; and the lack of long-term benefits to the animal. When a puppy's tail is docked before it is five days old, it is not docked under anaesthetic. We asked how the vets assessed the extent of pain to the puppy. The vets described how the dogs yelped but then stopped because they have a natural defence mechanism whereby they remain quiet so as not to reveal themselves to predators. That is in spite of the fact that dogs have been domesticated for thousands of years.

We then referred to previous evidence, submitted to the Committee and to colleagues in the Scottish Parliament, that the pain could be likened to a burn to the hand that would make one utter the word "ouch". We then put to them the evidence given to the Scottish Parliament by a vet in favour of the ban, who stated:

"Pain is present, however minor and fleeting, and it can be measured. Pain is possibly the least powerful argument as it is so slight."

Representatives of Vets NI confirmed that the pain was slight. They stated that the extent of the pain would be similar to receiving an injection. Finally, they said that pain was a factor, but not the major factor as far as they were concerned.

The second assertion was that a dog with a docked tail would have its communication impaired. Again, members of the Committee challenged that, suggesting that the attitude of a dog as it was approached was a more relevant form of communication. Vets NI praised the Committee for its accurate observations before conceding that the tail was only one method of communication and that, for example, half-docking a tail would not significantly affect a dog's communication levels.

The third reason for supporting a ban was the long-term side effects of docking, which include tumours. However, under direct questioning by the Committee about the number of post-operative effects, including tumours, VetNI stated:

"There is no question that it is a small percentage".

The representative said that he could not argue that it is a major factor.

The final reason for banning tail docking was that there is a long-term benefit to the dog. That was the core of the matter, because the Committee has argued that the exemption in the amendment was for the long-term welfare benefit of a working dog. We asked for the number of working dogs seen with tail injuries. Although they referred to the Bristol University report, which I will come to shortly, the VetNI representatives stated that, as private practitioners, they found the numbers to be low. When asked whether that might be because working dogs' tails were docked, they could not deny that. When asked which procedure was more painful, docking the working dog before it was five days old or allowing a mature dog to endure tail damage and amputation, they stated that it would be a more painful procedure for the mature dog.

To summarise, the advice on which the Minister and her Department initially based their decision to ban the docking of dogs' tails was negligible. The Royal College of Veterinary Surgeons, represented by VetNI, categorically stated that pain was not a major factor, communication was not a major factor, side effects were not a major factor, and the long-term benefits to working dogs were best served through tail docking before the pup was five days old because that was significantly less painful. Those are the facts.

I will now turn to the report entitled 'Risk factors for tail injuries in dogs in Great Britain', commissioned primarily by the Welsh Assembly

and carried out by the Royal Veterinary College and Bristol University. The report claimed that 500 tails would need to be docked in order to prevent damage to one tail: another emotive and disgraceful headline used by the vets and the Department to support their unsubstantiated arguments rather than relying on evidence.

It was claimed that that was the conclusion of that scientific report and concrete evidence that tail docking was wrong and should be banned. However, let us look at the evidence in the report. The evidence was based on a survey sample of 52 veterinary surgeries in England, Scotland and Wales. Northern Ireland was not sampled. The 52 surgeries were not selected to be representative of rural communities, although they were stratified to include that, but on the basis of the available practice management software.

That process originally identified 314 practices, of which 198 immediately refused to participate, without providing a reason. A further 64 did not respond to the survey. The sample size of the number of dogs was then further selected by doing a search of the word "tail". That resulted in 138,212 dogs, of which 29 were working dogs, roughly 0.02% of the survey. I say roughly because of those, one was a racing greyhound, one a German shepherd police dog and three were herding collies, all of which are not traditionally docked.

Some 281 of the dogs sampled — 0.2% — were recorded as having tail injuries, with 30 mature dogs having had their tail amputated. From that figure of 0.2% came the conclusion that 500 dogs would need to have their tails docked to prevent damage to one tail. One has to question the impartiality of such a statement when the survey was carried out by, among others, the Royal Veterinary College, a body opposed to the docking of tails.

The survey indicated that 281 dogs from the 52 surgeries sampled suffered injury, an average of approximately five dogs per surgery. On average, 0.6% of mature dogs per surgery required amputation. There are 4,853 registered veterinary practices in England, Scotland and Wales, and approximately 155 in Northern Ireland. If we extrapolate the average figures for the total number of surgeries in England, Scotland and Wales, it would equate to 6,645 injuries to working dogs, with an average risk factor of 0.29% to working dogs.

In Northern Ireland, 45 working dogs would be injured. Those figures equate to some 3,987 unnecessary amputations on working dogs in mainland UK and 13 very painful amputations on mature working dogs in Northern Ireland. Where is the long-term benefit to the dog in that? Where is its welfare considered? Where is the undeniable evidence that the Department heralded, especially when the report went as far as to identify its own weaknesses in its conclusions, which are obvious to all.

There is a more significant injury risk to working dogs. Injuries to dogs with docked tails are less frequent than to those with undocked tails. A separate survey should be carried out specifically on working dogs. There was no evidence or mind-shattering facts and figures to convince the Committee that docking the tail of a working dog for welfare reasons was wrong and should not be carried out. There was no road to Damascus conversion — nothing. The evidence was not there, the arguments were not made and the Department had no case.

The Committee called on the Department on a number of occasions to negotiate an amendment that would allow for an exemption for working dogs. That is recorded in the Hansard reports and in the minutes of proceedings. The Department would not negotiate or compromise on that so, at its meeting of 28 September 2010, the Committee took the decision to force the Department to compromise by agreeing to vote against the inclusion of clause 6. That has been misinterpreted as the Committee agreeing to the wholesale docking of dogs' tails. I emphasise that that is not the case. The Committee does not wish, and has never wished, to support cosmetic docking of tails. There are absolutely no welfare benefits in the cosmetic docking of tails.

The decision was taken to force DARD to the table with a compromise. The official letter to the Department following the 28 September meeting states:

"The Committee consensus was that this evidence is inconclusive and, as a result, the Committee decided that Clause 6 should be removed from the Bill. The Committee would ask that the Department indicate, at the earliest possible moment, whether it intends to remove or seek to amend the clause."

That is a matter of public record and it is a position that the Committee has consistently

maintained. That position eventually brought the Minister and the Department to the table with a proposed amendment that, despite moving some distance, still fell very short of doing the right thing.

The Minister considered that there was inconclusive evidence to justify an exemption for the docking of working dogs' tails. Put another way, there was inconclusive evidence to justify the banning of tail docking for working dogs. Nevertheless, the Minister tabled an amendment with the Committee on 16 November 2010 to allow an exemption for pure-bred spaniels and hunt point retrievers. However, that amendment did not address the policy principle of exempting working dogs that are involved in pest control. In rural areas, the main group of dogs that undertake that very valuable service are terriers. The Committee sought the inclusion of terriers, but the Department refused. For that reason, the Committee has tabled an amendment to the clause, although, interestingly, the Department has not.

The Committee has had sight of the policy principles. As I have previously indicated, the Committee is opposed to the cosmetic docking of dogs' tails. The amendment seeks to ban that practice. The Committee also agrees with the Department's inclusion of a ban on showing dogs with docked tails. Removing the forum where the vast majority of cosmetically docked tails are displayed seems appropriate and logical.

Mr T Clarke: Will the Member give way?

11.45 am

The Chairperson of the Committee for Agriculture and Rural Development: No. I am not taking interventions; I have quite a bit to get through. I want to clarify a few matters. The ban on showing dogs with docked tails is in the Bill as introduced by the Department; it is not a Committee initiative, but the Committee is happy to support it. Similar legislation has been introduced in England and Wales, and although Scotland continues to allow dogs with docked tails to be shown, it has completely banned the docking of dogs' tails. In a few years' time, the various bans in Scotland, England and Wales will mean that dog shows will be made up of dogs that have not had their tails docked. In its correspondence to the Committee, the Kennel Club, to which many Northern Ireland dog shows are affiliated, suggested that although it was disappointed with the Committee's decision, a

total and immediate ban on showing dogs with docked tails should be introduced to provide clarity to its members.

Through amendment No 2 the Committee is also seeking to close a loophole that was identified in England and Wales, where legislation bans the showing of dogs when a member of the public is admitted on the payment of a fee or admittance charge. That provision is also in the Welfare of Animals Bill, and it has led to some shows in England and Wales dispensing with an admittance fee and charging a car parking fee instead. In order to protect against what is an obvious attempt to circumvent the spirit of the law, with amendment No 2 the Committee is seeking to create new subsection 6(12) so that a person will commit an offence if they show dogs with docked tails at shows to which a member of the public has paid a fee. That has attracted criticism from dog show organisers and dog owners, and a show newsletter in the United Kingdom suggested that it should be opposed as it closed a loophole. However, the Committee sees new subsection 6(12) as a means of reducing the incentive for the cosmetic docking of dogs' tails while protecting dog shows.

The second area on which I want to provide clarity is when a ban would take effect, should amendment No 2 be accepted. The Committee and other Members have received correspondence on that matter from legitimately concerned owners and dog shows. It is tied up with the amendment to clause 45 and an agreement between the Committee and the Department in a different group of amendments that has yet to be debated. In summary, local government enforcement powers will not be introduced for 12 months after the Bill receives Royal Assent, which is expected in April 2011. Local government will be required to enforce the subordinate legislation required for tail docking, and the earliest that the Department will bring that legislation to the Committee and the House is April 2012.

I assure Members and those who are involved in the showing of dogs that dogs that have their tails docked before the legislation is enacted in April 2012 can continue to be shown for the remainder of their natural show lives. If the amendment is accepted, the ban will affect only those dogs that have their tails docked after the legislation has received Royal Assent. I am happy to note any concerns on that issue.

I appreciate that I have taken up a considerable amount of time on the issue of tail docking, but it is important. No doubt, others will want to speak on amendment No 2 and I will, therefore, move to the other amendments in the group that deal with penalties. Amendment No 2 will also, if accepted, introduced two new offences: failing to identify a dog as an exempted breed under proposed new subsection 6(10); and the provision of false information to a veterinary surgeon about an exempted dog under proposed new subsection 6(15).

The Committee agreed that failing to identify a dog as an exempted breed was an offence that merited a penalty of up to six months' imprisonment and/or a fine of up to £5,000. It also agreed that the offence of providing false information about the certification of an exempted breed to a veterinary surgeon was an extremely serious offence that required the more serious deterrent of up to two years' imprisonment on indictment and/or and unlimited fine. An illegal breeder who docked the tails of a large number of pups and forged the certification would attract the more serious penalty, and its imposition may also allow for that breeder to be disqualified from keeping animals. However, in that instance, the dogs could be seized, and, as unfortunately happens all too frequently, the pups would have to be destroyed. That is a deterrent to the habitual offender and one that will be exercised only in the specific circumstances in which the welfare of the dog is so severely threatened as to merit such action.

Mr Speaker, you will be glad to know that I have reached my concluding remarks.

The Committee has stated consistently that the welfare of dogs is the priority of the Bill. The Committee, the Minister and her Department agree that the cosmetic docking of tails is wrong and should be stopped and not encouraged. The Committee is convinced that the exemption in the proposed schedule 1A protects and enhances the welfare of working dogs, and that the penalties proposed are justified. The House is faced with a straightforward decision: either allow mature working dogs to face extremely traumatic surgery on fully-developed tails by agreeing to the total ban on tail docking, or recognise the significant benefits that will result from the banning of cosmetic docking of dogs' tails, taking into account the very well-developed welfare benefits that exemption would bring to

working dogs. I genuinely hope that the House can get behind the Committee and support the second group of amendments. I commend them to the House.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. I declare an interest as a member of Dungannon and South Tyrone Borough Council. As has been said before, councils will have enforcement and licensing roles.

I wish to speak to amendment No 2 in this group of amendments, particularly on clause 6 which relates to tail docking. As the Chairperson said, most of the time spent discussing the Bill was consumed by this issue. It is unfortunate that it was added to the legislation, especially as there was largely agreement on the other issues and on the way of dealing with them, including dog fighting, which we will come to later. However, the fact that tail docking was included in an animal welfare Bill seemed out of place.

As we said many times in Committee, if we are talking about the welfare of animals, we are talking about the welfare of all animals. There are contradictions in the Bill in that lambs' tails and pigs' tails can still be docked, and pigs' teeth can be cut. Also, items such as castration and cutting horns — things that have been going on for years with the Department's approval — can still be carried out. Nevertheless, the Department picked one aspect that was outside its role, which is the docking of dogs' tails. If the Department was honest about the matter, it would say that this was not something that was mentioned daily on the radio or television, and that the community was not crying out for such legislation. I think that the Assembly should be trying to follow the needs of the people, and not simply creating draconian legislation that imposes fines and prison terms on the general public and, in this case, on dog owners and breeders.

We must put it into context.

Mr T Clarke: Does the Member accept that the term "cosmetic tail docking" was probably created by the Department to lead the Committee to introduce the ban? Many members were contacted by various organisations whose members have breeds of dogs with docked tails. They were all passionate about how they keep their animals and would not dock tails for cosmetic purposes, other than for the welfare of the animals.

Mr Molloy: Yes, I was going to make the point that cosmetic tail docking is an emotional title that has been included to persuade people that it is being done for cosmetic purposes, such as image and looks. However, many breeders who show dogs and who also have working dogs say that it is not done for cosmetic reasons, but for the welfare of the long-term life of the dog and to prevent injury to tails in the future. The issue of cosmetic tail docking needs to be qualified further. It is clear that the main issue for dog owners and breeders is looking after their dogs. Not only do they want to protect, administer medication to and groom their dogs to perfection but they want to look after their welfare. For owners and breeders, the term “cosmetic docking” is derogatory.

I congratulate the Department for belatedly taking on board the Committee’s proposals on exemptions, which we had been discussing from the very start. It would have been more constructive had the Department considered and dealt with those proposals earlier. Consultation is also a consideration, and to some extent the Committee has to hold up its hands on that issue. The Assembly must examine the mechanisms on how to achieve full and proper consultation on all Bills, because people often hear about Bills only at a late stage. Many breeders who are involved in dog shows heard about this Bill only when it was too late for them to give evidence to the Committee. Between now and Further Consideration Stage, it is important that the Committee and the Department consult further to ensure that the voices of such people are heard. The Bill leaves one issue open about exemptions, in that there is no point consulting people if they are not listened to and their concerns are not addressed. I hope that the Department is prepared to make changes.

I welcome the fact that the Department may add or remove breeds via regulations. If at a later stage certain working breeds are identified, and reasons are given for that identification, I hope that the Department will be open to that and able to respond to the public’s needs.

Mr T Clarke: The Member pushed hard about exemptions, but does he believe or trust, given the Department’s position on clause 6, that if we allow the clause to go through today, the Department would not come back with further amendments to extend that to other working dogs? Does the Member not agree that it would

be better to take out clause 6 and to go back to the start to look at it?

Mr Molloy: I hope that the Department has learnt something from this consultation, but that remains to be seen. I hope that it is prepared to listen to consultees and to recognise exemptions when they are identified. The Committee may have to table further amendments in the future. From the start, the Committee’s position has been to remove clause 6. “Cosmetic docking” is an emotive expression that implies that breeders are concerned only about a dog’s image. Although some dogs will now be exempt, with high credentials for such exemptions, 50% of injuries to dogs’ tails happen to pets in the home.

Over the past couple of weeks, the Committee received e-mails that were very clear on that issue. A breeder from England supports breeders here, because England lost the battle on tail docking some years ago. Although Rottweilers now have long tails, they cannot be shown because of damage to their tails. Damage is still being done, and dogs are still being injured. The welfare of animals means stopping pain. The pain felt by a dog when its tail is being docked was described to the Committee, and repeated by the Chairperson, as being like an “ouch”, as people would experience many’s the time. Unfortunately, dogs with long tails will experience many an ouch, a bark, a jump and a squeal when their tail gets caught in a door or anywhere else. Dogs’ tails can be injured when they are being transported in a trailer.

The issues around tail docking are as follows: first, it is unnecessary legislation, and there is no demand for it; and, secondly, it has to be looked at again, because we now find that, in Scotland, Wales and England, the number of injuries to dogs with undocked tails has increased dramatically in the short time since legislation was brought in there. We have to be mindful that changes may have to be made as we go along.

12.00 noon

That brings me to the fees issue. Unfortunately, the Committee bears some blame in relation to shows and fees and the imposition of the very strict and severe offences that are linked to them. Those are unfortunate. We now have a situation where dog shows could be put out of existence in the North. The legislation

says that it will be an offence for anyone to take a dog from the North of Ireland, bring it somewhere else to have its tail docked and bring it back. It does not say that the dog would create an offence if it walked across the border, got its tail docked and came back again. Are we to have a situation where the dog would be expelled because it went across the border and got its tail docked? Also, will a dog whose tail has been docked in the South of Ireland be able to take part in shows here after this legislation is passed? I can see the transfer of dog shows from North to South as a result of this legislation. It is very partitionist in that way, because it takes into account that this —

Mr Elliott: I thank the Member for giving way. It is not clear from the Member's speech whether he supports the Bill, supports the amendment or does not support any of it. Is one of the reasons why he may not support any of the legislation that it may be more partitionist?

Mr Molloy: The amendments are grouped, and the Committee had to table an amendment because it wanted some sort of exemption, even though its first choice was to throw out the legislation and the clause completely. If the clause were to be thrown out, first, there might be no exemptions and, secondly, there might be the wholesale docking that is talked about. So, the Committee was boxed into a situation where it had to meet certain criteria in order to put the amendment forward.

The arguments that I made in Committee were not all taken on board, but some were. I made the point, which the Department should recognise, that, although the legislation can make it an offence to take a dog from the North of Ireland to get its tail docked elsewhere, it does not take into account the fact that we have an artificial border in this country that is not of my making and does not have my support. We have to take into account the fact that the legislation will create problems, particularly for those involved in dog shows. It will have a big effect on dog shows in the North, and, likewise, where dog shows continue, it will affect dog breeders from the South of Ireland who show dogs in the North. They will be unable to do that when the law has changed.

Those are the issues that we have been dealing with in Committee, and they will continue to affect this legislation. If we look back on where we were with tail docking, we can see that

damage to tails had not been an issue and had not come to the fore like other clear-cut issues, such as dog fighting and other abuses of dogs. We are not talking about dog fighting on this occasion but about the protection of dogs.

I return to the welfare of animals. I do not think that it is necessary to ban the docking of dogs' tails, but neither do I see it necessary to ban the docking of the tails of pigs, lambs or other animals. Let us be realistic about what we are dealing with. The legislation is now contradictory because it says that pigs' and lambs' tails can be docked.

The Chairman raised an example that was cited many times by the Department, which is that 500 dogs' tails would have to be docked in order to have one working dog. Those who breed lambs and pigs tell me that the same thing applies in any circumstance. First, the 500:1 ratio does not stand up. The main reason given for docking lambs' tails is to stop infection.

Mr Beggs: Has the Member seen lambs or sheep that have been eaten alive by maggots because of difficulties with their tail? Does he accept that there are welfare reasons for docking lambs' tails?

Mr Molloy: Yes, of course. If the Member had been listening to the earlier part of the debate and had heard the views of the Committee, he would know that we recognised that. However, we also recognised that the figure that was given by the Department — that 500 dogs' tails would have to be docked to protect one working dog — was false. I have seen lambs' tails being docked many times, but I am saying that thousands of lambs could have their tail docked in order to prevent the infection of a smaller number of lambs.

The same thing applies to pigs. Thousands of pigs could have their tail docked in order to prevent them from being bitten, or their teeth could be cut to stop them damaging sows. That does not mean that it should not be done, but neither does it mean that a ban is necessary. There is no reason for a ban on the docking of dogs' tails in the first place, and that is where the problem arises.

If we are talking about the welfare of animals overall, we must look at the welfare of all animals in that situation. However, the debate around the Bill became a debate about a ban on the docking of dogs' tails, not about the welfare

of animals. The Bill is about the welfare of animals, but the debate came down to an attack on dog breeders, those who were emotionally described as puppy farmers and cosmetic docking. It also became an attack on dog show promoters. A comment was made that many dog breeders damaged dogs' tails in order to have them docked. That was a completely scurrilous remark. The breeders and those who show dogs look after their dogs better than they look after themselves sometimes. Their main aim is the welfare of their dogs; it is the first thing in their mind. To say that they might damage a dog's tail deliberately in order to dock it is reprehensible. We need to look again at the emotional commentary that has run throughout the debate on the Bill.

The issue of the involvement of councils takes us back to the issue of consultation. Amendment No 12 deals with the exercise of functions by councils and covers licensing and enforcement as well. The role that councils would have to play under the Bill needs to be debated further, because there are issues around that. We have to look at all the functions that councils will have.

I know that the Chairperson of the Committee for Agriculture and Rural Development is saying that the issue of the licensing of dogs that have had their tail docked is not relevant to this group of amendments, but it will be another thing that councils will have to administer. All the regulations that will be policed by the PSNI will also fall directly onto councils. From the start, there has been no consultation with councillors — elected members — about the Bill. There may have been some consultation with dog wardens and various other council officers, but there was none with elected members. In this Chamber, the people who run things are the elected Members, not the officers and officials or anyone else. The respect for elected members needs to continue to ensure that proper consultation takes place. It is the elected members who have to set the rates and take the abuse. We will come back to that at a further stage.

The main thing to welcome today is that the Department has belatedly accepted the amendment that deals with exemptions. There are other aspects on which further consultation is required in order to perfect the Bill and get legislation that is about the welfare and protection of animals in the future.

Mr Beggs: I support the amendments in group 2 on the basis of the wide range of written and oral evidence that was presented in Committee. It is important that I, like other Members, put on record where this proposal came from.

The Department originally proposed to ban all docking of dogs' tails, as is the case in Scotland. However, evidence came to the Committee about the higher level of tail damage among dogs used in working situations. The Committee, therefore, tabled amendment No 2 to create an exemption whereby the tails of working dogs could continue to be docked on animal welfare grounds.

Originally, we looked at the dogs involved in lawful pest control and aspects of shooting, but it was then identified in Great Britain that law enforcement dogs, such as those that seek out drugs stored in confined spaces, could also be in danger. If dogs that have been highly trained to remove the scourge of drugs from our streets were to suffer tail damage, it could put them out of action. The Committee sought to include those dogs in its amendment.

It is important that we look at how the situation is dealt with in different areas. In Scotland, there is a total ban. In England and Wales, there is a partial ban, with an exemption for working dogs, but there has also been an attempt to ban the showing of dogs with docked tails. As others indicated, it is important to take account of what has been said. A piece in 'Dog World' newspaper indicates that there is a loophole in Great Britain, which the amended clause 6 would close. Instead of charging admission, show societies charge car-parking fees and thereby allow the showing of dogs that have had their tail docked illegally. Given the evidence of that loophole elsewhere, the Committee decided to try to close it. I think that that is reasonable.

If exemptions are to be created, an attempt should be made to ensure that they are enforced. Vets and owners will have to decide at an early stage whether dogs will be placed in a working environment or a showing environment. An owner will decide to protect the dog's tail and bring it down the show route or to dock the dog's tail to protect it in a working environment. The loophole created the potential for people to ride both horses. Dogs could be marked as working dogs but simply end up in homes rather than in a working environment. Our amendment will mean that owners have to decide whether

they intend their dog to operate in a show environment or a working environment.

I appreciate that tail docking is an emotive issue for dog owners. It would be helpful if the Minister could indicate clearly, from her own mouth, that the proposed amendment and legislation will not be applied retrospectively. In other words, she should confirm that, if a dog's tail is docked prior to the enactment of the legislation, it can still be shown. There is a lot of concern among dog owners who have read the Bill and were not clear —

Mr T Clarke: I accept what the Member said about owners being allowed to continue to show dogs that had their tail docked before the ban. However, does the Member not understand that there is also frustration among those who breed dogs and work with them daily? Once those dogs come to the end of their natural life, owners cannot show whatever other dogs they work with. They do not want to keep them, because they cannot dock their tail to prevent injuries. If someone has a pup that had its tail docked before the ban comes in, that dog can be shown, but, once it comes to the end of its natural life, that is it — they are out of show business.

Mr Beggs: I suspect that there may be some dogs in that category. However, my understanding is that the risk of increased tail damage is something like 17%, which is not insurmountable. The Committee's amendment allows for that increased risk. At that point, an owner can choose to introduce their dog into a working environment and to use it as a working dog.

12.15pm

Mr Molloy: Does the Member recognise the information from Wales and England that 50% of injuries are to long tails? On the point about the description of a working dog, when a dog, be it a terrier or whatever, runs out on its own, it normally hunts. In the dog's terms, it is working. It may do different work from what we actually want it to do, but, in that sense, it is a working dog. Given that situation, it is hard to define what is meant by a working dog. Dogs should be allowed their freedom.

Mr Beggs: Some argue that dogs should be allowed the freedom to express themselves. The Committee heard evidence that that was a

factor when tails were docked. However, no firm evidence was given to justify that.

Mr T Clarke: Will the Member give way?

Mr Beggs: I would appreciate it if I could pursue my point for a moment. I have been generous with Members.

I fully accept that, if dogs' tails that are presently being docked are not docked, there will be more tails and a greater likelihood of tails being damaged. However, a balanced judgement has to be made about the increased risk of damage to tails against the injury that a dog may incur if its tail is removed and the effect of that on its welfare and ability to express itself. I simply say to Members that a balanced judgement has to be made.

The issue of show dogs that damage their tail was mentioned earlier. After reflecting on and learning more about the emotiveness of that subject, I accept that we must look at that carefully and address it at Further Consideration Stage. The amendment and the legislation presently exclude an owner who has an attachment to showing dogs from doing so should their dog get injured. I intend to look at that at Further Consideration Stage to see whether an exemption can be made. I understand that such an exemption has occurred elsewhere, and we should examine that too.

Mr T Clarke: I thank the Member for giving way. If we look at this at Further Consideration Stage, the Member should consider the fact that a dog owner who docks a dog's tail because it gets damaged will not be able to show that dog in a class of docked breeds anyway. At shows, part of what is looked at is the dog's tail and how the dog is being managed. Why, therefore, would someone want to enter a dog with an amputated tail, given that that dog will not be of the same show standard as the other dogs against which it is competing?

Mr Beggs: I raised that issue because I was lobbied on it by those who show dogs. I understand that some points would be removed. However, those people feel strongly that they would still wish to show their dog even if it had an injury. It may be the case that no one decides to take up that change. However, it is my understanding that some people would wish to take it up, so we should consider that.

Nevertheless, it will be their choice whether or not they take it up.

The Committee took a wide range of oral and written evidence in examining the Bill. We reflected on that evidence and came forward with some changes. We also convinced the Department to table amendments to some areas. That is a healthy process in a democratic system. The Committee has played its scrutiny role by challenging the Department in certain areas and seeking changes, and that is appropriate. It is now up to the Assembly to give its judgement on that work, which is what should happen in a democracy. I support the second group of amendments.

Mr P J Bradley: I declare an interest as an honorary member of the British Veterinary Association Northern Ireland. On 22 September 2010, I attended one of the association's seminars at Hillsborough, which planned to focus on some aspects of animal welfare and to highlight the expertise on animal welfare that exists in the veterinary profession. One of the speakers that day made a particular comment that I picked up on. She said that each farm animal should have a life worth living, and, of course, the same can be applied to all animals.

One of the introductory paragraphs in the Bill states that DARD may exercise its powers if it is satisfied:

"on the basis of scientific evidence, that animals of the kind concerned are capable of experiencing pain or suffering."

Other Members also referred to that. I do not know how many meetings we have had on the Welfare of Animals Bill, but I am certain that we did not fall short when seeking evidence, the most important, in my view, being that from the veterinary profession.

I have never, in my 12 years in this Assembly, received so many lobbying letters or e-mails devoted to a single issue. I am pleased, therefore, that we have reached this stage. The number of lobbying letters received has increased each week, and they continue to arrive as each lobbyist makes a good case for the handling of the particular breed of dog that they deal with daily. That list started to grow and grow, and I am sure that other Members had a similar experience.

I thank the Chairperson of the Committee for his lengthy and factual address. I also thank the Committee Clerk for his guidance and for bringing us to heel during our debates.

I referred earlier to the evidence that we obtained from the veterinary profession. I found it a little surprising that the Department's vets did not necessarily share all the views of their fellow professionals who gave evidence on behalf of the Northern Ireland veterinary association. Although I was slightly surprised at the difference in professional opinion, I did not share the expressed thinking that questioned the motives of the profession as represented by Veterinary Northern Ireland.

We were strongly advised by VetNI that it foresaw major difficulties with implementation and policing if the Agriculture Committee opposed a total ban on tail docking by making exemptions for pure-bred spaniels and hunt, point and retrieve breeds. Since then, a line of text has been added to the exempted list that I am not completely satisfied with but have reluctantly agreed to accept. I refer to the wording:

"or any combination of such breeds"

found at the end of all five descriptions of dogs exempted in the proposals. I see that resulting in regular disputes, as owners argue with professionals about the breed of dog. In the event of a dispute, the decision will be left to the vet. It is easy to produce evidence that an animal is pure-bred, but where are the reference books or comparators that a vet can point to before making a decision on a combination dog? My view is that the words "combination of such breeds" really means mongrels with a hint of authenticity. Thus, their owners can proceed to have the dogs' tail docked.

Mr Molloy: Does the Member accept that spaniels of different breeds, such as cocker spaniels, are a combination of breeds within themselves? Mongrels are not a breed; they are a mixture that no one can define. It is clear that, with the breeds as defined in the amendment, the proof would have to be the dog itself. I cannot see how you could call such a dog a mongrel in that situation. There are combinations of breeds within those defined groups, which are hunting dogs, particularly spaniels and pointers and retrievers. It is the same for terriers; there are Jack Russell terriers and various distinguishable breeds within the

terrier category that would not be termed as mongrels, certainly not by their owners.

Mr PJ Bradley: I agree with the Member.

Mr T Clarke: Does the Member also agree that following his trail of thought on pure-breds would lead to a conclusion similar to that reached by the Department? Are we talking about pure-breds here or the welfare of animals? I bring mongrels back into the debate. What is more important: whether the animal is a mongrel or a pure-bred? I thought that we were talking about the welfare of the animal, regardless of their breed.

Mr PJ Bradley: The breed is included in amendment No 20, which the Chairperson has tabled and we are debating, but my view is that “combination” is open to different interpretations.

The concluding paragraph is the one that I consider most relevant. I did not vote against the exemptions, purely on the back of an assurance that I was given by the Minister when I questioned her during the evidence session on 16 November 2010. The Minister firmly assured me that, if the fears expressed by the Northern Ireland veterinary association proved to be correct, the Department would revisit the issue. I would like the Minister to confirm today that she made that commitment.

Mr Lunn: I declare an interest as a member of Lisburn City Council. This is not a subject that has exercised the council so far, but no doubt it will. I support amendment No 2, and, provided that it is passed, I will support amendments Nos 5 to 10.

We support the amended clause, which makes it an offence to dock a dog's tail for cosmetic reasons. We are content with that, on the basis of the Department's assurances about limiting the impact of the legislation on the dog showing industry while retaining a strong emphasis on protecting the welfare of dogs.

I listened with interest to Mr Molloy's comments about the dog show fraternity. I am not a member of the Committee, so I have not been privy to what seems like an enormous amount of discussion on the issue. It seems that the problem for the dog show fraternity here will be the lack of harmonisation between the law in the Republic and the law up here. However, that is perhaps more a problem for the Republic,

because it will be the odd one out in European terms. As far as I am aware, as well as GB, Sweden, Norway, the Netherlands, Finland, Germany and Denmark have banned docking, and Cyprus, Greece, Luxembourg, Switzerland and Austria have ratified the European convention that prohibits cosmetic docking in the same way as we intend to.

A recent article in 'The Irish Veterinary Journal' states:

“Veterinary Ireland informed its members that any request to dock puppies' tails should be refused. It is the sincere hope of Veterinary Ireland that no member of the profession would perform this act.

Furthermore and as indicated in this article the Veterinary Council of Ireland has specifically confirmed that any act of tail docking (except for therapeutic reason) performed by a registered Veterinary Practitioner would be deemed as unethical.”

It also states:

“Therefore, should a Veterinary Practitioner perform such an act, they would be in breach of the Guide to Professional Behaviour and would thus be open to disciplinary action by the Veterinary Council.”

That does not mean that the South will change its regulations, but it certainly gives a fair pointer towards the thinking down there. Although there is a short-term problem and our dog showing fraternity may suffer for a while, is it not possible — I do not speak as any kind of a dog expert — that dog shows could gradually become events where dogs have tails and are just judged in the same way? What is the difference? If it gravitates that way, surely that is the best solution.

Research carried out in Scotland after its ban indicates that 82% of the vets who were polled had not seen an increase in the number of tail injuries to dogs. Several key veterinary groups throughout the UK and Ireland, including the Association of Veterinary Surgeons Practising in Northern Ireland and, of course, Veterinary Ireland, have come out in favour of a complete ban on the docking of dogs' tails. We really have to go with the tide. It is clear, across all the civilised countries in Europe, that that is the way to go. For that reason, we support amendment No 2.

We would like to see the legislation perhaps go a little further and protect all dogs, but we are content with the requirements outlined

in clause 6 in relation to the certification of working dogs by a veterinary surgeon only. That should remove any potential loophole from the legislation. It is vital that the certification of a working dog is applied rigorously and that the first condition takes precedence over specification of breed. Any move whereby tail docking is deemed appropriate on the basis of breed only would make a complete mockery of the legislation. Having said that, we are content to support amendment No 2 and, providing that that is passed, amendment Nos 5 to 10.

Mr Speaker: The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The next Member to speak on the Bill after Question Time will be William Irwin.

The debate stood suspended.

The sitting was suspended at 12.29 pm.

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

2.00 pm

Oral Answers to Questions

Culture, Arts and Leisure

Irish Language Strategy

1. **Mr Sheehan** asked the Minister of Culture, Arts and Leisure if he intends to bring forward proposals for a strategy to promote and enhance the Irish language before the end of this mandate. (AQO 920/11)

The Minister of Culture, Arts and Leisure

(Mr McCausland): I am disappointed that I have not been able to progress the issue as I would have liked. Nevertheless, an issue on the cultural rights of children in the classroom remains unresolved. On 20 December 2010, I wrote to the Minister of Education to ask for a meeting in early 2011 to try to progress the matter. I received a reply, dated 19 January 2011, and a meeting has been arranged for 8 February 2011. If my concerns around the issue can be addressed, I intend to bring a draft strategy to the Executive before the end of this Assembly.

Mr Sheehan: Go raibh maith agat, a Aire. I thank the Minister for that answer. I am sure that he would acknowledge that current schools regulations allow for governors and teachers to determine and develop the cultural ethos of their schools. However, does he accept that those regulations cannot be prescriptive, nor can they foist upon schools subjects or activities in which there is absolutely no interest?

The Minister of Culture, Arts and Leisure:

Culture in the classroom is important. First, it is important and right for children because there is good evidence that, by bringing the culture of the community and the home into the classroom, one can improve academic performance in the school. Secondly, it is not only right for children in schools but it is the right of children, as set out in the UN Convention on the Rights of the Child. Therefore, there is a human rights issue. The Member opposite belongs to a party that often speaks about addressing issues on a rights-based approach. I want to ensure that

children in all education sectors in Northern Ireland have the opportunity to experience and enjoy the cultural rights that they are afforded by international convention.

Mr Humphrey: In his reply, the Minister mentioned the Minister of Education. Will he outline what he expects of the Minister of Education to enable him to progress a strategy?

The Minister of Culture, Arts and Leisure:

I am seeking a firm commitment from the Minister of Education that the cultural ethos of local communities will be reflected in local schools. The UN Convention on the Rights of the Child incorporates the full range of human rights: civil, cultural, economic, political and social. The guiding principles of the convention include non-discrimination, adherence to the best interests of the child, the right to life, survival and development, and the right to participate. Participation rights include the right to express opinions and to be heard, the right to information, and the right to freedom of association. Engaging those rights as children mature helps them to bring about the realisation of all their rights and prepares them for an active role in society.

As I said, I will meet the Minister of Education on 8 February to try to progress the matter. It is important to emphasise that this matter is a responsibility of the Government, because we are part of the United Kingdom, and the United Kingdom Government have signed up to and ratified the UN Convention on the Rights of the Child. The outworking of that involves a range of issues, such as teacher training, in-service teacher training, the curriculum, the provision of teaching materials and training for governors. In addition, if we are to see the matter resolved, a holistic and resolute approach such as I have indicated will be required.

Mr D Bradley: Gabhaim buíochas leis an Aire as a fhreagra. Tuigim go bhfuil sé ar intinn aige straitéis amháin a fhorbairt do na teangacha dúchasacha anseo. Ach nach gceapann sé go mbeadh sé níos feiliúnaí dá mbeadh straitéis amháin ann don Ghaeilge agus straitéis ar leith ann don Ultais, toisc go bhfuil an dá theanga ag céimeanna éagsúla forbartha?

Thank you very much, Mr Deputy Speaker. Why does the Minister believe that a single strategy for indigenous languages is suitable? Would it not be much more beneficial to have one strategy for Irish and another for Ulster Scots,

given that the two languages are at completely different stages of development?

The Minister of Culture, Arts and Leisure:

I thank the Member for his question. One could look to the example of the cross-border body, which, I think, his party had a hand in creating. That single cross-border body covers the Irish language and Ulster-Scots language and culture. Thus the two strands exist within the one cross-border body. That is a good model that I would seek to replicate, and it may be quite satisfactory to have a single — I stress the word “single” — cross-border body for both. As the Member finally seems to appreciate, the single strategy will have two strands. That is important, because if we are to build a shared and better future, we need to explore the relationships between cultural traditions, and that is much more easily done through a single strategy. Finally, the issues that pertain to the development of one particular cultural tradition are the same as those that pertain to the development of another cultural tradition, even if they are at different stages of development on issues such as broadcasting and education.

Mr Deputy Speaker: Fra McCann is not in his place to ask question 2, and George Savage is not in his place to ask question 3.

Sport and Health

4. **Lord Browne** asked the Minister of Culture, Arts and Leisure for his assessment of the relationship between investment in sports and savings in the cost of healthcare in later life, and whether he will continue to support programmes that have been successful in this area. (AQO 923/11)

The Minister of Culture, Arts and Leisure: I am interested to know the reasons for the absence of some Members in view of the amount of time that we spend preparing for Question Time.

There is strong evidence of a link between regular and sustained participation in sport as a form of physical activity and savings in healthcare costs, including in later life. Sport Matters, the Northern Ireland strategy for sport and physical recreation for 2009 to 2019, provides evidence that physical inactivity and obesity combined cost the Northern Ireland economy about £500 million per annum. The Department of Health, Social Services and Public Safety's research suggests that simply

stopping the rise in levels of obesity in Northern Ireland through interventions such as physical activity would save that Department at least £210 million over the next 20 years. In addition, evidence published recently shows that certain types of health conditions associated with inactivity cost the UK economy £1 million an hour.

Moreover, a 2007 Foresight programme report sponsored by the Department for Business, Innovation and Skills estimates that current NHS costs attributable to dealing with people who are overweight and obese are likely to rise to £10 billion per annum across the UK by 2050. Appropriate investment to enable more people to participate in sport can help to reduce many of those costs. It is partly for that reason that I am keen to do what I can to support programmes that encourage participation in sport. In the context of the draft Budget and the Sport Matters strategy, I am also engaging with Sport Northern Ireland to agree priorities in that regard. This morning, I was at the City Hall in Belfast for the launch of a programme designed to meet that very objective.

Lord Browne: I thank the Minister for his answer. I am sure that he is well aware of the ongoing development of community facilities in east Belfast, from the Comber Greenway and the Connswater Greenway to all the excellent sport-based projects. Will the Minister provide more details of the evidence and sources that he quotes as showing a link between investment in sport and savings in healthcare costs in later life?

The Minister of Culture, Arts and Leisure: Sport Matters provides evidence that the combination of physical inactivity and obesity costs the Northern Ireland economy £500 million per annum. The Department of Health, Social Services and Public Safety's Fit Futures report estimates that simply stopping the year-on-year increases in levels of obesity in Northern Ireland through interventions such as physical activity would save that Department at least £210 million over the next 20 years. The Fit Futures report also describes the rising obesity levels in Northern Ireland as a "potential financial time bomb". A report to the Assembly's Health Committee in 2009 suggested that certain types of health conditions associated with inactivity cost the UK economy £1 million per hour. The UK Chief Medical Officer has recognised that regular physical activity, including

sport, can contribute significantly to a reduction in the incidence of type 2 diabetes.

The Department of Health, Social Services and Public Safety has estimated that diabetes care in Northern Ireland costs 5% of the health expenditure in Northern Ireland and a total of 10% of hospital inpatient resource. The British Medical Association also considers that risks of contracting certain of the more dangerous forms of cancer are definitely reduced by increased exercise, and the Northern Ireland Association for Mental Health estimates that the cost of working days lost to mental ill health in Northern Ireland may be as much as £125 million a year. Research undertaken as part of the development of Sport Matters suggests that sport and physical activity can contribute positively to mental health.

Mr K Robinson: Does the Minister agree that a lot of the big schemes that grab the media headlines are very expensive ways of getting our folk out and exercising? Many schemes are run by local authorities and, if properly advertised, might get a greater output in attacking the obesity levels and the other levels that he indicated. Will the Minister's Department look at that specifically?

The Minister of Culture, Arts and Leisure: I agree entirely with the Member that many of the schemes that have the most impact are modest, low-cost schemes. The grants of £30,000 that were given recently for small capital works made a real impact. I visited a number of places where additional facilities made the opportunity for greater use of a football pitch, and a small boxing club was able to start up in east Belfast with the aid of such a grant. The small grants can make a big difference. This morning, 22 sports coaches went out across the city of Belfast, and that is part of a scheme that is operating across the Province at a community level.

The Member mentioned local authority programmes, and I encourage local authorities to ensure that people are aware of those opportunities. A lot is happening and a lot is available, but it is not always taken up to the maximum extent because of that issue.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I agree that tackling health issues is not only a matter for the Health Department. Will the Minister give an update on the recent discussions that he or his officials have had on the Investing for Health strategy, which brings

a lot of this to the fore? Has he had any recent discussions on using sporting stars to promote the Protect Life strategy on suicide?

The Minister of Culture, Arts and Leisure: All of our work in sport is taken forward under the umbrella of Sport Matters, which is the strategy. That is a cross-departmental approach, through which different Departments come together to bring something to the table. For example, the Department of Education has a role in making school facilities available for wider use, and all the Departments are part of that process. Not only do we have an umbrella group that drives that forward but there are specific working groups on particular themes. I am happy to supply the Member with more details about the particular working groups and their targets.

Mrs M Bradley: What consultation has taken place between the Minister of Culture, Arts and Leisure and the Education Minister regarding the sports strategy in schools?

The Minister of Culture, Arts and Leisure: I have had several meetings with the Education Minister, and I am glad to say that those were some of our more constructive meetings. In fact, it may shock some people to hear that there was almost a meeting of minds on some points. We need to ensure that we get the proper provision of school facilities for wider community use. We also need to ensure that there is the maximum possible opportunity for young people in schools to avail themselves of sporting facilities. I am glad to say that in our new school programmes that are coming through the Department of Education, including newbuild projects, redevelopment, and so on, there is a much greater focus on ensuring that we get very good sporting provision for young people.

Mr Deputy Speaker: Mickey Brady is not in his place to ask question 5.

Arts Funding: County Tyrone

6. **Mrs O'Neill** asked the Minister of Culture, Arts and Leisure how much funding his Department is currently providing for arts projects in County Tyrone. (AQO 925/11)

The Minister of Culture, Arts and Leisure: The Arts Council has provided a total of £234,446 to arts projects in County Tyrone. My Department has also made available a total of £49,200 for the community festivals fund for projects in County Tyrone that may include arts elements.

Funding for the arts in County Tyrone does not simply come from central government. We need to remember the role of local authorities in investing in the arts. The Member, who I understand is the Mayor of Dungannon and South Tyrone Borough Council, might be interested to note that her council has a much lower spend on the arts, at £5·60 per person in 2008-09, compared with an average of £13·93 across councils in Northern Ireland. Therefore, there is a bit of work to be done there. In her role as mayor, and with her passion for the arts, I am sure that the Member will encourage a much greater investment from Dungannon council in the future.

2.15 pm

Mr Deputy Speaker: Michelle O'Neill for a supplementary, if you wish.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I absolutely wish.

I welcome the investment from the Department. As mayor of the council, I know that we are very committed to the arts in our area. The funding is distributed in a mix of ways, but two of the biggest projects that we fund are the Bardic Education, Arts and Media — BEAM — centre in Donaghmore and the Community Recreational Arts in Coalisland — CRAIC — theatre. Does the Minister agree that those are perfect examples of how investment in the arts should be taken forward in a rural community?

The Minister of Culture, Arts and Leisure:

Investment in the arts is a good thing, regardless of whether it is in rural communities or in urban communities. It enhances people's quality of life in the same way as sport. When you bring it down to a local level, investment makes the arts much more accessible to people. In fact, if Dungannon council could increase its spend from £5·60 to £13·93, like the rest of the councils, it would have even more money to spend in Tyrone.

Mr Dallat: I am sure that we all share the concern that the average spend on the arts in Tyrone is so low. Can the Minister assure us that there will be no purge from his Department on spending on the arts across the North?

The Minister of Culture, Arts and Leisure: I am not sure what the Member means by the word "purge", but I understand that he is obviously referring to Northern Ireland. I will ensure that we get the maximum possible investment in

the arts across Northern Ireland. We are in a difficult financial situation, and there are cuts across all Departments. As a member of the SDLP, the Member may wish to speak to his colleague in the Department for Social Development, and maybe he would free up some of his Department's money or even invest some of it in community arts projects. Then we would have even more money to spend.

Mr Armstrong: We are still on the subject of Tyrone. What lessons does the Minister believe that we can learn from successful arts projects in areas with dispersed populations, such as the Scottish Highlands, and apply to areas such as County Tyrone?

The Minister of Culture, Arts and Leisure: I am not sure that I have learned any particular lessons in regard to expending money. However, I have visited the north of Scotland during my time in office to see how arts and cultural projects are delivered. There are lessons that can be learned, particularly in respect of the economic benefits that can flow from the arts and culture. We visited the Gaelic college on the Isle of Skye, and it is a primary example of a good, high-quality project, which is creating employment in an area that is quite isolated.

Mr Ross: I am not so interested in how constituents in Tyrone are getting their funding, but will the Minister outline to the House how arts funding caters for people in the Province who have disabilities?

The Minister of Culture, Arts and Leisure: The Arts Council recognises that organisations that work with people who have disabilities fit in well to the Arts Council's strategy and the arts and disability policy. Arts Council initiatives include core funding of several arts and disability organisations, including the Arts and Disability Forum. In addition, the Arts Council funds a wide range of arts and disability projects through lottery funding and supports the arts and disability equality charter. That is a Kitemarking project, which was developed by disabled people to encourage and to reward good practice among arts venues.

In 2010-11, the Arts Council of Northern Ireland supported the Arts and Disability Forum to the amount of £76,271 through its annual support for organisations programme.

World Police and Fire Games

7. **Dr Farry** asked the Minister of Culture, Arts and Leisure for an update on the preparations for the World Police and Fire Games in 2013.
(AQO 926/11)

The Minister of Culture, Arts and Leisure:

At the Northern Ireland Executive meeting on Thursday 9 September 2010, they agreed in principle to support the 2013 World Police and Fire Games up to a cost of £6.04 million. Subsequently, my Department made a bid for that amount in the 2010 Budget review. Subject to the Budget's being approved, that money will be available from 1 April 2011, subject to the normal budgetary processes.

On 6 December 2010, a business case that included a recommended delivery mechanism for implementing the 2013 World Police and Fire Games was approved by DFP. In addition, DFP has approved the proposed structure, governance and accountability arrangements to be put in place by my Department for the delivery vehicle. A company limited by guarantee, which will be sponsored and monitored by the Department, is being established to deliver the games in August 2013. I am in the process of appointing the chairperson and directors of the company. An inaugural meeting of the board of directors has been scheduled for 21 February 2011.

Members will be aware from previous answers that a 2013 stakeholder group, which is chaired by DCAL and incorporates key stakeholders from the Police Service of Northern Ireland, the Northern Ireland Prison Service, the Northern Fire and Rescue Service, Belfast City Council and Sport NI, was managing the 2013 World Police and Fire Games project until such time as a delivery vehicle was established. The stakeholder group had identified and taken forward preparatory work on various work streams, which include volunteering, tourism, legacy, transport and logistics and sport, for the planning and organisation of the games in conjunction with the relevant external bodies. That will now be the company's responsibility.

Dr Farry: There has been a great deal of talk in the media about the Olympics. Of course, that event is happening in London. The real issue for Northern Ireland is its legacy. The World Police and Fire Games will happen in Northern Ireland. When I hear the Minister say the words "in principle", I begin to worry.

Northern Ireland's reputation will be on the line. Potentially, there will be 10,000 participants in the games. Can the Minister give the House a guarantee that not only will money be available to ensure that the games are a success but the necessary infrastructure will be in place to ensure that Northern Ireland is not made a fool of internationally?

The Minister of Culture, Arts and Leisure: I have every confidence that the event will be extremely successful. Northern Ireland has the capacity, ability and resources to deliver a successful World Police and Fire Games. It is important that we do nothing that will in any way undermine worldwide recognition that Northern Ireland is a place that can host successful sporting events. The World Police and Fire Games organisers are selective about where the games are held. The fact that they are coming here is a positive, strong vote of confidence in Northern Ireland.

I was pleased that the £6·04 million was in the Budget. We have not yet finalised the Budget. I believe that the money is available. I am pleased about that, and I am sure that the Member is, too.

As regards Northern Ireland's organisational ability, we have a strong group of people who have a great deal of experience. Some of our service personnel have been involved with the World Police and Fire Games in the past. They understand the scale of the event and the challenge that it brings. We are talking about 10,000 athletes and around 15,000 others, family and friends, coming to Northern Ireland. In total, 25,000 people will come, possibly for one month. They will not just come for the games; they will holiday here. That will have considerable benefits for the local economy.

Mr Campbell: The Minister will be aware that in the same year that the World Police and Fire Games are held in Northern Ireland, Londonderry will be the UK City of Culture. It has been suggested that events be planned that straddle both occasions. Will he ensure that his departmental officials will work resolutely to ensure that those events are successful wherever they may be held?

The Minister of Culture, Arts and Leisure: The Member is right to draw attention to the fact that the World Police and Fire Games will bring a large number of people to Northern Ireland. As he said, 2013 is also the year when the UK City

of Culture has been awarded to Londonderry. It would be a golden opportunity to ensure that the benefits from that large number of visitors, in some way, flow to the city. I am sure that that was very much in the minds of the organisers. I have spoken to a number of them, and it is something that they have not forgotten; it is on their agenda.

Mr O'Loan: What can the Minister tell us about venues selected for the games? Will venues outside Belfast be used?

The Minister of Culture, Arts and Leisure: Sport Northern Ireland recently completed an expression of interest exercise to identify potential venues to host sports. Over 75 applications were received, and Sport NI has been carrying out a number of site visits. Venues that meet the minimum standards to host approximately 65 sports have been identified, and Sport NI is working with the Police Service of Northern Ireland security directorate to prioritise those venues.

Mr Deputy Speaker: Mr Cathal Boylan is not in his place to ask question 8. I call Mr William Irwin.

Libraries

9. **Mr Irwin** asked the Minister of Culture, Arts and Leisure, in light of the review of services by Libraries NI, how he intends to ensure that communities, such as Richhill, continue to have access to a library service. (AQO 928/11)

The Minister of Culture, Arts and Leisure: I recognise the valuable contribution that the public library service makes to our local communities, and I remain fully committed to the provision of a comprehensive library service throughout Northern Ireland.

The recent draft Budget, which is out for consultation, presents a challenge to all my Department's sponsored bodies. The board and senior management team of Libraries NI will have to consider how the public library service can be most effectively managed within available resources. Library services in communities such as Richhill are being considered within Libraries NI's ongoing strategic review of the library estate.

That 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 of 2010, and Libraries NI has begun the second stage of the review. A full public consultation on the review proposals commenced on 10 January, and I emphasise that nothing has been finalised by the Libraries NI board at this stage. Those 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 encourage everyone who has an interest in libraries in Northern Ireland to participate in the consultation process. That will help to ensure that Northern Ireland will have a modern, accessible and excellent library service in the future.

Mr Irwin: I thank the Minister for his reply. Is it within the Minister's power to intervene to ensure that libraries such as Richhill's remain open?

The Minister of Culture, Arts and Leisure: That is fundamentally an operational issue for Libraries NI, and it would be inappropriate for me to attempt to influence its decision. Intervention in the board's decision would be appropriate only if there was evidence that the consultation process had been significantly flawed or the remaining services did not meet Libraries NI's statutory duty to provide a comprehensive and efficient public library service. I assure the Member, however, that robust criteria are being applied to the review process to identify libraries that are fit for purpose, capable of delivering on the vision of Libraries NI, in the right location and sustainable.

Mrs D Kelly: Does the Minister agree that the definition of "rural" in the Northern Ireland context is somewhat dubious and puts at risk some of the libraries that are situated in rural communities such as Waringstown, Carnlough, Moira and Crumlin, and that it would be a great loss to those communities if the libraries were to close?

The Minister of Culture, Arts and Leisure: Libraries in rural areas are important to the local communities. I am not sure that it is a question of definition. Current provision in rural areas is highly valued, and I am convinced that it provides a much needed service. Mobile libraries are vital in providing services to rural communities that have limited access to a static library. That is why I have authorised Libraries NI to purchase four new mobile libraries this

year. I have also authorised investment in rural libraries. I have, for example, authorised investment in a new library in Dungiven and an extensive refurbishment of Newtown Stewart library. Furthermore, modern technology offers ways of delivering services in rural areas where a building is not sustainable, and customers can access a range of online library services, such as ordering and renewing books and accessing reference resources.

2.30 pm

Education

DE: Job Losses

1. **Ms Ritchie** asked the Minister of Education whether there will be job losses within her Department and its arm's-length bodies as a result of the Budget settlement. (AQO 934/11)

The Minister of Education (Ms Ruane): A LeasCheann Comhairle, nuair a bheas mé ag freagairt ceist uimhir 4 beidh nóiméad sa bhreis ag teastáil uaim. When answering question 4, I will require an extra minute. Before I do that, with the indulgence of the Deputy Speaker and the House, I would like to make a brief reference to tragedies over the past week, when three young people lost their lives. In the past two days I have spoken with three devastated principals who are showing huge leadership at this very difficult time. I know that the Assembly will join me in offering my condolences to the heartbroken families of those young people.

In answer to the question posed by Margaret Ritchie, tá bearna maoinithe de £300 millún ann anois don oideachas thar thréimhse an Bhuiséid mar gheall ar shocrú Státchoiste na Breataine £4 billiún a aistarraingt ón bhlocdheontas. The British Treasury's withdrawal of £4 billion from the block grant has resulted in a funding gap of £300 million for education over the Budget period. That will present significant challenges; however, I am determined to protect jobs and front line services throughout the education sector. During the Budget process we managed to increase what was originally proposed for education, and I will continue to bid for additional money to ease pressures. The Executive identified a further £1.6 billion of revenue, almost half of which remains unallocated. I will be arguing strenuously for a portion of that

£800 million to supplement the shortfall in the education budget.

In preparing my spending proposals, I identified a number of areas for protection in order to protect the most vulnerable. Those included: special educational needs; extended schools; school counselling services; youth; and extra funding for early years. I have also approved the extension of the eligibility for free school meals entitlement.

Ms Ritchie: I thank the Minister for her answer. On behalf of the SDLP, I extend our condolences to all the families of the young children who lost their lives in such tragic circumstances.

I will now move on to the supplementary question. Teachers' unions and education partners estimate that the cost of the cuts to the aggregated schools budget will equate to 5,000 teaching posts over the four-year Budget period. How can that be reconciled to the Minister's goal in the savings plan for protecting front line services for children and young people?

The Minister of Education: Go raibh maith agat Gabhaim buíochas least as an fhreagra. I met the teachers' unions this morning, and we had discussions on all aspects of the Budget. I am not going to go down the same road as other Ministers by scaremongering and making all sorts of wild guesstimates about job losses in order to position my Department for any additional funds. It is not fair to people. I have never tried to disguise the fact that it is not a good Budget for education. I intend to bear down on management and administration, protect front line services and do everything I can to protect jobs. I ask the Member in return, because of her concern about potential job losses, for her party's, along with other parties', support for my bid for additional resources for education.

Miss McIlveen: When will the Minister be in a position to provide the Education Committee and the House with a detailed spending plan?

The Minister of Education: My Department provided detailed spending plans to the Committee on 24 November 2010. My departmental officials have been at the Committee regularly, and I have also been at the Committee. I respectfully suggest to the Member that she should go back and get the information that was provided to the Committee.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that, although education certainly requires resources, a major step forward would be the establishment of the Education and Skills Authority (ESA), which would amalgamate nine areas of administration and put funds into front line services?

The Minister of Education: Aontaím leis sin. Tacaíonn torthaí an dréachtBhuiséid go mór leis an údarás um oideachas agus scileanna a bhunú. The implications of the draft Budget allocations argue strongly for the establishment of the education and skills authority and I remain totally committed to that vital reform. I intend to press ahead with the convergence of services and management structures across the education and library boards to ensure greater consistency and efficiency in service delivery. Without that, scarce resources will continue to be spent on unnecessary bureaucracy, it will be spread too thinly over existing institutions, and it will be spent on duplication. That was a key area that the trade unions raised with me this morning. They are keen to see the establishment of ESA.

Mr K Robinson: I, too, take this opportunity to express the condolences of the Ulster Unionist Party to those families that lost a child in tragic circumstances over the past few days.

What assessment has the Minister made of the impact of switching £41 million from capital to revenue and the impact that that will have on the schools estate? Will she confirm whether Her Majesty's Treasury is happy with that arrangement?

The Minister of Education: As the Member knows, we have invested significantly in the school building programme since 2007. The Executive agreed a 10-year programme that contained 108 schools. We have 55 built or under construction, and a further 12 will begin in the next few weeks. Recently, we had the sod-cutting at Taughmonagh, County Antrim, and at Madden, County Armagh. Fifty-four schools remain on the list to be built over the next six years. We have spent £588 million on school building.

In relation to your question about the impact of the £41 million, the draft Budget settlement for education was particularly difficult in year one. I was faced with very difficult choices. The choice was between doing everything one could to protect jobs and the front line and using some of

the money in the building programme to ensure that we have money to protect jobs. My starting point is to protect jobs and front line services.

It is with regret that I reclassified that money. That is one of the areas that the Executive will be looking at because we make provision with the Executive about that. Will that have an impact on the schools estate? Of course it will, and that is why I am asking all parties to support me in my bid for further resources for education.

School Facilities

2. **Mr Kinahan** asked the Minister of Education for an update on her Department's review of community use of the schools estate.

(AQO 935/11)

The Minister of Education: The schools estate represents a significant public resource. I am determined that it should be used more widely to serve the needs of pupils, parents, families and the local community. All schools should consider the potential benefits of their premises being made available for members of the community served by the school. Many schools already do so and the arrangements are negotiated and agreed locally.

The working group established to make recommendations for consideration by the Department of Education and ESA has reported to the Department of Education. The report contains 36 wide-ranging recommendations, many of which impact on policy and operational areas outside the remit of the Department of Education. The recommendations have been considered in detail across the Department. Other Government Departments, agencies and district councils have also provided comments on the recommendations. I await the education and library boards' response to the working group proposed guide to managing community use. I want to ensure that guidance for schools takes account of any issues raised in response to the recommendations. That also needs to be in line with the establishment of the education and skills authority.

The programme of extended schools has been significant in opening up our schools to the community. I love passing schools morning, noon and night, and at weekends, and seeing the lights on and the playing fields being used by local communities, and I am sure that the

Member agrees with that. That is our objective, but we need to do it in partnership with local schools.

Mr Kinahan: I thank the Minister for her answer. I agree very much with her sentiment that we all enjoy seeing schools being used outside the normal hours. However, will she give a commitment to my colleague David McNarry that the review will be completed and acted upon before the end of this Assembly?

The Minister of Education: I will do everything that I can to ensure that we complete the review before the end of the mandate. The review is wide-ranging and has, as I said, 36 recommendations. I pledge to the Member that I will work with other Departments and district councils on that.

Mr Bell: On behalf of the Democratic Unionist Party, I convey our condolences to the families and loved ones of those children who have died from suicide. Those of us who have worked with children who subsequently committed suicide know exactly how they feel, and our thoughts and prayers are with them.

Will the Minister provide better information to community organisations, youth clubs and churches on how they can access the schools estate and what their liabilities are, particularly for insurance and the quality of the equipment that they use?

The Minister of Education: As I said, my Department is working on guidance on the use of schools. I want community organisations to use schools, but that needs to happen in partnership, and there are issues, such as insurance and extra costs. I specifically mentioned the extended schools programme, which is a very good model that we can consider.

Mrs M Bradley: Are there any further plans to build full-service community schools?

The Minister of Education: There are two full-service community school networks. We are looking at how schools link in with local communities, particularly to tackle disadvantage. We are working to make sure that we provide the best possible educational outcomes for children and young people. The Member will also be aware of the Achieving Derry and Achieving Belfast programmes, in which we link closely with communities to

ensure that we increase levels of literacy and numeracy.

Schools: Budget Cuts

3. **Mr McQuillan** asked the Minister of Education to outline the timetable for the proposed cuts to the schools estate budget and when schools will be notified of the outcome. (AQO 936/11)

The Minister of Education: D'fhógair an tAire Airgeadais agus Pearsanra dréachtBhuiséad an Choiste Feidhmiúcháin 2011-15 ar 15 Nollaig 2010. The Executive's draft Budget 2011-15, which was announced by the Minister of Finance and Personnel on 15 December 2010, provides proposed current expenditure and capital investment allocations for the four-year Budget period. The draft Budget is subject to consultation until 16 February 2011, at which time responses will be considered.

Budget 2010 is taking place in a difficult economic environment, in which the British Treasury has removed £4 billion from the block grant. Although the Executive succeeded in finding an additional £1.6 billion through revenue-raising measures, half of that has yet to be deployed in the Budget figures. I will argue strongly that some of that money must be added to the education budget to protect key front line services.

The Department will actively engage with stakeholders. On 7, 8 and 11 February, we will hold meetings in four community venues throughout the North, and I encourage all stakeholders to attend them.

Mr McQuillan: Will the Minister also tell us what criteria she will use to introduce those cuts?

The Minister of Education: I have already stated that I am doing everything that I can to protect jobs and front line services. We protected the budgets for special educational needs, counselling and youth services, and we also protected the extended schools budget, which is a very good budget line. We also extended the criteria for free school meals so that more children will get a school meal every day.

Despite a difficult budget, we also added an extra £3 million to early-years provision. I have listened to Members, and there is consensus across every party that we need to get more money into early-years provision.

For the first year, I also propose to reclassify £41 million of capital in the draft Budget, because, if the short-term choice is teachers and classroom assistants or constructing new school buildings, we need to do everything that we can to protect teachers and classroom assistants' posts.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. As she is aware, many schools in the system are awaiting newbuilds. Will she confirm whether there is a moratorium on capital newbuilds?

2.45 pm

The Minister of Education: There is no moratorium on school builds, but, if the Department cannot secure further resources, it will be difficult for it to continue in the way in which it has done for the past four years. I can say that the 13 school builds that were approved in August will go ahead. I would like to be able to continue with the school building programme, and I look forward to all parties supporting my bids for additional resources. However, we should not be under any illusion. The draft Budget is difficult for us all, and particularly for education.

Mr Dallat: I am sure that we all share the Minister's frustration at the lack of capital investment in our schools. Will she gaze into her crystal ball and tell the House whether the list will be longer or shorter by 2015?

The Minister of Education: I do not agree with the first point that the Member made. No one can say that we have not undertaken a significant school building programme since 2007, and I am proud of that programme. I do not use crystal balls to make policy. The only way in which we can continue with the school building programme is if the Member's party and the other parties support my bids.

Mr Deputy Speaker: Question 4 has been withdrawn

DE: Revenue

5. **Mr Lyttle** asked the Minister of Education for her assessment of whether her Department can meet all the revenue raising targets set out in the draft savings delivery plan. (AQO 938/11)

Mr Lyttle: I extend the condolences of the Alliance Party to those families who were bereaved by suicide last weekend.

The Minister of Education: Maidir leis na spriocanna atá leagtha amach i mo phlean um imdháileadh agus coigilt airgid, ní dhírfítear iad go príomha ar ioncam a ghiniúint. The allocations and savings plan does not contain any targets that are primarily focused on raising revenue, and the Department's functions are such that the scope to raise revenue is extremely limited. I firmly believe, and I am sure that the Member shares my belief, that children's education is a fundamental right. It should be a universal service that is open to all. It would not, therefore, be appropriate to introduce charges for core educational services. My Department has examined specific non-classroom services to consider what scope there might be to increase revenue. In some cases, charging was discounted, as it would likely impact more strongly on the most deprived and act as a barrier to inclusion for those children who most need the service. My budget proposals on others services, such as the provision of school meals and transport, focus on efficiency and reducing costs rather than on raising revenue. However, further consideration may need to be given to charging and funding structures over the Budget period to ensure the most appropriate use is made of our limited resources.

Mr Lyttle: Will the Minister detail some of the contingency plans that she will use if additional funding does not become available?

The Minister of Education: I have already said that I plan to reclassify £41 million of capital expenditure and put that into schools' budgets. We have done everything that we can in the draft Budget to protect front line services; the special educational needs budget; the youth budget; the counselling for schools budget; and the extended schools budget. We also did everything that we could to militate against big losses in the aggregated schools budget in the first year. We must avoid unnecessary duplication, establish the ESA and get money into the classroom.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. Will, the Minister give an undertaking that there will be no job losses in the Curriculum Advisory and Support Service (CASS) and other professional services as a result of the Budget?

The Minister of Education: I will be looking at all the education and library boards and the various services to see where there is

duplication, unnecessary administration and overlap. My preferred option would be for the ESA to be up and running. Our work is being organised through a convergence programme. Money should not be wasted on administration; it needs to get to the classroom.

Mr Hilditch: I extend my sympathies to the family of the young man who died in tragic circumstances during a Medallion Shield rugby match at the weekend, as well as to those who tragically died as a result of suicide. In her answer to Michelle McIlveen earlier, the Minister correctly stated that officials had been before the Committee for Education on a number of occasions to discuss budgetary matters. However, the Committee has requested more finite detail so that it can help with the draft Budget, and that has not been made available to date. When will that information become available?

The Minister of Education: For clarification, I mentioned three young people, and I did refer to the young man that the Member mentioned. I spoke to his school principal this morning and to those of the other two young people.

My officials have been at the Committee and, as the Member knows, I have also been at the Committee. The Department of Education is always happy to provide information, and my officials are working through the Committee's requests.

Mr B McCrea: I want to pick up on the answer that the Minister gave to Mr Lyttle about contingency plans and, in particular, her plans to transfer capital to revenue. The Minister of Finance and Personnel indicated that that proposal would not receive his support. Has the Minister had any discussions with the Minister of Finance and Personnel, and what will she do if that possibility is not forthcoming?

The Minister of Education: I am not aware that the Minister of Finance and Personnel has said that he will not support it. First, it is a matter for the Executive. I have written to the Minister of Finance and Personnel, and he has outlined that it is a matter for the Executive.

DE: End-year Flexibility

6. **Mr P Maskey** asked the Minister of Education what action she is taking to address the withdrawal of end-year flexibility. (AQO 939/11)

The Minister of Education: Chuir Státchoiste na Breataine srianadh rochtain i bhfeidhm ar sholúbthacht dheireadh bliana sa bhliain 2008. The British Treasury restricted access to end-year flexibility (EYF) in 2008. At that time, I made several representations to the then Finance Minister, Peter Robinson. At that point, the Executive, collectively, recognised the unique position of education and agreed that schools should be treated as a special case. Since then, I have continually highlighted the importance of EYF to the education system with two further Finance Ministers, Nigel Dodds and Sammy Wilson. Since 2008-09, my Department has sought access to EYF from the Executive as required and, at the same time, worked with education and library boards to manage the position of individual schools through prudent financial planning.

In October, the British Treasury demanded that the existing EYF scheme be abolished, including all accumulated stocks, with effect from the end of this financial year. I was not prepared to accept that loss of school funding, and I immediately raised the issue at the Executive meeting on 22 October 2010 and at Budget bilateral meetings with the Finance Minister. I then formally issued a letter to the Finance Minister on 13 January 2011 and followed that up with a meeting on 21 January, at which the issue was resolved. We both agreed that schools must continue to have access to surpluses that they had accumulated through sound financial management, and guaranteed to put in place arrangements to ensure that both past and future savings would be honoured in line with the Executive's commitment to schools. That is a good outcome for our schools: indeed, it is the outcome that I fought for, with support from the Minister of Finance and Personnel. Schools have now been provided with the certainty that they require.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle agus a Aire. I welcome the hard work that the Minister has done recently. The Treasury's raid of school coffers was a disgrace, and it was a bad setback. However, I am glad that the work has continued and that the decision has been overturned.

I also concur with some of the comments made earlier about the young people who have died this week.

Mr Deputy Speaker: Your question?

Mr P Maskey: The Minister has touched on it already, but perhaps she might say a bit more and confirm whether the schools have been given notification that the funds will be secured.

The Minister of Education: Chuir mé litir chuig na scoileanna go léir. We sent letters to the schools. They are aware of the situation and, obviously, were very concerned. Thankfully, the issue has been resolved, which shows that when Ministers work together, they can get the desired outcomes.

Mr D Bradley: Ba mhaith liom ceist a chur ar an Aire faoi na socruithe nua a bheas a gcur i bhfeidhm agus a fhiafraí di conas a oibreoidh na socruithe nua agus cá has a dtiocfaidh an t-airgead leis an scéim seo a mhaoiniú. Will the Minister explain the new arrangements that will be put in place, tell us how they will work, and where the money will come from to operate the new arrangements?

The Minister of Education: Tá an próiseas seo á fhorbairt faoi láthair ag mo Roinn agus ag comhghleacaithe sa Roinn Airgeadais agus Pearsanra, ach tá an próiseas ag céim luath agus mar sin de tá sé ró-luath tuilleadh sonraí a thabhairt air.

My Department and DFP colleagues are developing the mechanics of the process. It is at an early stage, so I cannot give any details on the exact mechanism. However, there is a firm guarantee about arrangements, and the scheme will be put in place using Executive resources.

Mr Ross: I also welcome the fact that the Finance Minister and the Education Minister came together to give this guarantee to many schools, because schools in my constituency contacted me about the issue. Will the Minister give the House a guarantee that, if schools underspent by more than 5% in this financial year, the money that they saved for future projects will be secured and honoured?

The Minister of Education: I made a clear statement about past and future money. Schools will get the resources that are rightfully theirs. There are sound financial principles and frameworks, to which it is important that schools adhere. It is 5% either way or £75,000, so schools should not accumulate major surpluses. The arrangements will be honoured.

DE: Budget 2011-15

7. **Mr Burns** asked the Minister of Education how the Budget settlement will impact on front line services. (AQO 940/11)

The Minister of Education: Léirigh mé riamh gur mhaith liom cosaint a thabhairt do sheirbhísí tús line, an méid is féidir liom, nuair a bhí mo chuid pleananna coigilte agus mo dhréacht-imdháiltí á ndearbhú agam.

In determining the draft allocations and savings plans, I always made it clear that I want to protect front line services. My core priorities have been raising educational standards; targeting educational inequalities; removing inequalities; reducing bureaucracy; driving up efficiency; eliminating duplication; and minimising any impact on front line services in the classroom. Members are aware of what has been ring-fenced, so I will not repeat myself.

If we do not receive further resources, I am particularly concerned about the scale of resource savings that will have to be delivered next year. Members know that I am seeking to reclassify £41 million from capital to revenue in 2011-12. I will also continue to fight for unallocated resources for education because an additional £800 million of revenue has still to be allocated. I will not make any final decisions until after the Executive agree the final Budget. Only at that stage can the impact for all educational services be properly assessed.

Mr Burns: Will the Minister tell the House what discussions she has had with the Irish National Teachers' Organisation (INTO), in light of its members expressing concerns in the media today about job losses?

The Minister of Education: I met representatives of the INTO and other unions this morning. We discussed the importance of the establishment of ESA, which is one of the single biggest ways to get money into the front line to protect classrooms, teachers, classroom assistants and other school staff. We also discussed the importance of equality in education. The unions were pleased about the situation with end-year flexibility because many of their schools are worried about that. They also supported the protection of the most vulnerable people and front line services. They want to ensure that education receives additional resources, and I look forward to all parties in the House supporting that.

Mr Deputy Speaker: Question 8 has already been answered. Mr Thomas Buchanan is not in his place for question 9.

Schools: Newbuilds

10. **Mr Lunn** asked the Minister of Education if she can confirm that funding is still available for newbuild schools which have been given the go-ahead. (AQO 943/11)

The Minister of Education: Tá infheistíocht shuntasach déanta agam i scoileanna nua.

We have invested significantly in new schools. The Executive agreed a 10-year investment strategy that had 108 schools. Fifty-five of those schools have been built or are under construction. Fifty-four schools remain on the list to be built over the next six years, and a further 112 schools are at various stages of planning. It is intended that the 13 schools that were announced in August will be given the go-ahead subject to the necessary approvals.

3.00 pm

Mr Deputy Speaker: That concludes questions to the Minister of Education. Members may take their ease for a few moments while we change the top Table.

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

Mr Campbell: On a point of order, Mr Deputy Speaker. We have just come through Question Time and a number of Members either withdrew their question or did not appear to ask it. The Speaker referred to that on a previous occasion. Will you undertake, Mr Deputy Speaker, to draw the Speaker's attention to the considerable discourtesy to the House that that represents? We have just come through an era when offenders either got off or got out early. Can we ensure that, in the House, offenders who repeatedly do not appear are punished in some way, such as not being called in the future?

Mr Deputy Speaker: The Speaker is aware of the problem, but I ask the Member not to generalise too widely. I know that there are Members involved in Committees who are carrying out important work in chairing those Committees. However, I agree that there should be some communication with the Chamber.

Executive Committee Business

Welfare of Animals Bill: Consideration Stage

Clause 6 (Docking of dogs' tails)

Debate resumed on amendment No 2, which amendment was:

In page 4, line 18, leave out subsections (4), (5) and (6) and insert

"(4) Subsections (1) and (2) do not apply if the dog is a certified working dog that is not more than 5 days old.

(5) For the purposes of subsection (4), a dog is a certified working dog if a veterinary surgeon has certified, in accordance with regulations made by the Department, that the first and second conditions mentioned below are met.

(6) The first condition referred to in subsection (5) is that there has been produced to the veterinary surgeon such evidence as the Department may by regulations require for the purpose of showing that the dog is likely to be used for work in connection with law enforcement, lawful pest control or the lawful shooting of animals.

(7) The second condition referred to in subsection (5) is that the dog is of a breed specified in Schedule 1A for the purposes of this subsection.

(8) The Department may by regulations add to, or remove, breeds of dog from the list in Schedule 1A.

(9) 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.

(10) 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.

(11) A person commits an offence if that person takes a dog, or causes a dog to be taken, from a place in Northern Ireland for the purpose of having the whole or any part of its tail removed, otherwise than for the purpose of medical treatment administered by a veterinary surgeon.

(12) A person commits an offence if—

(a) that person shows a dog at an event to which that person pays a fee or members of the public are admitted on payment of a fee,

(b) the dog's tail has been wholly or partly removed (in Northern Ireland or elsewhere), and

(c) the removal took place after the coming into operation of this section.

(13) 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.

(14) It is a defence for a person accused of an offence under subsection (12) to show that that person reasonably believed—

(a) 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;

(b) that the removal took place before the coming into operation of this section; or

(c) that the dog was one in relation to which subsection (13) applies.

(15) 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.

(16) The Department may by regulations make provision about the functions of inspectors in relation to—

(a) certificates for the purposes of this section, and

(b) the identification of dogs as subsection (4) dogs.

(17) Before making regulations under this section, the Department must consult such persons appearing to the Department to represent any interests concerned as the Department considers appropriate.

(18) In this section 'subsection (4) dog' means a dog whose tail has, after the coming into operation of this section, been wholly or partly removed without contravening subsection (1), because of the application of subsection (4)." — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

Mr Irwin: I welcome this opportunity to contribute to the debate. I thank the Committee Clerk and his staff for all their hard work and patience. I think that, if the Clerk had had a big stick, he might have used it on some of us.

The Committee has taken this issue extremely seriously. As a Committee member, I know

that we are still receiving representations from concerned groups on many of the issues in the Bill. The issue that causes most concern among my constituents, who are largely rural dwellers and have an interest in country sports and the showing of dogs, is tail docking.

I am of the opinion — I have voiced it previously in the House — that tail docking, especially for working dogs, is absolutely essential. It is unwise and unacceptable that a blanket ban on tail docking should be considered by the Minister. That is so especially when one considers the number of working dogs in Northern Ireland. There are thousands of working dogs in the Province, and many of them have their tail docked in order to prevent serious injury while hunting in thickets or thorny cover. To suggest that that should become an offence is offensive in itself to the thousands of working-dog owners in Northern Ireland. Owners who have docking carried out are acting only in the best interests of the dog. There are many incidents of injury to tails to back that up. The breeds that are chosen for hunting, such as spaniels and terriers, thoroughly enjoy doing what they are best at, and tail docking is a sensible procedure to allow the dog to enjoy hunting without trips to the vet to treat painful damage to their tail.

The Department's opinion is that a low percentage of working dogs suffer tail injuries. That is true, but only because most working dogs have their tail docked at a few days old; hence the incidence of injuries is low. The facts speak for themselves on that matter. It is essential that, if the House agrees a ban on tail docking, the Bill should exempt working dogs.

The showing of dogs and other animals is an important part of life in rural Northern Ireland. It is vital that the owners of dogs that have their tail docked now or in the future can continue to show their dogs if they wish.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I approached this issue with an open mind. As other Members have said, tail docking is an emotive issue. There is plenty of passion about the subject among the stakeholders: the hunting and showing fraternities, the animal rights groups and the veterinary community. I thank them all for giving evidence to the Committee for Agriculture and Rural Development. However, we have to base our decisions on the best available advice. The

Royal College of Veterinary Surgeons clearly stated that the practice of tail docking caused unnecessary suffering to dogs. Veterinary experts from around the world agree with that opinion; there is no getting away from that. As was mentioned, the European Union is considering legislation to ban the practice of docking dogs' tails.

Some Members talked of the pain caused to animals being acceptable, and others said that the level of pain involved was equivalent to nothing more than an "ouch". Perhaps if those Members were to have a piece of their own anatomy amputated, they might take a different view, particularly the male Members.

The Committee's evidence sessions took place over a considerable period. An awful lot of work was done, and I pay tribute to the Committee staff. A clear need was expressed during the evidence sessions for an exemption for some breeds. As I said, I approached the issue with an open mind but, as the evidence mounted, I was compelled to agree that there was an argument for the exemption on welfare grounds of a couple of breeds of dogs, such as spaniels and hunt point retrievers. A number of Committee members agreed with that. We were moving some way, I felt, towards a compromise proposal. I will touch on that later when I talk about the Minister's proposals.

The concern about those breeds centred on the fact that their full tail was more susceptible to damage in undergrowth. That, coupled with the medical treatment and the real possibility of amputation, would have been extremely painful for those dogs and would affect their well-being. Committee members expressed the view that the controlled docking of working dogs' tails before a pup was five days old was a preventative measure and a considered response to the welfare of the working dog. I add the caveat to that to specify the two breeds that I mentioned.

The Committee discussed which dogs should be exempt in the Bill. The Minister made a proposal concerning spaniel-type pure breeds and hunt point retriever pure breeds. The majority of the hunting fraternity, I must say, were satisfied with that approach. They came to the Committee table viewing the process as one of negotiation. They wanted some concessions, but they were fully aware that they were not going to get everything that they wanted.

I felt that the Department and the Minister took a practical approach to the issues, especially in relation to enforcement. We heard about examples of enforcement, which I will touch on when I address a different group of amendments. The more breeds and cross-breeds that are included, the greater the enforcement minefield.

Some Members touched on the showing of dogs. Sinn Féin is opposed to cosmetic tail docking, as was the Committee throughout Committee Stage. I never heard any Committee members say that they supported cosmetic tail docking. I have heard differently on the Floor today. There seems to be a snowball effect. Each breed about which Members receive a lobby letter is added to the list; it is like some sort of conveyor belt. Perhaps we will meet another group tomorrow and will have to put onto the list the dogs that it wants to include. I am concerned about that. As I said, I see no reason to dock tails for purely cosmetic reasons. It is cruel. There may be health reasons to support tail docking, but there are no cosmetic reasons.

Members touched on the issue of dogs that had their tail docked before the ban and asked whether they could be shown for their natural life. They can. The Committee Clerk and the Department gave us clear guidance on that. They stated clearly that dogs that had had their tail docked already could be shown for their natural life. There is a considerable period in which we can be guided into the new legislation. It will give everyone time to prepare. Another Member said that dogs are born with a tail, so why not show dogs with their tail? If all the dogs have a tail, they will be shown on a level playing field. The legislation will evolve over time as it is rolled out. It is a bit like breeding. Perhaps there is a challenge for breeders to look at making tails shorter through breeding practices and evolution. There is a responsibility on breeders.

Other Members talked about the docking of pigs' tails and lambs' tails. That is carried out because of welfare issues to do with the way that those animals are farmed. The Department outlined clearly that that is done for the greater good, and I think that everyone accepts that. Improved husbandry would probably eradicate the need to dock pigs' and lambs' tails. That would obviously involve considerable expense for our farming community, but I think that it will happen over time. The docking of pigs' and

lambs' tails is cruel too, but it is done for the greater good. There are serious welfare issues involved, such as pigs eating each other's tails and fly strike among lambs. There are good reasons for tail docking in those circumstances, but we have to look at better husbandry.

I will move on to the Committee's proposed amendment. I will read a part of the Committee's report that refers to the Minister's amendment:

"Members noted that this was a significant movement by the Minister and the Department. However, having received evidence from stakeholders advising that working and hunting dogs can be cross-bred to improve their performance in these areas, Members believed that this proposal fell short of their requirements. Members indicated that extending the amendment to include spaniels, hunt point retrievers and terriers (and combinations of these breeds), in conjunction with the policy proposals for subordinate legislation, would remove the possibility of docking a dog's tail for cosmetic reasons".

I repeat that that was said by the Committee, some members of which are here today. The Committee tabled its own amendment to prevent tail docking for cosmetic reasons and:

"close 'loopholes' identified in the English and Welsh legislation."

The Committee decided — I voted against this — to move to the English and Welsh model but with a few extra caveats.

3.15 pm

I wish to give Members who are not on the Committee a flavour of what we are talking about. The exemption includes spaniels of any breed or combination of breeds; terriers of any breed or combination of breeds; any breed commonly used for hunting or any combination of such breeds; any breed commonly used for pointing or any combination of such breeds; and any breed commonly used for retrieving or any combination of such breeds. That is a considerable number of dogs, given that hundreds of dogs comprise each breed. If Members think about the number of terriers and combinations of breeds of terriers alone, they will understand that we are talking about hundreds and hundreds of dogs. That is where we are and where the amendment is. That is where the Committee felt that it had to go on the issue.

I think that the amendment is too wide, is unworkable and cannot be enforced. The evidence from the English and Welsh experience shows that there were major enforcement issues with such a provision. The Committee knows that, and it knows damn well that that will be very difficult to enforce. Others talked about the great cost to councils of enforcing it. However, there will be a great deal more cost in trying to prove whether or not a dog should have its tail docked. It will be an absolute minefield. However, the will of the House is that we go in that direction.

Some Members stated that there will be more injuries if tails are not docked. However, as I said to the Minister, the same argument could be used for any limb. The more we have, the more likely we are to get injured. Will we, therefore, start removing dogs' paws to reduce injuries? Should we take off two of their paws, so that they are less likely to get injured and have less chance of getting their paws jammed in a door?

The Committee is behaving like a child: the more it gets, the more it wants. Some Members are now arguing for cosmetic docking. Perhaps they will put it in their election literature that that is what they are calling for. They are speaking with a forked tongue at the minute. As I say, the Committee is like a child who gorges on sweets, even though they do not particularly want them, until they make themselves sick. They do not realise what they are doing; they just want to do it. If you will excuse the pun, a LeasCheann Comhairle, they are like a dog in a manger. I will leave it at that now that I have aired my views.

Mr T Clarke: The previous Member who spoke was right about the fact that there is a lot of confusion. After that contribution, he has caused more confusion than anyone else here today.

The Committee took a lot of evidence over a number of weeks. While some of us would suggest that some of the evidence was for the right reasons, I would suggest that some of it was for the wrong reasons. The term "cosmetic docking" has been used. However, I and some others believe that the Department has created that to a certain extent, because, as I said in an earlier intervention, it has been trying to push the Committee in a certain direction.

The previous Member who spoke was right about the fact that there was a lobby. However,

that lobby comprised people who work day in and day out with dog breeds and, therefore, know exactly what those breeds' characteristics are and how their tails can get damaged. The views of a lobby group should be taken into consideration in just the same way as any other evidence. We have to listen to the people who work with dogs day in and day out, and those people believe that banning tail docking is going too far. They care about and have paid huge amounts of money for their dogs and are, therefore, concerned about injury. If any measures are to come into effect here, they should be to ensure that due process is followed before tail docking is done. An owner must go to a vet and get everything recorded. That will ensure that not just anyone can do the procedure and that the dog does not go through any unnecessary suffering.

Some people possibly think more of their dogs than they do of any other possession. Their dogs are so valuable to them that they do not want to make them suffer, and they will try to treat them as well as is humanly possible. However, anyone listening to the Department's point of view would imagine that the people who work with dogs were barbaric in how they carried out the operation in the past. However, I think that that is an unfair assumption.

The evidence that was given was selective. It was selected from just 52 vets' practices from all those in the UK, and we could not even find out whether those practices were in rural or urban settings. It makes sense that most of the dogs in a rural setting are more likely to be used for work. The Department was fiercely against tail docking from the outset, particularly for working dogs and those used for sport and shooting. Statistics would surely be different if the opinion of vets in rural parts were asked for. However, the Department was very selective in where it got its information.

I was one of the people who supported the amendment. I will continue to support it today, but I will vote against the clause itself in its entirety. I will do that because I do not believe that the amendment has gone far enough. I think that people who have bred dogs should be allowed to continue to look after them in the fashion that they have been. The process would be more workable if other controls were put in place that would mean that the dog would have to be taken to the vet within a certain number of days to go through the procedure. As

the previous Member who spoke said, this will probably be unworkable because of confusion about various breeds. That would be easily overcome by the suggestion that, if someone wants to dock any dog, they could take it to the vet within a certain number of days and let the vet carry out the procedure. That would mean that docking would be done in a humane way, with the result that the dog would go through as little suffering as possible.

Pictures were circulated to us of dogs whose tail had been injured. Perhaps some of us, including the Member who spoke previously, chose not to look at them. Evidence was given about the severity of the pain that is caused. One of the experts referred to the pain of docking as being similar to a person saying, "Ouch". However, if the tail were amputated at a later date when the dog is older, the dog would obviously go through a lot more pain.

Evidence was also given to suggest that, when dogs are injured and the tail does not need amputated in the first instance, it is more likely that it will be amputated at a later date because the injuries do not fully heal. For that reason, I support amendment No 2. It goes some way to protecting dogs and the welfare of animals. However, I do not believe that it goes far enough, so I urge Members to vote for the removal of clause 6.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh míle maith agat, a LeasCheann Comhairle. As Members heard today, there has been quite a bit of division on this issue. I agree with the Chairperson of the Committee for Agriculture and Rural Development that this has been the most contentious issue in the Bill. However, by and large, that is all that I agree with him on.

The amount of squabbling and some of the contributions have made this a hugely difficult issue to get any kind of consensus or agreed way forward on. There has been considerable comment from stakeholders, both from those who oppose and from those who support an outright ban.

It may help if I start by reminding Members that the purpose of the Welfare of Animals Bill is to update and strengthen the powers that are currently available in the Welfare of Animals Act 1972, which no longer meets society's expectations. In particular, the welfare standards for non-farmed animals, including

dogs, lagged well behind the improved welfare standards that are already in place for farmed animals.

The key aims of the Bill are not only to stop cruelty and to stop animals suffering unnecessary pain and distress but to promote and enhance the welfare of all protected animals. I believe that docking a dog's tail causes unnecessary suffering. In addition to causing acute pain, a wide range of scientific evidence demonstrates that tail docking deprives the dog of a major bodily appendage and can result in behavioural changes in some dogs. It also deprives the dog of a vital form of canine expression and may result in post-docking infections and complications, including incontinence. Therefore, in a bid to prevent pups from suffering unnecessarily, the Bill would impose a complete ban on the docking of dogs' tails unless it is undertaken by a veterinary surgeon for the dog's medical treatment or to save its life. That is my preferred position.

My aim is to prevent the unacceptable practice of the cosmetic docking of dogs' tails. However, from the remarks in the Chamber and the comments from a wide range of stakeholders, there is obvious strength of feeling behind the Committee for Agriculture and Rural Development's proposed exemption to allow the tails of certified working dogs to be docked. Although that is disappointing, it is at least reassuring to hear that some Members do not support cosmetic docking. The Committee's amendment does not go as far as I would like. Although its proposed exemption is not ideal, it will, if made, go some way towards stopping cosmetic docking.

I welcome the fact that the Committee's amendments include a proposal to strengthen the powers to stop the showing of dogs with a docked tail, but it must be remembered that most dogs that are shown are docked to conform to what was previously the breed standard and not for the welfare of the dog. Should the Committee's amendment be made, I will instruct my officials to work with the Committee to ensure that the subsequent subordinate legislation, which will be made to enforce that exemption, is as effective as it can be. That will go some way towards ensuring that the exemption does not leave the back door open for cosmetic docking.

I have set out my preferred position, and Members are aware from today's debate that I brought a compromise to the Committee in an attempt to meet the needs of the stakeholders who expressed a desire for some flexibility for working dogs. Obviously, my amendment did not go far enough. Although the Committee amendment would lead to a very unworkable situation, I am horrified to hear that members of the Committee are considering voting down the entire clause.

I recognise the strength of feeling expressed in support of the Committee's amendment. However, in the interests of building consensus on this hugely important Bill, I remind the House that it deals with issues such as dog fighting, about which Members have come to me and have expressed concern on the Floor of the House. The Bill is not just about tail docking; that is a very small part of it. There are hugely important elements to be considered today. In the interests of pragmatism and of listening to the Committee — I have made a virtue of listening to stakeholders and the Committee — I brought forward a proposal, but that was rejected. The Committee's proposal is not perfect, but I will not oppose the tail docking amendments tabled by its Chairperson.

We need to keep the entire Bill in context. I bring Members back to the fact that we are providing a duty of care to all protected animals, including domestic pets and horses. We are making it possible to act to prevent animals from suffering, and we are strengthening powers in respect of dog fighting. We are providing powers to regulate a wide range of activities involving animals, such as dog breeding establishments, and we are increasing the penalties for serious animal welfare offences. I do not want to lose the tone of the Bill over the single issue of tail docking.

The Bill substantially updates and strengthens existing powers to deal with animal welfare issues. It will put us at the forefront of the protection of farmed and non-farmed animals. However, given the nature of some Members' comments during the debate, it is clear that they are in favour of cosmetic docking. I am appalled to hear that some Members are considering voting down the entire clause because they feel that it would be wrong to have it in place. I caution against that, and I will explain what will happen if the clause falls: it will, effectively, say that we support cosmetic docking, and many

people will be appalled at that. However, the implications are much worse. If the clause is voted down, the only power that we will have is the Veterinary Surgeons Act 1966, which requires a vet to dock a dog's tail. We will be in a far worse position than before we started the Bill. We will no longer have any powers to require pups to be docked before their eyes are open. It will also be impossible to enforce the requirement that only a veterinary surgeon may undertake the procedure. The North of Ireland will become the docking capital of these islands, and it will send out the message that the welfare of dogs is not important. If the clause is voted down, the House will be the laughing stock of Europe.

We heard about how many European nations are voting against this practice and about the direction in which everybody is going. We will be laughed at, and it will be one of the most retrograde steps that this legislature has taken.

Any Members who consider voting down clause 6 should be absolutely ashamed of themselves. The removal of all regulation of tail docking beggars belief. I cannot believe that we are at the point of considering it, so I hope that Trevor Clarke is in a minority of one. I hope that he is the only person — and I see that he has left the Chamber — who lacks the common sense and decency to vote the clause down. It is mind-blowing what goes on in the House, and this has been one of the most bizarre days that I have had. Although the Committee's amendment is not perfect, I urge Members to support it and the entire clause. Stephen, it is over to you.

3.30 pm

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray): I thank the Minister and Members for their contributions to the debate. I do not intend to summarise each contribution. Instead, I will address some concerns that Members raised. Generally, I welcome the support expressed for the amendments, and I fully appreciate Members' comments. I shall comment on some of them.

Mr Molloy expressed the view that the clause on tail docking should have had wider consideration and should take into account, for example, the docking of lambs' and pigs' tails. However, the Committee accepted that there were considerable welfare considerations requiring those animals' tails to be docked. In addition, it noted that research was being undertaken into

how, for example, husbandry could be developed to remove risks. I expect that if such a breakthrough is made, the Department will add the docking of lambs' and pigs' tails by means of clause 5, "Prohibited procedures".

A number of Members mentioned dog showing. I stress that the Department and, indeed, the Committee did not just pluck the issue out of the air. It has already been debated in England and Wales. Indeed, as I stated previously, at a meeting on 29 November 2010, EU Agriculture Ministers agreed to undertake a study into prohibiting the showing and trading of dogs and cats where their tails have undergone non-curative surgery, namely docking.

In addition, the Kennel Club, which has the welfare of dogs very much at heart, expressed its view to the Committee that, for the purposes of clarity, we should introduce an immediate ban on showing dogs with docked tails. With the welfare of dogs at heart, the Kennel Club has removed the necessity for docked tails from show breed standards, which means that, at a show, a docked tail will be of no advantage over an undocked tail. If a dog is bred to be shown, there will be no requirement for its tail to be docked. Mr Beggs sought confirmation from the Minister about when the ban on showing dogs with docked tails will take effect. I hope that the Minister has provided that clarity. I reconfirm what I and the Minister stated previously: if a tail has been docked before the ban comes into effect, the dog can be shown for the remainder of its natural life.

Mr Bradley expressed concern about the combination of breeds, and he allowed Mr Molloy to intervene in response. I support those comments, and I would add that the combination of breeds will allow for different characteristics of working dogs to be bred. If anything, it will strengthen breeds. Mr Lunn spoke about harmonisation between this jurisdiction and that of the Republic of Ireland. I advise him that the relevant Department in the Republic has consulted on its Animal Health and Welfare Bill, and it has included a policy principle to prohibit what it describes as mutilations. In addition, both jurisdictions have in place an all-island animal health and welfare strategy that seeks to co-ordinate legislation in those areas. Finally, in November, the Republic's Minister attended the EU Council meeting at which, as I said, agreement was achieved on a study

into the banning of showing dogs with docked tails. So there is harmony in that respect.

Willie Clarke spoke of the controlled docking of tails. That is an important point that needs to be emphasised. Docking will require veterinary certification and will be controlled by subordinate legislation that will be subject to the scrutiny of the Committee and the House. He also stated that it was too difficult to police and that many dogs are included. I repeat: a professionally qualified vet will certify that the dog will be used for lawful hunting and lawful pest control.

The Minister stated her preferred position, and we respect that. However, I have already covered the evidence that brought the Minister to that position, and the Committee felt that it was inconclusive. I welcome her offer for the Committee and her staff to bring forward the necessary subordinate legislation. I also welcome the fact that she will not oppose the amendments.

I hope that I have provided sufficient clarity in respect of Members' queries. The Committee has thought long and hard about the clause, and there have been many developed debates. However, we have returned to the same conclusion each time: docking a dog's tail for any reason other than the welfare of the dog is wrong. Docking a dog's tail so that it conforms to a breed standard is wrong. Docking a dog's tail because it makes a dog look prettier is wrong. If one accepts that, one must also accept that it is imperative that the practice of showing dogs with cosmetically docked tails needs to be discouraged. That is what happened in England and Wales, and it will happen in Scotland when the impact of a total ban on docking filters through. The issue is being debated at the highest level in Brussels and throughout Europe.

The ban on tail docking is needed to protect the welfare of the dog. The exemption for working dogs is needed to protect the welfare of the dog. Cosmetic docking neither protects nor enhances the welfare of the dog and should not, therefore, be permitted. I commend the amendments to the House and ask it to support the Committee by voting for them.

Question, That amendment No 2 be made, put and agreed to.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided: Ayes 61; Noes 19.

AYES

Ms M Anderson, Mr S Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Lord Browne, Mr Buchanan, Mr Burns, Mr Butler, Mr Callaghan, Mr Campbell, Mr W Clarke, Mr Cobain, Mr Cree, Mr Doherty, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCarthy, Mr McCartney, Mr B McCrea, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Moutray, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr G Robinson, Ms Ruane, Mr Savage, Mr Sheehan, Mr Spratt, Mr Wells, Mr B Wilson.

Tellers for the Ayes: Mr W Clarke and Mr Molloy.

NOES

Mr Armstrong, Mr Bell, Mr Bresland, Mr T Clarke, Rev Dr Robert Coulter, Mr Craig, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Kinahan, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Poots, Mr Ross, Mr Weir.

Tellers for the Noes: Mr T Clarke and Miss McIlveen.

Question accordingly agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8 (Fighting etc.)

Mr Deputy Speaker: We now come to the third group of amendments for debate, which remove an exemption in the Bill to offences relating to photographs and videos of animal fighting. With amendment No 3, it will be convenient to debate amendment No 4. Members should note that amendment No 4 is consequential to amendment No 3.

The Minister of Agriculture and Rural

Development: I beg to move amendment No 3: In page 5, line 41, leave out subsection (4).

The following amendment stood on the Marshallled List:

No 4: In page 6, leave out lines 13 and 14. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

The Minister of Agriculture and Rural

Development: Go raibh míle maith agat, a LeasCheann Comhairle. Amendment No 3 is one of two amendments in the group, namely amendment Nos 3 and 4, which deal with animal fighting. The Bill strengthens existing powers in respect of animal fighting, including dogfighting and cockfighting. There are already substantial powers in the Welfare of Animals Act 1972 in respect of animal fighting. It is currently an offence to cause unnecessary suffering to an animal by causing, procuring or assisting at an animal fight; promoting, causing or permitting any performance; taking part in an animal fight; keeping, using, managing, permitting or assisting in the keeping of any premises for animal fighting; receiving, causing or procuring money for admission to an animal fight; and being a spectator at an animal fight. Those current offences will be enhanced by the Bill because they will become offences regardless of whether unnecessary suffering is caused.

In addition, new powers will be added to make it an offence to keep or train an animal for use in connection with an animal fight. Therefore, if evidence such as training equipment, etc, is present, the power will exist to seize a dog before it ever fights. The Bill will also make it an offence to cause an animal fight to take place or to attempt to do so; to supply, publish or show a video recording of an animal fight; to possess a video recording of an animal fight with the intention to supply it; and to place or accept a bet on an animal fight.

Furthermore, penalties for animal fighting will be increased from a maximum of three months' imprisonment and/or a £5,000 fine to a maximum of two years' imprisonment and/or an unlimited fine. Other new powers allow for the destruction of animals that are involved in fighting offences, forfeiture of equipment, and reimbursement of expenses that are incurred by the PSNI in connection with keeping animals that are involved in those offences.

Powers are also included to allow a court to disqualify a person convicted of animal fighting offences for any one or more of the following: owning animals; keeping animals; participating in the keeping of animals; controlling or influencing the way in which animals are kept; dealing in

animals for fighting; transporting animals; and arranging for the transport of animals. A court will also be able to cancel any current welfare licence or disqualify a person from holding a licence following a conviction for animal fighting offences. Those new powers will strengthen the current powers significantly and send a strong message to individuals involved in that type of abhorrent activity that animal fighting is not acceptable in a civilised society.

As amendment No 3 resulted from recent legal advice received after Committee Stage was completed, my officials were not able to discuss it with the Committee. However, as the amendment will strengthen the powers in respect of animal fighting, I am confident that the Committee will welcome it.

As I outlined, clause 8 creates a number of offences in relation to animal fighting, including an offence to supply, publish, show or possess a photograph, image or video recording of an animal fight. However, an exemption is provided to those offences if the photograph, image or video recording is of an animal fight that took place outside Ireland or Britain or before the commencement date. Our legal advice is that that exemption should be removed from the Bill, as its inclusion could make it difficult for the prosecution to prove its case. I have accepted that advice.

Amendment No 4 is consequential to amendment No 3. I, therefore, propose to amend clause 8, in line with the legal advice, to tighten the powers in relation to animal fighting. I call on Members to support the third group of amendments.

The Chairperson of the Committee for Agriculture and Rural Development: As the Minister said, amendment Nos 3 and 4 were not presented to the Committee but resulted from legal advice received by the Department. The Committee has consistently and unanimously condemned the heinous, monstrous and despicable crime that is animal fighting. I have no doubt that members of the Committee will welcome any strengthening of the legislation. The supply of photographs or videos of animal torture should be banned, irrespective of where they are sourced, and I am glad that the Department received timely information on that matter. As I said, members did not have the opportunity to discuss the third group of amendments at Committee, but I confirm what I strongly believe

will be their position, namely their agreement to the amendments. I fully support the Minister on those amendments.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. Everyone condemns dogfighting and animal fighting. One of my first experiences of the issue was when I was sitting on Dungannon and South Tyrone Borough Council. There was a well-highlighted case of a dog that had been imported for fighting. It was one issue against which the council, across the board, united in opposition. The same opposition existed in the Committee: total opposition to any aspect of dogfighting and total support for measures to deal with it. I support the amendments.

Mr Beggs: I support the third group of amendments. Clause 8 is significant, as it strengthens significantly the ability to prosecute those involved in a wide range of activities in connection with animal fighting. We are aware from programmes such as 'Spotlight' that organised dogfighting is an issue for Northern Ireland. Undoubtedly, there may be other forms of animal fighting. The legislation will apply to any form of animal fighting. It appears that the activity occurs to give some sort of pleasure to deranged humans, or for betting purposes.

Clause 8(3) states that it would be an offence to supply, publish, show or possess photographs or images of the fighting.

Amendment No 3 would create an exemption to that, in that it would not apply if the fight took place outside the Republic of Ireland or the United Kingdom.

4.00 pm

On reflection, I see why it is important to remove that. First, does it really matter where an inappropriate image that is promoting animal fighting originated? It would be in the possession of someone who supports or encourages that activity. That exemption would provide protection for someone involved in animal fighting — for example, someone in Finland, where, as we are aware, there are connections, would have been exempt. The exemption might also have created a necessity for anyone prosecuting to prove that an offence had happened in the United Kingdom or the Republic of Ireland. That could have provided a defence for someone involved in animal fighting in our jurisdiction and who had photographs or

images of it. They might have had a defence by arguing that the fight did not happen here.

Similarly, I understand that amendment No 4 removes the commencement date. By removing that, the necessity to prove when the event occurred will be removed. Both amendments will strengthen the powers of prosecution and make it more difficult for anyone to defend themselves for having inappropriate images, photographs or video recordings of animal fighting. Someone who is involved in such activity will now be much less likely to carry such images and, if they do, will be much more likely to be successfully prosecuted. The amendments will help to bring that horrendous so-called sport to an end, and those who have been involved in that reprehensible activity will be successfully prosecuted. I support the amendments.

Mr Lunn: I will not repeat what has already been said. We need to send a clear message to people who indulge in such activity that it will not be tolerated and that they will be subject to the full rigours of the law. I am more than happy to support both amendments.

The Minister of Agriculture and Rural Development: Go raibh míle maith agat, a LeasCheann Comhairle. I thank Members for their contribution to this part of the debate. It shows that, like me, Members deplore animal fighting and want the best controls possible to deter that barbaric and horrific practice. The amendments will strengthen the powers in the Bill and will close any potential loopholes that people involved in that practice might use to escape the full force of the law. I call on Members to support the amendments in this group.

Question, That amendment No 3 be made, put and agreed to.

Amendment No 4 made: In page 6, leave out lines 13 and 14. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 30 ordered to stand part of the Bill.

Clause 31 (Penalties)

Mr Deputy Speaker: Amendment No 5 is consequential to amendment No 2.

Amendment No 5 made: In page 18, line 18, leave out “sections 6(5)” and insert “sections

6(5) and 6(10)”. — *[The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]*

Mr Deputy Speaker: Amendment No 6 has already been debated and is consequential to amendment No 2.

Amendment No 6 made: In page 18, line 24, leave out

“sections 4, 5, 6(1), (2) and (4)”

and insert

“sections 4, 5, 6(1), (2), (4) and (15)”. — *[The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]*

Clause 31, as amended, ordered to stand part of the Bill.

Clause 32 (Deprivation)

Mr Deputy Speaker: Amendment No 7 has already been debated and is consequential to amendment No 2.

Amendment No 7 made: In page 18, line 31, leave out

“sections 4, 5, 6(1), (2) and (4)”

and insert

“sections 4, 5, 6(1), (2), (4) and (15)”. — *[The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]*

Clause 32, as amended, ordered to stand part of the Bill.

Clause 33 (Disqualification)

Mr Deputy Speaker: Amendment No 8 has already been debated and is consequential to amendment No 2.

Amendment No 8 made: In page 20, line 17, leave out

“sections 4, 5, 6(1), (2) and (4)”

and insert

“sections 4, 5, 6(1), (2), (4) and (15)”. — *[The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]*

Clause 33, as amended, ordered to stand part of the Bill.

Clauses 34 and 35 ordered to stand part of the Bill.

Clause 36 (Destruction in the interests of an animal)

Mr Deputy Speaker: Amendment No 9 has already been debated and is consequential to amendment No 2.

Amendment No 9 made: In page 21, line 36, leave out

“sections 4, 5, 6(1), (2) and (4)”

and insert

“sections 4, 5, 6(1), (2), (4) and (15)”. — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

Clause 36, as amended, ordered to stand part of the Bill.

Clauses 37 to 40 ordered to stand part of the Bill.

Clause 41 (Orders with respect to licences)

Mr Deputy Speaker: Amendment No 10 has already been debated and is consequential to amendment No 2.

Amendment No 10 made: In page 25, line 3, leave out

“sections 4, 5, 6(1), (2) and (4)”

and insert

“sections 4, 5, 6(1), (2), (4) and (15)”. — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]

Clause 41, as amended, ordered to stand part of the Bill.

Clauses 42 to 44 ordered to stand part of the Bill.

Clause 45 (Inspectors)

Mr Deputy Speaker: We now come to the fourth group of amendments for debate, which deal with enforcement and clarify the meaning of an “inspector”. With amendment No 11, it will be convenient to debate amendment No 12.

The Minister of Agriculture and Rural

Development: I beg to move amendment No 11: In page 26, line 22, leave out subsection (1) and insert

“(1) In this Act, ‘inspector’, in the context of any provision, means—

(a) in so far as that provision relates to farmed animals, a person appointed to be an inspector for the purposes of that provision by the Department;

(b) in so far as that provision relates to other animals, a person appointed to be an inspector for the purposes of that provision by a council.

(1A) In subsection (1), ‘farmed animal’ means any animal bred or kept for the production of food, wool or skin or for other farming purposes.

(1B) The Department may by regulations amend the definition of ‘farmed animal’ in subsection (1A).

(1C) Before making regulations under subsection (1B), the Department must consult such persons appearing to the Department to represent relevant interests as the Department considers appropriate.”

The following amendment stood on the Marshalled List:

No 12: In page 26, line 33, at end insert

“(4A) Each council must furnish to the Department, at such times and in such manner as the Department may direct—

(a) such information relating to the exercise of the council’s functions under this section; and

(b) such information relating to the exercise of functions by inspectors appointed by the council for the purposes of this Act, as the Department may require.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Go raibh míle maith agat, a LeasCheann Comhairle. Amendment No 11 deals with the appointment and powers of inspectors and has two elements. The first element makes it clear that inspectors appointed by the Department will deal with farmed animals and that inspectors appointed by councils will deal with other animals.

The second element specifies what is meant by “farmed animal” and provides powers to amend the definition of “farmed animal” if it proves necessary in the future. Any such subordinate legislation will be subject to consultation with the stakeholders and the Agriculture and Rural Development Committee and will be made by draft affirmative resolution of the Assembly.

This amendment has been proposed at the request of the Committee, which had concerns over the time frame for the implementation

of the powers by councils. This amendment will allow for the powers for the two groups of inspectors to be commenced at a different time. To address the Committee's concerns, I have agreed that the powers for councils to appoint inspectors will not be commenced until 12 months after the Bill receives Royal Assent. That will provide sufficient lead-in time to allow my officials to work with councils to help them to prepare for implementation.

I am also aware that the Committee and councils are concerned that a new burden would be placed on councils, and that would impact on ratepayers. I assure the House that I am not placing an unfunded burden on councils, and I do not want ratepayers to face increases in their rates bills to cover the cost of animal welfare. Therefore, to allay those concerns, I have guaranteed to make available to councils annual funding of £760,000 for the Budget period. In addition, any licensing and registration functions will be passed to councils only as new subordinate legislation is made, which allows fees for those activities to be set on a full cost-recovery basis.

It is also important to highlight that although the Bill will place a statutory obligation on councils to enforce the provisions in respect of non-farmed animals, the powers are permissive in that councils will have discretion over how they implement them within the available resources. By providing the £760,000 funding to councils, I am asking them to implement the new enforcement role in the most efficient and effective way possible to ensure that priority cases can be addressed.

I have already advised the House that powers for councils will not be enacted until 12 months after the Bill is completed. So, there will be no requirement for councils to carry out any enforcement work in the next financial year. However, I still intend to make funding available for that year to enable councils to put the necessary preparatory arrangements in place in advance of the commencement of those provisions.

In its report on the Bill, the Committee made a number of recommendations regarding funding and progress on working with councils. To that end, amendment No 12 provides a power to request information from councils to enable the Department to monitor the implementation of policy with regard to non-farmed animals.

That will allow the Department to assess the volume of complaints and the outcome and effectiveness of the actions taken.

It is critical that my officials and I work with councils to take that important element of the Bill forward. On 1 March, I will be meeting with members of the Agriculture and Rural Development Committee and elected representatives from the rural affairs committee of NILGA, which will give me an opportunity to directly address the concerns of councils and to start the discussion about plans for future implementation.

The Chairperson of the Committee for Agriculture and Rural Development: I declare an interest as a member of Craigavon Borough Council.

Clauses 17, 29 and 45 have particular impact on local councils as they allow for the appointment of inspectors and provide powers to those inspectors in relation to animals in distress and the prosecution of offences. Those powers bring with them considerable resourcing implications.

The Department has recognised that there will be additional resource requirements and, based on the average case incidence in England and Wales, which is approximately 4,500 a year, has estimated that a sum of £760,000 would be required each year for all councils in Northern Ireland.

As the Minister indicated, that amount has been included in the draft Budget for the next CSR period. However, the Committee and elected councillors continue to be concerned by the issue of resources, particularly the size of the estimated resource implications and the long-term availability of resources.

4.15 pm

The Committee heard from the rural affairs committee of NILGA that the Ulster Society for the Prevention of Cruelty to Animals receives some 8,000 calls about animal cruelty each month. Although only 40% of those calls are followed up, that still amounts to approximately 3,200 instances of animal cruelty each month, rather than the 4,500 incidents each year that were cited by the Department and formed the basis of its £760,000 budget allocation.

Committee members welcomed the inclusion of the £760,000 in the draft Budget, but they

continue to worry that a new Minister, with different spending priorities, might wish to utilise those moneys differently. In addition, it does not take into consideration how the enforcement responsibilities are to be addressed beyond the next CSR period. Committee members agreed that that figure should be reviewed in light of experience.

Committee members were also critical of the Department for concentrating its consultations with local councils at an official level, and were adamant that elected councils had not been consulted. That was reinforced by the rural affairs committee of NILGA, which is composed of a cross section of elected councillors from the 26 councils. Indeed, the Committee continues to receive correspondence from councils indicating their complete opposition to a transfer of these powers without consultation at an appropriate level.

There were different opinions on how those issues could be resolved. Although all Committee members agreed that the Department needed to consult immediately and extensively with elected councillors, there was debate on how that could be achieved without delaying the Bill's progress through the House. Therefore, Committee members agreed that the Department should defer the appointment of inspectors for a period of not less than 12 months to allow for appropriate consultation. That will result in clause 45 being amended to allow for the appointment of departmental inspectors to undertake testing for animal diseases such as bovine tuberculosis and brucellosis.

The Committee has also written to the Minister to ask that she attend a meeting with the Committee and elected councillors, which, I am pleased to say, she has agreed to do. It is important that the consultation is taken seriously and afforded the proper attention that it requires. This will be the commencement of what I believe will be a frank but fair consultation process. On the basis of the assurances received from the Minister in Committee and in the House, the Committee for Agriculture and Rural Development supports these amendments.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. As the Chairperson of the Committee said, the lack of consultation was raised as a major issue in all the reports that the Committee got, including some of the times when NILGA was represented. It was clear that the Department

only consulted with selected officials, and that it did not consult with elected councillors.

As I said earlier, the Committee wants to ensure that those elected councillors who make decisions on rates and other issues are the people who are consulted, and it is clear that that did not happen. Indeed, a number of councillors sit on the Committee, and it was clear that they had not heard anything about it or been consulted on any of it. Trevor Lunn said this morning that Lisburn City Council had never debated the issue, and the same applies across the board. There was no consultation.

As for the point that the discussions will be about the implementation of this, there is no indication that that will be the case. Local government could say that this is not a role that it can play and that it cannot employ inspectors. Local government has not decided yet. There are also governance issues and other issues around RPA that have to be sorted out by local government before councils can take on those powers.

A lot of issues are up for discussion. The discussions that will take place between the Department, the Committee and councillors should focus on the relevant aspects of the Bill, along with the cost of implementation. It is clear that the costs envisaged by councils and the possible court cases that may arise cannot be estimated at present. There is no indication of the number of court cases; it is impossible to estimate. There is also the matter of the number of vets and inspectors. The Department's response was that its vets would not be used and that it would be up to local government to employ its own vets. We know what the cost of that will be. The Committee said that the Department already had vets and that there could be some future co-operation on the issue.

The Committee's discussions have been about all aspects of the Bill, not just about how it will be implemented by the Department and local government. It is important for local councillors to be involved in those discussions, and they should not be represented by NILGA officials.

Mr Elliott: Does the Member believe that there has been enough co-operation and communication with local councils and councillors? Have they been brought into the loop?

Mr Molloy: No. There has been no worthwhile consultation, especially with local councillors. There has been some communication with a small number of chief executives and officials, but there has definitely not been any consultation with councillors. That was clear when the rural affairs group from NILGA attended the Committee: none of them was aware of the issues or the costs to be incurred by local government. Figures have been thrown about in relation to the costs involved, but the USPCA had an entirely different set of figures. Many different issues need to be looked at, and local government must be brought up to date on the implications of the Bill before it takes them on. There must be proper consultation.

Departments must get the message that consultation with local government should be with councillors, not officials. That should apply across the board, including in relation to Bills. We should be talking to the people who have to set the rates and who will be criticised for their decisions. Those people should be part of the decision-making process. We have to deal with those important issues, including the full costs that will be incurred.

There is also the issue of licensing. Councils still have the power and the obligation to issue licences. They will also have to deal with the tagging or microchipping of dogs, which is a dual responsibility, and be required to inspect dogs before a licence is issued. There are so many conditions attached to issuing a licence that dogs will be lined up in the foyer of councils, waiting to be inspected by the officer who issues the licence so that he can decide whether one should be granted. A lot of responsibility will fall on local government that does not exist at present and which will be an imposition.

Unfortunately, the cost involved will be passed on to the ratepayers, who are the people who own the dogs. The costs of microchipping and licensing and the role that local government will play in the implementation of the Bill will mean an additional cost for ratepayers. There must be further consideration and proper consultation before we move forward.

Mr Beggs: I wish to comment on amendment No 12, which will require councils to provide information to the Department. I accept that it is appropriate for the Department to know what is happening throughout Northern Ireland and, therefore, the amendment is appropriate.

However, I seek the Minister's reassurance that, in requiring information to come forth, she will enter discussions with local government to ensure that it is in a concise form and that it does not become a huge bureaucratic burden. Only necessary information should be required so that we do not create undue burdens and can ensure that useful information that can be acted on will come centrally to her Department. It will be useful to gather the number of enquiries that local government handles.

I declare an interest as a local councillor, although I am not standing in the forthcoming local government elections. The Department indicated that £760,000 will be available, which will be split among all 26 local councils in Northern Ireland, and it is bound to be difficult to work out whether that amount is sufficient. As the Department gathers information, I hope that it will be able to determine whether it has overestimated or underestimated the moneys required for local government to carry out this duty. I suspect that it may be an underestimation of the burden that will fall on local government because of the legislation. If the Department has that type of information, I hope that, if the situation is reviewed, the level of support to local government can be adjusted appropriately.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I will be brief. I agree with Francie that there was not enough consultation with NILGA and the councils. That is nothing new, and I am not blaming DARD. Several pieces of legislation from the House will involve delegation to local authorities. We should learn lessons from lack of engagement. The key message is that it is not enough to consult; we must work in partnership with local authorities.

The Committee for the Environment is working on several Bills that will head down to the local authorities and place considerable burdens on them: the Dogs (Amendment) Bill, the High Hedges Bill, the Clean Neighbourhoods and Environment Bill, the Planning Bill, and the Waste and Contaminated Land (Amendment) Bill. The issue must be considered in the round, and the Executive need to examine it in more detail. The situation is new for everyone, but it is about partnership working.

Mr Elliott: If councillors and councils are not consulted, how does the Member expect them to work in partnership? If there has been

no consultation, it is my understanding that councils cannot, and are not, part of it. I am interested in hearing the Member's suggestions about bringing them into the consultation process, co-operating and working together at this stage.

Mr W Clarke: We bring people in through bona fides and working in partnership. The Bill has a 12-month roll-in period, and NILGA, the Department, the Committee and the Minister will meet regularly, with a presentation being made to the Committee quarterly. The Department will want to ensure that councils have enough resources to carry out these duties, and, equally, councils will want to ensure that they have enough resources.

I would like clarification about the Minister's guarantee of £760,000 a year over the four-year budget period. As other Members said, there could be a new Minister, and it is hard for this Minister to say how that could be prevented. I want the Executive to take a role in that regard, whereby the Department has a mechanism to guarantee that money. The four-year funding period must be guaranteed; otherwise local authorities will not be able to deliver. It is in the interests of everybody, including the Department and local authorities, to continue to work in partnership. "Partnership" is the word that we must use not only for this Bill but for all legislation that involves local authorities in the delivery of front line provision.

It is getting late in the day, so I will leave it at that.

4.30 pm

The Minister of Agriculture and Rural

Development: Go raibh míle maith agat, a LeasCheann Comhairle.

I have listened intently to the views of Members, and I fully appreciate that a number of them are also councillors, so I understand that they want to be assured about the enforcement powers in respect of non-farmed animals passing to councils. As I said at the outset of the debate, I do not intend to place an unfunded responsibility on district councils and ratepayers, and hence I have guaranteed annual funding of £760,000 for this budget period. A number of Members have pointed to the fact that the mandate is coming to an end, but I have no doubt that a new Minister in the Department of Agriculture and Rural Development will respect the views of this

House and honour the financial commitment that I have made.

In calculating the funding, my officials have drawn on figures supplied by the RSPCA, which implements similar legislation in England and Wales, and they are in line with the USPCA's last published figure of 5,000 cases per year. Those figures provide a reasonable estimate of the future volume of work that may rest with councils in respect of non-farmed animals. I remind Members that councils will have discretion as to how they implement those powers within the available resources.

In the current financial climate, it is unrealistic to expect unlimited funding for animal welfare and, while there may be an expectation by the public that, in an ideal world, all animal welfare complaints will be fully investigated, in reality people will have to accept that cases have to be prioritised. We are talking about animal welfare, but even with the welfare of children, there are limitations to the resources available. We need to get our priorities in order and recognise that there are budgetary constraints on what we can do.

Roy Beggs's input was very positive. We want this to be workable and we want to work together. As Members know from our parallel work on the Dogs (Amendment) Bill, the additional income from increased dog licence fees and fixed penalty receipts is estimated at between £1 million and £1.5 million. The additional income that has to be spent on dog warden services will free up substantial resources and can be redirected.

So it is not all doom and gloom. I have been very positive about working with local government and bringing people with me. There has long been a desire to see more responsibilities going to local government and for councillors to be given more issues that currently are dealt with by central government. I have tried to be pragmatic and bring forward further work for councils and have it funded. I do not say that it should come with no money attached. There needs to be a wee bit of give and take and recognition that we have tried to ensure that councils are given further responsibilities and that those responsibilities are funded realistically.

Before ending, I will restate the guarantees that I have given to the House and, previously, to the Agriculture and Rural Development Committee. My Department will provide annual funding

of £760,000 for the next comprehensive spending review (CSR) period to allow councils to implement the provisions in the Bill in respect of non-farmed animals. My officials will engage with councils to provide advice and practical assistance to help council officials prepare for the new enforcement role in respect of non-farmed animals. A number of those meetings have taken place already. As I have said, I will shortly meet members of the rural affairs committee of NILGA, along with the Agriculture and Rural Development Committee.

I have already given a commitment that the powers in the Bill for councils to appoint inspectors will not be enacted until 12 months after this Bill has been completed, so that there can be full engagement with councils and they will have time to prepare for implementation. Licensing and registration functions will pass to councils only as new subordinate legislation is made. Councils will be fully consulted and fees set at an appropriate level to recover full costs. While I hear Members say that they feel they have not been consulted, I remind them that the consultations that come to councils from all Departments are in an appendix at council meetings. I ask Members to be aware that these engagements and consultations are coming up and communicate with officials to ensure that their views are heard. We have to engage with local government, and councillors could be a little more proactive in the work that is coming up.

The purpose of the new funding is to protect non-farmed animals. I am not changing the role of the USPCA in any way; it is funded by public donations and currently investigates animal welfare complaints. As I said, it is important that councils are empowered and resourced to deal with local issues. They are already responsible for dealing with dog control and they do that very well. The new animal welfare powers will enhance and strengthen the role of councils.

I am grateful for the Committee's contribution to the debate on this group of amendments. I call on Members to support the amendments in this group.

Question, That amendment No 11 be made, put and agreed to.

Amendment No 12 made: In page 26, line 33, at end insert

“(4A) Each council must furnish to the Department, at such times and in such manner as the Department may direct”

(a) such information relating to the exercise of the council's functions under this section; and

(b) such information relating to the exercise of functions by inspectors appointed by the council for the purposes of this Act,

as the Department may require.” — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Clause 45, as amended, ordered to stand part of the Bill.

Clauses 46 to 54 ordered to stand part of the Bill.

Clause 55 (Regulations)

Mr Deputy Speaker: We now come to the fifth group of amendments for debate, which deal with subordinate legislation, principally concerning changes in regulation-making powers from negative resolution to the affirmative resolution procedure. With amendment No 13, it will be convenient to debate amendment Nos 14 to 18 and amendment No 21. Members should note that amendment No 13 is paving to amendment No 14, and amendment No 15 is consequential to amendment No 14.

The Minister of Agriculture and Rural

Development: I beg to move amendment No 13: In page 30, line 15, after “regulations” insert

“(except for regulations made under section 49(5))”.

The following amendments stood on the Marshalled List:

No 14: In page 30, line 15, leave out “section 11, 12 or 13” and insert “this Act”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 15: In page 30, line 18, leave out “section 1(3) or”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 16: In page 30, line 20, after “made” insert “by the Department”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 17: In clause 58, page 31, line 20, after “(1)” insert “Without prejudice to section 55(3),”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 18: In clause 59, page 32, line 1, leave out subsection (2). — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 21: In schedule 2, page 35, line 34, after “(1)” insert “Without prejudice to section 55(3),”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

The Minister of Agriculture and Rural

Development: Go raibh mile maith agat, a LeasCheann Comhairle. Amendment No 13, as Members have heard, is one of a group of seven amendments — amendment Nos 13, 14, 15, 16, 17, 18 and 21. Amendment No 14 results from a request by the Committee for Agriculture and Rural Development that any regulations made under clause 1(3) to extend the definition of animals to which the Act applies to include invertebrates should be subject to approval in draft by the Assembly, as opposed to the negative resolution procedures. In addition, new regulation-making powers introduced in amendment No 1 relating to permitted procedures, and in amendment No 11 amending the definition of farmed animals, will also be subject to approval in draft by the Assembly as opposed to the negative resolution procedures.

As you have already pointed out, a LeasCheann Comhairle, amendment Nos 13 and 15 are consequential to amendment No 14. Amendment Nos 16, 17, 18 and 21 are drafting amendments, which clarify the Bill but do not affect any changes to its provisions.

The Chairperson of the Committee for Agriculture and Rural Development:

The Committee for Agriculture and Rural Development has not had the opportunity to debate the additional amendment in this group. However, the Committee’s policy has always been that, where possible, subordinate legislation should be subjected to the greater level of scrutiny afforded by the draft affirmative process. As the amendments in this group essentially make the majority of subordinate legislation subject to the affirmative resolution procedure, I suspect that the Committee will be supportive.

Mr Beggs: I am a member of the Committee and I indicate my support for the general principle that the affirmative resolution procedure be preferred to negative resolution, whereby the Assembly will have to give its approval to new regulations before they come into being. The gist of this group of amendments is to ensure

the requirement for the affirmative resolution procedure, and I am content with that.

The Minister of Agriculture and Rural

Development: I am grateful for Members’ contribution on the amendments that I tabled. I call on Members to support the amendments in the group.

Mr Deputy Speaker: Amendment No 13 is a paving amendment to amendment No 14.

Question, That amendment No 13 be made, put and agreed to.

Amendment No 14 made: In page 30, line 15, leave out “section 11, 12 or 13” and insert “this Act”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Mr Deputy Speaker: Amendment No 15 is consequential to amendment No 14.

Amendment No 15 made: In page 30, line 18, leave out “section 1(3) or”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Amendment No 16 made: In page 30, line 20, after “made” insert “by the Department”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Clause 55, as amended, ordered to stand part of the Bill.

Clauses 56 and 57 ordered to stand part of the Bill.

Clause 58 (Transitional provision)

Amendment No 17 made: In page 31, line 20, after “(1)” insert “Without prejudice to section 55(3),”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Clause 58, as amended, ordered to stand part of the Bill.

Clause 59 (Commencement)

Amendment No 18 made: In page 32, line 1, leave out subsection (2). — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Clause 59, as amended, ordered to stand part of the Bill.

Clause 60 ordered to stand part of the Bill.

Schedule 1 (Procedures to which section 5 does not apply)

Amendment No 19 not moved. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Mr Deputy Speaker: The Minister's opposition to schedule 1 has already been debated.

Schedule 1 disagreed to.

New Schedule

Mr Deputy Speaker: Amendment No 20 is consequential to amendment No 2.

Amendment No 20 made: After schedule 1, insert the following new schedule

"SCHEDULE 1A

DOGS SPECIFIED FOR THE PURPOSES OF SECTION 6(7)

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." — [The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray).]*

New schedule agreed to.

Schedule 2 (Regulations under section 12)

Amendment No 21 made: In page 35, line 34, after "(1)" insert "Without prejudice to section 55(3),". — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Schedule 2, as amended, agreed to.

Schedules 3 to 5 agreed to.

Long title agreed to.

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

4.45 pm

Executive Committee Business

Licensing and Registration of Clubs (Amendment) Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister for Social Development to move the Consideration Stage of the Licensing and Registration of Clubs (Amendment) Bill.

Moved. — [The Minister for Social Development (Mr Attwood).]

Mr Deputy Speaker: Members will have a copy of the Marshallled 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 three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 7 and 10 to 16, which deal with police and judicial powers in respect of closure orders. The second debate will be on amendment Nos 8, 9, 27 and 30, which deal with restrictions on the promotion and pricing of alcohol. The third debate will be on amendment Nos 17 to 26, 28 and 29, which deal with late licences, young people's attendance in clubs, accounting offences and the restrictions on registered clubs in respect of advertising functions.

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 (Closure of licensed premises)

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 to 7 and 10 to 16. The amendments deal with police and judicial powers in respect of closure orders. Members will note that amendment Nos 1 and 2 are mutually exclusive.

Ms Lo: I beg to move amendment No 1: In page 2, line 8, leave out paragraph (1) and insert

“(1) A senior police officer may make a closure order in relation to any licensed premises if that officer reasonably believes that—

(a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety; or

(b) a public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.”

The following amendments stood on the Marshalled List:

No 2: In page 2, line 8, leave out from beginning to “believes” on line 9 and insert

“A lay magistrate may, on the application of a senior police officer, make a closure order in relation to any licensed premises if that lay magistrate is satisfied”. — [Mr F McCann.]

No 3: In page 2, line 16, leave out “senior police officer” and insert “lay magistrate”. — [Mr F McCann.]

No 4: In page 3, line 1, leave out sub-paragraph (b) and insert

“(b) the conditions for an extension are satisfied,”. — [Ms Lo.]

No 5: In page 3, line 4, at end insert

“(1A) The conditions for an extension are that—

(a) in the case of an order made by virtue of Article 69B(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises;

(b) in the case of an order made by virtue of Article 69B(1)(b), closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises.” — [Ms Lo.]

No 6: In page 3, leave out lines 19 and 20 and insert

“(a) in the case of an order made by virtue of Article 69B(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises;

(b) in the case of an order made by virtue of Article 69B(1)(b), closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises.” — [Ms Lo.]

No 7: In page 4, line 16, leave out sub-paragraphs (a) and (b) and insert

“(a) in the case of an order made by virtue of Article 69B(1)(a), consider whether closure is necessary in the interests of public safety because of disorder or likely disorder on the premises, or in the vicinity of and related to, the premises;

(b) in the case of an order made by virtue of Article 69B(1)(b), consider whether closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises; and

(c) in either case, hear representations, if any, from the holder of the licence.” — [Ms Lo.]

No 10: In clause 5, page 11, line 6, leave out paragraph (1) and insert

“(1) A senior police officer may make a closure order in relation to the premises of any registered club if that officer reasonably believes that—

(a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety; or

(b) a public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.” — [Ms Lo.]

No 11: In clause 5, page 11, line 6, leave out from beginning to end of line 7 and insert

“A lay magistrate may, on the application of a senior police officer, make a closure order in relation to the premises of any registered club if that lay magistrate is satisfied”. — [Mr F McCann.]

No 12: In clause 5, page 11, line 14, leave out “senior police officer” and insert “lay magistrate”. — [Mr F McCann.]

No 13: In clause 5, page 11, line 40, leave out sub-paragraph (b) and insert

“(b) the conditions for an extension are satisfied,”. — [Ms Lo.]

No 14: In clause 5, page 12, line 2, at end insert

“(1A) The conditions for an extension are that—

(a) in the case of an order made by virtue of Article 41B(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises of the registered club;

(b) in the case of an order made by virtue of Article 41B(1)(b), closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises of the registered club.” — [Ms Lo.]

No 15: In clause 5, page 12, leave out lines 17 and 18 and insert

“(a) in the case of an order made by virtue of Article 41B(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises of the registered club;

(b) in the case of an order made by virtue of Article 41B(1)(b), closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises of the registered club.” — [Ms Lo.]

No 16: In clause 5, page 12, line 41, leave out sub-paragraphs (a) and (b) and insert

‘(a) in the case of an order made by virtue of Article 41B(1)(a), consider whether closure is necessary in the interests of public safety because of disorder or likely disorder on the premises of the registered club, or in the vicinity of and related to, the premises;

(b) in the case of an order made by virtue of Article 41B(1)(b), consider whether closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises; and

(c) in either case, hear representations, if any, from the secretary of the club.’ — [Ms Lo.]

Ms Lo: I welcome the Bill’s proposal to grant a new closure power for a senior police officer of the rank of inspector or above to make an application to a court for the closure of any identified licensed premises or clubs where disorder is occurring, in order to protect public safety. That power will replace the like power that is currently the responsibility of the Secretary of State. However, I am concerned that the provision for closure on the grounds of actual disorder is insufficient for the police to carry out their duties in protecting the lives and well-being of the employees and members of the public.

In December 2006, the Department for Social Development, under the direct rule Minister David Hanson MP, published a consultation on the draft Licensing and Registration of Clubs (Amendment) (Northern Ireland) Order 2007. However, the draft Order did not become law, as the responsibility for liquor licensing passed to

the Northern Ireland Executive upon restoration of devolved government.

The initial draft Order contained three grounds for closure: actual disorder; imminent disorder; and noise nuisance. However, the current Bill has removed two of those three proposed grounds, namely imminent disorder and noise nuisance, because — I was told — of objections from a political party.

In giving evidence to the Committee, the PSNI stated:

“the vast majority of licensed premises are responsible and cause the police no difficulties or very few difficulties.”

The police said that they have problems with just eight of the 411 licensed premises in Belfast. However, the police’s main concern about the omission is that the actual disorder has to be occurring before a senior police officer can make an operational decision to close a licensed premises or club. On such occasions, there would be a requirement to deploy police officers into an ongoing public disorder situation that is already out of hand. In most cases, that would escalate the situation, and additional resources and a higher level police response would be needed to deal with it.

For the police to allow such a situation to escalate out of control into ongoing disorder before taking preventative action to protect life, property and prevent the committing of offences would be a failure by them to provide a duty of care under the health and safety obligations in the European Convention on Human Rights. It makes no sense for the police to have to wait until disorder breaks out before taking action. If disorder cannot be prevented or dealt with at an early stage, there are costs to the courts, the Prison Service, the Probation Board and health and social services.

The argument about exercising the power on the grounds of imminent disorder can be subjective and abused. Police officers have a range of powers including dealing with criminals and enforcing road traffic legislation. Discretion and subjective professional judgement are required at all times in the use of those powers, as they would be with the new powers proposed in the Bill.

The Licensing Act 2003 for England and Wales does not define the term “public nuisance” so as not to constrain the interpretation of the

term. Under that Act, the noise in question must be emitted from the licensed premises including the beer garden, courtyard or street terrace, if they are designated part of that premises. Noise coming solely from people in the street outside the perimeter of the licensed premises would not be sufficient to justify the use of closure powers, even if those making the noise occasionally enter the licensed premises to purchase alcohol.

In considering the practice in England and Wales, the PSNI may find it useful to work in conjunction with councils in the handling of noise nuisance associated with licensed premises or clubs. For example, the Belfast City Council environmental health department has a noise control and abatement unit. If that unit receives a complaint about the level of noise coming from licensed premises or a complaint that the noise is continuing past the time it should have ceased, that unit will attend the scene of the disturbance to monitor noise levels and witness the disturbance. Given that there is a mechanism to determine noise nuisance, local councils can easily liaise with the PSNI for necessary intervention if appropriate.

Even as a deterrent, such a power can have a very positive impact on improving the quality of life of those who live around licensed premises. The additional grounds would bring police powers into line with those in the rest of the UK and the Republic of Ireland. Without those two grounds, the police will be placed in a weaker position than comparable jurisdictions.

The police are aware that closing licensed premises or a club, even for just a few hours, may have serious consequences for the business. They need to use the power as a last resort, after assessing the situation on the ground and following operational guidelines from their organisation and the Department of Justice. After a senior police officer makes any closure order, the police will subsequently present the matter to the relevant court for its consideration of the closure order and any extension to it. That process will require the police to satisfy the court that their evidence and grounds for closure were sufficient to demonstrate that the action was necessary, proportionate and thereby justified. The police decision can, of course, be challenged in court. In addition to that safeguard, the Department of Justice will issue further guidance on how the power should be exercised. That will provide

control measures to ensure that the police actions are appropriate.

I ask the House to support the amendments so that, in order to protect the lives and well-being of members of the public, the Police Service can exercise its powers to deal with not only actual disorder but imminent disorder and noise nuisance from licensed premises or clubs.

The Chairperson of the Committee for Social Development (Mr Hamilton): It is early evening on a Tuesday — the graveyard slot — so it must be social development business. This is the second week in a row that we have been here, so it is déjà vu all over again.

Before addressing the amendments in group one, with your indulgence, Mr Deputy Speaker, I will make a few general remarks in my capacity as Chairperson of the Committee for Social Development.

As you would expect, Mr Deputy Speaker, the Committee carefully and very seriously considered the Licensing and Registration of Clubs (Amendment) Bill. As the House is aware, members have undertaken a longer than expected Committee Stage. That reflects the careful scrutiny of the Bill and the pressure of the Committee's extensive legislative programme.

I thank members of the Committee for Social Development for their contributions to the debate at Committee and to the content of the Bill report. I think that anyone who examines that report in detail will see very clearly that the Committee considered all aspects of the Bill in great detail and probed it in a very thorough manner. I also thank the witnesses, who provided such useful written and oral submissions, and the departmental officials, who were always at hand to provide a fast turnaround on some of the very detailed Committee queries. Finally, as always, I thank the staff of the Committee for Social Development, who facilitated our formal evidence taking, the clause-by-clause scrutiny and the production of our extensive Bill report.

I will make a few very general remarks about the Bill. Alcohol licensing is a complex area. There are competing interests in the on-licence and off-licence trade. Indeed, there are competitive tensions in the on-licence sector among pubs, hotels and registered clubs. Witnesses made the Committee well aware of the employment

and economic contribution that local pubs and hotels make and of how the Bill may impact on the amenity and tourism potential of the sector. The Committee was also mindful of the important place that registered clubs have in many local communities throughout Northern Ireland. As one would expect, members and witnesses also raised serious issues relating to alcohol abuse and the significant social consequences of what appears to be a rising tide of alcohol problems.

As also indicated at Second Stage, members referred to experiences of alcohol-fuelled disorder in their constituencies and to the many problems that such disorder brings to communities. In short, liquor licensing is replete with contentious issues.

5.00 pm

The Department asserted that the Bill will address some of those issues in a fairly balanced way. The Committee sought to find its own balance between the needs of the alcohol retail sector, the demands of the general public and the concerns of communities and other stakeholders. The Committee agreed that offences such as underage alcohol sales were of great concern, had wide-ranging social ramifications and were the responsibility of all parts of the alcohol retail sector. Therefore, the Committee generally welcomed the penalty point regime and the proof of age scheme as set out in the Bill. Members felt that, in its current form, the proof of age scheme was a good way to discourage underage alcohol abuse, while still being a practical and enforceable measure that sends an appropriate message to retailers. The Committee welcomed departmental assurances that guidance will be issued to the retail trade on the use of appropriate pass-accredited forms of identification.

The Committee endorsed the aspects of the Bill that will streamline the regulation of registered clubs and include the option for small and medium-sized clubs to have their accounts audited by an auditor or an independent examiner. Members accepted evidence from the police and the club sector that that measure is timely and reflects the generally better governance of registered clubs.

During the Committee's deliberations, reference was made to so-called nightclubs. At this point, I want to make clear the distinction between nightclubs and registered clubs. It seems that

nightclubs, which are, in essence, licensed premises that open late and generally offer entertainment, are not very well defined in law. The Committee noted proposals that the Bill be amended to alter the definition of when premises are open to include the provision of entertainment. It was suggested that such a change might lead to better regulation of so-called nightclubs. The Committee accepted departmental assurances that guidance to the Police Service of Northern Ireland will address the issue of the management of nightclubs. Therefore, the Committee agreed that it would not support the relevant amendments.

I turn now to the amendments in group 1. On closure orders, the Committee considered a wide range of proposed amendments to the clauses that refer to police closure powers. To set the context and as has been indicated, I advise the House that the Committee noted that powers similar to those proposed in amendment No 1, amendment Nos 4 to 7, amendment No 10 and amendment Nos 13 to 16 are already available to the police in England and Wales. It should also be noted that the bulk of police closure powers in that jurisdiction, whether related to actual or imminent disorder or noise, are used rarely. To inform its deliberations, the Committee reviewed the guidance on closure orders issued to the police in England and Wales. The Committee noted that the English guidance requires the police to apply to the courts for a closure order where there is intelligence relating to expected disorder. As Members will realise, police officers in that jurisdiction can make imminent closure orders in only a limited number of circumstances.

The Bill contains limited powers for the police in Northern Ireland. The Department for Social Development advised that the Department of Justice guidance to the police on those limited closure powers will, where appropriate, largely replicate the equivalent guidance issued in England and Wales. The majority of Committee members felt that there would be little benefit in copying English legislation across to Northern Ireland. Although there were dissenters, the Committee agreed that the Bill as drafted would provide good protections for public safety while protecting the rights of the licensed trade and its customers. The Committee felt that the evidence indicated that the additional powers set out in the amendments were unlikely to be used and could lead to an unnecessary imbalance between, on the one hand, the

commercial needs of the alcohol retail sector and, on the other, the PSNI's duty of care to the public. Therefore, the Committee did not support amendment Nos 1, 4, 5, 6, 7, 10, 13, 14, 15 and 16. Those sound like lottery numbers.

Mr F McCann: Maybe you should use them.

The Chairperson of the Committee for Social Development: If any Member can tell me the numbers for the upcoming weekend, I will happily put my pound down.

During our deliberations, some members highlighted concerns about the extension to senior police officers of any closure powers relating to licensed premises. Those concerns are embodied in amendment Nos 2 and 3, which apply to the licensed sector, and amendment Nos 11 and 12, which refer to closure powers relating to registered clubs. In respect of the latter and by way of context, members noted evidence from the police suggesting that alcohol-fuelled disorder that might require a closure order is rarely associated with registered clubs.

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

I will allow the Members who proposed those amendments to set out the specific arguments that apply to them. The Committee based its view on the Bill's closure powers on oral and written evidence about how those powers have worked in other jurisdictions and, therefore, how they might work here.

In reviewing Part 4A of the Bill, members highlighted concerns about the interpretation of the term "disorder" and about how disorder on a public street could be reliably linked to licensed premises. The Committee questioned the police in some detail on that matter and satisfied itself that a senior police officer would have to establish a causal link between public disorder and the premises of origin before closure could be applied. The Committee also reviewed the guidance to police in England and Wales. Members noted that the police were required to act in co-operation with the owners of premises and to take account of prompt and appropriate actions by owners of premises to limit or avoid disorder. The Committee also noted the requirement on the police to apply closure orders that relate to disorder only when doing so was in the interests of public safety.

Members also felt that, where practical, the PSNI should be obliged to consult district councils on closure orders. In particular, the Committee felt that, given the district councils' role in providing entertainments licences to premises that serve alcohol, such consultation was, where practical, appropriate. The Committee accepted departmental assurances that guidance to the PSNI would, like the equivalent guidance in England and Wales, advise the police to, where possible, consult district councils about closure orders so as to inform the review of entertainments licences.

The nature and content of the closure power guidance to the police are central to the Committee's position on both sets of amendments in the group. I ask the Minister to reiterate previous assurances given during Committee Stage that the guidance will be subject to review by the Justice Committee following the successful passage of the Bill. Given the departmental assurances on the police guidance and following the Committee's review of how closure powers might be applied, the Committee, after a division, came to the view that it did not support amendments similar to amendment Nos 2, 3, 11 and 12.

Mr Deputy Speaker, that concludes my remarks as Chairperson of the Committee. With your indulgence, I will make some comments as a DUP MLA. The context for much of what we are considering today, whether this group or the other two groups of amendments, must be the unfortunate rise in alcohol consumption and the attendant social and economic damage. I am talking about health costs. I am sure that, if the Minister of Health, Social Services and Public Safety were here, he would vividly outline the cost to the Health Service, particularly because of admissions to A&E departments, especially at weekends. Alcohol has an impact on antisocial behaviour. It is a regulated drug and, because of that, it must be carefully managed and licensed. Through this legislation and through whatever amendments we discuss, we should always try to ensure increased responsibility in the use of alcohol in our society.

My party and I strongly support the clause that will bring in closure powers for police in cases of actual disorder. Some of the amendments before us, in addition to bringing in closure powers for actual disorder, would bring in closure powers for cases of imminent disorder. My view on that is not as clear-cut.

I understand entirely where the proposer of those amendments is coming from. Indeed, it may be proven, in time, that those amendments are required. However, it is my view and that of my party that it is much better to try out what might be described as the lower level of closure powers — where actual disorder is taking place — rather than bring in a closure power for imminent disorder. My objection is principally on the basis that, although subjectivity and discretion are handed to the police in cases of actual disorder, handing that power to the police for imminent disorder would give them too much discretion and power and lend itself more to potential abuse by the police.

I have to put it on record that I have no evidence of the abuse of existing powers by the police in their handling of licensed premises. I have encountered police objecting to certain entertainments licences and offering the excuse that they do not have the resources to deal with problems that may occur at some unknown point in the future. However, there is potential for abuse, and we would be handing over too much discretion if we were to go down that road.

There is also a valid argument that, if a senior police officer were to move to close premises because of the belief that disorder was imminent, his action could lead to disorder taking place. That gets us into a chicken-and-egg situation over what caused the disorder: was it imminent, or was the disorder due to the police dealing with what they believed to be imminent disorder? Instead of dealing with and managing the situation much more effectively, we could be creating one that gets out of hand.

I do not think that the power to close premises will be used frequently on the grounds of actual disorder, never mind imminent disorder. I referred to the English and Welsh example. Evidence that the Committee heard during its deliberations showed that the power is used very rarely. I think that the police will continue to deal with disorder on or in the vicinity of and related to licensed premises in the way that they have been doing. They will deal specifically with the incident rather than move in and deal with it in what might be described as the heavy-handed approach of closing down premises.

I am trying to conjure up in my head the level of disorder that would be required for closure to take place. In my view, one individual hitting another, abhorrent as that is, does not provide

grounds for closure. I am almost conjuring up images of a saloon fight in a spaghetti western as the type of scenario in which the closure of premises would be required. Therefore, I do not think that the police will have to invoke a closure order because of actual disorder, never mind one for imminent disorder.

As I said at Second Stage, I am concerned that, if the power of closure is used, even where there is actual disorder, and it is later overturned by a magistrate because the use of that power by the police officer is proven to have been inappropriate, that could lead to damage to the reputation of an establishment. We all know what happens when a bar or club gets a bad reputation. It spreads in the community and has a ripple effect. I have some concerns with the use of that power, even where there is actual disorder, which I support. Those concerns are exacerbated when it comes to the power of closure for imminent disorder. An establishment could be shut for an evening even when nothing has taken place in those licensed premises. The damage to reputation that would be caused would be much greater than it would be even if a senior police officer were to get his call wrong on actual disorder.

I turn to the amendments on moving the power to enact a closure order from a senior police officer to a lay magistrate. We must remember that closing premises where there is actual disorder is a power to be used only in emergencies. It would be preposterous to have magistrates sitting in session readying themselves for applications by senior police officers. It is ludicrous to think that they would sit through the night with the attendant costs. How long would it take for a senior police officer to get to the Magistrate's Court and apply for the licence to close and then signal to his colleagues that the bar needs to be closed? The incident is likely to be over — even in a spaghetti western, the fights do not last that long. In that time and in all seriousness —

5.15 pm

Mr F McCann: We discussed this issue at length in Committee, and I understand the picture that you are painting. However, I explained to the Committee that I know of instances where the PSNI went into premises, and it ended up causing trouble. The best way to deal with the issue is not through a closure order but through trying to ensure that the owner,

manager or keyholder has a responsibility to come and clear the premises. What happens in Strangford may not be what happens in west Belfast, north Belfast or other areas. That is the emphasis that we were trying to place on the matter when we debated it in Committee. I understand what you are saying, but it is not a like-for-like situation. People have had bad experiences. In some areas, PSNI officers are anti-alcohol. Jonathan Craig shakes his head, but, believe me, in some areas, many clubs have already experienced the wrath of inspectors and others who hold that point of view.

The Chairperson of the Committee for Social Development: I thank the Member for his intervention. If the police coming into certain establishments causes disorder, it says more about the patrons of the establishment than it does about the police, who have an absolute right under the law to inspect premises. However, I take the point that the Member makes about the police: if they go into an establishment in the wrong way, it could have an undesirable effect. That is why, as I said, I will resist the amendments, which would close premises on the basis of imminent disorder, because that may exacerbate an already difficult situation. I accept that point, and I oppose the amendments partly for that reason.

The Member is arguing against himself somewhat. The point that he makes about his amendments is not the point that I am discussing now. His amendments are for actual closure. Instead of a senior police officer moving to close premises and going to a magistrate after the fact, he is arguing that the magistrate should be consulted first, and the power to close should then be granted to the police officer. In practical terms, that is unrealistic, not least because you cannot have magistrates sitting in session waiting for that to happen. Also, on a serious point, in the time that it would take for a police officer to get approval from a magistrate, low-level disorder could deteriorate into a situation in which somebody is stabbed or murdered.

Mr F McCann: I will make a point of clarification that might persuade you to support it. The Executive have adopted a position. The decision is that it should be limited and closure orders should be made for premises only where disorder is taking place. That seems to be the basis of your argument. If I withdraw my amendment that a lay magistrate has to make

an order, will it change your mind and allow you to support the Executive's position?

The Chairperson of the Committee for Social Development: The Member was distracted in the early stages of the debate; I am not opposed to clause 1. I am not opposed to the power to close in situations where there is actual disorder. I support that. I am making a point in opposition to his amendment. If that amendment were withdrawn, I would welcome and accept that because I do not think that it is practical or possible, and it has negative policy implications.

I cannot support the amendment calling for closure powers for the police where there is imminent disorder because I think that it is grey, woolly and vague, and it gives far too much discretion to the police. In time, it may be proven that those powers are required, but we will see how effective the powers that are in the Bill actually are. If they are not effective enough, we may have to revert to the position that the Member has put forward. I am willing and happy to do that. I would rather build legislation from the bottom up than from the other way round.

I welcome comments on the other amendments in respect of lay magistrates. If those amendments are withdrawn, I will be content. If they are not withdrawn, my colleagues and I will oppose them.

Mr F McCann: I will be brief. In the past number of debates that I have had with Mr Hamilton, Mr Craig and Mr Easton, we have ended up at loggerheads on a number of issues, although, obviously, always for the right reasons. This matter was debated thoroughly in Committee. Several members were concerned that closure powers could be given to individual policemen. Mr Hamilton is right to point out that he raised concerns.

I seek leave to withdraw the amendment and support the Executive's position. I do not know whether that can be done at this stage. Closure orders should be limited to premises where disorder has taken place.

Mr Deputy Speaker: To clarify: are you withdrawing amendment No 2?

Mr F McCann: I am not sure whether it is amendment No 2. I am speaking in opposition to Ms Lo's amendment.

Mr Deputy Speaker: It can be done. When we come to the point at which amendment No 2

is to be moved, the Member should say, "Not moved".

Mr F McCann: I will try that.

Mr McCallister: I am not sure that I will bring much clarity to what we are doing. I want to address some key points. I will start with the Alliance Party's amendments, providing that they will definitely be moved. I have issues with some of them. I do not believe that they add benefit or clarity to the Bill, and I do not believe that they will improve the Bill. I would welcome confirmation from the Minister of whether his interpretation of disorder and public nuisance in the Bill covers that referred to in the Alliance Party's amendments. If those issues are covered in the Bill, the amendments are superfluous. My party opposes the Alliance Party's amendments in group 1, of which there are a significant number.

As regards Sinn Féin's amendments, it is not clear from Mr McCann's comments which amendments will be moved. I share the Chairperson's concern that finding a lay magistrate at a late hour could be problematic. The best way to ensure that concerns are addressed is to work with the police through good local initiatives and district policing partnerships. Those issues arise frequently in all our communities and constituencies. Problems arise even in the rural bliss of South Down occasionally. My party opposes Sinn Féin's amendments in group 1. We will look at whether the withdrawal of some of those amendments changes our position.

The Minister for Social Development

(Mr Attwood): I join the Committee Chairperson in acknowledging the role of the Committee and its staff; the witnesses, to whom Mr Hamilton referred; my staff in the Department for Social Development; and those in the Bill Office, which is, clearly, a particularly busy office in the Building at present, given the frenzy of legislative activity that is now being visited on the House. The management of that and the need to protect good law and good process falls heavily not only on Members but on Committee staff, departmental staff and the staff in the Bill Office. I acknowledge that. I also acknowledge the contributions that have been made, thus far, by Members, not only from the Floor this evening but in the conversations that have been going on in corridors and offices over the past

number of hours. They will be reflected more fully in subsequent discussion.

Prior to responding to the points raised by Members, I will outline the view taken by myself and the Executive in respect of the closure powers in the context of imminent actual disorder and anticipated disorder and in respect of the amendment originally tabled by Mr McCann and others on the powers of a lay magistrate. Let me be clear: the Executive and I do not support amendment No 1 or the other amendments in the first group. The Bill as originally drafted included powers that would have enabled the PSNI to close specific licensed premises or registered clubs if they considered that disorder was imminent or that a public nuisance was being caused by noise coming from the premises. Members will need to go back a number of months to confirm that. As originally drafted, the Bill contained provisions that reflected the broad content of Mrs Lo's contribution to the debate in moving amendment No 1. However, when the Bill was referred to the Executive for approval in June 2009, the office of the deputy First Minister raised concerns about those powers. As was reflected in Simon Hamilton's comments, the concerns about the powers proposed at that stage extended beyond the office of the deputy First Minister. In particular, that office felt that closure on those grounds was a sanction that could impact negatively on people's livelihoods and viewed the provisions as speculative and difficult to apply consistently.

I recognise that there is a counter-argument and a counter-view. If there are good grounds for believing that disorder is imminent, if the police behaviour is not speculative, and if, in the fullness of time, precedent and the oversight of the courts could tighten up the power of the police in that regard, it may be a direction of travel that could be taken at this time or, as Mr Hamilton indicated, could be considered at some future time. However, as a consequence and in order to bring the Bill to the House, provisions in respect of noise nuisance and anticipated disorder were edited from the original draft. The consequence is that the Bill now provides that any decisions on imminent disorder should lie solely with the courts, and there are no provisions on noise nuisance. I will touch on that in more detail shortly. The Executive support that position, and, as I understand it, the Social Development Committee did not recommend

any amendments to that or any of the other closure order provisions in its comprehensive scrutiny of the Bill.

There are differing opinions on what powers, if any, should be available to the PSNI to deal with disorderly or potentially disorderly situations. As we have heard, some believe that the police should have lesser powers and that magistrates or the courts should be responsible for any decisions on closure. Others, as we have heard, believe that the police should have greater control over closure, whether for reasons relating to disorder or noise.

The closure provisions in the Bill represent a significant improvement on the existing powers available to the Minister of Justice, which, prior to the devolution of justice, were available to the NIO. In effect, it had to rely on police intelligence reports in advance of any possible disorder before making a decision on whether premises should be closed.

That time-consuming process is unsuitable for dealing with actual disorder, as are, in our view, the amendments tabled by Mr McCann, which propose that lay magistrates, not the police, should be responsible for making a closure order where disorder has already taken place in licensed premises or registered clubs.

5.30 pm

As was indicated, especially by Mr Hamilton, there are clear issues of time and immediacy that would potentially be compromised by the involvement of a lay magistrate. We all know that, because, one way or another, we all have issues in our constituencies about disorder or potential disorder around licensed premises. It is clear that all of that should be nipped in the bud. For that reason, the Bill will allow a Magistrate's Court to order premises to close where it is satisfied that disorder is likely.

I have carefully considered the views expressed to me, both in person and in the evidence presented to the Committee, particularly on concerns about the consistency of PSNI decisions on what constitutes disorder. I am satisfied that it is right that the court should be the decision-maker in a case where disorder is expected. I will touch on that again shortly.

The Bill no longer caters for closure due to noise emanating from premises. I feel that that, too, had the potential to involve the PSNI in

controversial decisions affecting the livelihood of licensed premises and registered clubs. Members should note, however, that the DOE's Clean Neighbourhoods and Environment Bill is approaching its Consideration Stage. That Bill aims to extend the Noise Act 1996 to include noise from licensed premises and registered clubs. I hope that that forthcoming legislation will be an effective tool in dealing with the problem of noise nuisance and is a sufficient reassurance to Anna Lo in respect of her proposal in that regard.

During the Bill's Second Stage debate, I informed the House that guidance on police closure powers would be issued by the Department of Justice. The objective of the guidance is to support and assist senior police officers in interpreting and implementing their new powers in the interests of public safety and the prevention of disorder. I am pleased to confirm to the House, as I was invited to do earlier, that that draft guidance will be brought before the Justice Committee for scrutiny prior to it being issued.

I will now respond to a number of the comments that were made. Given that, in one way, this will be a guide to interpretation as regards the future implementation of the proposed legislation, it might be useful to confirm in the House the circumstances in which the powers of closure are likely to be used. We have to be mindful that they are not likely to be used very much.

When considering today's debate, officials advised me that the Northern Ireland Office, which previously had custody of powers in that regard, could barely remember a case in which powers had been used in the past. That suggests that issues concerning licensed premises were being managed in other ways without the use of powers of closure. It might be somewhat surprising to the wider audience that the Northern Ireland Office had difficulty recalling when those powers had been used at all in recent times and going back some time. Nonetheless, I think that giving the power of closure to the police in respect of actual disorder is important.

The way that the power will work is that, if disorder is taking place, the police will go to the people that Mr McCann named in his contribution — the licence holder or other appropriately qualified people — and ask them

to voluntarily close the licensed premises. In the event that that does not happen, a closure order, signed off by a police officer of the rank of inspector or higher, will then impose the closure order on the premises. Remember that this issue affects not just clubs but other licensed premises as well. Thereafter, the matter has to be brought to a court as soon as possible in order for the court to confirm the situation. As soon as possible may mean within a day or a number of days, but the requirement will be that it should be as soon as possible.

The courts will then have responsibility for taking the matter forward as outlined in the legislation. There is no appeal, as such, against a closure order for disorder. Clearly, however, that matter can be tested before the courts.

That will be one of the disciplines for the police. If the courts have responsibility for considering a closure order required by the police because of disorder, then precedent, judicial interpretation and judgement will be the among the disciplines that will create a new architecture to ensure that those are used proportionately in all circumstances. That is the legal test required in such matters.

It will not be for the police to decide how long premises will be closed after disorder. The courts will make a judgement on what the closure period should be, whether small or large. At that point, as is normal practice under magistrates' court rules, there will be an opportunity for any person to appeal that decision to a higher court if that is appropriate.

I was invited to reassure the Committee about the criteria that the police will use when considering when to close premises because of disorder. The Department of Justice will issue guidance on how the powers should be exercised in practice. The purpose of that guidance will be to help senior police officers to interpret and apply the law consistently. The guidance will be brought before the Justice Committee for scrutiny prior to it being issued.

That is important because one Member raised the point about reputational damage falling to licensed premises for action taken about disorder when it was not justified. That needs to be properly regulated and the powers of the police properly scrutinised. That is why it is important that the Justice Committee scrutinises that guidance.

I assure Members that guidance issued to retailers about accreditation identifications, which was agreed by the Committee for Social Development, will contain a note on valid accreditation, particularly about the use of expired passports as proof of age. I also take up the point raised by Mr Hamilton about the small number of licensed premises, including what might be referred to as nightclubs, whose actions may be on the wrong side of the law. A number of examples of that were referred to me. I, the Minister of Justice and the Chief Constable are scheduled to meet on 15 February, to consider the issues associated with certain licensed premises that appear to be acting beyond the law and where there is prima facie evidence that the relevant authorities, including the police, are not taking all appropriate enforcement action.

I also confirm that the draft guidance on the provisions of the Bill will be largely the same as that in England and Wales. It will require the PSNI to consult with local councils responsible for entertainment licences and other relevant matters.

I acknowledge what Mr McCann said about what appears to be the proposal to withdraw or not move amendment No 2 and the related consequential amendment Nos 3, 11 and 12. That is my understanding of the position. I acknowledge a valid point: there has been bad experience in a number of licensed premises where, as the Chairperson of the Committee concurred, the police may not have gone into premises in a manner consistent with the principle of reasonable and proportionate behaviour in all circumstances. However, bad experience should not lead to bad process. The only practical way for a lay magistrate to be involved in the process with regard to disorder would be for the lay magistrate to be sitting in the back of the bar observing the disorder as it takes place.

Let us consider what actual disorder might mean. It might include a threat to life and serious damage to property. We are not talking about some minor infraction; we could be talking about serious disorder that impacts on people's safety and welfare.

Mr F McCann: The whole purpose of amendment No 2 and the consequential amendments was to try to create another level so that the powers would not be in the hands of an individual

policeman. We did that because, in our experience, an individual policeman could abuse those powers. We were trying to say that we need to ensure that those powers be taken away from individual officers and that the police have to make an application. As the Minister knows, if there is disorder in a bar, the police are called, they arrive and they leave. If the police have a problem with a bar, they take court action against it. That is exactly what we are saying should happen.

The Minister for Social Development: There is a convention, particularly in other jurisdictions, of probing amendments, which are amendments that attempt to extract from the Government, or from others, the intention of a piece of legislation. Over and above the merits that there may be in the amendment, I consider it to be a useful probing amendment, because it interrogates the provisions in an effort to determine how they might work.

Therefore, over and above the fact that the Member believes that a lay magistrate is the right person to take the decision on actual disorder, a probing amendment of this nature also enables Ministers, the Government and other people to put on record how processes might work in order to militate against abuse of process, including abuse of process by the police. That is why I put on record that guidance to the police on this will be issued by the Department of Justice. The guidance will then go before the Committee for Justice for consideration.

In any case, under the legislation, how the police behave has to be brought before a judge as soon as possible. The judge then has to make a judgement on whether the behaviour was appropriate and what the consequences of that might be. Therefore, there are safeguards and safety nets that mitigate the risks that might be talked about and are a better model for moving forward than the lay magistrate model.

Ultimately, from previous experience in Northern Ireland, the closure powers will be subject to limited use. As I said, the Northern Ireland Office cannot recall when they were last used. Therefore, in all those terms, the model in place at the moment is operationally better and has a number of safeguards.

Mr Spratt: Mr McCann made a suggestion about the abuse of police powers. Will the Minister acknowledge that there are very clear processes

already in place to deal with any abuses of powers by the police? For instance, the Office of the Police Ombudsman is one place where such abuses are dealt with. It is wrong to say that the police would deal with this particular legislation any differently from how they would deal with every other piece of law in this part of the United Kingdom.

The Minister for Social Development: I note what the Member says. There are a number of levels of accountability when it comes to oversight of police powers. The Member is a member of the Policing Board, the members of which participate in DPPs. There are other legal mechanisms, including the Police Ombudsman, to challenge police power and their use of power.

Over and above all that, a parallel process is outlined in the Bill, whereby the police have to act subject to guidance that is issued by government and have to have their interventions in instances of actual disorder judged by a court. In that way, there is a closing of the circle around the police to ensure that they use those powers in a proportionate way in all circumstances.

5.45 pm

In an ideal world, we would have mechanisms that ensure that police powers are subject to further consideration in real time. Given the experience of the North, I understand that principle and that sense of things. Mr Spratt may recall that when I was a member of the Policing Board, I argued for real-time accountability of police in their interface with MI5. I proposed that human rights experts should be in the room when intelligence matters were discussed by MI5 and the police to ensure that there was real-time oversight of their decisions and accountability for their actions. Therefore, I understand the principle that the Member is taking about, because I argued for a similar principle in a different place.

However, I am dubious as to whether the mechanism that is proposed in this case, which would require the presence of a magistrate in or close to the scene of disorder, would work. I understand the sentiment, but I do not understand how it would operate. It is different to the model that I referred to with the police and MI5, because they were making real-time assessments about what they would do and acting thereafter. As a matter of principle, the proposal has some merit, even if it would not

be operationally practical in the real world. If the intention behind the amendment was that it would act as a probing amendment, it would be useful to place on record what hurdles there are around police conduct, to ensure that the circumstances that the Member worries about, and that other Members hinted might arise, do not arise.

Finally, John McCallister asked me whether the actual disorder that was anticipated in the Bill would deal with the issue of public nuisance that Ms Lo referred to. That will be tested in the experience of actual disorder and the subsequent review by the courts. The police could decide, subject to guidance and their own best practice and judgement, that the actual disorder is of such weight that they must close a premises. If that premises does not consent to close, the courts will be asked to adjudicate and tell the police whether it is a legitimate use of their power to close the premises due to the public nuisance. In those circumstances, the process will more definitively answer the question posed by Ms Lo. I recommend that Members do not support amendments.

Ms Lo: I am disappointed because, by the sounds of it, my amendments will not be supported by the other parties. That is a pity, because we have the opportunity to give full powers to the police to cover all the potential grounds for disorder, violence and disruptions in society, but that is the way that it goes. Without those additional powers, the police's hands will be tied. They will be unable to use the full rigours of the law to maintain order in society and to protect —

Dr Farry: Will the Member give way?

Ms Lo: Yes.

Dr Farry: Does the Member agree that we often talk in the House about the importance of early intervention and prevention and about how intervening early in situations that may become extreme later can save a lot of money and prevent damage to property and individuals? Does she also agree that the police are well used to using their powers with discretion. As in any other public order situation, the police will have to make a decision on whether to intervene. Surely, they will apply the same logic to a situation in a pub or club.

Ms Lo: Absolutely; I thank my colleague for his intervention. One Member talked about the

reputation of a pub subject to a closure order. Surely, if a pub is allowed to continue to cause nuisance and attract a lot of trouble, it will get a bad name anyway, whether it is issued with a closure order or not, and its business will suffer accordingly.

I will summarise Members' remarks briefly. I do not intend to repeat everything. As Chairperson of the Committee, Mr Hamilton thanked the Committee staff and the stakeholders who participated in the process, and rightly so. He made general remarks on the various aspects of the Bill. He commented on the competing demands between pubs and clubs and on the social consequences of alcohol abuse, and he said that a Bill was needed. However, he said that the Committee could not support the first group of amendments, as the closure orders are rarely used and do not have many benefits. The Committee felt that there was little benefit in copying the English law.

As the DUP MLA, Mr Hamilton welcomed closure orders for actual disorder but said that he was unsure about those applying to imminent disorder. He said that he favoured the lower level of power being given to the police and expressed his concern that handing them too much discretion might not be the right option at the moment. He said that, sometimes, the police approach to imminent disorder could bring about actual disorder. He said that the grounds for wider application were grey, woolly and vague but that if that argument were to prove effective, he may support powers relating to imminent disorder in future.

Mr McCallister did not feel that the amendments improved the legislation and, therefore, he opposed them. He said that rural areas of south Down also experienced disorder now and again. He also asked the Minister for a definition of disorder.

The Minister for Social Development responded fully to the queries of the two Members, and he set out the background to the consultation. When the issue was brought to the Executive, the deputy First Minister could not agree with it. It was believed that sanctions against businesses could also be negative. The Minister also said that the Department of the Environment's clean neighbourhood Bill could deal with noise nuisance and that the Department of Justice will issue guidance, which

will be forwarded to the Justice Committee for consideration.

He mentioned that the power currently vested in the NIO has not been used recently, and NIO staff could not remember when it had been used in recent years. He concluded that licensed premises are being managed in a more collaborative partnership manner. He detailed how this Order is being carried out, from police officers to the courts. Courts determine the length of closure, although there is no appeal. However, he assured us that justice will be done.

He responded to Fra McCann about lay magistrates, saying that that might be impractical. Other Members also said that the involvement of lay magistrates would be time-consuming and impractical. The Minister also reassured us that there are safeguards to prevent the abuse of police powers.

Question, That amendment No 1, be made, put and negatived.

Amendment No 2 not moved. — [Mr F McCann.]

Mr Deputy Speaker: I will not call amendment No 3, as it is consequential to amendment No 2, which was not moved. I will not call amendment Nos 4 to 7, as they are consequential to amendment No 1, which was not made.

Clause 1 ordered to stand part of the Bill.

Clauses 2 and 3 ordered to stand part of the Bill.

New Clause

Mr Deputy Speaker: We now move to the second group of amendments for debate. With amendment No 8, it will be convenient to debate amendment Nos 9, 27 and 30, which deal with restrictions on the promotion of the pricing of alcohol. Amendment Nos 27 and 30 are consequential to amendment Nos 8 and 9.

The Minister for Social Development: I beg to move amendment No 8: After clause 3, insert the following new clause

“Irresponsible drinks promotions

3A. After Article 57 of the Licensing Order insert—

‘Irresponsible drinks promotions

57A.—(1) Regulations may prohibit or restrict the holder of a licence or the licence holder’s servant or agent from carrying on an irresponsible drinks

promotion on or in connection with the licensed premises.

(2) A drinks promotion is irresponsible if it—

(a) relates specifically to any intoxicating liquor likely to appeal largely to persons under the age of 18,

(b) involves the supply of any intoxicating liquor free of charge or at a reduced price on the purchase of one or more drinks (whether or not intoxicating liquor),

(c) involves the supply free of charge or at a reduced price of one or more extra measures of intoxicating liquor on the purchase of one or more measures of the liquor,

(d) involves the supply of unlimited amounts of intoxicating liquor for a fixed charge (including any charge for entry to the premises),

(e) encourages, or seeks to encourage, a person to buy or consume a larger measure of intoxicating liquor than the person had otherwise intended to buy or consume,

(f) is based on the strength of any intoxicating liquor,

(g) rewards or encourages, or seeks to reward or encourage, consuming intoxicating liquor quickly, or

(h) offers intoxicating liquor as a reward or prize, unless the liquor is in a sealed container and consumed off the premises.

(3) Sub-paragraphs (b) to (d) of paragraph (2) apply only to a drinks promotion carried on in relation to intoxicating liquor sold for consumption on the premises.

(4) Regulations may modify paragraph (2) or (3) so as to—

(a) add further descriptions of drinks promotions,

(b) modify any of the descriptions of drinks promotions for the time being listed in it, or

(c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) A person who contravenes any provision of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(7) In this Article 'drinks promotion' means, in relation to any licensed premises, any activity which promotes, or seeks to promote, the buying or consumption of any intoxicating liquor on the premises.' — [The Minister for Social Development (Mr Attwood).]

The following amendments stood on the Marshalled List:

No 9: After clause 3, insert the following new clause

"Pricing of intoxicating liquor

3B. After Article 57A of the Licensing Order (inserted by section (Irresponsible drinks promotions)) insert—

'Pricing of intoxicating liquor

57B.—(1) Regulations may—

(a) prohibit or restrict the holder of a licence or the licence holder's servant or agent from varying the price at which intoxicating liquor is sold on licensed premises during such period or hours as are specified in the regulations;

(b) restrict the price at which the holder of a licence or the licence holder's servant or agent may sell on licensed premises a package containing two or more intoxicating liquor products.

(2) A person who contravenes any provision of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(4) In this Article, 'intoxicating liquor product' means a product containing intoxicating liquor and includes the container in which the liquor is for sale.' — [The Minister for Social Development (Mr Attwood).]

No 27: In schedule 1, page 21, line 32, at end insert

"57A(5) Contravention of regulations as to irresponsible drinks promotions 5-6

57B(2) Contravention of regulations as to pricing of intoxicating liquor 5-6"

— [The Minister for Social Development (Mr Attwood).]

No 30: In schedule 3, page 24, line 3, at end insert

". In Article 2(2) (interpretation)—

(a) in the definition of 'licence', after the word 'Articles' insert '57A, 57B';

(b) in the definition of 'licensed premises', after '55,' insert '57A, 57B,'. — [The Minister for Social Development (Mr Attwood).]

The Minister for Social Development: I

acknowledge that it is unusual to introduce amendment Nos 8 and 9 at this stage. However, some months ago, I made a judgement that, because of escalating concerns about the misuse of alcohol and much media, public and political comment over the past six to eight months, I felt that it was necessary to introduce legislative provisions at the earliest opportunity to address alcohol promotions. I am grateful to the Committee, to those who conducted the consultation and to the Assembly for enabling that consideration to proceed.

As everybody in the Chamber knows, we have all become more aware of the growing levels of alcohol misuse and its effects on health, crime and disorder. Increasing availability and affordability of alcohol has led to greater competition between retailers and the use of promotional pricing practices. It is generally accepted that such practices encourage people to drink more than they normally would and contribute to the escalating problem of harmful drinking.

6.00 pm

In the debate on the Second Stage of the Bill in June of last year, various Members expressed concerns that the Bill did not contain measures to tackle the availability of cheap alcohol, in particular for consumption off the premises. In response to Members' concerns, I indicated that immediate work may be possible in relation to controlling alcohol promotions but that the introduction of further pricing interventions, such as minimum pricing, would require an even more exhaustive approach.

I advise the House that the issue of minimum pricing is firmly on the table, in particular it is on my and Michael McGimpsey's ministerial tables. In the very near future, we intend to issue a consultation on the minimum pricing of alcohol. Much of the best evidence suggests that that is vital. It is the most important tool for us to begin to create greater discipline around the purchase and consumption of alcohol. In the very near future, a consultation will begin.

I had hoped that there might have been some wider initiatives and intervention on the island of Ireland. This week, I was scheduled to meet with the Minister for Justice and Law Reform in the South, who has been working up a wide range of proposals and interventions in respect of the consumption and abuse of alcohol. However, because of events in the Republic of Ireland even beyond that Minister's control, the meeting has been cancelled.

Three weeks ago, I travelled to Scotland and met the Deputy First Minister of the Scottish Parliament who is also the Health Minister. Attempts to have minimum pricing introduced in Scotland were cut short and derailed in the Scottish Parliament just before Christmas. I was advised that that was due to party political reasons but that many parties in the Scottish Parliament are minded to return to the issue. I hope that, in the next mandate of this Assembly, this issue will come back to the House and legislation will lay down minimum pricing requirements on the purchase of alcohol.

In respect of the current proposal on irresponsible alcohol promotions, a public consultation that ran from 11 October to 6 December 2010 sought to establish the level of agreement for the inclusion of an amendment to the Bill to restrict or to prohibit irresponsible alcohol promotions. The consultation also sought views on what people consider to be irresponsible promotions and on the likely implications of such an amendment.

Key organisations, plus a majority of respondents, 64%, supported the proposal to have a rule-making power in the Bill that would allow the Department for Social Development to bring forward regulations to restrict or to prohibit irresponsible drinks promotions. Key officials and organisations in favour included the Health Minister, local councils and a variety of health bodies, including the Public Health Agency, the Institute of Public Health in Ireland and the Centre of Excellence in Public Health Northern Ireland at Queen's University. The trade was also very supportive: Pubs of Ulster, the Wine and Spirit Trade Association and the British Retail Consortium were in favour. Therefore, I decided to propose an amendment to restrict or to prohibit irresponsible drinks promotions.

On 13 January this year, I received Executive approval for the inclusion of amendments to address irresponsible drinks promotions

at Consideration Stage. Amendment No 8, therefore, provides a power for the Department for Social Development to make regulations to prohibit or to restrict irresponsible drinks promotions. The amendment also defines what is meant by a drinks promotion and specifies activities regarded as irresponsible drinks promotions.

Those activities include promotions that offer an alcoholic drink that is likely to appeal largely to under 18s; providing an alcoholic drink free or cut-price on the purchase of one or more drinks, whether alcoholic or not; providing an alcoholic drink or drinks free or cut-price on the purchase of that particular drink; providing an unlimited supply of alcohol for a fixed charge, including any entrance fee —

Mr F McCann: I will reiterate a comment that I made earlier. I do not think that anyone would object to some of the Minister's proposals. One has only to watch TV to see the effect that alcohol has, not only on the streets, but in many homes. Given that, does the Minister not agree that upwards of 70% of all alcohol is sold in supermarkets and other outlets? That is where some of the real problems lie, because, in some places, it is cheaper to buy a tin of beer than a tin of Coke.

The other aspect, which I raised with the Minister earlier, is that the problem needs to be dealt with in a different way. Many young people's view of entertainment is very different from what our view would have been many years ago, and many of them do not go out until 11.00 pm or 11.30 pm. We need to take that into consideration. There are many pubs and clubs throughout the North that do not break the law or have irresponsible drinks promotions. They go out of their way to cater for the people who drink in their bars and clubs. Will anything be built in to ensure that those pubs and clubs do not fall foul of what is a good piece of legislation?

The Minister for Social Development: I thank the Member for his various observations, and I concur with them all. Members will recall that, last summer, there was some publicity about one or two licensed premises that had drinks promotions after examination results came out. Pubs of Ulster was one of the first organisations to stand up to oppose what was going on. It did so because it recognised that the vast majority of its members and the vast majority of licensed premises, as the Member indicated, comply with

good and best practice. They do not go down the road of irresponsible promotions, nor do they, in any other way, encourage irresponsible consumption of alcohol. That is why people in that general trade were among those who responded to the consultation to confirm their support for this particular proposal. I want to make that very clear. The power that is proposed will be a sword against those who cross the line of what is irresponsible and a shield that will protect those who, although they may have alcohol promotions, do not cross the line of what is irresponsible.

The profile of alcohol consumption in Northern Ireland and in other jurisdictions has changed over the past 20 or 30 years, and so much more alcohol that has been purchased in off-sales is being consumed in the home. It is clear, therefore, that a primary intervention on irresponsible drinks promotions is necessary in the form of regulations that will be approved by the Assembly and which will apply to supermarkets and mass sellers of alcohol in very considerable volumes.

Some of the representatives of the alcohol industry on the island came to see me about the proposal, but they did not try to fight it, because they knew that there was a prevailing mood and a political will to get the Bill over the line. However, I anticipate that, in the fullness of time, the regulations that will come before the Assembly will include, and, on occasions, be specific about, drinks promotions that are part of the off-licence and off-sales industry as opposed to those in on-sales premises.

I want to make it clear that, as I will indicate later, there may be responsible alcohol promotions that are on the right side and are moderate in nature, that do not encourage people to drink beyond what they would normally drink and that will not have adverse health, welfare or public safety consequences. Any Minister for Social Development who comes to this Chamber with a proposal that would cross that line will get a quick and sharp response from the Assembly and wider public opinion that such a proposal has gone too far.

The legislation is being introduced to mitigate the effects and to correct organisations, including some corporate organisations, that are going down the road of being irresponsible and endangering people's health and the well-being of the community. I want to make that very clear.

The list of measures that I am going through is only illustrative of what may be, subject to the view of the Assembly, in future regulations. I will return to the list: providing an unlimited supply of alcohol for a fixed charge, including any entrance fee — for example, all that you can drink for £10, or pay your entry fee then drink for free; encouraging persons to buy or drink a larger measure of alcohol than they would otherwise have intended; basing a promotion on the strength of any alcohol; promotions that reward or encourage drinking alcohol quickly, such as drinking games; promotions that offer alcohol as a reward or prize, unless the alcohol is in a sealed container and is for consumption off the premises; a ban on alcohol dispensed directly by one person into the mouth of another, other than where that other person is unable to drink without assistance because of disability; and, finally, promotions that encourage specific groups to drink for free or at discount — for example, women drink for free, half-price drink for under-25s, discount nights for students, or cheap drinks for fans of a specific sporting team.

Those measures may all fall within the scope of any future regulations, subject to the agreement of the Assembly. The approach of putting all that into legislation has been adopted on advice from the Office of the Legislative Counsel, which cautioned that, without defining what is meant by irresponsible promotions, the power would be vague and loosely drafted and might be criticised as such. This approach will ensure that the primary legislation provides a clear indication of what the regulations will do.

Amendment No 9 will also provide a power that will allow my Department to make regulations to prohibit or to restrict other specified promotions that include price discounts for limited periods, such as happy hours, and price discounts where two or more alcohol products are included in the package. Irresponsible drinks promotions and other specified pricing promotions will apply, as appropriate, to on-trade and off-trade premises — that is the very point that Mr McCann made — that are regulated under the Licensing (Northern Ireland) Order 1996 and to clubs that are registered under the Registration of Clubs (Northern Ireland) Order 1996. It is important that regulations apply to both on-trade and off-trade premises to provide a level playing field.

The measures mirror the approach taken in Scotland, where the banning of irresponsible promotions and specific price promotions on trade

premises has been in place since February 2008. However, following further consultation on licensing issues, similar measures to ban irresponsible promotions in supermarkets and other off-sales premises have been introduced and are likely to come into place in late summer 2011.

I will make one final point about minimum pricing. I hope that the Northern Ireland Assembly will be the first legislature in these islands to introduce effective minimum pricing. Scotland was derailed from that line. Proposals are emanating from London in that regard, but, in my view, they set the minimum price far too low. I hope that this legislature can do this through the Department for Social Development and, more particularly, the Department of Health, Social Services and Public Safety. Minimum pricing is related to many issues, but it is primarily about people's health. I hope that we will be the first legislature on these islands to put in place minimum pricing provisions and, indeed, effective minimum pricing provisions—there is a difference.

When making regulations on drink promotions, DSD will be able to add to the list of categories of irresponsible promotions, modify them and extend or restrict their application. In effect, the Department will be able to adapt the concept of an irresponsible promotion to meet changing circumstances. It will be a level 5 offence for any premises to hold an irresponsible drinks promotion. The new penalty-points provisions will be amended to include the offence of holding an irresponsible promotion. The regulations — which, I want to stress, will be subject to further detailed consultation — must be approved in draft by a resolution of the Assembly before being made. That will provide the opportunity for further Assembly scrutiny and debate. The list of potential irresponsible promotions limits the scope of Ministers to regulate, as they will not be able to go beyond the scope of the type of examples on the list.

6.15 pm

Mrs D Kelly: I thank the Minister for giving way. Does the Health Minister intend to take a twin-track approach, in tandem with the consultation, to highlight the impact of and increase in chronic alcoholism, particularly among young people? I recently met with the Southern Trust and was alarmed to find that there has been an increase in dementia among young people,

some cases of which have been alcohol induced, and in illnesses such as Korsakoff's syndrome, which was very rare in psychiatric institutions in the past.

The Minister for Social Development: I do not think that it is necessarily my place to presume to answer on behalf of the Health Minister. However, I would be very surprised if he did not concur with Mrs Kelly's comments. After I returned from Scotland a number of weeks ago, I spoke to the Health Minister about the need to get the consultation on minimum pricing out the door to create a catalyst and to get a bit of momentum going as we move into the next Assembly mandate, so that we, of the various jurisdictions on these islands, can lead from the front.

Given what happened in the Scottish Parliament just before Christmas, which, in my view, was unfortunate, I thought that it was timely and opportune to move ahead. I also made it very clear to the Health Minister that although there will be a consultation on minimum pricing, he will ultimately have to take the lead on it. For technical, legal and policy reasons, it is better that the Health Department, supported and abetted by the Executive and DSD, takes the lead on it to maximise the opportunity to get the legislation over the line and, in particular, to mitigate the risk of a legal challenge in the future. Mark my words: the corporate power of those who are involved in the alcohol business means that there will be a legal challenge to any minimum pricing legislation that is passed by any jurisdiction. That will especially be the case if that legislation is effective. That is why I believe that the Health Minister will be mindful of the Member's point about taking forward the consultation. Given the immense dramatic and tragic impact of alcohol abuse on individual, family and community lives, I think that he will be minded to support that initiative.

As I indicated to Mr McCann earlier, I want to make it clear that all that I just said in my narrative on what might and might not qualify as an irresponsible drinks promotion does not mean that every situation listed in amendment No 8 will be banned by the regulations. The provision covers all elements to ensure that, when regulations are drawn up, the Minister has the power to regulate specific types of promotions, subject to the Assembly's approval. The regulations will have to specify very clearly the details of the promotions that are to be

captured. That is why it will be necessary to consult on the regulations and to come back to the Assembly for a resolution. I am keen that, when made, the regulations will focus on alcohol misuse and will target the prevention of harmful drinking without punishing the majority of people who drink sensibly.

I recognise and stress that well-managed promotions and sales practices are a wholly legitimate way of maintaining and developing business while providing the customer with a value opportunity. That is the shape and character of how I think the Bill should look. Therefore, it is my intention that promotions such as drink sampling, meal deal offers or wine tasting events do not get caught up in the new regulations. We need to be vigilant about those types of activities to ensure that they do not stray to the wrong side of what is responsible. I believe that, with vigilance and monitoring, we can shape the legislation to differentiate between what is and is not responsible. I am also aware —

Mr Humphrey: I am grateful to the Minister for giving way. Will he expand on exactly how his Department will be vigilant about meal deals, and so on? Such activities are absolutely vital for organisations such as Belfast City Council. I met members of the chamber, and I know that such deals are hugely important, because they provide a throughput of people in bars and restaurants, especially in the lead-up to Christmas, and ensure the very survival of many establishments.

The Minister for Social Development: I fully concur with the Member. I have been advised and have picked up from various licensed premises that a lot of people who got tokens or vouchers as Christmas presents did not use them because of the adverse winter weather.

As Members know, some Christmas parties were cancelled because of the adverse weather. I heard some startling figures about the number of meal cancellations at one or two premises on the Lisburn Road at the height of the adverse weather because my brother happened to be in one of those places when nobody else was. That was within two or three days of Christmas, so I appreciate that point.

People may be aware that, over the weekend, arguably the foremost architect in the world, Daniel Libeskind, was in Belfast. He is president of a panel of people who are making an assessment

of an EXPO competition about what might be built on the site of the old Andersonstown barracks. I took him around parts of Belfast on Saturday morning, including the Titanic dock and the Titanic signature project, as well as various other landmark buildings in Belfast. Strangely, or maybe not so strangely, he knew about the Titanic but he did not know that it had been built in Belfast. However, he was mightily impressed by the tourist potential of that product. In that context, alcohol and restaurants are a vital component in the tourist narrative that will bring people to the city of Belfast when that potential develops and matures.

Mr Humphrey may well be a Member of the future Assembly that will have to decide whether to approve regulations in that regard. It is essential that we get the balance right between what is clearly irresponsible, and I have scoped what that might look like, and ensuring that appropriate drink sampling and meals promotions do not cross the line of being irresponsible. The promotions that are responsible should have the opportunity to prevail and prosper. It will come down to fine judgement, but the consultation on the regulations, the oversight of the Committee and the Assembly, and experience over time about what all that should look like will, hopefully, ensure that we drive a path through the middle of what is right and what is wrong. It will ultimately be for us to decide that. We will have to trust our judgement to make appropriate decisions.

I am also aware that the regulation of discounts whereby two or more alcohol products are included in a package may result in unintended consequences. For example, that may discourage supermarkets from selling beer in individual cans and encourage them to sell it only in larger packs. Therefore, I am keen to ensure that only irresponsible drinks promotions — those that encourage the recipient to consume greater amounts of alcohol than they might otherwise choose to — are targeted. I hope that that will also reassure the Member for West Belfast.

Amendment Nos 27 and 30 are consequential amendments. Amendment No 27 would amend the table of offences with penalty points in schedule 1 to include the penalty points attributable to offences related to the contravention of the regulations governing the irresponsible and specified price promotions. Amendment No 30 will amend schedule 3 to provide that the regulations on the holding of

irresponsible promotions or specified pricing promotions extend to premises for which an occasional licence has been granted under the Licensing Order 1996.

On 13 January 2011, my officials briefed the Social Development Committee. I hope that this debate will enable the Chairperson to reflect the views of the Committee on my proposed amendments. If these amendments to the Licensing Order 1996 are agreed, I intend to introduce similar provisions to the Registration of Clubs Order 1996 by way of an amendment at Further Consideration Stage. I suspect that there will be quite a number of amendments at Further Consideration Stage.

I have already stated my intention to introduce further measures to target retailers who sell alcohol at below cost price. I have made that very clear. People can watch that space and anticipate developments in the very near future. I commend the amendments to the House.

The Chairperson of the Committee for Social Development: During the progress of the Bill, the Minister brought forward proposals relating to irresponsible drinks promotions, as he outlined in his contribution. Owing to the late addition of those measures and the absence of a completed consultation, the Committee made only limited reference to that issue in its report.

The Department briefed Committee members in January on the feedback from the consultation. It is not good practice for Ministers to bring late amendments or to seek to amend a Bill in haste. However, given the importance of the subject and the concerns expressed by members, the Committee agreed to think again about how the Bill might be amended to allow the inclusion of the Minister's proposals to curb irresponsible drinks promotions. That is most unusual, and it is not conducive to good Committee scrutiny. I think that the Committee would appreciate an assurance that that will not become common practice for future legislation.

I think that every member of the Committee can think of recent examples of public disorder that was fuelled by the irresponsible sale of alcohol. There was some debate about whether that was the result of aggressive marketing and pricing strategies by off-sales retailers or by on-sales outlets, such as nightclubs, offering irresponsible promotions. The Committee took the view that the retail alcohol trade, whether off-sales or on-sales, needs to take the issue

very seriously. The powers that are included in the amendments are quite wide-ranging and will allow the Department to bring forward regulations to enforce the proscription of many different types of promotions.

It is very regrettable that regulations of the type that are proposed by the amendments are felt to be necessary. I call on those few irresponsible retailers to change their ways. On behalf of the Committee, and as the Minister suggested, I encourage the licensed trade to put its house in order and bring forward its own code of practice to curb all irresponsible promotions, particularly those that may lead to public disorder. The Committee's support for the amendments in question is dependent on its review of the subsequent regulations and their application to truly problematic alcohol promotions with wider social or public order consequences.

I will make a few remarks in a personal and party capacity. The Minister talked about the process that created the amendments. Although it may be unsatisfactory in how it proceeds through the House and the denial of a proper consultation by the Committee with stakeholders, I put on record my support for the approach that has been adopted by the Minister in bringing forward the amendments. They come forward, as the Minister recognised, because there was not a single Member who contributed to the Second Stage debate some months ago who did not, while supporting the Bill's measures at that time, point out the contradiction: we propose to increase the hours or occasions on which alcohol can be consumed in society without addressing some of the more fundamental problems that I think we all recognise are occurring in our society. I will come to that issue later. There were widespread contributions from all corners of the House pointing out that although the issues in the original Bill were fine and to be supported, there were other issues, of which we were all well aware, that were completely missed, hence the move to introduce the amendments to make regulations to outlaw irresponsible drinks promotions.

The Minister referred to pricing. I will come back to irresponsible drinks promotions in a minute, but I want to touch on pricing briefly since it has been raised. Everybody realises that there is an issue. The amendments sometimes focus too much on bad practice. That tends to be few and

far between, but, as we all know, some retailers engage in it. The pricing of alcohol is one of the areas in which there is often bad practice. We have all seen promotions — we do not need to go into them — where alcohol, particularly in off-sales, is quite clearly being sold at too low a price. We have all seen the evidence that there has been a complete reversal in the habits of our society in the consumption of alcohol. It has moved away from consumption on licensed premises. Basically, the figures have switched around: now, I think that something like 70% to 80% of all alcohol consumption takes place in the home. That is clearly people who, on many occasions, are availing themselves of those very price promotions about which I have been talking.

People will sometimes buy alcohol at a low price, consume it at home and then go out later. In some respects, that is hard to prove, but I think that we all know that that is the case. There is evidence from the licensed trade that people go out later in the evening with a lot of drink already in them, they have a few more and then there is the trouble that we were talking about in relation to the previous group of amendments. We collectively point the finger at the licensed trade and say that it needs to get its house in order, but the cause is probably somewhere else.

We need to get to grips with the pricing issue, but, as the Minister said, it is fraught with difficulty.

6.30 pm

In some ways, what the Scottish Parliament is doing, which we have all observed with interest, is a test case. In many ways, it is a test case on what not to do. There have been some clear difficulties with the legislation. I was intrigued, for example, by the level at which it set prices and by the fact that they had no effect on the price of Scotch, although it did affect the price of every other type of alcoholic beverage. Nevertheless, there are lessons to be learned, and I encourage the Minister to continue working with the Health Minister to deal with the issue.

I do not know whether we will be in a position to enact the legislation that we all might want to see. It is fraught with real danger and difficulties, and it could be open to challenge from, in particular, large supermarket retailers. Let us face it, it will not be hugely popular in the wider community either. A lot of responsible drinkers avail themselves of price promotions

and consume alcohol responsibly at home. We have to be careful not to punish them as well. That is all that I want to say on that issue, given that it was raised.

The subject of irresponsible drinks promotions is allied to all those points. As a result of the increase in alcohol consumption and the way in which it is consumed, we see huge public health issues. It seems to be about consuming much more and stronger alcohol more quickly than in the past. We have all witnessed and experienced the health and antisocial behaviour problems created by that. I have no qualms in passing the amendments and then, in the future, introducing regulations that outlaw irresponsible drinks promotions, such as women drinking for free. It is not that there is a problem with women drinking for free, but, in the interests of fairness and equality, it should not be just women who drink for free. I do not know why it is never men; perhaps it not very profitable to do that. Fixed charges and drinking games are other examples of irresponsible promotions. We have all seen or are aware of many drinks promotions that are so transparently irresponsible that there should be no problem in outlawing them. However, in truth, very few licensed premises in Northern Ireland would offer any such promotions. In fact, some of the examples cited in the amendments have probably never happened in Northern Ireland, but it is better to include examples that can be regulated against in the future than not to include them and look for them later.

I want to sound a note of caution, which my colleague, Mr Humphrey, alluded to. In banning drinks promotions that we can all see are irresponsible, as with the minimum pricing issue, we have to be careful not to hit responsible drinkers adversely. The vast majority of people who drink are responsible drinkers, and there are responsible drinks promotions, such as those mentioned by Mr Humphrey. Nowadays, there are very few pubs or restaurants in which we do not see some sort of meal deal going on, such as £30 for a meal for two and a free bottle of wine. I know that this is not in the Bill, but, at a future stage, it is important that we do not make regulations that would ban that, because it could harm our vital licensed trade, which feeds into tourism in Northern Ireland, an industry that we want to grow.

There is a requirement for us to be particularly careful. Amendment No 9 proposes making regulations to:

“restrict the price at which the holder of a licence or the licence holder’s servant or agent may sell on licensed premises a package containing two or more intoxicating liquor products.”

I can cite two examples in the same establishment where, in my view, a package of alcohol is being sold at a reduced price: one that is irresponsible and one that is more responsible. I could take Members to that very establishment. I have seen the offers advertised in the window. On one banner, two bottles of a particular brand of wine are available for £9 — £4.50 a bottle — which is a reasonably average price for two bottles of wine purchased in Northern Ireland. On the other banner, two huge bottles of strong cider are available for a fiver. Each banner attracts different customers into the establishment. I argue that the cider promotion is irresponsible; the wine one is more responsible. In banning the cider promotion, perhaps rightly, we must be careful that, in the same breath, we do not outlaw —

Mr Humphrey: I understand that, in some establishments across the United Kingdom, it is now cheaper to buy a litre of cider than to buy a bottle of water.

The Chairperson of the Committee for Social Development: I thank the Member for his intervention. I have heard that as well. That is absolutely right; that is the nettle that we need to grasp on the pricing issue. Those sorts of promotions, such as the one that I outlined, clearly target a specific type of person.

Anybody can abuse any type of alcohol in lots of different ways and act irresponsibly as a result. However, the “two for £9” offer is not, by and large, being consumed by people who then go out and cause problems through their antisocial behaviour. We do not see a terrible lot of people hanging around in public drinking bottles of Shiraz or Cabernet Sauvignon. That does not seem to be the drink of choice of those who engage in public drinking, although I might be surprised by what happens in some places. I am not saying that that product could not be consumed irresponsibly. However, we must be careful, because, by and large, its promotion is clearly targeted at people who will buy and consume it in a responsible way. That applies less to the other promotion. Therefore, when

trying to outlaw one, we must be careful that we do not also outlaw the other, which would have an adverse impact on ordinary decent people who consume alcohol responsibly in the privacy of their own home.

I hope that the Assembly will signal its intent and its direction of travel on the consumption, pricing and promotion of alcohol and that, as a result, the industry will recognise that it has a problem. I have spoken to representatives of the industry, as has the Minister, and they recognise that there are issues. It is now incumbent on them to act. I hope that we never have to introduce a single regulation and that the industry will self-regulate. I fear that, in some cases, that may not be possible. However, I hope that, by and large, those in the industry will see that we are on to them, that we know what they have been at in the past and that we do not want it to happen in the future. I hope that the industry will recognise that, if it does not self-regulate, we will regulate against the bad behaviour and excesses that we witnessed in the past and, indeed, sometimes, see in the present. I hope that the success of the amendments may mean that we never have to bring in regulations. We should not be in the business of making laws and regulations to deal with everything. We should encourage and nudge people in the right direction.

I support the amendments and the principle that we have adopted. There is still work to be done in that area, but, as an opening gambit, it is an immensely positive move in the right direction. I am glad that, whatever the process has been, we have, within a short period, been able to table amendments that will be wholeheartedly supported by the entire House.

Mr McCallister: I support the amendments in group 2. Given that there is still a bit of business to go through, I will not take up too much of the House’s time. However, it is important to buy into the message that the Minister and Department have been putting out. The public health message is hugely important. It is vital for the health sector, as it struggles with its budget, that we address the issues. Binge drinking and the attitude to alcohol must change, and we have to find mechanisms to achieve that through, for example, dealing with the pricing of alcohol. Bearing in mind that so much alcohol comes through the supermarkets, we must face up to that when dealing with the pricing issue.

Of course, the Assembly should not encourage irresponsible drink promotions. I do not wish to sound like a member of the DUP, but, as a society, we have to address our attitude to alcohol, and the binge drinking culture must be tackled head-on. We have to deal with that, or we will struggle not only in health but with policing our town centres, too many of which have become virtual no-go areas. That has to be addressed, and this is where we have to start to do that. I welcome the clauses and the Minister's comments that he is committed to working with his colleague the Minister of Health, Social Services and Public Safety.

Mr P Ramsey: I welcome the opportunity to participate in the debate, particularly the opportunity to speak in support of amendment No 8. I am not a member of the Committee for Social Development, but the issue of irresponsible drinking is one with which we have difficulty in my constituency. I welcome the leadership, commitment and determination shown by Alex Attwood in introducing reasonable, preventative and proportionate steps to outlaw and stop those who flout the law. The Minister's efforts to regulate irresponsible alcohol promotion are badly needed across Northern Ireland.

I will mention some examples from my constituency that are relevant to the Bill. An alcohol forum has been set up in the Derry City Council area that involves all the stakeholders, from the statutory stakeholders in health to the community sector and the vintners. With that, we have a voluntary code of conduct across a range of vintners and clubs, but, unfortunately, it does not always work and is hard to enforce. That is why it is necessary to introduce the regulatory control that can put a stop to the abuse and misuse of alcohol by young people.

I agree with John McCallister that we have circumstances that require an attitudinal and cultural change, particularly among young people. We have seen generations of alcohol abuse throughout Ireland, and, unfortunately and sadly, Ireland has a reputation because of that. It is important that the Assembly takes the lead in highlighting the reckless nature of drinks promotions and of establishments that put profit before the lives of young people. At a number of the campuses in Northern Ireland, university leaders are taking proactive steps to discourage a lot of the recklessness and to oppose those who partake in the irresponsible

behaviour of drinks promotions. I have seen that at the Magee campus.

Some bars in Derry have so-called pound-a-drink promotions. That includes various ranges of vodka and shots, which cannot be good for young people. The promotions are clearly aimed at very young people, and there is no doubt that they are aimed at schoolchildren. We cannot tolerate clubs and bars advertising in local newspapers to offer those drinks — that is happening. Low-cost or below-cost promotions are a serious problem, particularly when they are aimed at vulnerable young people.

During the week, I noticed on social networks that a bar in my area was offering entry for £15 and free alcohol all night. That is the sort of irresponsible behaviour that the Minister intends to stop through the Bill. In fact, I was nearly tempted to place that information with the police, because I think that that is abuse of young people. It is aimed at a certain level, and that is how binge drinking is caused. As Fra McCann said, we know only too well the consequences of the misuse and abuse of alcohol. It leads to social, domestic, community and family difficulties, including marriage breakdowns, family breakdowns and a high incidence of domestic violence. In one way, the Bill will protect so many people, including families.

I am a director of a drop-in centre for alcoholics in Derry, the Foyle Haven. I just want to declare that. We see the ongoing difficulties at the coalface, and, as the generations come through, the young people are getting younger. In fact, in Derry we have three young girls, as I would call them. The eldest is about 23, and, unfortunately, their father's circumstances were difficult. We have two brothers coming in as well. Therefore, in many regards, it is inherent in society, but we have to put an end to it. Clearly, the leadership shown by our Minister can help. Club owners and bar owners may not believe the consequences of what they are doing — plying young people with alcohol at 17, 18, 19 or 20 years of age. They do not have the constitution to help with that, and, if they continue that on a serious basis, they end up with serious alcohol problems.

6.45 pm

Recently I noted the alarming figures on what drinking is costing Northern Ireland. It is costing us £700 million a year. That figure comes from

a recent press release from Alex Attwood and refers to social, legal and policing drink-related problems across Northern Ireland. You can imagine the difference that that money would make if we invested it in other areas. However, it is important that we are shown to be leading on this. We simply cannot tolerate it. Everybody has the best of intentions, and local councils in particular take a strong role in trying to set standards. In fact, Derry City Council was the first to set the standards by having a voluntary code of conduct. However, it does not work because it is only a voluntary code of conduct. I have to say that there are a lot of responsible clubs and bars across Northern Ireland.

Mr F McCann: You raised the question about Derry City Council leading the way, and it needs to be commended for doing so. However, other aspects of drinking, such as the sale of alcohol by off-licences, have an impact. At one stage in Belfast, people tried to get a verbal agreement from off-licences to have different coloured bags marked with their names, so that, if there was underage drinking, the source of the alcohol would be clearly identifiable, and action could be taken against them.

Another concern that people have — it has been raised in Committee — is the whole question of dial-a-drink. Taxis are phoned to go away and order large amounts of alcohol, it is delivered to houses, and they put the taxi charge on top of what they pay for the drink. That is also part of irresponsible drinks promotions and the sale of alcohol.

Mr P Ramsey: I welcome those comments. I also welcome the earlier commitment from the Minister that he and the Minister of Health will commence a consultation soon.

Mr McCallister: Does the Member share with me and other colleagues our alarm at the age at which some people are getting hooked on alcohol? The harm that it does to a body at that age can be enormous. We have to address that. The issues that Mr McCann brought up are key to helping to prevent very young people from getting involved in alcohol and getting addicted to it at a shockingly young age.

Mr P Ramsey: Yes. It is something that is very close to my heart because I see it. I am sure that other Members also see young people on the street. It is not totally related to what we are discussing here, but those people seem to be getting younger. They could be 12, 13 or 14

years of age. They start off with a six-pack and then it develops. I agree with you totally.

The earlier point that I was making is that minimum pricing is important, whether in clubs and bars or as Fra McCann said. Supermarkets are also flaunting their prices to get people through their doors, offering 12 cans and 12 free. The point that Mr Humphrey made is absolutely right: in many supermarkets, still water is much more expensive than beer, cider and other alcoholic drinks.

Mr G Robinson: Does the Member agree that alcohol contributes to many road deaths among young people, particularly during the early hours of the morning? I am not saying that all young people who are involved in fatal road crashes have been drinking. However, some of them have been.

Mr P Ramsey: I welcome the Member's intervention. There is absolutely no doubt that that is the case. The PSNI released stark figures showing the number of people who were apprehended for drink-driving over Christmas. The matter is close to my own heart. My brother and sister were killed by a drunk driver. Therefore, I empathise with and support the Member's point. There is absolutely no excuse for anyone to drink and drive. I want the blood-alcohol limit to be reduced further, and I support the efforts of the police in that regard.

It is important that the consultation that the Minister for Social Development and the Minister of Health intend to carry out is holistic, full, looks at other models in Scotland and Wales and reflects their determination to make a difference. The sooner the legislation is in place and clubs and bars know that penalties will be enforced rigorously, the sooner we will put an end to irresponsible drinks promotions.

It only takes one youngster of 16, 17 or 18 years of age to be addicted to alcohol for a family unit to be devastated. That family unit can break under the strain. We know only too well the difficulties that arise when a young married person, for example, is addicted to alcohol and the consequences that addiction can have for families and communities.

On behalf of the SDLP, I support the Minister's amendment on irresponsible drinks promotions. The sooner those provisions are introduced, the better.

Ms Lo: I support the Minister's amendment in respect of irresponsible alcohol promotion and pricing. I am sure that the Bill will be welcomed strongly by the long-suffering residents of South Belfast. Indeed, many students to whom I have spoken support the Bill. They do not want to be tarred with the same brush as the drunken, irresponsible lager louts in the area. Many residents of South Belfast have, through different fora, called for measures to be taken to address alcohol-fuelled antisocial behaviour in the area. I hope that the Bill will curb that problem and prevent antisocial behaviour in South Belfast.

Irresponsible drinks promotions try to encourage people, particularly young people, to consume as much alcohol as they can within a short time. That is hazardous not only to health and well-being but to personal safety. I have seen young people fall down on the pavement, hurt themselves and end up in A&E. Furthermore, young women can make themselves vulnerable and run the risk of sexual attack. Obviously, therefore, those promotions cause a drain on public services, police time, A&E and Health Service resources.

Mr Easton: I intend to be brief. I listened to my colleague Mr Hamilton, who has left the Chamber for a moment. He discussed irresponsible drinks promotions, as did other Members. It is a serious issue. My colleague mentioned that he had seen an offer of two bottles of wine for £9 in an off-licence. In Asda, one can buy three bottles of wine for a tenner. If the average price of a bottle of wine is around £5.50, one actually gets a free bottle of wine. That type of promotion is totally irresponsible.

Mr Ramsey said that the cost to Northern Ireland is around £700 million. People may wonder how much of that money is spent dealing with health issues, probably the vast majority. The Health Minister would not be complaining about his budget if he could make that type of efficiency saving.

I welcome amendment Nos 8 and 9, which will curtail premises owners who offer drink promotions. Binge drinking has become a problem, especially in areas where there are large numbers of students. We saw that in and around Queen's University in Belfast a couple of years ago, when there were serious, devastating scenes of violence and antisocial behaviour. I believe that much of that was fuelled by alcohol

and encouraged by irresponsible promotion deals on alcohol. This is a welcome step towards trying to curtail that. I welcome the rest of the amendments.

Mr Irwin: I choose not to drink alcohol, and I believe that my health is the better for that. I am firmly of the belief that alcohol is one of the biggest, most damaging and most expensive scourges that we have to deal with in the modern age. Alcohol-related crimes and alcohol-related health issues amount to a large proportion of Northern Ireland's public expenditure. For that reason, I welcome the Minister's inclusion in the Bill of measures to deal with irresponsible drinks promotions.

Something is wrong with this society. It is ridiculous that one can enter a supermarket and purchase a tin of beer for much less than the price of a bottle of water. Pubs and clubs across the country are continually devising ways of selling more and more alcohol through promotions, such as happy hours or "All you can drink for £10". Those promotions are seriously damaging people's health, especially the health of our younger people.

We have seen television footage of young people lying back in chairs and having alcoholic drinks dispensed directly into their mouth via large containers. To those involved, it seems like great fun, but it is highly damaging to the way in which other much younger people perceive such situations and, ultimately, to how they treat alcohol in later years.

Ask any paramedic for their opinion on the effects of excessive alcohol consumption. They can convey the damage that the abuse of alcohol does to people's health, some of which is irreparable. The primary aim of a pub or club is to make money. They are not primarily interested in the health of the nation. In light of that obvious problem, I feel that the Minister is correct in bringing forward this legislation.

It is depressing to hear young people and, indeed, older people boast of how much they can drink in one evening. Sometimes, they cannot remember how much drink they have taken. That is not responsible behaviour. Thousands of people do it, but that does not make it any more acceptable. In an age in which we are continually reminded to be responsible adults in respect of such issues as driving, our finances, our families and our health, there is a massive contradiction in the efforts that are

put into adjusting attitudes to alcohol among our population. For instance, one TV channel could have the hard-hitting DOE anti-drink driving campaign, while on another is soap after soap centred around drinking in pubs. Each programme subconsciously portrays a life centred around drinking alcohol.

Drinking to excess seems to be ingrained into people here in Northern Ireland and in the rest of the UK and Ireland. I believe that the Minister is sincere in attempting to address that deeply worrying trend, and the restriction on promotions will send out a stern message to licence holders that they have a responsibility for their customers' well-being and health. However, each individual is ultimately responsible for their own actions.

I therefore support the inclusion of those clauses in the Bill and urge the Minister to do more to help change attitudes.

7.00 pm

Mr S Anderson: The Consideration Stage of any Bill can be a challenge to us all. Since I became a member of the Committee for Social Development last September, I have become aware of the work that had gone before, the work that was being done at that time, and the work that has been done since then. This may be an opportune time to say something about the transfer of footballers. It is a bit like a footballer joining a team in mid-season during a transfer window. You have to get on top of your game very quickly. I would say that the Chairperson, who is not here, would agree that we in the Social Development Committee are a team at the top of the league. The Minister will be glad to hear that.

Some of the amendments before us are complex and technical, but they are very important. I broadly welcome amendment Nos 8 and 9, as tabled by the Minister. On 19 August 2010, the Minister announced his intention to introduce a range of provisions designed to control irresponsible drinks promotions. I believe that he indicated that he might use the Justice Bill as a suitable vehicle for those, but I am glad that he decided to introduce them through this Bill, which seems a more appropriate approach.

The two amendments that introduce new clauses 3A and 3B address a number of areas of concern that surfaced during consultation on the Bill and in representations to the Committee.

The Bill is part of a process of ongoing liquor licensing reform. Those amendments ensure that a key area of public concern known as binge drinking is being addressed now rather than later, and that is good.

Although Northern Ireland has one of the highest rates of total abstentionism in Europe, we also have very high and increasing rates of heavy and excess drinking. A report published in 2009 suggested that that was due to the growth of clubs, possibly as a result of what came to be known as the peace process and the ending of the Troubles and 40 years of terrorism. Whatever the reasons, it is clear that heavy drinking and binge drinking are on the rise. Increasing numbers of young people and females are becoming addicted to alcohol. That can lead to chronic mental and physical health problems, with resultant pressures on the already stretched health budget, as has been mentioned.

Drunkenness also puts unacceptable pressure on the policing and criminal justice system. It contributes significantly to a range of violent crimes such as domestic abuse and the all-too-common very vicious brawls on our streets. It is clear that we need to tackle the problem of alcohol abuse and, in doing so, tackle its root causes.

Proposed new clause 3A defines irresponsible drinks promotions, including key ones such as those geared towards people under the age of 18, buy-one-get-one-free offers and all-you-can-drink offers. That broadly reflects trends in other UK jurisdictions. I believe that the measures are needed, when we consider some of the cheap drink offers that have been put in place by off-sales outlets and supermarkets. I am sure that we have all seen people wheeling out trolley-loads of cheap alcohol that will later be consumed as part of a binge. Indeed, I know that some supermarkets are able to sell alcohol cheaper than pubs can buy it from the market brands. That tells us something.

Mr Humphrey: On that point, if products can be purchased at such a low price, given the comments that were made earlier about the cost to the Health Service, we have to reflect on the commodities that are used to make those products. Over and above the damage that excess alcohol will do to anyone's system, products that are cheap and the commodities

that are used to make them up are hugely damaging to our health.

Mr S Anderson: That is a very good point from my colleague, and I certainly agree.

I do not know the make-up of the product, but one has to question how they are able to sell it so cheaply, whether it is imported or not. They seem to be able to sell alcohol much more cheaply than in years gone by, so there has to be a big question mark over how they are able to do that. That needs to be looked at as well.

Proposed clause 3B addresses another important issue; the pricing of alcohol. That needs to be considered for alcohol as it is for cigarettes. As we rightly seek to deal with the problem of binge drinking and irresponsible promotions and prices, we must make sure, as the Northern Ireland Drinks Industry Group stated, that those who run responsible promotions do not unwittingly get caught up in the new provisions. I think that that was mentioned by the Minister and by my colleague on my right. Getting the balance right will be a challenge to us all, but it can certainly be done if we investigate proper ways to do it.

The two proposed new clauses are enabling powers only. They provide for the making of regulations, and it is those regulations that will put the flesh on the bones. Drafting those regulations will require careful consideration and extensive consultation with key players. In that way, we will ensure that the sort of outcome we all desire will be achieved. I support amendment Nos 8, 9, 27 and 30.

The Minister for Social Development: I hope I will not detain the Assembly too much in replying to the debate.

Mr Humphrey: Hear, hear.

The Minister for Social Development: You must be going out for the night, are you? *[Laughter.]*

I acknowledge what the Committee Chairperson touched upon in his own eloquent phrase: it was most unusual and not conducive to Committee consideration that these matters were parachuted in later in the legislative process than might otherwise be the convention. However, there seems to be unanimity on the proposal and I welcome that very much.

There is unfinished business when it comes to alcohol issues. There will be a consultation

on minimum pricing. I regret not initiating that consultation earlier. However, the thinking five or six months ago was that we would watch the experience of Scotland, learn from that, and on the basis that they would get their legislation over the line, we could piggyback on that experience and table our own proposals. I regret that I did not intervene earlier, because although this proposal about alcohol promotions is important, the unfinished business with minimum pricing and the other aspects of alcohol abuse should occupy a future DSD Minister, the Committee and the Assembly over the next three and four years.

Simon Hamilton said that minimum pricing was fraught with difficulties. Mindful that that is the case, I have already had a short preliminary conversation with the Attorney General so that if minimum pricing is endorsed through consultation and by the Assembly and Executive we can shape the legislation to mitigate the risk of legal challenge, although such challenge is probably inevitable.

I acknowledge Pat Ramsey's comments, which captured, in the context of his family situation and of Derry, many issues that we are talking about, given the tragedy that affected the Ramsey family with the deaths of a brother and sister. Beyond that, there is a voluntary code of practice operating in Derry. At the same time, however, there is still this week a promotion for £15 for a night's consumption of alcohol. That demonstrates that, although we have a code, in some cases we do not have the enforcement of best practice.

Similarly, Mr Ramsey referred to his involvement in the management committee of Foyle Haven, which demonstrates that there is a lot of good practice up in Derry in trying to deal with the issues caused by alcohol abuse. I am sure that Mr Ramsey and Mary Bradley will agree that the Northlands centre is another well-established leading organisation that tries to mitigate the issues caused by alcohol abuse.

As I said, there is unfinished business. Fra McCann, in his intervention, touched on that. There is the issue of trying to label bags. We looked at that over the past number of months but decided not to go down that road. There is also the issue of taxi firms colluding with people so that they can purchase alcohol in circumstances where there are risks, particularly to younger people.

Anna Lo made a point about alcohol abuse, the vulnerability that that creates, especially for women, and the risks that are inherent in all of that. Mr Irwin raised the issue of subliminal promotion of alcohol through product placement or TV soaps, where the characters, in one way or another, spend a lot of time in a bar.

All of that demonstrates the scale of the issues that have to be addressed and supports the compelling argument for the Assembly to try to address that as we go forward. The intervention around irresponsible alcohol promotions and the forthcoming consultation on minimum pricing are important — the minimum pricing consultation is as important as any and is probably the most critical of all — and that is the direction of travel that I hope a future Minister and Assembly will go in.

Finally, I acknowledge that Mr Anderson is correct. I would not say this simply for the sake of saying it, but the performance and conduct of the Social Development Committee has set good standards, if not higher standards, for the work of Committees in the Assembly. However, I must point out that, when I launched the proposal about irresponsible drink promotions, I was actually on my holidays in Marrenes in France, where, on occasion, but not to excess, I did enjoy — *[Interruption.]* I want to make it very clear that it was not my being on holiday and consuming alcohol that led me to consider that irresponsible drink promotions should be outlawed.

Question, That amendment No 8 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 9 made: After clause 3, insert the following new clause

“Pricing of intoxicating liquor

3B. After Article 57A of the Licensing Order (inserted by section (Irresponsible drinks promotions)) insert—

‘Pricing of intoxicating liquor

57B.—(1) Regulations may—

(a) prohibit or restrict the holder of a licence or the licence holder’s servant or agent from varying the price at which intoxicating liquor is sold on licensed

premises during such period or hours as are specified in the regulations;

(b) restrict the price at which the holder of a licence or the licence holder’s servant or agent may sell on licensed premises a package containing two or more intoxicating liquor products.

(2) A person who contravenes any provision of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(4) In this Article, ‘intoxicating liquor product’ means a product containing intoxicating liquor and includes the container in which the liquor is for sale.’” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5 (Closure of registered clubs)

Amendment No 10 not moved. — [Ms Lo.]

Amendment No 11 not moved. — [Mr F McCann.]

Mr Deputy Speaker: Amendment No 12 is consequential to amendment No 11, which was not moved. Therefore, I will not call amendment No 12.

7.15 pm

Amendment Nos 13 to 16 are consequential to amendment 10, which was not moved. Therefore, I will not call amendment Nos 13 to 16.

Clause 5 ordered to stand part of the Bill.

Clause 6 (Penalty points)

Mr Deputy Speaker: We now come to the third group of amendments. With amendment No 17, it will be convenient to debate amendment Nos 18 to 26, 28 and 29. The amendments deal with late licences, young people’s attendance in clubs, accounting offences and restrictions on registered clubs in respect of advertising. Amendments Nos 20, 21 and 22 are mutually exclusive.

Amendment No 17 not moved. — [Mr F McCann.]

Mr Deputy Speaker: Will you clarify whether you will be moving amendment Nos 18 and 19 at this time?

Mr F McCann: Not moved at this time.

Amendment Nos 18 and 19 not moved. — [Mr F McCann.]

Mr Deputy Speaker: Amendment Nos 17 to 19 were not moved, so I must put the Question on clause 6 before we proceed with the rest of the debate.

Clause 6 ordered to stand part of the Bill.

Clauses 7 and 8 ordered to stand part of the Bill.

Clause 9 (Authorisations for special occasions)

Mr Deputy Speaker: Amendment No 20 is mutually exclusive with amendments Nos 21 and 22.

The Minister for Social Development: I beg to move amendment No 20: In page 18, line 42, leave out “120” and insert “104”.

The following amendments stood on the Marshalled List:

No 21: In page 18, line 42, leave out “120” and insert “85”. — *[Mr Hamilton.]*

No 22: In page 18, line 42, leave out “120” and insert “156”. — *[Mr F McCann.]*

No 23: After clause 9, insert the following new clause

“Young persons prohibited from bars

9A.—(1) Article 32 of the Registration of Clubs Order (young persons prohibited from bars) is amended as follows.

(2) In paragraph (13) for ‘9’ in each of the three places where it occurs substitute ‘11’. — *[Mr F McCann.]*

No 24: After clause 9, insert the following new clause

“Restrictions on advertisements relating to functions in registered clubs

9B. Omit Article 38 of the Registration of Clubs Order (restrictions on advertisements relating to functions in registered clubs).” — *[Mr F McCann.]*

No 25: In clause 10, page 19, line 4, leave out “subject to negative resolution.”. — *[The Minister for Social Development (Mr Attwood).]*

No 26: In clause 10, page 19, line 8, leave out subsection (2) and insert

“(2) An order under this section may amend, repeal, revoke or otherwise modify any statutory provision or document.

(3) The power conferred by this section is not restricted by any other provision of this Act.

(4) An order shall not be made under this section unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [The Minister for Social Development (Mr Attwood).]

No 28: In schedule 2, page 22, line 20, at end insert

“40(2)	Failure to comply with requirement to—	3-4”
	(1) keep proper vouchers	
	(2) establish and maintain a system of control	
	(3) prepare annual accounts	
	(4) have accounts audited or examined	
	(5) produce required records etc. to auditor or independent examiner	
	(6) provide summary of accounts to district commander	
	(7) provide summary of accounts to members	
	(8) display accounts for 4 weeks	
	(9) retain records for 6 years	

— *[Mr F McCann.]*

No 29: In schedule 2, page 23, leave out lines 23 to 34. — *[Mr F McCann.]*

The Minister for Social Development: Given that a number of amendments have not been moved and others may yet not be moved, it might be helpful if I were to share some of my thinking on the matters in the group with the House. This afternoon, I forwarded a note to Executive colleagues about a number of amendments — not all — that Members tabled. In that note, I particularly dealt with amendment

Nos 17, 18 and 19, which were subsequently not moved and which dealt with the time frame in which penalty points would be endorsed on a certificate of registration for licensed premises.

(Mr Speaker in the Chair)

Other amendments have yet to be discussed on the issues of curfews and advertising, and, although it would be inappropriate for me to comment specifically on those amendments, I want to consider further the issues to which they relate. As I am obliged to do, I brought that intention to the attention of my Executive colleagues in advance of the Bill's Consideration Stage.

I do not want to pre-empt any conversation that may arise. It may be that a new consensus will emerge about how to address the issues that are named in the amendments and in the Bill, or it may be that those issues are too difficult to resolve consensually at this stage. Nonetheless, I want to explore with the Executive and others the issue of the curfew, some of the issues around penalty points and the issue of advertising functions, and identify whether there are any opportunities to adjust the Bill further. I also want to explore how those issues might impact on the licensed trade, and on clubs in particular. I do not want to prejudge the outcome of those discussions, but it would be useful to engage in them between now and the Bill's Further Consideration Stage.

I acknowledge Mr McCann for not moving those amendments at this stage, thereby enabling those conversations to mature.

I turn now to my amendments, beginning with amendment No 20. As I said previously, I want to commend the Social Development Committee for the time and trouble it took in scrutinising the draft Bill and for reaching a consensus on the issue of special occasion authorisations for registered clubs. Given that there are a number of amendments on the Order Paper, I hope that the consensus that prevailed ultimately in Committee and that equally prevailed at the Executive, reflecting the views of all Ministers and the various parties round the Executive table, will prevail as we go through the various amendments.

As has been demonstrated by amendment Nos 21 and 22, the issue has divided opinion and continues to do so. When the Second Stage of the Bill came before the House last June, many

Members commented on my proposal to allow registered clubs additional opportunities to remain open until 1.00 am, subject to approval by the police. In normal circumstances, bars and clubs must close at 11.00 pm, and my proposal would have increased the number of occasions when a club could apply to the police for later opening from 52, as is currently in law, to 120 a year.

I informed Members that I would listen to their views and concerns and reflect on them as the Bill progressed through Committee Stage. Ultimately, the Committee's report on the Bill contained a recommendation that the number of special authorisations provided for should be 104, and I am satisfied that amendment No 20 accommodates that recommendation. It was my initial thinking to increase the number to 120, and I still think that there is merit in that proposal. In order to achieve the Bill's original intention, to give clubs the opportunity to have other late licences, to enable them to sustain themselves in a difficult economic environment and to recognise that the clubs are a very responsible part of the licensed trade in Northern Ireland although they operate in somewhat different circumstances from other elements of the licensed trade, it is important to accommodate the extension of late licences. I appreciate the difficulties that the issue raises for people, and I have had to compromise on my initial ambition and intention by reducing the number from 120 to 104. I understand that there was consensus at the Committee, and there is consensus at the Executive, and we should try to protect that consensus as it is a good way of moving forward and a necessary way of moving forward to sustain the life and work of various clubs.

The increase will help registered clubs in general, and sporting clubs in particular, that are finding it difficult to maintain their community service contributions in these difficult times. Some clubs form a vital part of community life in Northern Ireland. They are essential in helping young people, especially those who may be vulnerable or at risk. They are important in improving the health profile of citizens and communities, and they involve themselves in a lot of useful and charitable activities, as do many in the licensed trade. In many parts, especially in more rural and isolated areas, they are an essential part of community life and social cohesion. For all those reasons, making provision by extending the number of

late licences for clubs, especially in the current difficulties, is important.

We have around 600 clubs in Northern Ireland, and, as I have indicated, they make a valuable contribution to social, recreational and community activities in our society. It is important to legislate wisely, and the proposal of 104 late licences endorsed by the Committee and the Executive strikes a fair balance between the need to regulate how and when alcohol is supplied and to provide an opportunity for registered clubs to facilitate the wishes of their members and stabilise their finances.

The figure of 85 tabled in amendment No 21 and of 156 tabled in amendment No 22 are, on the one hand, too low to be effective and, on the other hand, would invite wider criticism in a way that would be detrimental to the interests of clubs in Northern Ireland. Given that a consensus is clearly required and that the Committee reached a consensus, I am happy to endorse it. Given all the circumstances that I outlined and in the current conditions, the figure of 104 strikes the right balance, and I urge Members to support it.

I now turn to my amendment Nos 25 and 26, which are technical. Bills generally contain a standard regulation-making power that enables the Department to react to unforeseen circumstances that could otherwise prevent an Act coming fully into effect. The draft Bill contained such a power, which is subject to negative resolution. I am happy in amendment Nos 25 and 26 to follow the advice of the Examiner of Statutory Rules that the power should be by way of affirmative resolution of the Assembly, not by negative resolution.

The Chairperson of the Committee for Social Development: The Committee considered at length the Bill's provisions that are associated with registered clubs. A number of amendments to the Bill as it affects registered clubs are included in this group. The Committee considered many, if not quite all, of those during Committee Stage. By way of context, the Department advised that prosecutions or convictions on breaches of the Clubs Order have been quite rare in recent times.

I want to deal first with amendment Nos 28 and 29, which refer to penalty points and the level of fines associated with certain breaches of the Clubs Order by registered clubs. The Committee noted the concerns of some members in respect

of the application of penalty points to officers of registered clubs who are often volunteers. The Federation of Clubs suggested that the provisions relating to article 40, which is the subject of amendment Nos 28 and 29, would lead to the application of penalty points for what were described as "trivial" breaches of the Clubs Order. The Committee was advised that officer posts in a registered club can be subject to regular changes and that, consequently, persons filling those voluntary roles can be untrained or unaware of certain aspects of their responsibilities.

The amendments will reduce the level of fines for those so-called trivial breaches relating, for example, to the keeping of accounts. The Committee had some sympathy with volunteer club officers who may inadvertently breach some accounting rules associated with the Clubs Order. However, the Committee accepted the Department's argument that the provision gives clubs the opportunity to show due diligence. The Department advised that prosecutions under the Clubs Order are very rare. There was one prosecution in 2009 compared with 168 in the licensed sector in the same year. The Committee, therefore, felt that similar amendments were unnecessary.

Amendment No 23 refers to changes in licensing hours for clubs, the idea being that sporting clubs could allow younger members to be in the licensed parts of a sporting club's premises until 11.00 pm rather than 9.00 pm. The Committee heard evidence in support of that from the Federation of Clubs, the GAA and the Golfing Union of Ireland. Consistent with the Committee's position on underage drinking controls, we did not support proposals to amend the Bill in that regard.

Amendment No 24 refers to the removal of restrictions on advertising by registered clubs. The Committee received a good deal of comment on the issue from groups representing pubs and hotels. They argued that clubs already have an economic advantage because they pay lower rates and use members' fees to subsidise alcohol prices. The pubs and hotels also insisted that the law is already being flouted, with many clubs reportedly advertising Christmas events and wedding functions for non-members. The clubs' representatives disputed much of that and insisted that the removal of advertising restrictions was essential for their survival. The area of liquor licensing is

fraught with difficulties and competing interests. The Bill seeks to strike a balance between those two parts of the licensing trade. The Committee felt that the Bill generally achieves that objective, and, therefore, the Committee did not support amendments to that effect.

The Committee suggested an amendment to alter the Assembly procedure associated with provisions that the Department may bring forward to give effect to the Bill. The Minister's amendment, in line with the Committee's suggestion, will change related Assembly procedure from negative to draft affirmative resolution. The Committee, therefore, supports the Minister's amendment Nos 25 and 26.

I will now turn to amendment Nos 20 to 22, which refer to special authorisations for late licences for registered clubs.

I will first set out the Committee's view, as the Minister has expressed previously, and I will then speak to my own amendment.

7.30 pm

The Committee noted with interest the evidence from registered clubs, which suggested that additional late licences are essential for the survival of clubs. As I have said, it was argued that clubs have a positive impact on their communities and undertake extensive charity fund-raising activities. The Committee also noted the concerns of the unlicensed hotel trade suggesting that additional late opening of registered clubs would have a significantly adverse economic impact on pubs and hotels. The Committee received limited evidence from the police, which appeared to suggest that the current uptake of late licences by registered clubs is low. Some members concluded that the additional late licences for registered clubs were therefore unnecessary.

I want to record that the Committee was subsequently surprised to learn of the apparent disregard of aspects of the legislation that apply to licensed premises associated with registered clubs. A witness from the registered clubs sector indicated that illegal late opening by registered clubs may not be uncommon. I refer Members to page 104, Appendix 3, paragraph 559 of the Committee's report on the Bill. Some Members expressed the view that the practices of certain registered clubs in that regard may be viewed as leading to direct and unfair competition with pubs and hotels. I ask the Minister, in his

response, to repeat assurances that he will make appropriate representations to ensure that there is enforcement of controls on clubs' licensed hours.

A significant minority of Members indicated that they supported clause 9 as drafted, which will increase late licences to 120 per year. Another significant minority of members indicated that they supported an amendment that would reduce the maximum number of late licences for registered clubs to 75. The division of opinion was based on the arguments I have just set out. On the one hand, there were concerns that clubs were unfairly and wrongly competing with pubs and hotels and that more late licences would give them further advantages. On the other hand, there were concerns that registered clubs made a positive contribution to their communities and were struggling to survive. The Committee lamented the absence of data in respect of the current uptake of late licences and the degree to which some clubs may be flouting the existing rules.

The Committee did not agree to either proposal; instead, a small majority of members supported amendment No 20, which reduces the maximum number of late licences for registered clubs to 104 rather than 120 per year.

Before I move on to speak in a personal capacity on the specific amendment, I want to register my party's support for the work done by a great many registered clubs across Northern Ireland, often without much recognition or appreciation. They are of great value to society, whether it is in their sporting work, charity work or through the community role that they fulfil. In many communities they provide sporting facilities and meeting rooms that are used extensively, particularly in rural parts of Northern Ireland. They can be vital to the vibrancy of a community.

The number of late licences was an issue that the Committee juggled with on several occasions. There were great debates and divisions about what the correct number of late licences should be. Those varied from 52, which is the current position, to 120, which is in the Bill. There were various discussions about numbers in between and numbers higher than 120. I and my colleagues felt that 120 was too high. There seemed to be no particular rationale for it. As I delved deeper into this debate, it appears that there is no number, conjured up by anybody, for which there is any particular

rationale. Many suggestions were completely arbitrary. In Committee, my colleague Mr Craig suggested an amendment to have the number set at 75, believing that that was a reasonable and proportionate increase in the number of late licences and would afford those clubs that wanted them additional scope. The amendment was defeated, and the lowest number that the Committee could support at that time was 104, which was proposed by Anna Lo. I and others were content that that was the lowest figure that could be achieved. We are now attempting to achieve 85. We thought that we could not find the right number.

We all thought that 52 was too low, 120 was too high and 104 did not feel right either. There was an attempt to find a number that members were comfortable with and that could be stood over by those of us who wanted to assist registered clubs, although not to the extent that proprietors of pubs and hotels could say that they were being unfairly treated.

Why should we have pursued a number lower than 120 or 104? It goes back to the point that I made in the debate on the first group of amendments. I would, at times, rather have an approach to legislation in which we try to build it up. If we go for 75 or 85 days, as amendment No 21 proposes, it would give us an opportunity to see how that would work in practice, whether it would have a detrimental effect on pubs and hotels, and whether it would be sufficient to meet the demands of registered clubs. We can build it up from there, if indeed there is a proven demand at a later stage. I do not think that any Member could argue against the contention that, if 85 days were proven to be insufficient and a moderate increase at a later juncture was proven not to have any detrimental effect on the licensed trade, we may seriously consider such an increase.

The Committee received its first briefing on the Bill — at least since I became the Chairperson — during a meeting that was held in licensed premises in the Slieve Donard Hotel in Newcastle. I hasten to add that the meeting did not take place in the bar. This debate has been going on since the Bill was introduced. We quizzed officials and asked them for evidence of current demand or any sort of demand for late licences from clubs. We were told then that that information could not be provided. The issue was raised again directly with the Minister at Second Stage, after which the information

miraculously appeared. At that time, the Minister made the point that that information might in no way be completely persuasive, but it is, nonetheless, illuminating.

That information, although it was incomplete and not entirely up to date, gave details about five of the eight police districts across Northern Ireland. It covered 14 councils, including Belfast City Council, the biggest council with the largest number of licensed premises in the whole of Northern Ireland. It showed that only 13% of the 300-odd clubs included took up the demand for 52 nights — the maximum number of nights on which registered clubs are permitted to open under the current legislation. By anyone's assessment that is a modest and low figure. Indeed, none of the clubs in the police district that covers north and west Belfast took up the demand.

That is the only evidence that we have about the demand for late licences. In the absence of any other evidence, the club sector is arguing for more nights. Perhaps even the amendment tabled by the Members on the opposite Benches, which asks for 156 days, is insufficient for some elements of the club sector. However, we have no evidence from that sector about the level of demand or the nature of the pressure on its business.

The evidence that we have before us is all that we have. It may be imperfect, and it may not be entirely persuasive because of incompleteness or the time that has elapsed since it was produced, but it is good evidence nonetheless. It shows that around one in 10 clubs are using their 52 nights, and a great many are not using any of them at all. I pursued the matter at a local level and spoke to volunteers who operate Comber Rec Football Club, a local club in my area, which I frequently attend.

Mr Humphrey: That would drive you to drink.

The Chairperson of the Committee for Social Development: It is worse for them than that. Indeed, in a profile of the club that appeared in the amateur football section of yesterday's 'Belfast Telegraph', I was listed as the club's most famous fan.

Mr Humphrey: These things are relative.

The Chairperson of the Committee for Social Development: That is right. Watford has Elton

John, Celtic has Rod Stewart and poor old Comber Rec has only me.

I spoke to the volunteers who run the bar in that premises. They said that they open late nowhere near 52 nights a year and, indeed, even in a very good year, not even close to half that number. From speaking to others who are involved in the club sector, I found that that is very much the pattern right across Northern Ireland. Clubs do not take up anywhere near their full quota of late nights.

The other reason why I think that we should be pushing for a lower number is that, although they do vital work in our community, clubs are not meant to be in direct competition with pubs, hotels, bars and restaurants. For me, that is the vital point. An arbitrary number of nights can be picked, but, whatever that number is, it should not be so high that it threatens pubs, hotels, restaurants and bars. Too high an increase can threaten the business of pubs, hotels and so on.

The figure of 156 has been produced because that is three late nights a week. However, almost any bar in Northern Ireland cannot afford to open on three late licences a week, certainly given the current economic climate. I am sure that it would be rare, these days, to find many pubs outside Belfast that open on more than one late licence a week. As everyone knows, times are difficult, but, even if times were better, those pubs would struggle to afford to do it. On the other hand, clubs' overheads are much lower because of their inherent nature and the way that they are constructed. Their rates are lower; some clubs have no rates at all. Bars, pubs and hotels, however, pay a social premium on top of their rates to cover payments for the health or policing and justice implications of some of the things that they do. They make additional payments to their rates. Many of the bars in registered clubs are manned or "womanned" by volunteers, which is clearly not the case in other licensed premises such as pubs, bars and restaurants.

Clubs are not meant, and they were never meant, to be in direct competition with pubs, bars and restaurants. To increase the number of late nights that registered clubs can open would put them in direct competition with pubs and hotels. Some may say that that is a very protectionist argument, and I suppose that it is. However, hotels, pubs, bars and restaurants are businesses that contribute considerable

amounts of tax revenue to our society, which we reinvest in public services. Those businesses employ people and keep them in work, and they are an essential cog in the wheel that is our tourism industry. We threaten that in any way, shape or form at our peril. Tourists do not come to Northern Ireland to have a drink in registered clubs. They come here to have a drink in our pubs or hotels.

We need to be very careful about the level at which we set the number of late nights that registered clubs can open and, indeed, about some of the other amendments that I will refer to. I think that a total of 85 nights is a reasonable, proportionate number. It is an increase. It may be styled as a lowering because it is lower than 104, but it is an increase from 52 of nearly 63% or two thirds. I am sure that some Members would be happy for the figure to be minus 85 nights, never mind 85 nights and an increase of more than 30. We have to be realistic. We are increasing the number of nights from a base of 52, but, other than in a small number of clubs, there is no evidence of a demand pushing through that. A figure of 85 nights is a good first staging post from which to see what the demand is, gauge it at a later stage and, indeed, see whether there is a credible case for increasing that in a way that will not damage pubs, hotels and bars, which is the critical point.

The Member opposite has not moved three amendments that would effectively lower the penalty-point period. I am glad that he did not move those amendments. I have some sympathy for the point that he was making. At Committee Stage, I used the example of big supermarkets, whose transactions are worth millions and millions of pounds every year. Given the volume of alcohol that those supermarkets sell and the number of people who go through, there are bound to be infractions. I thought that a three-year period may be a bit too long.

7.45 pm

I was convinced by the argument that, at the end of the day, selling alcohol to minors is wrong, as is staying open beyond opening hours and serving and encouraging those who are already drunk to drink more. I do not think that it is right that people should get away with repeatedly committing those offences, because they are all wrong. I appreciate that the Member has not moved the amendment. However, from

listening to the Minister's comments, I think that that amendment has been parked rather than completely thrown out, so I urge a note of caution on this. If we were to lower the shelf life of penalty points, there would be the potential for clubs to get away with illegality and for them to —

Mr F McCann: I know that there were lengthy debates and that the legislation spent a long time going through Committee; the Member is right about that. However, one of the reasons why we tabled the amendment on penalty points was to address the whole issue in and around the accounting of clubs. Clubs have voluntary committee members, so membership can change yearly and many members change positions. In addition, committee members do not have experience of accounting, whereas clubs and hotels bring in professionals to do that. I, therefore, think that it would be wrong if a club accrued points over three years because of the inexperience of a committee member, which could effectively mean that it had to close. That is the reason why we tabled the amendment. It is a crucial point.

Committee members' opinions yet again varied widely on the issue of late licences. We initially narrowed the number down to, I think, 104. However, the problem is that most clubs are dying on their feet. They want the option to be able to open late in order to bring in revenue. I understand that the Member is saying that clubs are, by and large, voluntary. At this point, it would be remiss of me not to declare my interest as a member of Cumann na Méirleach in west Belfast and of the Irish National Foresters. I know from experience that many clubs are finding it very difficult. I have every sympathy with pubs and hotels, but this cannot be done at the cost of the clubs, which are also dying on their feet. That needs to be taken into consideration. In fact, when representatives of the pubs and clubs came in and we started to investigate where some of the responsibility for the problems with late licences and late events actually lay, we found that it was with the hotels and pubs rather than the clubs.

The Chairperson of the Committee for Social Development: I thank the Member for his intervention. I will take his last point first. The argument that clubs are dying on their feet can be made. However, I am sure that, if representatives from the pubs were here, they would make the same argument about their

sector. The argument against the Member's point about radically increasing the number of late licences is that there is only a certain amount of revenue that the people of Northern Ireland can spend in pubs, clubs and bars. If there are more opportunities for people to consume drink in registered clubs — the Member knows from experience that the prices in clubs are significantly less than in hotels and pubs — they will clearly try to avail themselves of that, thus threatening pubs, hotels, and so on.

Mr F McCann: There is no evidence of that.

The Chairperson of the Committee for Social Development: Equally, there is no evidence that the club sector is dying on its feet. There is also no evidence to support increasing the number to 85. If I were to accept entirely the thesis that clubs are dying on their feet, I would have thought that the number of late night licences being taken up would have been higher than 13% in five out of the eight districts, which is the evidence that was put before the Committee. I would have expected that to be up at 25%, 30% or maybe even higher. That would have been persuasive evidence that there is pressure there and that clubs need to open more in order to get more revenue to support their activities. However, that is not the case and is not evident.

I understand the point that the Member made about his amendments, but I do not want to talk too much about amendments that have not been moved. Those amendments did not provide for similar reductions for shelf life in respect of pubs and hotels. I pushed that point at Committee, and I was persuaded by the arguments put forward by the Department that, in circumstances where a club committed an infraction potentially incurring penalty points, the level of the penalty could be reduced or not applied at all if an argument were accepted that there were mitigating circumstances. The fact that there have been very few prosecutions over the years for any of those sorts of offences reflects the good behaviour of most club owners. That is a persuasive argument that we do not need to reduce it any further, encouraging potential illegality.

I am completely opposed to amendment No 23, which would permit young people into licensed areas of registered clubs after 9.00 pm until 11.00 pm. I do not know whether the amendment will be moved, but, given that we

are debating the group, I will address it and put a marker down. I have heard the argument made by some that, if sports clubs are running events in the summer, and that event perhaps does not finish until 9.00 pm, children could not go into the club afterwards if there were a prize-giving ceremony, etc. I know that it is not possible in every club, but there are ways in which children can still be in clubs in other, non-licensed areas.

I do not want to sound like some sort of puritan, but I think that there are moral issues about letting children into bars until 11.00 pm, which is normal closing time. Any of us who are parents should feel a bit uneasy and a bit queasy about that becoming the norm in any licensed premises in Northern Ireland. Again, no such exemption has been put forward in the amendment for pubs or hotels: we cannot treat one establishment in one way and not the other. That could lead to a situation in which an event was taking place in a club where kids could stay until 11.00 pm, but if they were attending exactly the same type of event in a pub, they would have to be thrown out at 9.00 pm. That would be a very unlevel playing field and an unfair situation.

Amendment No 24 is about removing restrictions on advertising for registered clubs. Again, I am completely opposed to that. The point that I made previously still stands: pubs and clubs are not in direct competition. If anything, it could be argued that there is unfair competition in favour of registered clubs. I get the sense sometimes that the club sector wants all of the positives of being a registered club, with lower overheads and so on, and all the positives of being a pub as well. Clubs want to look ever more like pubs without having the downside of being in a heavily regulated sector. Who are the clubs aiming their advertising at? Clubs are for members, not the general public. I learn something new every day in this game, and I have been told the ratio is that, for every three members of the club, only one member of the public can be signed in. Who on earth are they advertising to? If there were an Elvis Presley impersonator in my local sports club, and I wanted to go but I am not a member, I would have to find three members to sign me in. That may not always happen in practice, but that is the law: that is what I would have to do to see the Elvis Presley impersonator. That is not a good marketing strategy. Who are clubs marketing and advertising to? There is absolutely no point —

Mr F McCann: Will the Member give way?

The Chairperson of the Committee for Social Development: Yes, I will.

Mr F McCann: Some of those clubs probably have between 600 and 800 members on their books, who may live over a very wide distance. It is almost impossible to be able to keep in contact with all those members. It is about pushing an advertisement out so that members can tap into it, and if they want to bring a guest or a friend, so be it.

The Chairperson of the Committee for Social Development: The Member's interpretation of his amendment may be that clubs are advertising to their own members. That is not in any way prohibited; in fact, that is done.

Mr F McCann: It is not done through the press.

The Chairperson of the Committee for Social Development: But the point is that there is no one in the wider public to advertise to, in the traditional sense of advertising.

Take things like weddings. I know that wedding parties have been hosted in clubs. A wedding party cannot take place if there are only members of a club and a ratio of 3:1. It is preposterous. That should not happen under the law, but it does.

I accept that there is clearly confusion about what can be advertised. There is a need for this to be made clear, as there is with other aspects of the legislation. Clubs need to be clear about what their responsibilities are and what they can and cannot do. I received a document that highlights the extent of the confusion. It was from a club, and it advertised — which is wrong in itself — to everyone its full Christmas product: menus, parties and all of that.

Mr F McCann: Was it from Comber Rec?

The Chairperson of the Committee for Social Development: It was a Civil Service club, advertising its product externally. When we have a Civil Service club advertising, I completely understand the confusion. It needs to be clarified, but I do not support clarifying it by relaxing it in the way in which amendment No 24 proposes.

Finally, Members will be glad to hear, amendment Nos 27 and 28 propose fewer penalty points for failure to meet accounting or book-keeping rules. I understand where those amendments

are coming from, and I have a small degree of sympathy for what they are suggesting. The amendment to reduce the shelf life of penalty points from three years to 12 months was not moved, but the offences are in no way trivial. I accept that selling alcohol to a minor or encouraging drunkenness are severe offences. In comparison to those, keeping books and records and auditing accounts looks a bit trivial, but they are serious offences. Is anybody here seriously suggesting that we should life would tacitly say to clubs that those things do not matter as much? They do. A three-year shelf life provides the opportunity to see when clubs are not stepping up to the mark on one, two or three occasions over that period. If that happens, it is an indication that that club has a serious problem. Those matters are not trivial; they are there to make sure that there is proper conduct and probity, that there are no offences going on and that there is no potential for money laundering or abuse. Very few offences in respect of any of those breaches have been recorded. There ought not to be the degree of concern that other Members have expressed, so I oppose amendment Nos 28 and 29.

In conclusion, registered clubs do valuable work in our society, but they are not pubs and they are not meant to be in direct competition with pubs. Some of the amendments, including those concerning late nights, advertising and letting in young people, are making what some may argue is an already unfair situation even more unfair and threatening a key component of the tourism industry, which is a sector that we want to see grow over the next number of years. With that, I happily conclude my contribution. I support amendment No 21 — I encourage others to do so — and oppose all the other amendments.

Mr F McCann: I do not wish to move the other amendments.

Mr McCallister: I will keep my contribution very short. It appears that the Committee Chairman is in competition with the Minister as to who can speak for the longest. I will leave that challenge to the Minister; I am sure that he will respond in kind.

I could not quite hear what amendments Mr McCann is not moving, but I will limit my remarks to the more contentious elements in the group. I agree with the Committee Chairman about the work that clubs do across our society. I think that people are surprised by the range of sporting and leisure activities that clubs do.

Clubs are there primarily to service their members.

8.00 pm

During the debate about the appropriate number of late licences that should be granted in a year, we came to the same conclusion as the Chairperson and the Alliance Party that 85 is probably the right figure. As the Chairperson said, nobody had an absolute idea of the right number. However, 85 is the number that we decided on, and the rise from 52 to 85 is significant. Of course, that can be reviewed once we have seen what goes on.

For some of the reasons outlined, including, for example, the holding of prize nights, we are sympathetic to amendment No 23, which proposes a new clause, “Young persons prohibited from bars”. We will be guided by the Minister on that. We support the technical changes. However, we are opposed to the advertising proposals, which would give an unfair advantage to private clubs. Clubs are there to service members’ needs, so we have to ask why they would want to advertise particular events. Where the other amendments are concerned, particularly those on levels of fines, we are happy to be guided by the Minister according to what he and his Department feel is appropriate.

Mr Craig: I have listened to the debate with great interest. I am almost expecting a letter of congratulations from Dr Paisley, because we seem to have converted almost everyone to opposing to the drinks trade. I find that fascinating.

I will start by declaring a lack of personal interest in the drinks trade. It will come as no surprise to my colleagues that I am the third generation of my family who, frankly, never touches the stuff and never has. I am genuinely proud of that fact. If anyone were to ask me which person in history I most look up to, they would not be surprised to find that it is an individual called Billy Sunday. I threatened my colleagues by saying that I would regurgitate the speech that he made about alcohol, which took a mere hour and a half. However, I will deeply disappoint my colleague from South Down by refusing to do that. That speech had an impact in the States, because, frankly, it led to the total prohibition of alcohol in that country.

Mr McCallister: Does the Member agree that prohibition in the United States was a disaster? It led to bootlegging and all sorts of other

illegal activities. The essence of the Bill and the reason why we support it is to encourage responsible drinking. It is not designed to bring about prohibition. I am surprised that the Member did not table an amendment —

Mr Speaker: Let us get back to the grouped amendments, and leave prohibition where it should be left.

Mr Craig: I agree, Mr Speaker. If the Member had allowed me to continue, he would have been even more disappointed, because I would have agreed with him that prohibition was a disaster for the United States. If the Member cares to read amendment No 21, he will see that it has my name on it, so he will be doubly disappointed to find that I am not going down that route. I am asking for a sensible solution to what is a difficult issue for the House.

No one in the House wants to see the abuse of alcohol. In fact, Pat Ramsey made a strong and passionate speech on that subject, and I commend him for that. He outlined how it had affected his family. Few families, whether of Members in the House or in Northern Ireland as a whole, have not been adversely affected by the abuse of alcohol. I speak personally. Unfortunately, some of my friends went to their grave at a very young age because of the abuse of alcohol. One of them was in his early 30s; he left a wife and four very young children. That gives me no enthusiasm for expanding the trade; there is enough trade in Northern Ireland for alcohol.

There is a side effect to the abuse that, for some reason, we all want to ignore and bury. We discussed how the cost of alcohol abuse is £700 million a year. The Health Minister could do with that money. In fact, there would be a double advantage because, as my wife often tells me — she is a paramedic — 85% of incidents that paramedics go out to are related to alcohol abuse. Tackling alcohol abuse would massively reduce the need for emergency services, and, therefore, the Minister's budget would be well and truly down.

For those reasons, I am keen to come to a sensible balance; that is why I support amendment No 21. When we looked at the evidence on what clubs need to do to survive, I found it ironic that so few of them used the provision for 52 late openings a year. In fact, I did a survey of clubs in my constituency and discovered that none uses the 52 late openings.

Perhaps that says something about the need for them. Why do some clubs want more than 52 late night openings? My colleague Simon Hamilton came very close to the reality: some of them want to go into competition with other parts of the trade. That should not happen. Are they losing sight of what they are there for? They are there to support sports financially and keep them running, and they are given distinct advantages so that that can be done efficiently. They do not have all the overheads and regulations that pubs and hoteliers have to put up with. That speaks for itself.

I reject amendment No 23. I find it repugnant that anyone would allow children to stay in a club until 11.00 pm. In fact, I find it difficult to understand why parents would want their children to be in that sort of environment even until 9.00 pm. However, that is a matter for those parents. It would not happen in my household, but that is a different matter. Am I right, Mr Speaker, that that amendment has been withdrawn?

Mr Speaker: Let us be clear: it is up to the Member to clarify his intentions at the time.

Mr Craig: Thank you, Mr Speaker. I await that with anticipation. I do not think that there would be much public sympathy for the idea that children could stay until 11.00 pm in an atmosphere where alcohol is sold openly.

I also reject amendment No 24, which would omit restrictions on clubs. It is incredibly amusing that the Civil Service club is making those advertisements down the road. In fact, what it is advertising is quite enticing, and, given the lateness of the hour, I am, to be honest, very tempted to take the offer up on the road home. Then again, I would need three members to sign me in, and it is debatable whether three of them would want to do that.

I am content to support amendment Nos 25 and 26. I reject amendment Nos 28 and 29, which weaken the penalty on licence holders for failing to provide information to the authorities. In most cases, the penalty is probably not required, but it should not be weakened.

The Minister for Social Development: I thank everyone for their contributions, and I will resist Mr McCallister's invitation to make a long speech. I will have the opportunity at Further Consideration Stage, so the punishment is only delayed.

As I said, the Executive's view and my view is that the Bill should allow 104 late licences a year. I appreciate that that is a difficult matter to judge. I am not diminishing any or all of that. Mr Craig, rightly, rehearsed the risks of alcohol abuse and said that a difficult balance is to be reached. Despite the fact that generations of his family have followed the path of temperance, it is interesting and noteworthy that Mr Craig still puts his name to the argument for an increase in the number of late licences for clubs. That reflects a proportionate and balanced approach, whatever I might think is the right number of late licences for clubs.

What I have tried to do around alcohol and, indeed, other licensing issues is to strike a balance between mitigating the worst practice and facilitating good practice. By that I mean that the proposals that might be forthcoming on the minimum pricing of alcohol and the proposal on irresponsible drink promotions, which has been endorsed tonight at Consideration Stage, are an attempt to intervene at a legislative and ministerial level to mitigate alcohol abuse and worst practice. At the same time, the proposals try to create around pubs and clubs disciplines to encourage good practice, of which there is much, and to enable pubs and, especially, clubs to have some further flexibility to build on the good work that they reflect in many of the communities around Northern Ireland. My approach is to legislate for and mitigate the worst and, at the same time, facilitate and build on the good practice. That is the approach that I am trying to work through in the various proposals and amendments before us.

The most cogent arguments were, at some length, articulated by Simon Hamilton, but there is a tension in some of the arguments that he articulated and a tension in some of the wider arguments that have been deployed in the debate. In the best argument that has been advanced in the debate, Simon Hamilton pointed out, rightly, that there is no great demand for the number of late licences to increase to 104, 120 or 156. The argument goes that, if there is such a demand, that would be reflected in clubs' uptake of late licences under the current regime. As Mr Hamilton and other Members have outlined, on that basis, there is not much evidence of demand. As Members pointed out, the figures are somewhat limited, but they suggest that only 13% of clubs use the full quota of 52 nights; only 10% of clubs use between 41 and 51 nights; only 10% of clubs

use between 31 and 40 nights; 48% of clubs use between one and 30 nights; and 27% of all clubs — that is, nearly 30% — do not use any late licences at all. Therefore, in one way, the argument that there is no demand is confirmed by those figures. However, the consequence is that nobody in the Chamber, including Simon Hamilton and his colleagues, should put their name to any increase beyond 52 licences, yet they have done so. If there is no demand, we should follow the evidence, and people should hold to the argument that there should be no increase to 85 licences, never mind a higher figure. Yet, Members are going down that road because there is something informing their judgement that says that, whatever the figures might be in respect of the current entitlement under the law, people think that there is a need for more flexibility.

8.15 pm

The second argument that Mr Hamilton advanced was that, if the number of late licences were increased to 104, it would threaten other licensed outlets, such as bars and restaurants. However, if the figure were increased to 85, it would also threaten them. I do not accept the argument that, if the figure were increased to 85, it would not threaten other outlets, yet, if the figure is increased to 104, those outlets would be threatened. The difference is 19 late licences. On the basis of the current uptake of late licences, the vast majority of clubs would not use those 19 late licences. Therefore, I do not accept the argument that, if I and others endorse the increase to 104, it will somehow threaten restaurants, when, according to Mr Hamilton's logic, an increase to 85 would not threaten them. Regardless of whether the figure is 85, 104 or 156, the evidence suggests that they would not take them up anyway. Therefore, on the basis of the evidence, there is no real argument to suggest that, if the number of late licences is increased, it will have a disproportionate impact on other licensed premises. The evidence does not back it up.

Mr Craig: Will the Minister give way?

The Minister for Social Development: I will give way in a moment. The consequence is that the figure of 85 is as arbitrary as 104, which is as arbitrary as 156. There is no particular argument for coming down in favour of 85 over 104.

That leads me to my third argument. There is no credible basis for concluding that an increase

to 104 licences in all those circumstances would be a tipping point in respect of the impact on restaurants, the level of alcohol abuse or any other credible criteria. There is no reason to suggest that 104 is so different from any lesser figure that it will somehow have a disproportionate impact and mean that we cannot go down that road.

If Simon Hamilton, Jonathan Craig and others have an argument, which they do, it should be to hold to 52 late licences and oppose any increase. To oppose any increase is consistent with the apparent evidence on the take-up of existing licences. If there is a threat to other licensed premises, opposing an increase will mitigate that. If the figure remains at 52, it will create further disciplines around licensed clubs in a way that mitigates the risk of alcohol abuse. The consistent, logical, rational argument, based on those that were advanced by Simon Hamilton and others tonight is to hold to 52 late licences, do not increase it to 85 and certainly do not go any higher.

That leads me to the reason why we should decide to have 104 late licences. The figure of 104 will not have any adverse, disproportionate impact on other licensed premises. It will create an opportunity for a small number of clubs, which might increase over the next number of years, given the situation that we face in Northern Ireland where, unfortunately, people will need to rely on using their own resources to get on in life. That will lead to a greater demand for licensed clubs in the North, especially sporting clubs, to fulfil their wider social responsibilities, including social cohesion. If clubs are given 104 late licences, a small number — perhaps, only 13% now or 20% in the future — will be enabled and given the opportunity to do good work and business in communities in every walk of life in Northern Ireland. That figure may be as arbitrary as any other, but it is also as good as any other. It creates the opportunity for clubs to develop their work in communities without having to look over their shoulder and worry that they might be on the wrong side of the law when it comes to various activities. Not many clubs will take up that number of late licences, but, if just 10% or 20% of them plan to do so, they should be given that opportunity. They play a role in society that other Members have spoken about. It is as good a figure as any other. However, it does not carry the risks of any other figure. In those circumstances, I commend that amendment to the House.

I want to make a number of issues clear about other amendments, some of which are now not moved and some I am prepared to consider. As I indicated to those who tabled the amendments, there is one that I have no sympathy with: the amendment to the schedule that would treat all offences in respect of certain club activities in the same way. It is a false and bad principle of law that, regardless of whether an offence is serious or less serious, it will incur the same and equal penalty. That is hostile to all good legal practice and proper convention. As Mr Simon Hamilton mentioned, our society would not have any understanding of a principle legislated for by the Northern Ireland Assembly that says that, if someone is bad, they are treated as though they were less bad. That is a moral, political and practical principle that I do not agree with. It is hostile to all good law and precedent.

I am prepared to look at the issue of children in licensed premises between 9.00 pm and 11.00 pm. It is simply a fact that sporting activities will take place at those times. Most people believe that much of that has to do with the interests of the GAA and other sporting clubs. This afternoon, I spoke to someone from a soccer club at which almost 300 young people are involved in activities. Those young people want to go into the licensed premises, as he put it, “for a Coke and a packet of crisps”. In many instances, clubs’ premises do not have the capacity, as Simon Hamilton indicated, to dedicate a particular area for the use of young people after 9.00 pm.

The issue, now that many sports clubs have floodlights and, particularly, during the summer, is how to accommodate the needs, sporting or otherwise, of clubs that respond to the needs of young people in their area. Is there an argument that flexibility could be shown on access to licensed premises during part of the day without the worst fears, which I understand and which were outlined by Jonathan Craig, about young people being in a drinking environment?

I said that I would look at the issue of advertising. Is there an issue of fair and proper competition in allowing clubs to advertise to their own members? In respect of offences, endorsements and whether certificates of registration should be valid for three years or less, options of one, two or three years might be worth exploring.

I made it clear to those who withdrew amendments that it would be difficult to achieve consensus

on any or all of those matters. It will be very difficult, but, given the conversation that has been going on inside and outside the Chamber, it is worth exploring those matters to see whether something can be evolved and developed between now and Further Consideration Stage that will, in a sensible and proportionate way, make proposals to answer those needs.

Question put, That amendment No 20 be made.

The Assembly divided: Ayes 22; Noes 34.

AYES

Ms M Anderson, Mr Attwood, Mr Boylan, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mrs D Kelly, Mr A Maginness, Mr A Maskey, Mr F McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr Murphy, Mr O'Loan, Mr P Ramsey.

Tellers for the Ayes: Mr Burns and Mr McDevitt.

NOES

Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Dr Farry, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Weir.

Tellers for the Noes: Mr Craig and Mr McCallister.

Question accordingly negatived.

Mr Speaker: Amendment No 21 is mutually exclusive with amendment No 22.

Amendment No 21 proposed: In page 18, line 42, leave out "120" and insert "85". — [Mr Hamilton.]

Question put.

The Assembly divided: Ayes 34; Noes 21.

AYES

Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Dr Farry, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Weir.

Tellers for the Ayes: Mr Craig and Mr McCallister.

NOES

Ms M Anderson, Mr Boylan, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mrs D Kelly, Mr A Maginness, Mr A Maskey, Mr F McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr Murphy, Mr O'Loan, Mr P Ramsey.

Tellers for the Noes: Mr Burns and Mr McDevitt.

Question accordingly agreed to.

Mr Speaker: Amendment No 22 is mutually exclusive to amendment No 21, which has been made. Therefore, I will not call amendment No 22.

Clause 9, as amended, ordered to stand part of the Bill.

Amendment Nos 23 and 24 not moved.

Clause 10 (Ancillary Provision)

Mr Speaker: Amendment No 25 is a paving amendment for amendment No 26.

Amendment No 25 made: In page 19, line 4, leave out "subject to negative resolution,". — [The Minister for Social Development (Mr Attwood).]

Amendment No 26 made: In page 19, line 8, leave out subsection (2) and insert

"(2) An order under this section may amend, repeal, revoke or otherwise modify any statutory provision or document.

(3) The power conferred by this section is not restricted by any other provision of this Act.

(4) An order shall not be made under this section unless a draft of the order has been laid before, and approved by a resolution of, the Assembly." — [The Minister for Social Development (Mr Attwood).]

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

Clauses 11 to 14 ordered to stand part of the Bill.

Schedule 1 (Schedule to be inserted in Licensing Order as Schedule 10A)

Mr Speaker: Amendment No 27 is consequential to amendment Nos 8 and 9.

Amendment No 27 made: In page 21, line 32, at end insert

“57A(5)	Contravention of regulations as to irresponsible drinks promotions	5-6
57B(2)	Contravention of regulations as to pricing of intoxicating liquor	5-6”

— [The Minister for Social Development (Mr Attwood).]

Schedule 1, as amended, agreed to.

Schedule 2 (Schedule to be substituted in Registration of Clubs Order for Schedule 6)

Amendment Nos 28 and 29 not moved.

Schedule 2 agreed to.

Schedule 3 (Amendments)

Amendment No 30 made: In page 24, line 3, at end insert

“ . In Article 2(2) (interpretation)—

(a) in the definition of ‘licence’, after the word ‘Articles’ insert ‘57A, 57B;’

(b) in the definition of ‘licensed premises’, after ‘55,’ insert ‘57A, 57B;’ — [The Minister for Social Development (Mr Attwood).]

Schedule 3, as amended, agreed to.

Schedule 4 agreed to.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Licensing and Registration of Clubs (Amendment) Bill. The Bill stands referred to the Speaker. I ask the House to take its ease before we move to the next item of business. However, I ask Members to maintain a quorum.

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

Transport Bill: Further Consideration Stage

Mr Deputy Speaker: I call on the Minister for Regional Development to move the Further Consideration Stage of the Transport Bill.

Moved. — [The Minister for Regional Development (Mr Murphy).]

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Transport Bill today. Members will, of course, be able to have a full debate at Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Motion made:

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

Adjournment

Mr Paul McCauley

Mr Deputy Speaker: The proposer of the topic for debate will have 15 minutes in which to speak. All other Members who wish to speak will have approximately six minutes. Given the topic of tonight's debate, I warn Members to exercise the utmost caution and to be particularly careful to say nothing that may prejudice any future proceedings.

Ms M Anderson: Go raibh míle maith agat, a LeasCheann Comhairle. I thank the Business Committee for agreeing to the debate. I also thank those Members who have stayed on, and I particularly thank Minister Conor Murphy for staying to hear the opening contribution.

I pay tribute to Paul McCauley's family and to all families in similar situations. I accept that many families have suffered, and I put on record that all of those families are entitled to justice. However, we focus this evening on the attack on Paul McCauley, and this Adjournment debate is on behalf of his family.

I first met Paul's father, Jim, formally on St Patrick's Day last year after he had requested my help, as a member of the Policing Board, in getting the PSNI to renew its investigation. Since then, we have met on many occasions. Throughout, I have been in awe at the quiet dignity and determination that the McCauley family have displayed during their heartbreaking search for justice. They spend hours every day with Paul in hospital talking, playing music, reading to him, caring for him and just being there with him. Their courage and commitment to their son is a fine example to us all.

It is almost five years since their lives were shattered by the brutal sectarian attack on their much-loved son in July 2006. Paul, a young father with his whole life in front of him, was cruelly robbed of his future during a frenzied attack that caused devastating injuries. Now, Paul is capable only of blinking, which his family believe is his means of communicating

with whoever is speaking and trying to make themselves understood to him.

Paul, like any young person on a summer's evening, had been enjoying a barbecue at a friend's home in the Waterside area when a gang carried out an unprovoked attack. His head was repeatedly stamped on as he lay on the ground. He has never regained consciousness and is still in a vegetative state. His two friends, one of whom is disabled, were also severely beaten.

Up to 15 people were involved in that brutal attack, but only one person has been convicted. That is why we are here today. There is nothing that any of us can do to give Paul back the life that was stolen from him. There is nothing that we can do to bring back the son, brother or father who is trapped in a nightmare from which there is no waking. The only thing that we can do is to help to get justice for Paul and his family. They are enduring a life sentence while the perpetrators of this cowardly and brutal crime are free to walk the streets of our city.

I acknowledge the fact that the PSNI agreed to review its investigation and that it has directed additional resources towards it. All of us remain hopeful that a renewed focus might provide a breakthrough. However, that is only the first step. The fact is that up to 15 people were involved in the attempt to murder Paul and his friends, and their identities are well known in their community. They received assistance on the night of the attack, but there is no doubt that information has been withheld from the PSNI. Jim McCauley, Paul's father, refers to that as the wall of silence. He has made a direct appeal to unionist politicians and people with influence in the area of unionism from which those individuals came to help to break that wall of silence in their tradition.

I have visited Paul, as I know others such as my fellow MLA Pat Ramsey have done, and I wish only that those who continue to protect Paul's attackers could see the pain and suffering that he and his family endure. Perhaps then they would have second thoughts about shielding those responsible. There is an onus on every one of us, and particularly on elected representatives, to encourage those with information about the attack to come forward. If leaders of unionism were to join us in that appeal and work in their tradition to get people to come forward, that would send a positive and reassuring message

to the McCauley family and, indeed, the wider community of Foyle.

I do not underestimate the challenge. When Emmet Shiels was murdered under terrible circumstances, the Bogside and Creggan rallied round, and Raymond and I, along with many others, were involved in that rallying and encouraged people to work with the PSNI. I appeal to anyone with influence in the unionist tradition to help to break this wall of silence.

Mr McCallister: I am grateful to the Member for taking an intervention.

The Member describes a terrible and dreadful case and circumstances that no one would wish on any person or family. It was a despicable and deplorable attack on someone enjoying an evening out that ended in such awful and tragic circumstances. The family has to live with the nightmare of the stress and strain and has to endure that for the duration of their lives. That is a difficult sentence for any family.

As an elected representative of the Ulster Unionist Party, I have no trouble whatsoever in calling, and supporting the Member's call, for people to come forward with information to the police in whatever format or in whatever way that is of use to bring the perpetrators of this dreadful attack to justice. As elected representatives, we want to encourage people to come forward, and sometimes that is not easy. I join her in calling anyone from any side of the community who has information please to come forward and give it to the police. The information can be given directly to the police or via a confidential telephone. I urge our councillors on Derry City Council to give that information because it is vital that the perpetrators be brought to justice.

Ms M Anderson: I really appreciate the Member's intervention and all that he said. Without even having spoken to Jim McCauley and his wife Cathy, I know that they will appreciate everything that the Member said.

It is that direct appeal for information and assistance that prompted me to secure this debate, after having raised the idea with the McCauley family. It is also an opportunity to encourage the Justice Minister to utilise all means at his disposal to ensure that the perpetrators are caught and convicted.

9.00 pm

As I have already stated, the PSNI has reviewed its investigation and additional resources have been directed towards it. However, it would be reassuring for the McCauley family to hear directly from the Minister. I know that he will respond to the debate, and I thank him for being in the Chamber. I know that he will leave no stone unturned in the hunt for justice.

It is not just about resources. There are many legislative implications that the Department of Justice should be exploring. For example, the one person convicted of this attack, Daryl Proctor — I assume that I can name him because he was charged and convicted — was sentenced for causing grievous bodily harm with intent. Despite what he was charged with, that is what he was convicted of. Many people will ask why an attack of this nature, which caused such terrible injuries, was not treated as attempted murder.

It is easy, therefore, to understand the hurt and pain that the family feel and what they have endured. Instead of the community challenging Daryl Proctor and all the others who were involved — I listened to the intervention made this evening — that man was given a reference from a leading community worker in the Fountain. That is a very negative message to send out to people. I say that especially given the continued refusal of Proctor to co-operate with the PSNI. That, in itself, should be a primary consideration when he applies for parole, if that is within the gift of the Minister.

Other disturbing aspects of this case have come to light largely as a result of the efforts of the McCauley family. I mean things like the hate messages and the sectarian bile that have been posted on social networking sites by those allegedly involved in the attack. That behaviour, along with the apparent inability of the PSNI to take decisive action against the hate crime, are issues that the Department could look at and address.

Although there are many issues that the Assembly should address as a result of this case, today should also be about showing solidarity and support to the McCauley family on a human level. Not everyone in the Chamber would have attended the event that I was at this weekend, but I joined many thousands of others from across Ireland and across the world in a march through Derry in support of the Bloody Sunday

families and their long arduous 39-year battle for justice. Here we have another grieving family who are facing their own battle for justice, and it is important that we send the message to the McCauley family that they are not alone. There will be people with them every step of the way. They have our love, solidarity and support, and we will do everything in our power to help them to get justice for Paul. Go raibh míle maith agat.

Mr P Ramsey: I thank Martina Anderson for securing this Adjournment debate. It is an appropriate debate for the Assembly, given the awfulness of the circumstances and the shadow that is hanging over the crime against Paul McCauley.

Paul McCauley was 33 years of age. In July 2006, he and a number of friends were having a summer barbecue, as young people do when the weather is good, when, unprovoked, a gang attacked them, viciously and badly. Martina made the point that Jim and Cathy are so deeply, deeply distressed by all this. They are very proud parents of Paul, who was doing exceptionally well within the Civil Service. He was working for the Department of Finance and Personnel and was moving in the right direction in the Civil Service.

I am delighted that the Minister of Justice is here to listen to the debate. Jim and Cathy McCauley have behaved in the most dignified manner in the circumstances, but they feel desperately let down by the justice system. They feel that a proper, full police investigation did not take place in 2006 in the Waterside in Derry. Martina Anderson, rightly, referred to that. Jim McCauley will not mind me saying that he is forensic in his outlook. He painstakingly tried to gather evidence about what happened in order to present a circumstantial case. He was always met by barriers.

I visited the young man in the brain injury unit in Altnagelvin Area Hospital, as did Martina. No one would want to visit a son or a brother in those circumstances. When I was there for half an hour on two occasions, I saw only absolutely limited movement in his body. To all intents and purposes, he is in a long-term coma. His parents visit him daily to carry out what they believe are various types of therapy; Cathy McCauley is a nurse herself. However, they are struggling to make sure that he is getting the proper treatment from the Health Service. They struggled at the beginning to get the various

levels of therapy that are necessary for bodily movements.

Paul McCauley should have died as a result of his injuries. He is only living today because of the skilful hands of the surgeons at Altnagelvin Area Hospital and the Royal Victoria Hospital. Jim and Cathy are thankful for that, and, as they say themselves, only the prayers of their family and friends have kept their hope and desire alive that there will be further movement, development or progression in Paul's health.

Martina Anderson said that she took the case to the Policing Board. Along with Jim McCauley, I have met senior police officers in Strand Road at different times when we felt that more progress should have been made, whether on CCTV evidence; on apprehending those people who would appear to have been identified as being responsible for the attack; or on following up on material, thoughts and suggestions that Jim had. He is painstaking and methodical in his pursuit of the matter, because he does not believe that people should be getting away with murder. I concur with that. Paul McCauley is, to all intents and purposes, in a long-term coma. We all hope and pray that a miracle could occur that would enable his mother and father to have the joy that a son can bring.

One young man, a teenager from the Fountain, has been found guilty of grievous bodily harm and is serving a 12-year custodial sentence. There are others who the McCauley family believe are finding some comfort in the unionist or loyalist communities in the Waterside. An IMC report in 2008 confirmed that there was UDA involvement in the attack, but the IMC did not even tell the McCauley family about it. Jim McCauley only found out about it when someone in the press contacted him to ask whether he had seen the IMC report. There is a lot of material around that should and could have been dealt with better by the justice system or whoever was responsible.

However, that is no reflection whatsoever on the current Minister of Justice. I have confidence in David Ford that he would feel that meeting Mr and Mrs McCauley — Jim and Cathy — who, like their son, are decent, honourable and law-abiding people, would be time spent appropriately. It is tragic that, really, a young man's life has been taken away.

Mr Spratt: I thank the honourable Member for giving way. I apologise for not being here at the

start of the debate, but I heard some of it from my office upstairs. I have read about this case in the press and, as a member of the Policing Board, I know that Martina Anderson has raised it at several of our meetings. I do not know the full ins and outs of the case. However, a horrific crime such as this cannot be condoned by any section of the community, no matter what side that is. If stones have been left unturned by the Police Service or in the investigation, and if there is fresh evidence, the crime needs to be revisited and reinvestigated.

It appears that a number of elements of the case need to be re-examined. If anyone from the unionist community has any information whatsoever, they should present it to the PSNI. As a former police officer, I make no distinction between any cases. I have urged that approach in cases right across the board. I just wanted to put on record, from this side of the House, that we would support any further investigation. I do not want to eat into the Member's time any further, and I thank him for allowing me to intervene.

Mr Deputy Speaker: The Member was given an extra minute, but it is nearly up already.

Mr P Ramsey: I genuinely welcome Jimmy Spratt's intervention. It is most appropriate, because the family feel that, at times, they did not get enough support. The concerns that have been expressed, and the fact that John McCallister and Roy Beggs are here as well, will be noted. Jim McCauley has some hope that the new inquiry, led by new detectives, will uncover something that can bring closure to the case and bring those responsible for attempting to murder their son to justice.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I, too, welcome the fact that this subject has been brought to the Floor of the Assembly. I thank Martina Anderson for doing that and those who have contributed to date. I have not met the McCauley family. However, in the aftermath of the sentencing of the man responsible, Mr McCauley gave an interview on Radio Foyle. Over the best part of an hour, he outlined, in very clear, precise and straightforward terms, what he and his family expect from the justice system. He identified particular failings, but he did not do so with any sense of rancour or bitterness. He did it with a sense of what he felt people should expect the justice system to deliver and a sense

that the justice system had failed him in this circumstance.

The fact that we are having this debate tonight will give the reassurance and support that he asked for. He said in very eloquent terms that the court case should not mean that the case is finished. Martina Anderson has led on behalf of my party, and Pat Ramsey has done a great deal of work to ensure that no stone is left unturned. The PSNI has reinvestigated the circumstances and said that they are hopeful that more charges will follow with more evidence, and we all hope that that will be the case.

We want to reassure the McCauley family and offer them support and guidance, and I think that they will take some comfort from tonight's debate. Adjournment debates are sometimes the preserve of Members from a particular constituency. However, the fact that John McCallister, Jimmy Spratt and Roy Beggs, who are not from the Foyle constituency, are here tonight will give some comfort and solace to the McCauley family.

9.15 pm

Mr Beggs: I wish to put my comments on the record. Clearly, this was an unprovoked attack by a gang. I think that the case has similarities to one in my constituency in recent years in which a UDA gang was responsible for an attack on a man. The full support of the rule of law should be given to this. Therefore, I urge anyone who has any information to pass it directly to the police or, if necessary, to contact Crimestoppers on its confidential number so that the case can be further progressed and those responsible held to account.

Mr McCartney: I thank the Member for his intervention. His point is well made. Indeed, the fact that the Minister is here and will respond to the debate is another plank in the support and reassurance that the Assembly is offering to the family. During the Radio Foyle interview, Mr McCauley said that when looking for support and guidance, he was able to get it from people directly linked to the Policing Board. He talked about the absence of access to the justice system, which at that time may have been remote. At least we now have a Minister who is here and is accountable. He is open to meeting families, victims and other people who may have questions about the justice system, and they will get answers, although perhaps not the answers that they seek. However, they

will certainly have a sense that the Minister is listening and willing to respond.

I again thank Martina Anderson for bringing the Adjournment topic to the House and I welcome the fact that all the MLAs from Foyle are here and there is cross-party support. The Speaker cannot be part of this discussion because of protocol, but I have absolutely no doubt from his public statements that he, too, is very supportive of the McCauley family. He has shown leadership in this when, at times, it might have been absent elsewhere.

Mrs M Bradley: We always say that our thoughts and prayers are with the families, but we do not really know how they feel, and no one can imagine how the McCauley family feels. This has been going on for far too long, and I am sure that the family are worn out. I just hope that the Minister highlights the case, gives it whatever priority that he can and keeps it before the police at all times, because they really need to reinvestigate it. The case must not go away until the police have found the people who committed this awful deed against that young man. Until then, they need to keep working at it.

I ask anyone in the communities with even the smallest piece of information to come forward and give it to the police. The tiniest piece of information could be the most important that the police ever get. I urge anyone who has information please to come forward to help the family to find those who did this to their beloved son and help them to get the peace that they need to live again. At least they will then know that they got justice for their son. Paul has not had justice, because he has been lying in a hospital bed for years and can do nothing at all. He cannot communicate with anybody. His parents can go to the hospital to see him and tell him how they feel, but he cannot speak to them. Therefore, if people in the communities know anything, their conscience should be telling them to come forward. Please have the courage to come forward for the family.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. I also thank Martina Anderson for bringing the topic to the House for our attention. It is evident that the family have suffered not only a heinous wrong but an ongoing trauma as a result of this despicable attack. However, the wider community in Derry has experienced its own shock and trauma at the fact that such hatred was present on its streets and that such

a deed could be committed on the back of that hatred.

It is also worth noting that although Paul was obviously the person who was most grievously affected by the events of that evening, other people were injured. Many people who witnessed the savage attack remain traumatised as a result of that heinous barbarism. The House should also note, and I think that it already has, how the barbarity inflicted by that gang in the Waterside on that occasion contrasts starkly with the heroism of the paramedics who attended the scene, the hospital staff who treated Paul then and since, and all those who continue to provide care, treatment and support to him and his family.

For many people, the 'Spotlight' programme that was shown in 2009 brought back in a very real way the impact and effect of that action on the family and our community. It uncovered a very disturbing and deep sectarianism that, if we are honest, many of us in Derry did not realise was quite so deep and still so live, particularly the bile that was published on Facebook by Daryl Proctor and others.

Since then, there appears to have been an omertà, with information not coming forward from parts of the community in our city. I reiterate the call from other Members for anybody with any information whatsoever to bring it to the police through whatever means they feel most comfortable with. The family deserves justice. As Jimmy Spratt said, no stone should be left unturned; there should be a full and complete investigation.

In his decision on the Daryl Proctor case, Justice Hart was absolutely unequivocal as to the sectarian intention of the gang. Sectarianism has deprived Paul of a fulfilling life. He is more or less the same age as me. It has deprived his family of many special moments over the next decades. The message that should go out from this House is that there can never be any cover for sectarianism in our country. The message that should come out from every citizen of our city is that there is no place for sectarianism there either. People in our city and in our community clearly have information relating to this attack, and they need to bring it forward, in the interests of justice and decency.

I call on everybody, including Daryl Proctor, who was at the scene at the time of the attack, to make known whatever information they have to the relevant authorities. They need to look to

their own humanity and they should make that information available to the police for the sake of that family and the wider community and for better relations and a better future for our city and for the North.

Mr B McCrea: I realise that the hour is late, and it was entirely appropriate that Members from the constituency should speak first, but I wanted to stay to add my contribution. It is worth saying, although it has been mentioned a number of times, that there has been an *omertà*, a failure by people from one section of the community or another to come forward.

I am aware that other Members here — Mr McCallister, Mr Beggs and my friend Jimmy Spratt from the DUP — have already spoken. That is testament to the horror that we all feel about this particular issue. No one who knows anything about even the most basic humanitarian aspect of this can feel anything other than abject horror about what happened to this individual. In a very genuine sense, our thoughts are with the family.

Of course, other Members have spoken about that more eloquently than I can. Suffice it to say that we recognise that it is a very human tragedy. The little contribution that I can make, being some distance removed, is to say to those Members who talk about sectarianism or its root causes that there is absolutely no justification whatsoever for anything as abhorrent as what happened. I do not care what those people's motivations were; it was just not right. It was not humanity.

What happened brings us certain challenges. One has to be careful in how one addresses the matter because there are, of course, deep and underlying issues. It is important that all of us look to find ways to make sure that that sort of thing is not tolerated in our society. There is always a challenge when people speak the platitude that they would like people to come forward with more information. That can be very challenging for people; it is not an easy option. People worry about what the fallout might be for them. They probably think that they do not know very much anyway. We, as politicians, have to try to find a way to create the conditions in which people can come forward and help, no matter how much they think they know. Even sympathy has a part to play. Even if someone can do nothing about solving the crime — I would like to hear from them if they could — it

is absolutely appropriate that we say collectively that we will not tolerate that type of behaviour.

I realise that the point of having this Adjournment debate is to highlight an issue that is not being focused on. The benefit of the debate is that we will address it again. Mr Spratt said that he and other colleagues will raise the matter at the Policing Board, and I will certainly do the same. We will look at it again. I suspect that it is not an issue of policing. I suspect that the police want to investigate, but that can only be taken as far as the evidence allows.

On that note, I conclude. I offer my sincere and heartfelt sorrow to the family and to Paul. I pledge to do whatever my colleagues and I can to help.

The Minister of Justice (Mr Ford): In securing this debate, Martina Anderson has raised concerns about a matter that is obviously of considerable importance in Derry. However, the debate has also flagged concerns that Members from other parts of Northern Ireland may well recognise. As others have said, unusually for an Adjournment debate, Members from outside Foyle are present and a number have participated. Importantly, the debate has brought home to us the deep sorrow and anguish of the McCauley family. It has confirmed the universal sympathy of the Assembly for their present troubles. Indeed, it has also shown a significant unanimity against acts of sectarianism and hate crime.

I pay tribute to the McCauley family for the strength and dignity that they have shown since Paul was so brutally attacked. Coming to terms with Paul being left in a coma has been an extremely harrowing experience for them, and I am sure that Members agree that that trauma continues daily. I am fully aware that everyone must be circumspect when discussing in a public forum a matter that is still the subject of a live police investigation. It would be a particularly unforgivable fault for a Minister of Justice to in any way compromise the likelihood of success in an investigation or jeopardise the possibility of further prosecution and conviction. Therefore, I am keen to temper Members' expectations of what I can say this evening.

In any case, I, as Minister, should not expect, nor should I be expected, to know the details of a police investigation. Extensive reforms of policing have been undertaken to ensure that any perception of ministerial involvement or interference in operational policing is removed.

It is the bedrock of the confidence that the public have in the PSNI. It is fundamental to the role of the Chief Constable and the basis of the functioning of the Policing Board. Likewise, it is essential that decisions on prosecution are taken out of the reach of politics, and that decisions of guilt or innocence are made without political interference.

9.30 pm

However, in light of the Member securing the debate, I have asked the PSNI to provide me with an update on the current position so that I may inform colleagues in the Chamber. It is important, therefore, to place on record the following points. As is standard practice, a serious crime review into this particular crime commenced in March 2010. As a result of the review by the PSNI's serious crime review team, a number of investigative lines of inquiry were proposed. On completion of the review, in September 2010, responsibility for the investigation was passed to C2 serious crime branch. The senior investigating officer in the case met Paul McCauley and his parents, and he has given assurances that the investigation is a priority case for the C2 serious crime branch and is progressing to identify persons not yet charged for the attack on Mr McCauley. A number of lines of inquiry are being pursued. The senior investigating officer is satisfied that he has sufficient resources to advance the investigation.

Alongside those specific facts that I have received from the PSNI, I can make some further general points about the dedication and capabilities of the Police Service. The case is being treated with the utmost seriousness. It is being dealt with by the most senior investigative authority in the PSNI, namely C2 serious crime branch, and the family are being kept informed of the progress of the investigation. I understand that they remain hopeful of further successful outcomes.

On the views that have been expressed generally and, to some extent, this evening on the insufficiency of police resources at the time of the initial investigation, I can say that I have received reassurances from the PSNI that resourcing was not a critical issue, although the type of investigation and the paucity of investigative opportunities were relevant. On the wider issue of the adequacy of police resources, I confirm that I remain committed to

ensuring that the PSNI has sufficient resources to enable it to deliver an effective police service to all parts of the community. Work is ongoing with key stakeholders in the PSNI to help to inform Budget 2010 priorities. I am determined to protect front line services and to make back-office efficiencies, to ensure that we get the best possible value for money. That is reflected in the fact that the PSNI budget is being protected more than any other part of the Department of Justice budget. I am also assured that other resources needed in the Department are being made available to the investigation.

A couple of specific questions were asked concerning details of the legal process regarding Daryl Proctor. The issue is that it is for the police to draw evidence and the PPS to lay charges. Sentencing issues are most definitely not for the Minister; they are for the courts. I am not party to the decisions of the prosecutor or the courts. Nevertheless, there are clearly issues of concern, which cannot be answered at this stage. For example, why was the charge of attempted murder not proceeded with? Ms Anderson asked whether the statute book is adequate in that respect. I give her an undertaking to look into the issue. Likewise, any parole decisions in relation to Daryl Proctor or anybody else are for the independent Parole Commissioners, not for the Minister.

The focus of this evening's debate has been on justice for Paul McCauley. As the Minister of Justice, I want to see that delivered. However, more than that, I want to see justice for all, not just as a catchphrase, but as a genuine means of tackling delays in the criminal justice system, speeding up justice and delivering a justice system that everyone can have confidence in. I believe that we need to do that for two reasons. First, because a system with avoidable delays is inefficient and costly, and money could be better spent, and, secondly, and most importantly, because it simply is not fair on victims, their families or, indeed, those on trial that it is so long from the date of a crime to the sentence date. It is right that we have high expectations of the police. On the other hand, we must not leave it to them to solve all society's problems.

In holding the police to account, let us not lose sight of our responsibilities. Tonight's debate is a timely opportunity to remind Members that, in investigating crime, the police need evidence in order to bring charges. The PSNI

relies on the support of the community and on people bringing forward vital information that may provide the key that, in turn, leads to a successful prosecution. I urge anyone with information about the brutal attack on Paul McCauley just over four years ago to come forward to the police, because their information could make a difference. I welcome that fact that John McCallister, Roy Beggs, Jimmy Spratt and, most latterly, Basil McCrea — as unionist Members — repeated that call this evening.

Mr Deputy Speaker, as you will know, Mr Speaker, Mr Hay, has privately and outside the Chamber made the same call. As Minister of Justice, I repeat that call: anyone who has any information whatsoever that could assist in any way has a duty to assist the police to ensure that the other perpetrators of this crime are brought to justice.

In conclusion, I reiterate my sympathy for Paul and his family and make it absolutely clear that although I cannot interfere in operational decisions, if the family wishes to meet me, I am available to meet them, as I have met other victims of other serious crimes. I know that in expressing that sympathy, I speak, as other Members have done, for the entire community in which we live.

Adjourned at 9.35 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.

Written Ministerial Statement

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Justice

Community Safety Strategy: Launch and Publication of 'Building Safer, Shared and Confident Communities'

Published at 9:30 am on 20 January, 2011

The Minister of Justice (Mr Ford): I am pleased to inform Assembly Members of the launch and publication today of the Department of Justice's (DOJ) 'Building Safer, Shared and Confident Communities', a consultation paper on proposals for a new Community Safety Strategy.

This consultation paper sets out my proposals for a new Community Safety Strategy for Northern Ireland, which will contribute to creating safer, shared and confident communities over the longer term.

Much good work has been done in recent years to prevent and reduce crime and anti-social behaviour and to build communities that feel safe. I intend to build on what already works, with evidence-based solutions tailored to the needs of local communities.

This is an important consultation, setting out proposals to shape a new approach to building safer, shared and confident communities in the years ahead. I would encourage members to ensure that you and your constituents contribute to the consultation process.

The consultation period will last for 12 weeks and close on Friday 15 April.

Copies of the consultation paper are available from the Department's Community Safety Unit in hard copy and I have also arranged for copies of the paper to be available in the Assembly Library.

It has also been published on the DOJ website www.dojni.gov.uk as well as NIDirect website www.nidirect.gov.uk.

Social Development

Welfare Reforms – Incapacity Benefit Reassessment

Published at 4.00 pm on Tuesday 25 January, 2011

The Minister for Social Development

(Mr Attwood): Assembly colleagues will be aware of my unease over the range, nature and pace of Welfare Reform initiatives put forward by the Coalition Government. Given Northern Ireland's unique political and social history and our current economic situation, I have met with Department for Work and Pensions Ministers on a number of occasions and strongly expressed my concern that time, flexibility, proper phasing and acknowledgement of our conditions is vital in the implementation of such changes in order to protect the most vulnerable in our society here.

The most immediate of these Welfare Reforms is Incapacity Benefit Reassessment and the Department for Work and Pensions has been trialling their processes in Aberdeen and Burnley since October 2010. I note that Minister Grayling has indicated in a written statement to the House of Commons today that as the London Government sees it the trials have proved successful and that the Department for Work and Pensions will build on the success of the trials and begin building up to full reassessment volumes from May 2011. However, the Minister, at the same time intends to extend the trial to all of Britain, limit the number reassessed up to April 2011 and "ramp up" the numbers thereafter.

In my meeting with Lord Freud, I made it clear that, given the character of conditions in Northern Ireland I would be phasing in reassessment. This already meant that fewer customers are being reassessed in the early

stages to allow the delivery model to be fully tested in Northern Ireland and adjustments made accordingly. I have also tasked my officials with building in additional support mechanisms and safeguards, particularly for those customers who may lose their previous benefit entitlement, to ensure, as far as possible, all receive their welfare entitlements. In noting the announcement in London, it appears that their approach now parallels the one I had already adopted and argued for.

I remain committed to protecting the interests of the most vulnerable people here and this tailored approach to implementation reflects my concerns about its potential impact on customers in Northern Ireland. It does not undo, in my view, the fundamental error in much of the London approach, but a phased approach nonetheless helps.

I will continue to press Coalition Ministers that Northern Ireland requires flexibility in the design and delivery of the proposed Welfare Reform agenda.

Social Development

Adverse Weather Emergency Planning Update

Published at 2.30pm on Monday 31 January 2011.

The Minister for Social Development

(Mr Attwood): Members are fully aware of the recent, unprecedented spell of very cold weather which presented major challenges. I wish to update and draw Members attention to the action taken by DSD, NIHE and Housing Associations in the social housing sector before during and following the recent adverse weather conditions, and to outline actions taken to ensure that, in the provision of a good quality housing service, emergency procedures are fully fit for purpose.

I am making this statement further to preliminary information provided to the Social Development Committee on 20 January 2011, a lengthy attendance at the Committee on 27 January 2011, and further to enquiries from individual Assembly Members. I want to acknowledge the MLAs who brought to my attention individual cases, which helped inform my response as Minister in managing and helping others manage the situation.

I want to first acknowledge the scale of the problems experienced by tenants and homeowners and the scale of response of the DSD, NIHE, Housing Associations, contractors and others. In brief this is the character of what arose. Thousands of tenants experienced burst pipes, heating system failures and other difficulties. Some tenants had their homes flooded with ceilings etc collapsing and electrics being water damaged - causing considerable inconvenience to the tenants themselves - and requiring extensive repair work even after drying out work was completed. Over the period of the 'freeze' thousands of temporary heating appliances (4,900) were distributed by the Housing Executive and others. After the first wave of repairs were responded to or were completed, a second wave connected to the restoration of water supply to many houses where bursts had not yet manifested was addressed.

I am firmly of the view, that even with difficult individual cases and failures that undoubtedly occurred – and from which lessons have been or are being learned – the overall response from

a community of public servants and private contractors increasingly measured up to the scale of need.

I want to pay tribute to the many hundreds of people who manned the phones or carried out repairs day and night and who so willingly gave up much of their Christmas holiday to help their fellow citizens.

I have already stated and reiterate here, that the initial phase of collective response to the emergency, in terms of being able to handle all enquiries and respond quickly, could have been better. In subsequent phases the response improved very significantly and outstanding problems decreased rapidly. Ultimately however, it was tenants who endured the problems and it was tenants who showed great resilience and fortitude in difficult conditions.

I do not need to rehearse that the adverse weather was unprecedented and that its immediate and subsequent impacts were severe. No one should lose sight of that basic fact. However, my view of the role of the Minister is not to observe a gathering crisis and act belatedly.

Ministers need to be in government and in power and that was the approach I adopted in the days before Christmas. Consequently, from Tuesday 21 December, I met with and spoke to senior personnel in the NIHE, namely the Chairman, Brian Rowntree, Acting Chief Executive, Stewart Cuddy, and other senior officials, in relation to their planned response to the weather and their Strategic and Emergency Plan. In doing so, I laid down a number of requirements in respect of the NIHE response and commented publicly on the situation on 23 December 2010. In addition, and in advance of Christmas, I requested an emergency meeting of the Executive because I knew we were facing very difficult challenges, not just in housing but across a range of important and vital public services. I was disappointed that a pre Christmas Executive meeting was not convened. I also spoke with the Health and Environment departments about the possible need to have local government community facilities available over Christmas to cope with temporary accommodation needs should they arise. I also acknowledge Minister Poots who shared my concerns pre-Christmas and undertook to help in whatever way I considered necessary.

Also, mindful of the manifest financial pressures on people and families, I wrote to Iain Duncan

Smith and spoke with the Welfare Reform Minister, Lord Freud, in relation to emergency payments and changes to cold weather payments to assist in a time of need. It is my firm belief that tenants now require particular financial help to address the impact and the legacy of the weather. This is not an exhaustive account of my initial action and that of DSD before Christmas, but it does demonstrate a different and strong approach to that deployed elsewhere.

Before Christmas, the processes put in place by the NIHE were upgraded as a result of their own deliberations and DSD input. This included relocating their Emergency Services Response capability to the Belfast Customer Service Unit to enable better telephone customer response. It was needed. From 17 December to 9 January, the NIHE received 24,777 'unique' telephone calls and tens of thousands more with repeat callers. On New Years Eve there were 3,545 calls, New Years Day 1,125, and New Year Holiday Monday 2,154 calls. As I have said publicly on a number of occasions, in the initial phase the call response could and should have been better. It was clear a further uplift in call answering was required, leading to the use of five Regional Customer Support Units. This also included being operational over the New Year weekend and second weekend in January. Running in parallel to the number of calls was the number of works orders placed with contractors, some 30,300 between 17 December 2010 and 2 January 2011 (14,400 with heating contractors, 16,000 with 'all traders' contractors). I have instructed that there is a full and deep evaluation of the work and response of contractors, many of which did a particularly good job but there are a number who have questions to answer. This issue and that of wider contract management is being addressed now and is part of the response to the recent gateway report.

Beyond the very regular contact with the NIHE before Christmas, I continued to manage the situation after Christmas, leading to a meeting on Tuesday morning 28 December, when I met the NIHE in their Great Victoria Street offices. In addition to laying further and additional requirements in response to the situation, I also instructed that a report be immediately prepared to reconfigure the NIHE response to an emergency. This has resulted in a revised three phase response, which shall include an upgraded telephone response to an emergency. There is no satisfaction in the performance of

the water sector in their response to the crisis but it is of note that comparing telephone response rates on a day to day basis between the NIHE and NI Water, the NIHE response was dramatically much higher than that of NI Water. The figures tell the story. This is evidence of pre-Christmas mobilisation bearing results.

In relation to Housing Associations, there are two Emergency Call systems in place. From 20 to 30 December one emergency service centre dealt with 1,811 calls (double the number for the same period last year). 730 works orders were issued compared to 419 for the same period last year. Over the New Year weekend the out of hours monitoring service took 62 calls. In relation to the second emergency call system, 2,696 calls were handled over the period 24 December 2010 to 2 January 2011. This would be about four times the number of repair requests normally dealt with.

The NIHE has an Emergency Arrangements Booklet and a Strategic Emergency Plan in place which are updated to provide enhanced arrangements over certain periods. Housing Associations also have Emergency/Contingency Plans in place which are updated regularly. However, it was clear that the arrangements in place at the beginning of the adverse weather crisis needed to be enhanced to cope.

We must be ready for any future emergencies and ensure arrangements are in place and communicated before any emergency actually happens. For example, while weather conditions over the weekend of 7 January were not expected to be on the scale previously experienced, I insisted that the Housing Executive maintained significantly enhanced out-of-hours emergency services over that weekend and 133 staff manned three Customer Services Units which were open to answer any requests for maintenance works.

In order to review and upgrade emergency planning, I have been in regular contact with the Housing Executive's Chief Executive and I also met on 7 January with Housing Associations to ensure that lessons learned are applied; that Emergency/Contingency Plans are updated; and actions are developed to provide future emergency planning that is fit for purpose. I intend to provide full details to the Social Development Committee in this regard.

There are a number of conclusions that can be drawn. First, the public housing sector responded

well overall to the situation but with important learning, particularly about management of the first phase of their response. Second, the public housing sector enhanced its response as the situation developed and turned around large volumes of work generally in a reasonable time. Third, the NIHE has already revised its levels of response to an emergency both in terms of telephone and contractor responses, and Housing Associations are working to the same outcome. Fourth, while DSD was active in advance of Christmas Day on the developing difficulties, it too has revised its response planning to an emergency situation. Fifth, the requirement for government departments and other bodies to be more co-ordinated and, where appropriate, integrated in terms of response to an emergency is self-evident. Sixth, emergency situations require leadership, at an Executive and departmental level, and neither the government nor a Minister, whatever the status of that organisation, should be slow in interventions necessary to reduce risk.

I will continue to work with the Housing Executive and Housing Associations to ensure that lessons learned over this difficult period are used to update and amend emergency and contingency planning for all social housing providers, to ensure it is fit for purpose and ready to respond immediately in any future emergency situations.

Once again I am grateful to all those in the housing family who over this difficult holiday time put the needs of others ahead of their own comforts.

Oideachas

Fiosrú ar Mharcáil an Scrúdaithe Ceimice Ard Leibhéal

*Foilsithe ar a 12.00 meán lae Dé
Céadaoin 2 Feabhra 2011*

An tAire Oideachais (Ms Ruane): Ba mhaith liom a chur in iúl do bhaill an Tionóil toradh an fhiosraithe um theip an phróisis mharcála Chomhairle Churaclaim, Scrúdúcháin agus Measúnaithe (CCEA). Baineann sé leis an pháipéar scrúdaithe ceimice leibhéal A2 a rinneadh i samhradh 2010.

Tháinig CCEA ar an eolas ar 20 Lúnasa 2010 gur tugadh marcanna míchearta sa chuid ilroghnach den pháipéar scrúdaithe A2 Ceimice. Fuair 151 dalta ó thuaisceart na hÉireann gráid níos ísle ná mar a bhí tuillte acu mar gheall air seo.

Cé gur thug CCEA faoin scéal láithreach le gráid chearta a eisiúint agus lena chinntiú nach raibh dalta ar bith faoi mhíbhuntáiste, d'iarr mé ar an Oifig um Rialú Cáilíochtaí agus Scrúdúcháin (Ofqual) – rialtóir neamhspleách cháilíochtaí, scrúdúcháin agus measúnachtaí i Sasana agus rialtóir na ngairmcháilíochtaí i dtuaisceart na hÉireann – d'iarr mé fiosrú seachtrach iomlán a dhéanamh. Bhí dhá chéim ag baint leis an fhiosrú.

B'ionann Céim 1 agus fiosrú láithreach a raibh mar chuspóir aige fáil amach cad é go díreach a tharla, cén fáth ar tharla an teip seo, cad é mar a fuarthas é, cén dóigh ar cuireadh na comhlachtaí ábhartha ar an eolas faoi, cé mhéad iarrthóir a bhí i gceist agus ina dhiaidh sin, tuairisc agus moltaí a dhéanamh don Roinn ar bhearta a chur i bhfeidhm.

Cuireadh tuarascáil Chéim 1 i gcrích ag deireadh Mí Mheán Fómhair 2010, agus socraíodh gur tharla meancóg mharcála an scrúdaithe Ard Leibhéal Ceimice CCEA mar gheall ar chomhcheangal easpaí sna córais phróiseála, sna socruithe rialaithe cáilíochta, mar gheall ar earráid dhaonna agus réimse thosca rannpháirteacha eile.

Education

Chemistry A Level Marking Investigation

*Published at 12:00 noon on
Wednesday 2 February 2011*

The Minister of Education (Ms Ruane): I wish to advise Assembly members of the outcome of the investigation of the failure in the Council for the Curriculum, Examinations and Assessment (CCEA) marking process in relation to a summer 2010 A2 level chemistry paper.

On 20 August 2010 CCEA became aware that incorrect marks had been awarded in the multiple choice section of an A2 Chemistry paper. This resulted in 151 students from the north of Ireland receiving lower grades than they should have.

Whilst immediate action was taken by CCEA to issue correct grades and ensure that no student was disadvantaged, in view of this serious marking failure I appointed the Office of Qualifications and Examinations Regulation (Ofqual) – the independent regulator of qualifications, examinations and assessments in England and of vocational qualifications in the North of Ireland – to undertake a full external investigation. The investigation was undertaken in two stages.

Stage 1 was an immediate investigation to identify and record what went wrong, how the failure occurred, how it was discovered, how it was communicated to all relevant bodies, how many candidates were affected, with a report and recommendations for immediate action to the Department.

The Stage 1 report was completed at the end of September 2010, and concluded that the marking error in the CCEA A level Chemistry examination occurred due a combination of deficiencies in CCEA's processing systems, quality control arrangements, human error and a range of other contributory factors.

Rinneadh 12 mholadh sa tuairisc, agus bhí aird phráinneach le thabhairt ar chuid mhór acu le hullmhú a dhéanamh do shraith scrúduithe an gheimhridh. Dhírigh sé isteach ar cheisteanna um oiriúnacht don fheidhm a bhaineann le bogearra Optical Mark Reader (OMR); dhírigh sé ar shlándáil an bhunachair OMR (le heaspa feidhme den rian iniúchta curtha san áireamh leis), ar leorgacht na nósanna rialúcháin dearbhaithe atá ann faoi láthair; ar struchtúr agus imdháileadh na bhfreagrachtaí laistigh den rann a phróiseálann leatháin na bhfreagraí; dhírigh sé ar cén dóigh a ndéantar measúnú ar na ceisteanna ilroghnacha le linn an phróisis mharcála; agus ar na comhghnásanna um chumarsáid a dhéantar idir na húdaráis rialúcháin.

Leis an eolas a fuarthas i gCéim 1, Leanadh le hathbhreithniú mionshonraithe ar nósanna oibre agus cleachta inmheánacha an Fhorais Cháiliúcháin CCEA, Díríodh isteach ar chórais agus ar nósanna oibre chomh maith le díriú ar bhainisteoireacht, ar rialúchán, ar dhearbhu cáilíochta agus ar ghéilliúntas. Bhí sé ina phríomhaidhm ag an chéim seo na laig a aithint agus moltaí a dhéanamh ar bhearta a dhéanamh lena chinntiú nach dtarlódh teipeanna dá leithéid sin arís.

Fuarthas tuarascáil Chéim 2 ó Ofqual i Mí na Samhna 2010 agus socraíodh go bhfuil córais agus nósanna oibre ag CCEA a bhfuil bunús maith leo, agus a bhfuil oiriúnacht don fheidhm i gcoitinne leo. Rinneadh naoi moladh áfach, a raibh mar aidhm acu teip san am atá le teacht a laghdú. Cuireadh san áireamh leis seo mar a leanas:

- Athbhreithniú ar nósanna oibre lena chinntiú go bhfuil siad oiriúnach don fheidhm agus go soláthraítear sainmhíniú soiléir ar ról agus freagrachtaí na foirne maidir leis an phróiseas scrúdúcháin;
- Athbhreithniú ar na próisis a bhfuil sé mar chuspóir acu imscrúdú a dhéanamh ar é acu a chloíonn na hacmhainní atá dírithe ar an obair seo leis na nósanna oibre agus leis na riachtanais rialaithe nó nach gcloíonn;
- Measúnú riosca uileghabhálach a dhéanamh maidir le seachadadh thorthaí na GCSEanna nua i samhradh 2011 - go mbeidh na torthaí sin cuí agus cothrom agus seachadta faoin am sonraithe; agus

The report made 12 recommendations, many of them for immediate attention in preparation for the winter examination series and with a particular focus on addressing concerns about the fitness for purpose of the current Optical Mark Reader (OMR) software; security of the OMR database (including the lack of any audit trail function), the adequacy of existing control and assurance procedures; the structure and allocation of responsibilities within the section responsible for processing OMR answer sheets; how multiple choice components are considered during the awarding process; and protocols in communicating within and between regulatory authorities.

Informed by the findings of Stage 1, Stage 2 was a more detailed review of processes and practices within CCEA Awarding Body focusing on systems and processes as well as management, control, quality assurance and compliance. The main aim of this Stage was to identify any weaknesses and make recommendations on measures to be taken to ensure that similar failures do not recur.

The Stage 2 report was received from Ofqual in November 2010 and concluded that CCEA has well documented systems and procedures which are generally fit for purpose. However it made nine recommendations intended to help minimise the possibility of future failures. These included:

- a review of procedures to ensure that they remain fit for purpose and provide a clear definition of roles and responsibilities of staff in relation to the examinations process;
- a review of processes for checking adherence to procedures and regulatory requirements and resources dedicated to this work;
- a comprehensive risk assessment in relation to the delivery, on time, of fair and accurate results for the new GCSEs in summer 2011; and

- Athbhreithniú ar na socruithe rialúcháin maidir le feidhm CCEA mar fhoras cáiliúcháin.

Is é ar dhírigh mé air, agus na tuairiscí seo faighte agam, ná gníomhaíocht dhian thráthúil ó CCEA a chinntiú mar fhreagairt ar na torthaí taighde agus ar na moltaí atá iontu. D'iarr mé plean gníomhartha mionsonraithe a fhorbairt mar sin de leis na moltaí atá sna tuairiscí. Ofqual a chur i bhfeidhm agus feabhsúcháin a sheachadadh le cinntiú go ritheann scrúduithe tothchaí go rianúil. Tá mé sásta anois gurb ann don phlean cuí.

Níl ann ach céim sa treo ceart an plean ceart a bheith againn ar ndóigh. Is é an fíordhúshlán ná a chinntiú go gcuirtear na gníomhuithe agus na hidirghabhálacha atá ann i bhfeidhm mar is ceart. Is dúshlán é sin is mian liom go mbeadh CCEA agus a Chomhairle dáiríre faoi. Caithfidh siad a chinntiú go bhfuil dlúthmhonatóireacht á déanamh ar gach gníomh. Le fírinne, ní mór dóibh dul níos faide ná é sin, ag cinntiú dóibh go gcoinnítear gach gné de phróiseas na scrúduithe faoi athbhreithniú agus go bhfuil feabhsú leanúnach sna próisis sin. Leoga, fáiltím roimh an dul chun cinn atá déanta cheana féin maidir leis na nósanna imeachta a dhaingniú roimh shraith scrúduithe an gheimhridh atá idir lámha faoi láthair.

Tá sé de cheart ag daltaí agus ag a gcuid múinteoirí bheith ag déim go n-oibreoidh gach céim de phróiseas na scrúduithe mar is ceart – mar atá an obair a bhaineann le páipéir scrúduithe a shocrú; an lóistíocht a bhaineann le hiad a sheoladh chuig na hiarrthóirí agus iad a fháil ar ais arís; na próisis mharcála; agus na socruithe maidir le fios a chur ar na hiarrthóirí faoi na torthaí. Tá mé ag súil go mbeidh mé ábalta a dhearbhuí dóibh gurb amhlaidh atá.

Mar gheall air sin, beidh mo Roinn ag déanamh dlúthmhonatóireachta ar an dul chun cinn, beidh cruinnithe mósúla á n-eagrú againn idir seo agus sraith scrúduithe an tsamhraidh. Is mian liom a chinntiú go bhfaighimid dearbhuithe rialta go bhfuil CCEA ag leanúint ar aghaidh leis na céimeanna riachtanacha a ghlacadh leis an réimse iomlán de ghníomhaíocht leasúcháin a chur i bhfeidhm a shainaithnítear sna tuairiscí.

- a review of governance arrangements in relation to the awarding body function of CCEA.

My focus, having received these reports, has been to ensure rigorous and timely action from CCEA in response to the findings and recommendations they contain. I therefore required the development of a detailed action plan designed to implement the recommendations in the Ofqual reports and deliver improvements to ensure that future examinations run smoothly. I am now satisfied that an appropriate plan is in place.

Having the right plan in place is of course only a step in the right direction. The real challenge is in ensuring that the actions and interventions it contains are fully implemented. That challenge is one that I expect CCEA and its Council to take seriously. They must ensure that there is close monitoring of every action. Indeed they must go further than that, ensuring that all aspects of the examinations process are kept under review and that there is continuous improvement in those processes. Indeed, I welcome the progress that has already been made in tightening up procedures in advance of the winter examination series that is currently underway.

Pupils and their teachers quite reasonably expect that every step of the examinations process – the work associated with setting examinations papers; the logistics of getting them to candidates and back again; the marking processes; and the arrangements for communicating results to candidates – will work properly. I expect to be able to assure them that this is indeed the case.

For that reason, my Department will also be monitoring progress very closely, holding monthly meetings between now and the summer examination series. I want to ensure that we receive regular assurances that CCEA is continuing to take all necessary steps to implement the full range of remedial action identified in the reports.

Nuair a d'fhógair mé an fiosrú seachtrach i Mí Lúnasa seo chuaigh thart, thug mé tiomantas maidir leis na tuairiscí a sholáthair Ofqual a dhéanamh poiblí chomh luath agus a bhí mé in ann freagairt CCEA a dhéanamh poiblí chomh maith. Bhí a fhios agam gur mhaith leis na baill – mar aon le daltaí, tuismitheoirí agus múinteoirí – fios a bheith acu ní amháin faoi na laigí ach faoin dóigh a rabhthas ag dul i ngleic leo. Caithfidh mic léinn, tuismitheoirí, múinteoirí agus an pobal i gcoitinne muinín a bheith acu as ár gcóras scrúduithe.

Is é sin an fáth a bhfuil mé ag déanamh na tuairiscí Ofqual poiblí inniu, mar aon leis an phlean gníomhaíochta a ceapadh leis an dóigh a bhfuil CCEA ag dul i ngleic le gach ceann de na moltaí a rinneadh. Tá tacar iomlán cáipéisí ar fáil ar shuíomh gréasáin na Roinne Oideachais agus cuireadh cóipeanna díobh i leabharlann an Tionóil fosta.

Athraíonn an fócas anois le cinntiú go bhfuil agus go mbeidh beart á dhéanamh le háirithiú nach féidir ateagmhas d'earráidí den chineál chéanna amach anseo. Is é sin an rud a mbíonn daltaí, múinteoirí agus tuismitheoirí ag dúil leis agus is é an rud a éilím, mar Aire.

When I announced the external investigation last August, I gave a commitment to making public the reports provided by Ofqual as soon as I was in a position also to make public the CCEA response. I knew that members – along with pupils, parents and teachers – would want to know not only what the failings were but also how they were being addressed. Students, parents, teachers and the wider community need to have confidence in our examinations system.

That is why today I am making public both the Ofqual reports and the action plan designed to set out how CCEA is addressing each one of the recommendations made. The full set of documents is available on the Department of Education website and copies have also been placed in the Assembly library.

The focus now shifts to ensuring that action has and is being taken to ensure that there can be no recurrence of similar errors in the future. That is what pupils, teachers and parents expect and it is what I, as Minister, demand.

Committee Stages

Northern Ireland Assembly

Ad Hoc Committee

17 January 2011

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 Kieran McCarthy
Mr Daithí McKay
Mr Jim Wells
Mr Paul Givan

Witnesses:

Ms Tara Caul	
Mr Paul Gill	<i>Northern Ireland</i>
Mr Hugh Widdis	<i>Assembly</i>

The Chairperson (Mr Cobain): We move to the next item of business.

Mr Paul Gill (Northern Ireland Assembly): The Committee has received a memo from Tara Caul and me on the two issues that have led the Assembly Commission and the Committee on Standards and Privileges to conclude that amendments need to be made to schedules 1 and 3 to the Bill. Those issues are the definition of “family member” and the future role of the Attorney General in proceedings of the Assembly.

On family members, the Committee will recall that, at its previous meeting, it expressed some concern at the breadth of the definition that was being used in schedules 1 and 3. At that time, we indicated that we could go back to the Assembly Commission and the Committee on Standards and Privileges to see whether they were content to address those concerns. Subsequently, the Clerk to this Committee wrote to us, setting out the Committee’s

preferred definition of family member. In the Committee’s preferred definition of family member, members removed great-grandparent, great-grandchild, great-uncle, great-aunt, great-nephew and great-niece. We went back to the Assembly Commission and the Committee on Standards and Privileges with the suggested amendment, and they both agreed that they will table amendments to that effect to the relevant schedules.

One small point of clarification is that it was felt that it was necessary still to include the words “whether of the full or half blood”. It was felt that it was important that the Bill should make clear that, for example, a half-brother would be treated the same way as a full-brother would be treated. Although those words sound a little archaic, there is legislative precedence for them, and members will see examples of them in the paper that Legal Services has provided to the Committee. However, that is not to take away from the main point of the Committee’s suggested amendment, and, as I said, the Assembly Commission and the Committee on Standards and Privileges are content to amend the definition of family member, as per the substance of the Ad Hoc Committee’s suggestion.

The second matter is the role of the Attorney General for Northern Ireland. Work is under way to make provision for the Attorney General to be able to participate in proceedings of the Assembly. One aspect of that is providing for the Attorney General to have the same duties as Assembly Members in respect of the requirement to register and to declare interests and to be prohibited in the same way as Assembly Members from advocating any matter on behalf of anyone else for a payment or benefit.

The Committee on Standards and Privileges has agreed with the Attorney General that the Northern Ireland Assembly Commissioner for Standards should be able to investigate an alleged breach by the Attorney General of any of those duties, and that will be provided for in Standing Orders. However, that being the case, the Committee on Standards and Privileges has agreed that it is appropriate that the Attorney General should be disqualified from being the Commissioner for Standards in the same way as a Member of the Assembly is disqualified from being the Northern Ireland Commissioner for Standards. Further to that, the Assembly

Commission has agreed to include in the schedule the Attorney General among the persons who are disqualified from being a panel member.

That concludes the background to the further amendments that the Assembly Commission and the Committee on Standards and Privileges intend to table to the Bill.

The Chairperson: Thank you, Paul. Do members have any questions?

Mr McKay: I agree with Paul in one regard. Is there no terminology with precedence in legislation that we could use other than “whether of the full or half blood”?

Ms Tara Caul (Northern Ireland Assembly):

We have researched the position, and we are satisfied that that is the best way to deal with the situation regarding a half-brother or a half-sister.

Mr McKay: Personally, I would not be comfortable with having a nephew or niece disqualified from a job because of my position, but, given the present situation and the public feeling on the matter, we are quite happy with the amendment.

The Chairperson: Good. Are other members content with the amendment?

Members indicated assent.

The Chairperson: Is the Committee content to approve the amendments proposed by the Committee on Standards and Privileges to schedule 4? First, at paragraph 6(2), page 19, line 21, leave out “particular”. Secondly, paragraph 6(2)(b), page 19, line 24, to now read “by notifying the Commissioner that liabilities may be incurred of such description and maximum total amount as may be specified in the notification”, and after paragraph 6(2)(b), page 19, leave out lines 26-29?

Members indicated assent.

The Chairperson: We now move to formal scrutiny of schedules 1-5. We will go through each schedule and seek the Committee’s formal approval of each.

Schedule 1 (Disqualification from membership of the panel)

The Chairperson: The Assembly Commission seeks an amendment to schedule 1 to disqualify the Attorney General from membership of the panel. The Commission has also proposed an amendment to the definition of “family member”, as recommended by the Committee.

At paragraph 1, page 15, after line 27, insert:

“(q) Attorney General for Northern Ireland;

(r) a person who has been Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.”

At paragraph 3, page 16, leave out lines 5 and 6 and insert:

“(a) Parent, child, grandparent or grandchild”

At paragraph 3, page 16, leave out lines 7 and 8, and insert:

“(b) Brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood)”

At paragraph 3, page 16, at end of line 9, after “spouse”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

At paragraph 3, page 16, at end of line 10, after “civil partner”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

At paragraph 3, page 16, at end of line 11, after “cohabitant”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

Question, That the Committee is content with the schedule, subject to the amendments proposed by the Assembly Commission, put and agreed to.

Schedule 1, subject to the amendments proposed by the Assembly Commission, agreed to.

Schedule 2 (Panel: administrative and financial arrangements)

The Chairperson: No amendments are proposed to schedule 2. Previously, members indicated informally that they were content with the schedule as drafted.

Schedule 2 agreed to.

Schedule 3 (Disqualification from being appointed or serving as the Commissioner)

The Chairperson: The Committee on Standards and Privileges seeks an amendment to schedule 3 to disqualify the Attorney General from being appointed or serving as the Commissioner for Standards. The Committee on Standards and Privileges has also proposed an amendment to the definition of “family member” as recommended by the Committee.

At paragraph 1, page 17, after line 34, insert:

“(s) Attorney General for Northern Ireland;

(t) a person who has been Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.”

At paragraph 3, page 18, leave out lines 7 and 8, and insert:

“(a) Parent, child, grandparent or grandchild;”

At paragraph 3, page 18, leave out lines 9 and 10, and insert:

“(b) Brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);”

At paragraph 3, page 18, at end of line 11, after “spouse”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

At paragraph 3, page 18, at end of line 12, after “civil partner”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

At paragraph 3, page 18, at end of line 13, after “cohabitant”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

Question, That the Committee is content with the schedule, subject to the amendments proposed by the Committee on Standards and Privileges, put and agreed to.

Schedule 3, subject to the amendments proposed by the Committee on Standards and Privileges, agreed to.

Schedule 4 (Commissioner: further provision)

The Chairperson: The Committee on Standards and Privileges wishes to make two amendments to this schedule.

At paragraph 6(2), page 19, line 21, leave out:

“particular”.

Paragraph 6(2)(b), page 19, line 24, to now read:

(b) “by notifying the Commissioner that liabilities may be incurred of such description and maximum total amount as may be specified in the notification”.

After paragraph 6(2)(b), page 19, leave out lines 26-29.

Question, That the Committee is content with the schedule, subject to the amendments proposed by the Committee on Standards and Privileges, put and agreed to.

Schedule 4, subject to the amendments proposed by the Committee on Standards and Privileges, agreed to.

Schedule 5 (Consequential amendments)

The Chairperson: I remind members that the Assembly Commission wishes to amend schedule 5.

At paragraph 1, page 20, line 13, leave out:

“the Schedule” and insert “Schedule 1”.

I remind members that previously they indicated informally that they were content with the amendment.

Question, That the Committee is content with the schedule, subject to the amendment proposed by the Assembly Commission, put and agreed to.

Schedule 5, subject to the amendment proposed by the Assembly Commission, agreed to.

Long title agreed to.

The Chairperson: That concludes the clause-by-clause scrutiny of the Bill.

Northern Ireland Assembly

Committee for the Office of the First
Minister and deputy First Minister

19 January 2011

Armed Forces and Veterans Bill (NIA 33/09)

Members present for all or part of the proceedings:

Mr Tom Elliott (Chairperson)
Dr Stephen Farry (Deputy Chairperson)
Ms Martina Anderson
Mr Allan Bresland
Mr William Humphrey
Mr Barry McElduff
Mr Francie Molloy
Mr George Robinson
Mr Jimmy Spratt

Witnesses:

Mr David McNarry MLA

The Chairperson (Mr Elliott): We will now consider the Armed Forces and Veterans Bill, and proceed with our clause-by-clause scrutiny. Mr David McNarry MLA, the sponsor of the Bill, has been invited to answer any queries that members may have about the individual clauses. I invite Mr McNarry to the table to discuss the proposed amendments to the Bill and to discuss issues in respect of clause 2. This session is being reported by Hansard.

Mr McNarry, I ask that you give the Committee an outline of where you stand in respect of the Bill and to make yourself available for questions.

Mr McNarry: I wish to thank all Committee members for their interest in my Bill. I am happy to take forward the amendments. The first amendment to which I will refer is to replace references to “the Department of Finance and Personnel” with “the Office of the First Minister and deputy First Minister”. There are seven

such applicable references, at clauses 1, 2, 4 and 5.

The Chairperson: David, we are happy for you to go through all the clauses, and we will come back to you on any issues.

Mr McNarry: I also take the opportunity to thank the Examiner of Statutory Rules for his contribution, which was most worthwhile. I am happy to take his advice on the following matters. On the issue of secondary legislation-making power, in clause 1(3) and clause 1(4), the amendment would be, in clause 1(3), to replace “by regulations” with “by order”. In clause 1(4), the amendment would be to replace reference to regulations being subject to “negative resolution” with provision for a draft order to be approved by resolution of the Assembly.

A further suggestion, which I accept, is to define “the Department” as the Office of the First Minister and deputy First Minister in clause 6, which relates to interpretation. Therefore, the remainder of the Bill would merely refer to “the Department”, which is much neater.

Another proposal, item 5 in the Examiner’s list, is that, for good reason, the draftsmen inserted the words:

“insofar as they relate to Northern Ireland”.

The reason for that was for clarity in clause 1. That is important for confidence. It does not relate to the functions of any organisations outside Northern Ireland, so I am content to leave that phrase in the Bill.

Chairman, those are the only amendments that I propose, and I would be happy to bring them forward, as I have said, or to leave it to the Committee to do so.

The Chairperson: Thank you very much, David. Do any members have any questions?

Dr Farry: I welcome Mr McNarry. Long time, no see, David. I am largely content with the Bill, and the evidence session with the Equality Commission was very useful in helping me in that regard. As you will be aware, the commission was happy with the Bill overall, but expressed some reservations on clause 2. I ask you to reflect a bit more on that and to explain your rationale for leaving it as it is, bearing in mind what the commission said.

Secondly, clause 2(2) states that:

“A co-ordinator’s duty shall be to take responsibility for identifying...matters” —

which seems reasonable, but also for “addressing matters”. I question how can a single co-ordinator be responsible for addressing all matters within a Department that affect the services community, and whether that particular line needs to be redrafted to make it a little more reasonable in respect of implementation.

Mr McNarry: You make a very valid point, Stephen, and I picked that point up from the Hansard report. I have sought guidance. The clear understanding from that guidance, and my own interpretation, which I have just had confirmed, is that the co-ordinator will take responsibility and also has to follow guidance. If guidance is required, it would be expected, as I hope is implicit, that the co-ordinator would look to bodies such as the Equality Commission for that guidance. The Equality Commission is quite prepared to play that role, if called upon. If that is a course that it is found necessary to explore — although it may not be — such guidance would be referred to the Equality Commission.

Dr Farry: To expand on that, perhaps clause 2(2) should read along the following lines: “A co-ordinator’s duty shall be to take responsibility for identifying matters affecting members of the services community and members of families of members of the services community insofar as such matters relate to the work of the department, with those matters to be addressed by the department.”

It is the concept of one individual being accountable for addressing all of the issues relating to a Department. Surely, that individual should identify matters as part of his or her job description. In turn, it would be for the Minister of that Department to ensure that the matter is addressed, rather than a lowly civil servant.

Mr McNarry: The co-ordinator’s role, at all times, is to be accountable, and in taking responsibility for carrying out his or her duties, it would be expected and normal that they would follow guidance. That may be an amendment that you particularly wish to pursue. My whole aim was to keep the Bill simple. I do not think that you are complicating matters; I am just saying that I picked up on what you said at the previous meeting, I have followed it through, and

I am giving you the best explanation that I can. However, you personally may wish to pursue that amendment.

Dr Farry: I may reflect further on that matter, and have a private word with you. Perhaps it could be addressed independently at Consideration Stage.

The Chairperson: For clarification, David, are you content to accept all the amendments that are in the list that has been provided to the Committee, and that you have indicated that you are willing to take forward?

Mr McNarry: Yes.

The Chairperson: Thank you very much. Those amendments are tabled, members. Do members have any further amendments to propose?

Mr Molloy: Other than scrapping it?

The Chairperson: That is not an amendment, Mr Molloy.

Ms M Anderson: It is a waste of members’ time.

The Chairperson: We will now commence our clause-by-clause scrutiny of the Bill. Members have had the opportunity to raise any concerns or suggest any amendments. Members should read the relevant clauses in the Bill, along with the related commentary in the explanatory memorandum. The Bill has eight clauses, each of which will need to be considered in turn. The Committee will have four options: first, to agree the clause as drafted; secondly, to agree that the Committee recommend to the Assembly that the clause be amended; thirdly, where a majority of members support an amendment, the Committee Clerk and the Bill Clerk will take away the proposal and draft the appropriate wording for consideration at a subsequent meeting; or, fourthly, to reject the clause as drafted.

Members must clearly state their position during the scrutiny session if they wish to oppose a clause or do not feel that they are able to agree a clause. In such cases, members will be asked to set out their opposition or their proposed amendment. Consideration of a clause may be deferred until the next meeting. Members will have the opportunity to consider any amendments to each clause following the reading of that clause.

Members, I should have declared an interest as a member of the Royal British Legion and as a former member of the services.

Clause 1 (General duty to have due regard to the impact of the exercise of functions on the services community)

The Chairperson: Subsections (1) to (4) of the clause require certain authorities to have due regard to the impact that the exercise of their functions has on members of the armed forces, veterans, and their families. The clause also allows for the adding or removal of authorities.

The Examiner of Statutory Rules has suggested the following amendment: In page 1, line 14, leave out subsections (3) and (4) and insert

“(3) The Department may by order amend the list of authorities in section 1(2) by adding to, or removing from, the list an authority other than a Northern Ireland department.

(4) No order may be made under subsection (3) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.”

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendment proposed by the sponsor.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 1 agreed to.

Clause 2 (Co-ordinators)

The Chairperson: I refer member to pages 1 and 2 of the Bill, and to page 2 of the explanatory and financial memorandum. Subsections (1) to (3) require each Northern Ireland Department to appoint a co-ordinator who will take responsibility for identifying and addressing matters that affect members of the armed forces, veterans, and their families.

Amendments to clauses 2, 4 and 5 are to remove the spelling out of the Department's

name. If those are agreed, the amendment to clause 6 is consequential.

The following amendment was suggested by the Examiner of Statutory Rules: In page 2, line 4, leave out

“The Department of Finance and Personnel”

and insert “The Department”.

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendment proposed by the sponsor.

The Committee divided: Ayes 5; Noes 3.

AYES

Mr Bresland, Mr Elliott, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

ABSTENTIONS

Dr Farry.

Question accordingly agreed to.

Clause 2 agreed to.

Clause 3 (Consultation with United Kingdom and devolved authorities)

The Chairperson: I refer members to page 2 of the Bill, and to page 2 of the explanatory and financial memorandum. Subsections (1) to (3) require each Northern Ireland Department to consult with the Minister exercising the equivalent function in England, Scotland and Wales before they exercise any functions affecting the armed forces, veterans, or their families.

Question proposed:

That the Committee is content with the clause.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 3 agreed to.

Clause 4 (Service Personnel and Veterans Charter)

The Chairperson: I refer members to page 2 of the Bill, and to page 3 of the explanatory and financial memorandum. Subsections (1) to (3) require the Department to publish a service personnel and veterans charter for Northern Ireland not later than one year after the Act comes into operation.

The following amendments have been suggested by the Examiner of Statutory Rules:

In page 2, line 31, leave out

“the Department of Finance and Personnel”

And insert “the Department”.

In page 2, line 36, leave out

“the Department of Finance and Personnel”

And insert “the Department”.

In page 2, line 38, leave out

“the Department of Finance and Personnel”

And insert “the Department”.

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendments proposed by the sponsor.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 4 agreed to.

Clause 5 (Reports)

The Chairperson: I refer members to pages 2 and 3 of the Bill, and to page 3 of the explanatory and financial memorandum. Subsections (1) and (2) enable the Department to require all Northern Ireland Departments to report on progress on meeting their obligations

under the legislation, and requires the Department to report to the Ministry of Defence.

The following amendments have been suggested by the Examiner of Statutory Rules:

In page 2, line 41, leave out

“the Department of Finance and Personnel”

and insert “the Department”.

In page 3, line 3, leave out

“the Department of Finance and Personnel”

and insert “the Department”.

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendments proposed by the sponsor.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 5 agreed to.

Clause 6 (Interpretation)

The Chairperson: I refer members to page 3 of the Bill and to page 3 of the explanatory and financial memorandum. Subsections (1) and (2) set out the definitions used in the Bill. As it stands, “the Department” means the Department of Finance and Personnel. The Department of Finance and Personnel and the Committee for Finance and Personnel suggested that any reference to the Department of Finance and Personnel be changed to “the Office of the First Minister and deputy First Minister”.

The Examiner of Statutory Rules has therefore suggested the following amendment: In page 3, line 23, at end, insert

“‘The Department’ means the Office of the First Minister and deputy First Minister”.

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendment proposed by the sponsor.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 6 agreed to.

Clause 7 (Commencement)

The Chairperson: I refer members to page 3 of the Bill, and to page 3 of the explanatory and financial memorandum. The clause provides that the Bill will come into operation on receipt of Royal Assent.

Question proposed:

That the Committee is content with the clause.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 7 agreed to.

Clause 8 (Short title)

The Chairperson: I refer members to page 3 of the Bill, and page 3 of the explanatory and financial memorandum. The Act may be cited as

“the Armed Forces and Veterans Act (Northern Ireland) 2010”.

Question proposed:

That the Committee is content with the clause.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 8 agreed to.

Long title

The Chairperson: The long title is

“A Bill to provide for the benefit of personnel and veterans of the naval, military or air forces of the Crown and their families”.

Question proposed:

That the Committee is content with the long title.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms M Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Long title agreed to.

The Chairperson: Thank you very much, Mr McNarry, for your attendance.

Ms M Anderson: Mr McNarry will be well aware of this, but I want it on record that Sinn Féin is opposed to this Bill, and we do not agree with any of the amendments or the clauses. We do not think that the Bill should go to the House to be debated, and it has been a waste of time. We have wasted a lot of time here.

The Chairperson: The draft report will be prepared for Committee consideration on 26 January 2011, and the Committee is required to report to the Assembly by 28 January 2011. Thank you all very much for your co-operation.

Northern Ireland Assembly

Committee for Social Development

20 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 Jonathan Craig

Witnesses:

Mr Stephen Baird	
Mr Alastair Campbell	<i>Department for</i>
Ms Angela Clarke	<i>Social Development</i>

The Chairperson (Mr Hamilton): I welcome Alastair Campbell, Stephen Baird and Angela Clarke from the Department for Social Development to what I hope will be our last go at the clause-by-clause scrutiny of the Housing (Amendment) (No. 2) Bill.

Clause 2 (Tenancy deposit scheme)

The Chairperson: The Committee agreed an amendment to clause 7 that makes the establishment of a tenancy deposit scheme a duty and not just a power; it requires regulations to be brought forward 18 months after Royal Assent. The Committee agreed to defer consideration of clause 2 pending receipt of the text of an amendment that would allow tenants to recoup their deposit where a landlord is in breach of tenancy legislation. It is understood that the Department is unable to draft the amendment in question. Can you give us an update on why that cannot be done?

Mr Alastair Campbell (Department for Social Development): There are complications around

the issues with courts. The draftsman felt that he needed longer to consider the detail. We want to take it forward in future, but we cannot fit it in at the moment.

The Chairperson: It is not that the issue is a dead duck that will be abandoned.

Ms Angela Clarke (Department for Social Development): It is a timing issue.

The Chairperson: It is for the next mandate.

Ms Ní Chuilín: I find that strange.

The Chairperson: A great deal has been added to the Bill; partly because of pestering from us. We spoke earlier about building things up; the Bill has been built up since it started out. However, the Committee has been assured that the issue has not been dropped.

It is also understood that the Department wishes to table some technical amendments to clause 2. Can you outline them for us?

Mr A Campbell: The two amendments contain definitions under new article 5A that need to apply to new article 5B. The draftsman spotted that there was no reference to “and article 5B”.

The Chairperson: That seems straightforward. Are members content with clause 2 as amended?

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.

Clause 2, subject to the Department's proposed amendments, agreed to.

Clause 5 (Registration of landlords)

The Chairperson: The Committee suggested an amendment to clause 7 to make the establishment of a landlord register a duty and not just a power and to require the relevant regulations to be brought forward within 18 months of Royal Assent. The Committee accepted a technical amendment from the Department that was designed to ensure that landlord registration will be compulsory. The Committee agreed to defer further consideration of clause 5 pending receipt of advice on the setting of minimum fines for breaches of tenancy legislation. Does the Department have anything to add?

Ms A Clarke: We had further discussions with the Department of Justice, and I know that the Committee would like to see minimum fines. The advice from the Department of Justice was that minimum penalties or sentences are not generally written into legislation; there is a reluctance to do so. The Minister of Justice is certainly very much against it. It would not be achievable. We do not have minimum penalties anywhere.

The Chairperson: I am aware that the Minister for Social Development is in discussions with the Minister of Justice.

Ms A Clarke: The Minister has asked us to continue discussions with the Department of Justice on several issues that arise from the Bill, which we will do. However, given the timing, we had no success on this issue.

The Chairperson: The Committee has discussed the maximum level of the fine as well. The Committee is content to support the Bill as it stands; however, we have a written assurance that the level will be reviewed in 18 months' time. As long as that is underscored by the Minister at Consideration Stage, the Committee is content.

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.

Clause 5, subject to the Department's proposed amendments, agreed to.

Clause 6 (Fixed penalty for certain offences)

The Chairperson: The Committee agreed to defer consideration of clause 6 pending receipt of advice on the setting of minimum fines for breaches of tenancy legislation. The Northern Ireland Local Government Association suggested an amendment that was designed to secure resources to help councils to enforce tenancy legislation. I direct members' attention to the correspondence from the Minister in which he says that he is to follow that up with the Department of Justice in the matter of fines and costs for councils. A satisfactory resolution of the issue would be most welcome. Given that explanation, is the Committee content not to pursue that amendment?

Ms Ní Chuilín: Would that prejudice any discussions?

The Committee Clerk: The Committee is merely accepting the Minister's assurance that fines and costs for councils will be looked at, and for that reason the Committee is content not to amend the Bill, but only for that reason.

The Chairperson: Is the Committee content with the clause?

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

Clause 6 agreed to.

Clause 9 (Withholding of consent to mutual exchange of secure tenancies)

The Chairperson: The Committee accepted an amendment to allow social landlords to withhold consent to the exchange of secure tenancies on the basis of convictions for anti-social behaviour or serious criminal offences by tenants. The Committee also accepted an amendment to allow consent to exchange to be withheld where an injunction against breach of tenancy agreement was in place and where that injunction related to anti-social behaviour. The Committee agreed to defer consideration of clause 9 pending receipt from the Department of its guidance to the Housing Executive on anti-social behaviour and possession proceedings relating to secured tenancies.

We have received that. The Minister also wrote to provide the draft guidance on mutual exchange refusal that will be issued following the passage of the Bill. Has the Department any further information on anti-social behaviour guidance?

Mr Stephen Baird (Department for Social Development): I do not believe so.

The Chairperson: Is the Committee content with clause 9?

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.

Clause 9, subject to the Department's proposed amendments, agreed to.

Clause 10 (Disclosure of information as to orders, etc. in respect of anti-social behaviour)

The Chairperson: I understand that the Department wishes to table some technical amendments to clause 10.

Mr A Campbell: They refer directly to the amendments to clause 9; “Ground 2B” needs to be referred to in clause 10.

The Chairperson: Of course. Is the Committee content with clause 10?

Question, That the Committee is content with the clause, subject to the Department’s proposed amendments, put and agreed to.

Clause 10, subject to the Department’s proposed amendments, agreed to.

The Chairperson: Does anyone want to introduce any further amendments? Are there any johnny-come-latelys? Fra is not bursting through the door. We did put the lock on, did we not?

Long Title

The Chairperson: Since we do not have the text of the Department’s remaining technical amendments, I suggest that the Committee agree the long title and so conclude its clause-by-clause scrutiny.

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

Long title agreed to.

The Chairperson: I thank Angela, Alastair and Stephen for the many hours that they spent here and for all the assistance that they have given us. Sian, thank you as well.

Northern Ireland Assembly

Committee for the Environment

26 January 2011

Clean Neighbourhoods and Environment Bill (NIA 31/09)

Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)
Mr Willie Clarke
Mr Danny Kinahan
Mr George Savage
Mr Brian Wilson

Clause 16 (*Litter offence: fixed penalty notice*)

The Chairperson (Mr Boylan): We will now move on to clause 16 of the Clean Neighbourhoods and Environment Bill so that we can go over the issue that arose about the age of an offender. When we voted on that clause previously, the result was 4:4. We sought clarity at that time as to which way the vote would go, and we agreed that it would go in favour of the clause as drafted. However, that was not the case. As it was a tied vote, the decision was not that the clause would go through as drafted. That means that we have to look at it again.

The Committee Clerk: We need to clarify whether members are content that that is how they intended the vote to be. The Chairperson asked whether members were content with the clause as drafted, and the vote was tied at 4:4. That means that it did not go forward as drafted, so that proposal was not carried. The indication that I gave after that was that the clause would go ahead as drafted, but that is not correct. Therefore, we need to confirm that members are content that the decision that was made on that day is the one that they want. If it is not, the Committee can reconsider that this morning.

Mr Kinahan: I was not here.

The Chairperson: At our meeting on 13 January 2011, the Committee divided on clause 16, which is entitled "Litter offence: fixed penalty notice". The minutes of the meeting recorded that the Committee was content with the clause as drafted. However, that was an incorrect decision.

I remind members that the Department confirmed that the age of criminal responsibility is 10, meaning that fixed penalty notices could be issued to anyone of that age. The Department also indicated that it would produce guidance for councils on issuing fines to minors. At the meeting on 16 December 2010, members felt unable to come to a decision on clause 16 until they had seen examples of that guidance. The Department provided details of guidance that is used in England and Wales concerning issuing fixed penalty notices to juveniles, and it indicated that similar guidance would be issued to councils here.

A concern about that age was the issue that some Committee members, particularly Mr Willie Clarke, identified. Ultimately, when we went to the vote, it was split at four each, and we are saying that we agreed the actual clause as drafted. However, that is not the case. We did not agree that it should refer to that age group, so we need clarification.

The Committee Clerk: If I could just clarify this point, the clause is about introducing the opportunity for councils to issue fixed penalty notices for litter offences. That applies down to the age of 10, because that is the age of criminal consent. However, that is a separate issue; it is not identified in the Bill. As the law stands, councils have the power to prosecute people from age 10 upwards for litter offences. Clause 16 would introduce an alternative, that is, a fixed penalty notice, for that offence. Therefore, the concern was about the age of consent applying to the clause.

To ensure that members are absolutely sure about what they are agreeing to, by not agreeing the clause, they are not changing the age of consent or the fact that councils can still prosecute. They are saying that a fixed penalty notice could not be applied for a litter offence.

Mr Kinahan: It could not be applied to a minor.

The Committee Clerk: It could not be applied to any person of any age; it is simply that the age

of criminal responsibility is 10. The clause will apply down to age 10.

Mr W Clarke: Thank you for that explanation. We are not saying that we do not want to see fixed penalties for litter offences. We are saying that we think that children between the ages of 10 and 16 are too young to be criminalised for a litter offence. I believe they should get some sort of guidance or caution followed by some type of education on the matter. If a child is seen littering, they should go through some sort of course at school or to a waste-management educational course.

I think that we need an amendment to the clause. I think that that is what we told the departmental officials, but they seemed to dig their heels in and were reluctant to negotiate or even to bring forward any sort of compromise position. They just kept going on about the guidance. I also talked to my party, and it is totally opposed to the criminalisation of children. I have already talked to the Bill Office about tabling an amendment, but it is up to the Committee to decide what it wants to do.

The Chairperson: What is the time frame for this?

The Committee Clerk: We have to complete our report on the Bill by Friday, and members have already received a draft report for tomorrow's meeting. However, members will see that clause 16 has been left undecided at this stage. We will draft something on the basis of this meeting.

If members feel that the clause needs to be amended, we can do that. Therefore, members would be agreeing the clause, subject to an amendment. If it is a Committee decision, we can bring an amendment later. It does not have to be included word for word in the report; the report merely has to say that the Committee has made the decision.

We saw the guidance from the Department, which maintained that the guidance will steer how councils will be encouraged or guided in the issuing of fixed penalty notices to minors. The Committee could look at an amendment, at a recommendation, or it could simply go with the clause as drafted, and a member could bring forward an amendment of their own accord or of that of their party.

Mr W Clarke: I thought that the original 4:4 vote was that we were taking an amendment on the clause.

The Committee Clerk: Perhaps I steered you in the wrong direction on that; my apologies for that. What we succeeded in doing the previous time was to not agree the clause as drafted, so perhaps we need to go a step further now.

The Chairperson: That is why I sought clarification on the day.

Mr Savage: With regard to the age issue, I was walking through a big shopping centre last week and saw some young people looking for bins to put their litter in. Younger people are now very conscious of litter, and older people could take a lesson from them. I find that very interesting, and I have to give teachers credit for what they are doing in schools.

Mr Kinahan: I was not at the relevant Committee meeting, but I am happy for us to table an amendment to the clause. However, people should be given only one chance and be provided with some form of education on the issue. If they commit the offence again, they should be punished and fined. As long as the decision is firm on the second shot, we should look at an amendment. Can we do it in a way that means that we can get it back by Thursday?

The Committee Clerk: I will talk to the Bill Clerk about that. We can agree to do something, subject to an amendment, and bring the wording of that amendment to the Committee between Committee Stage and Consideration Stage. Therefore, members will have time to consider the exact wording. However, today we need to agree on whether the Committee wants an amendment, and we can then provide the detail of that amendment. It is really a matter of the Committee's agreeing exactly what it would like the amendment to do.

Mr W Clarke: I propose that we make an amendment.

The Chairperson: We need to agree the clause as drafted, subject to amendment. Are you happy enough to go down that route?

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

Northern Ireland Assembly

Committee for Health, Social Services and Public Safety

27 January 2011

Autism Bill (NIA 2/10)

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Mickey Brady
Mr Pól Callaghan
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner
Mr Paul Girvan
Mr John McCallister
Ms Sue Ramsey

The Chairperson (Mr Wells): We move now to the clause-by-clause consideration of the Autism Bill. I draw members' attention to a letter that has just been received from Dominic Bradley stating that he intends to withdraw clause 3(5). Subsection (5), which deals with training for public/civil servants, will no longer stand part of the Bill. Well done to colleagues who managed to contact Dominic and get that document.

This is the formal stage and is a bit wooden. Those who went through the process for the previous Bills on sunbeds and the safeguarding board will know what to expect. It must be done; it is an essential part of the Committee's duties and is required for the preparation of the Committee report. Therefore, please bear with me as I go through the rather legalistic process. I emphasise that today is the final opportunity for members to propose amendments.

Mr McCallister: It is the final opportunity for the Committee to do so.

The Chairperson: Yes. Individual members may still propose amendments after today. However,

as I often say, members have sat through the entire Committee Stage, and I would not like us to be ambushed by late amendments. I will put the Question formally on each clause, and we are required to vote on whether we are: content with the clause as drafted; content with the clause as drafted, subject to the amendment proposed by the sponsor; or not content and wish to amend the clause. Members should note that, if they are proposing a Committee amendment, they must have the text of that amendment with them today.

Clause 1 (Amendment to the Disability Discrimination Act 1995 (c. 50))

The Chairperson: Clause 1 amends the Disability Discrimination Act (DDA) 1995 in two parts, first, through clause 1(2), which amends the definition of disability in the Act. However, Dominic Bradley MLA has tabled an amendment to leave out clause 1(2). Bearing that in mind, clause 1(3) will amend the DDA by extending the definition of the normal day-to-day activities in schedule 1, so that a condition that has a substantial and long-term adverse effect on someone's ability to take part in "normal social interaction" or to form "social relationships" can constitute a disability. Mr Bradley does not propose any amendment to clause 1(3). At the informal stage, the Committee indicated that it was generally content with the clause and Mr Bradley's proposed amendment. This is the last opportunity to discuss clause 1. Does anyone have any concerns?

Mr McCallister: We have concerns and will abstain.

The Chairperson: Do you want that to be noted? Folks, everyone was agreed on the Safeguarding Board Bill, but this is a little more difficult. Do you want to vote formally on each clause? Do you want the vote to be recorded?

Mr Easton: I want a recorded vote, please.

The Chairperson: OK. Are members happy with that?

Members indicated assent.

The Chairperson: OK. We will record each vote.

Question put, That the Committee is content with the clause as drafted, subject to the proposed amendment agreed with the sponsor of the Bill.

The Committee divided: Ayes 6; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill.

Question accordingly agreed to.

Clause 1, subject to the proposed amendment agreed with the sponsor of the Bill, agreed to.

Clause 2 (Autism strategy)

The Chairperson: Clause 2 requires the Department to prepare and publish a strategy on autism within two years of the passing of the Act and following consultation with other Northern Ireland Departments. All Departments in the Executive are placed under an obligation to implement any part of the strategy for which they are responsible. I remind members that, this morning, you were generally content with the clause. This is the last opportunity to discuss it. Does anyone have any concerns?

Mr McCallister: I have nothing to add to what I said about abstaining.

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 6; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill.

Question accordingly agreed to.

Clause 2 agreed to.

Clause 3 (Content of the autism strategy)

The Chairperson: I remind members that the Committee indicated that it was generally content with the clause and the commitment from Mr Bradley to propose an amendment in relation to the term "Civil Service" in clause 3(5). Of course, there is now an amendment to remove clause 3(5). This is the last opportunity to discuss the clause. Does anyone have any concerns?

Mr Girvan: Chairperson, is it right to say that we are voting on clause 3 with the exclusion of subsection (5)?

The Chairperson: Yes. I will put the Question that the Committee is content with the clause as drafted, subject to the amendment, which is the deletion of clause 3(5), proposed by

the sponsor. Take it as read that you would be agreeing to the clause without subsection (5). If you are not happy with Dominic's amendment, you would not vote for the clause.

Question put, That the Committee is content with the clause as drafted, subject to the proposed amendment agreed with the sponsor of the Bill.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 3, subject to the proposed amendment agreed with the sponsor of the Bill, agreed to.

Clause 4 (Interpretation)

The Chairperson: This clause defines a number of terms used throughout the Bill. Again, members indicated that they were generally content with the clause. This is your last opportunity to discuss this clause. Does anyone have any concerns? This was not as contentious.

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 4 agreed to.

Clause 5 (Regulations and orders made under this Act)

The Chairperson: We are getting down to the nitty-gritty of the technical clauses now, folks. This clause contains provision for the required procedures for making subordinate legislation under the Act. Again, members indicated that they were generally content with the clause. This is the last opportunity to discuss the clause. Does anyone have any concerns?

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 5 agreed to.

Ms S Ramsey: Gerry Adams would fit in nicely with the three of you who are abstaining.

Clause 6 (Commencement)

The Chairperson: This clause provides for the Bill to come into operation three months after the date on which it receives Royal Assent. I know that there is a great deal of enthusiasm for that.

Ms S Ramsey: You never know — the revolution.

The Chairperson: What would the Baron of Northstead say about this?

Mr McCallister: I am sure that he will be able to sign it.

Ms S Ramsey: You would need to ask him, because he received an apology.

The Chairperson: I am sure that he is now up at that level. I remind members that the Committee was generally content with the clause. This is your last opportunity to discuss this clause. Does anyone have any concerns about Her Majesty's signing this off?

Mr Girvan: The Bill might fall on that one.

Mr Callaghan: Chair, just out of curiosity, the draft in front of me states: "the day on which it was passed."

That is a different text to the one that you read out.

The Chairperson: All Assembly Bills go for Royal Assent.

Mr Callaghan: I accept that.

The Chairperson: You have probably raised an eyebrow or two by saying that.

Mr Callaghan: Rather, I acknowledge that.

[Laughter.]

The Chairperson: All Assembly Bills that I have dealt with include that phrase. I know that that phrase causes a difficulty for some people, and I understand what you are trying to say, but it is

included each and every time. Therefore, we just have to accept it.

Mr Brady: Can we put down a question for urgent oral answer asking whether The Queen does, in fact, read all these Bills?

The Chairperson: I am certain that she will read the Bill and the Assembly report.

Mr Brady: I will take your word for it.

Ms S Ramsey: She will read them in between watching 'Shameless'.

The Chairperson: Let us return to some sense of seriousness, because it is a very serious issue. It is entirely my fault that this meeting has gone downhill.

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 6 agreed to.

The Chairperson: That is our knighthoods down the drain.

Clause 7 (Short title)

The Chairperson: This clause provides for the short title of the Bill. Again, there was absolutely no concern, apart from the one issue about the date, but I am sure that that will be sorted out. I remind members that they indicated that they were generally content with the clause.

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 7 agreed to.

Long title

The Chairperson: Again, there were no issues with this.

Question put, That the Committee is content with the long title of the Bill as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Long title agreed to.

The Chairperson: Kieran, we are not sure how you voted on the long title. You voted for the short title, but we do not know how you voted on the long title. There is, obviously, a deep split in the Kieran Deeny party.

Dr Deeny: I am sorry. I just came in late, and I am not really up to speed.

The Chairperson: In that case, it would be better to join with those who abstained.

Dr Deeny: On both?

The Chairperson: Yes. It will not make any difference. That, folks, is the end of this stage of the deliberation on the Bill. There will be a Committee report, and the further stages will take place on the Floor of the House. Thank you for your help.

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 21 January 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Royal Mail

Mr P Weir asked the First Minister and deputy First Minister what representations the Executive has made to Royal Mail regarding the retention of customer service jobs in Belfast, rather than the redeployment of these jobs to Great Britain.

(AQW 1958/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): We have consistently made it clear that growing the economy and protecting jobs is our top priority. Clearly all enterprises, not just Royal Mail, will be looking to improve their internal efficiency to face the difficult economic operating conditions. It is our view that the quality of our local labour force is one of several key features that make this a good place to do business. This view has been supported in many places, not least during our economic conference in Washington DC.

Postal services are a reserved matter. Any restructuring will be an operational matter for the company's management team and we understand no decisions have yet been taken on its customer service sites. However, we will write to Royal Mail on this issue.

Presbyterian Mutual Society Savers

Mr R Beggs asked the First Minister and deputy First Minister, in light of the Comprehensive Spending Review announcement by the Chancellor of the Exchequer, for an update on the progress made by the Executive in alleviating the hardship faced by Presbyterian Mutual Society savers.[R]

(AQW 2632/11)

First Minister and deputy First Minister: The Mutual Access Fund will give PMS members early access to their share capital pending the Administrator/Scheme Supervisor managing the orderly realisation of PMS assets over time.

HM Treasury is prepared to contribute to the fund and £25 million has been provided in the Spending Review with an additional minimum £1 million contribution from the Presbyterian Church in Ireland. The proposed Executive contribution would be £25 million which would be recovered from the Administrator in later years.

The proposed solution remains subject to Executive, Assembly, and EU agreement.

Written Correspondence from Members of the Public

Mr T Burns asked the First Minister and deputy First Minister what ten subjects were raised most often by members of the public in written correspondence with their Department in the last 12 months.

(AQW 2890/11)

First Minister and deputy First Minister: While correspondence from members of the public addressed to Ministers or processed under Fol legislation is specifically recorded and monitored, no central record

is kept of correspondence addressed directly to business units within OFMDFM. The information is not, therefore, available in the format requested.

Programme for Government

Ms M Ritchie asked the First Minister and deputy First Minister what steps they are taking to produce a new Programme for Government; and whether they will make a statement on this issue.

(AQW 3241/11)

First Minister and deputy First Minister: Our focus over the past number of months has been the development of a 4-year draft Budget which the Executive agreed on 14 December 2010. Our officials have been working with departments on a draft Programme for Government during this period and we, together with our Executive colleagues, need to consider the opportune timing for consulting upon a draft Programme for Government, bearing in mind the forthcoming elections in May 2011.

Permanent Secretary of the Department for Regional Development

Mr P McGlone asked the First Minister and deputy First Minister, in light of Sir John Shortridge's report, when action will be taken in relation to the suspended Permanent Secretary of the Department for Regional Development.

(AQW 3276/11)

First Minister and deputy First Minister: The investigation into events which followed the Public Accounts Committee (PAC) hearing on Northern Ireland Water on 1 July 2010 is part of an ongoing process. No further action will be taken until this process is completed.

Civil Contingencies Group

Mr G Savage asked the First Minister and deputy First Minister at what point the Civil Contingencies Group was mobilised in response to the NI Water crisis of December 2010; and to detail (i) the number of meetings of this Group that took place; (ii) the location of these meetings; and (iii) who attended.

(AQW 3407/11)

First Minister and deputy First Minister: A decision to activate the Civil Contingencies Group (NI) (CCG(NI)) was taken on the morning of 29 December 2010 by the Head of the Civil Service. A total of 5 meetings of CCG(NI) were held on 30 and 31 December 2010 and 3, 5 and 7 January 2011. A further meeting was held on 19 January to carry out a multi-agency debrief of the response.

At its meeting on 30 December the CCG(NI) agreed to establish a sub-group, the Tactical Group (Recovery), to act as a multi-agency problem solving group to give effect to the decisions of CCG(NI). This sub-group met on 6 occasions on 31 December 2010 and 1, 2, 3, 4, and 5 January 2011.

All meetings of CCG(NI) and the Tactical Group (Recovery) were held in Castle Buildings and Stormont Castle.

The organisations attending CCG(NI) and Tactical Group (Recovery) meetings are listed in Tables 1 and 2 below.

TABLE 1: ORGANISATIONS ATTENDING CCG(NI) MEETINGS

Department/Organisation
Office of the First Minister and deputy First Minister (OFMDFM)
Executive Information Service (EIS, OFMDFM)
Department for Regional Department (DRD)
NI Water (NIW)

Department/Organisation
Department of Agriculture and Rural Development (DARD)
Rivers Agency (RA)
Department of Enterprise, Trade and Investment (DETI)
Department of Education (DE)
Department of Finance and Personnel (DFP – NI Direct)
Department of Health, Social Services and Public Safety (DHSSPS)
Public Health Agency (PHA)
Northern Ireland Ambulance Service (NIAS)
Northern Ireland Fire and Rescue Service (NIFRS)
Food Standards Agency (FSA)
Department of Environment (DOE)
Northern Ireland Housing Executive (NIHE)
Department for Social Development (DSD)
Social Security Agency (SSA)
Local Government Emergency Management Group (LGEMG)
Belfast City Council (BCC)
Department for Employment and Learning (DEL)
Police Service of Northern Ireland (PSNI)
Department of Culture, Arts and Leisure (DCAL)
British Telecom

TABLE 2 ORGANISATIONS ATTENDING TACTICAL GROUP (RECOVERY) MEETINGS

Department/ Organisation
Office of the First Minister and Deputy First Minister (OFMDFM)
Executive Information Service (EIS, OFMDFM)
NI Water (NIW)
Department of the Environment (DOE)
Local Government Emergency Management Group (LGEMG)
Northern Ireland Ambulance Service (NIAS)
Department for Regional Development (DRD)
Department of Enterprise Trade and Investment (DETI)
Invest NI (INI)
Public Health Agency (PHA)
NI Housing Executive (NIHE)

Department/ Organisation
Department of Education (DE)
Rivers Agency (RA)
Social Security Agency (SSA)
Police Service of Northern Ireland (PSNI)
Northern Ireland Fire and Rescue Service (NIFRS)
Belfast City Council (BCC)

Civil Contingencies Group

Mr G Savage asked the First Minister and deputy First Minister for their assessment of the effectiveness of the Civil Contingencies Group during the NI Water crisis of December 2010. (AQW 3408/11)

First Minister and deputy First Minister: The role of the Civil Contingencies Group (NI) (CCG(NI)) during the major disruptions to water supply across the region in December 2010 and early January 2011 was critical in providing continued strategic direction to the response to and recovery from the emergency, including the identification of new priorities as the situation changed, and to monitor progress on the delivery of actions.

The strategic priorities agreed by CCG(NI) were:

- arrangements to secure the provision and distribution of alternative sources of water;
- better alignment of NI Water resources to those customers who were off supply;
- arrangements to protect public health, and in particular measures to protect vulnerable people and key sites (hospitals, care facilities);
- arrangements to augment call handling capacity within NI Water via NICS staff; co-ordination of communication to the public to provide a consistent and accurate message across all responding organisations;
- a priority to ensure 'business as usual' for the region by 4 January 2011, particularly in respect of resumption of schools and business; and
- securing improved resilience in the short-term.

In pursuit of these strategic objectives, CCG(NI) and its Tactical Group (Recovery) sub-group, facilitated the delivery by participating organisations of the following key outcomes:

- Improved water distribution arrangements, for example CCG(NI) facilitated matching of distribution sites to areas of need, in particular vulnerable sites such as nursing and care homes; and arrangements for the distribution of bottled water via council sites and a range of organisations such as the Red Cross.
- Improved public communication, for example the use of the NI Direct Website to provide better quality, more customer-focused information on water outages and school closures; the establishment of the Department of Agriculture and Rural Development's helpline for farmers; and the use of social network media.
- Improved inter-agency communication, for example the assignment of a District Council officer to NI Water; liaison between the Public Health Agency and District Councils on identification of vulnerable people; liaison between the health sector and NI Water on the protection of hospital and care facilities; and liaison between the Department of Education and NI Water on the schools likely to be affected by bursts/rotational cuts in water supply.

- Capacity building and better targeting of resource from other organisations to bolster the NI Water response, for example the offer of additional NI Civil Service (approx 150 volunteers) to augment NI Water call handling capacity; and the provision of staff and equipment to assist in the identification of leaks to the mains supply and in private premises.
- Focusing effort on achieving 'business as usual' by 4 January, for example liaison with schools and the business sector to promote checking of premises and identify problems, and pro-actively working with NI Water to ensure water supply to entertainment zones on New Year's Eve.
- Improving Resilience in the short-term, for example gathering information from all participants on lessons learned; and a review of escalation procedures to ensure an appropriate level of response to emergencies as they develop.

In summary, we consider that CCG(NI) was extremely effective in ensuring that the multi-agency response to and subsequent recovery from the water supply disruptions was co-ordinated, managed, and fully informed, which served to mitigate to a considerable extent the hardship which was undoubtedly still suffered by a large number of people. As with any emergency of this nature, lessons can be learned as to how we might do things better next time. To that end, CCG(NI) is now embarking on a review of the multi-agency response that took place, to identify lessons learned and to apply those learning points to further increase resilience for the future.

NI Water: Sir Jon Shortridge's Report

Mr P McGlone asked the First Minister and deputy First Minister what action will be taken as a result of the conclusions detailed in Sir Jon Shortridge's report on NI Water and any other available evidence; and to detail the likely timescale for any actions.

(AQW 3424/11)

First Minister and deputy First Minister: Sir Jon Shortridge was not reporting on NI Water. The terms of reference and the scope of the investigation were provided to the Public Accounts Committee and the Regional Development Committee and subsequently published on 1 September 2010.

NI Water: Sir Jon Shortridge's Report

Mr G Savage asked the First Minister and deputy First Minister when the report on the investigation into NI Water by Sir John Shortridge will be published.

(AQW 3445/11)

First Minister and deputy First Minister: Sir Jon Shortridge was not reporting on NI Water. The terms of reference and the scope of the investigation were provided to the Public Accounts Committee and the Regional Development Committee and subsequently published on 1 September 2010.

NI Water: Sir Jon Shortridge's Report

Mr G Savage asked the First Minister and deputy First Minister to detail the cost incurred to date by the office of the Head of the Civil Service in supporting Sir John Shortridge's investigation into NI Water.

(AQW 3455/11)

First Minister and deputy First Minister: Sir Jon Shortridge was not reporting on NI Water. The terms of reference and the scope of the investigation were provided to the Public Accounts Committee and the Regional Development Committee and published on 1 September 2010.

Department of Agriculture and Rural Development

New Forest Walking Routes

Mr R Beggs asked the Minister of Agriculture and Rural Development whether there are any new forest walking routes being developed in (i) Carrickfergus; (ii) Larne; (iii) Moyle; or (iv) Newtownabbey, in light of the creation of a series of new routes in Fermanagh; and to list all the forests in East Antrim with formal walking routes.

(AQW 3277/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): When I launched the Department's 'Recreation and Social Use Strategy for Forests' last year, I was keen to realise the potential that forests offer. Indeed, evidence shows that using forests for walking and relaxing contributes to people's physical and mental wellbeing.

A key part of this strategy was the development of working partnerships with operational providers to secure a more diverse range of facilities and attractions for the enjoyment of present and future generations.

The successful completion of the walking routes you mention in County Fermanagh is the result of effective partnership working between my officials in Forest Service and Fermanagh District Council. It reflects a desire from the Council to develop the tourism opportunities that our forests can offer and my Department's willingness to work with the Council to facilitate the development of tourism and educational facilities within the Marble Arch Caves Global Geopark. The result has been very positive.

I am keen to see this partnership approach develop further and my officials in Forest Service are continuing to explore partnership opportunities with a number of stakeholders including NI Tourist Board, Countryside Access and Activities Network, National Trust and District Councils.

Although there are currently no new walking routes being developed in the areas you mention, you will be aware that within the East Antrim area, Woodburn forest, Ballyboley forest and Glenarm forest all have formal walking routes, providing some 10 km of walking trails, some sections of which form part of the Ulster Way. Forests in the East Antrim area also offer an extensive network of forest roads, which provide further walking opportunities.

Nevertheless, there may be potential to develop other walking opportunities in the East Antrim area using the partnership approach promoted in our Recreation and Social Use Strategy.

My Department's Forest Service would be very happy to meet with Councils in the area to discuss any proposals Councils might wish to explore.

Single Farm Payments

Mr P J Bradley asked the Minister of Agriculture and Rural Development for her assessment of the increased financial pressures facing livestock farmers as a result of the severe winter weather; and if she will ensure that outstanding Single Farm Payments are made without delay.

(AQW 3342/11)

Minister of Agriculture and Rural Development: The severe winter weather has caused a number of problems for livestock farmers. For sheep farmers, feeding of forage commenced earlier than normal for March lambing ewes due to the level of snow and extreme temperatures. In a lot of cases this would not have been budgeted for and farmers may now have to buy additional hay or silage before the end of the winter. Sheep farmers, and in particular hill sheep farmers, may also have reduced numbers of lambs born this year, as lack of nutrition caused by the snow cover can result in embryonic reabsorption leading to barren ewes.

For cattle, the severe weather may have impacted on their growth performance with a longer time now being needed to finish them, and as a result, increased feed bills.

The other main problem that occurred on livestock farms during the severe weather was the freezing of water pipes and troughs in livestock houses. Livestock had to be manually watered, greatly increasing the workload for farmers. Once the thaw came, fixing of burst pipes has created additional costs for farmers.

In relation to Single Farm Payment, my Department's targets are to complete 83% of 2010 payments for receipt by farm businesses by 31 December 2011 and a total of 90% by 31 January 2011. I am pleased to say that the December target was exceeded with 84.5% achieved. The December payments were worth £211.75 million. I am keen to ensure that all Single Farm Payments are paid as quickly as possible and my Department is working to complete the assessments on the remaining claims at the earliest possible date.

Rural White Paper

Ms M Ritchie asked the Minister of Agriculture and Rural Development what progress has been made in relation to the development of a Rural White Paper; and if she will make a statement on this issue. (AQW 3371/11)

Minister of Agriculture and Rural Development: DARD is actively working with other Departments on the development of realistic and meaningful actions for inclusion in the Rural White Paper.

I have recently held very positive bilateral meetings with many of my Ministerial colleagues where I have reinforced to them the importance of the Rural White Paper and we have agreed concrete actions for inclusion in the action plan.

I remain committed to issuing a draft Rural White Paper Action Plan for consultation by 31 March 2011.

Rural Development Programme: Axis 3

Mr P J Bradley asked the Minister of Agriculture and Rural Development (i) how much money has been spent on the administration of Axis 3 of the Rural Development Programme; and (ii) how much has been awarded in grants in each of the seven geographical areas. (AQW 3381/11)

Minister of Agriculture and Rural Development:

- (i) £4.7m has been spent on the administration of Axis 3 to date
- (ii) Number of Projects and Grant awarded by Cluster are as follows:

GROW	NER	LRP	DRAP	SOAR	ARC	SWARD
47	79	49	50	83	136	151
1,790,902	£2,167,121	£1,315,889	£2,320,694	3,155,369	£4,025,814	£5,987,389

Single Farm Payments

Mr P J Bradley asked the Minister of Agriculture and Rural Development whether she will consider reinstating the system that permitted part payment of Single Farm Payments to livestock owners and in particular to those farmers who are still awaiting their payment as a result of late farm inspection reports carried out by her Department. (AQW 3403/11)

Minister of Agriculture and Rural Development: Under EU Regulations, I am only permitted to make Single Farm Payments (SFP) when all the checks are complete and I am satisfied that the eligibility conditions have been met. The farm inspections are part of the checking process and they were completed in time to allow payments to begin at the beginning of December. Where inspections find no errors those claims are processed rapidly. We have processed approximately 90% of claims including around 340 of those claims where an inspection was carried out.

However, in 2010 most of the eligibility inspections found that farmers had overstated the eligible area in their claims, and the results of these inspections take much longer to process before the eligibility checks are complete and payment can be made. Often these cases are complex because we also need to trace the effect of over-claims on previous years, and this adds considerably to the time taken to make payments.

I am keen to ensure that all claims are paid as soon as possible and my Department is working hard to ensure that all remaining claims are paid as early as possible.

New Forest Walking Routes

Mr P Weir asked the Minister of Agriculture and Rural Development whether there are any new forest walking routes being developed in the North Down area.

(AQW 3409/11)

Minister of Agriculture and Rural Development: When I launched the Department's 'Recreation and Social Use Strategy for Forests' last year, I was keen to realise the potential that forests offer. Indeed, evidence shows that using forests for walking and relaxing contributes to people's physical and mental wellbeing.

A key part of this strategy was the development of working partnerships with operational providers to secure a more diverse range of facilities and attractions for the enjoyment of present and future generations.

I am delighted that new walking routes have recently been completed in County Fermanagh as a result of effective partnership working between my officials in Forest Service and Fermanagh District Council. It reflects a desire from the Council to develop the tourism opportunities that our forests can offer and my Department's willingness to work with the Council to facilitate the development of tourism and educational facilities within the Marble Arch Caves Global Geopark. The result has been very positive.

I am keen to see this partnership approach develop further and my officials in Forest Service are continuing to explore partnership opportunities with a number of stakeholders including NI Tourist Board, Countryside Access and Activities Network, National Trust and District Councils.

Although there are currently no new walking routes being developed in the area you mention, you will be aware that within the North Down area, Ballysallagh forest and Clandeboyne forest both have formal walking routes, providing some 5 km of walking trails.

Nevertheless, there may be potential to develop other walking opportunities in the North Down area using the partnership approach promoted in our Recreation and Social Use Strategy. My Department's Forest Service would be very happy to meet with Councils in the area to discuss any proposals Councils might wish to explore.

Department of Education

Cost of Repairing Damage to Heating and Water Supplies

Mr J Craig asked the Minister of Education to outline the cost incurred by each Education and Library Board for repairing damage to heating and water supplies caused by burst pipes over the Christmas period.

(AQW 3272/11)

Minister of Education (Ms C Ruane): Sonraítear sa tábla thíos na costais mheasta a thabhaigh gach Bord Oideachais agus Leabharlann go dtí an lá atá inniu ann maidir leis na scoileanna faoi chothabháil agus na scoileanna rialaithe.

The table below outlines the estimated cost incurred by each Education and Library Board on schools in the maintained and controlled sectors to date. The full extent of the costs involved will unfold over the coming weeks as the Education and Library Boards move to repair the damage.

BELB	£327,820
WELB	£140,343
NEELB	£102,280
SEELB	£178,600
SELB	£194,250

Voluntary Grammar Schools and Grant Maintained Integrated schools are responsible for maintenance in their respective schools; and have their own insurance arrangements in place. The Department is therefore unable to provide costs incurred by these sectors.

Schools in the South Antrim Area: Broken Pipes

Mr T Clarke asked the Minister of Education how many schools in the South Antrim area had broken pipes over the Christmas period caused by the cold weather; and what was the total cost of repair.
(AQW 3279/11)

Minister of Education: Bhí 29 scoil i gceantar an Aontroma Theas a raibh píobáin briste iontu le linn tréimhse na Nollag.

There are 29 schools in the South Antrim area which had broken pipes over the Christmas period. The estimated cost of the repairs currently stands at £45,400, however, at this time not all costings are known. It is possible that there will be reports of further damage done to external areas as a result of the severe weather conditions which could present health and safety hazards and will as a result require to be repaired.

The actual cost of the repair work will be realised when the contractors have completed the work and submitted their invoices.

School Repairs

Mr J Craig asked the Minister of Education if repairs have been carried out, in all schools, on the damage caused by the recent severe weather, and if not, when these repairs will be completed.
(AQW 3302/11)

Minister of Education: Thuairiscigh níos mó ná 300 scoil go raibh damáiste uisce déanta agus ba é an tosaíocht é na píobáin briste a dheisiú agus díriú isteach ar ghlanadh na scoileanna ionas go mbeadh siad réidh do dhaltai agus do mhúinteoirí.

Over 300 schools had reported water damage and the priority was on repairing burst pipes and clean up operations to allow schools to become fully operational again. The remainder of schools in the maintained and controlled sectors are being assessed by the Education and Library Boards maintenance officers and will be prioritised accordingly.

Voluntary Grammar and Grant Maintained Integrated schools are responsible for maintenance in their respective schools; and have insurance arrangements in place to cover any damage which occurred.

Employment Support Allowance

Mr P Weir asked the Minister of Education (i) how the criteria for social disadvantage on the pre-school application form were agreed; (ii) what consideration she has given to including Employment Support Allowance as part of the criteria; and (iii) why Employment Support Allowance is currently not listed in the criteria.
(AQW 3374/11)

Minister of Education: Tá dhá thosaíocht sonraithe sa Treoir a eisíonn an Roinn Oideachais (DE) agus úsáidtear iad seo leis an chritéar iontrála a dhearbhuí -

In determining the admissions criteria, the Guidance issued by the Department of Education (DE) specifies two priorities-

- social disadvantage – because research has shown that those children from socially disadvantaged backgrounds tend to experience more difficulty at school than other children; and
- 4-year-olds with July and August birthdays – because these children do not enter compulsory education until after their 5th birthday.

This targeting process, which is part of DE's wider strategy to reduce levels of educational underachievement in the long-term, has been in operation since the 1999/2000 school year.

When the Pre-School Education Expansion Programme (PSEEP) was established in 1998 the criteria established for targeting social disadvantage was based on the indicators used in the Department to determine entitlement to Free School Meals.

At that time funded pre-school places were available for only 45% of children in their final pre-school year and the social disadvantage criteria ensured that those children most in need were afforded priority in the admissions process.

The level of funded pre-school provision has increased over the last 10 years to a point now where places are available for over 90% of children in their final pre-school year. Research has shown that this figure is sufficient to meet demand as the parents of approximately 10% of eligible children choose not to apply for a funded pre-school place.

I am aware that Employment Support Allowance (ESA) is included in the criteria for a number of other entitlements, including Free Schools Meals for which my Department is responsible. As part of the on-going management of the PSEEP, officials plan therefore to look at the proxy indicators used to target social disadvantage, including any changes which have been made to the benefit system, to determine whether any revision of this current definition is necessary.

Schools in the North Down Area: Disrupted by Burst Pipes

Mr P Weir asked the Minister of Education which schools in the North Down area, if any, were disrupted by burst pipes as a result of the recent severe weather conditions.

(AQW 3416/11)

Minister of Education: Seo a leanas liosta na scoileanna i gceantar an Dúin Thuaidh a raibh próbáin briste acu mar gheall ar an drochaimsir:-

The following is a list of schools in the North Down area which suffered burst pipes as a result of the recent severe weather conditions:

- Priory College, Holywood
- Sullivan Upper, Holywood
- Ballyvester PS
- Holywood PS
- Redburn PS
- Crawfordsburn PS
- Ballymagee PS
- St Malachy's PS Bangor
- St Comgall's PS Bangor

Flooding in Schools

Miss M McIlveen asked the Minister of Education how much has been spent to date in dealing with flooding in schools as a result of the recent severe weather.

(AQW 3442/11)

Minister of Education: Sholáthraigh na Boird Oideachais agus Leabharlann costais mheasta den mhéid £944,000 le scoileanna faoi chothabháil agus scoileanna rialta a dheisiú mar gheall ar an damáiste a tharla le linn na drochaimsire.

To date the Education and Library Boards have provided estimated costs amounting to £944,000 for repairs to maintained and controlled schools as a result of the recent severe weather. However maintenance officers are still assessing the damage and it may be some time before final costs are actually known.

Voluntary Grammar and Grant Maintained Integrated schools are responsible for maintenance in their respective schools; and have insurance arrangements in place. Therefore this information would not be available to the Department.

Nursery Units in Larne, Carrickfergus and Newtownabbey

Mr K Robinson asked the Minister of Education when decisions will be made on the provision of nursery units in (i) Larne; (ii) Carrickfergus; and (iii) Newtownabbey.

(AQW 3488/11)

Minister of Education: Faoi láthair, níl aon Togra Forbartha foilsithe a bhfuil mar aidhm aige aonaid naíscoile a sholáthar i Latharna, i gCarraig Fhearghais nó i mBaile na Mainistreach.

There are currently no published Development Proposals to provide nursery units at Larne, Carrickfergus, or Newtownabbey.

Bangor Grammar School: Proposed Capital Build

Mr P Weir asked the Minister of Education what implications, if any, the Department's draft budget will have on the proposed capital build for Bangor Grammar School.

(AQW 3527/11)

Minister of Education: Is scoil amháin as 13 scoil í Bangor Grammar School a fuair faomhadh le haghaidh maoiniú caipitil de réir na fógartha a rinne mé ar an 5 Lúnasa 2010.

Bangor Grammar School was one of the 13 schools approved for capital funding in my announcement of 5 August 2010.

I can inform you that tenders for the construction of the new school were received in December 2010 and it is anticipated that the contract will be awarded in late January with construction work expected to get underway in mid February.

The Department's financial planning for the period 2011-15 takes into consideration completion of contractually committed projects.

Department for Employment and Learning

Student Fees

Lord Morrow asked the Minister for Employment and Learning for his assessment of the extent to which families in Northern Ireland will be affected by the proposed increase in student fees.

(AQO 783/11)

Minister for Employment and Learning (Mr D Kennedy): I have said consistently that the opportunity to enter higher education must be based on the ability to learn and not the ability to pay. I am committed to minimising the impact of any fee increase on Northern Ireland families and I am explaining what may be possible in relation to the level of financial support available for students

Student Fees

Mr S Gibson asked the Minister for Employment and Learning what progress has been made on the review of student fees.

(AQO 784/11)

Minister for Employment and Learning: Significant progress has been made in recent weeks in developing proposals in advance of the planned public consultation on the future of tuition fees and student finance arrangements. Joanne Stuart has been updating her original report and I expect to receive her update in a matter of days.

In addition to Joanne's work, my officials have been costing and modelling various options and analysing the key proposals in each of the other UK administrations, as well as developments in the Republic of Ireland.

All of these elements, along with the budget settlement, will inform the options that I will set out in the consultation paper. I plan to take this to the Executive next month to seek its agreement to publish. If the Executive agrees to publication, the consultation document will be available for public consultation in early March.

Constructive engagement through the external stakeholder group has been a key feature of the work to date and this will continue. A further meeting is planned in the next few weeks to discuss the emerging consultation proposals, which will need to be affordable, maintain access and promote excellence.

Budget 2011-15: DEL

Mr R Beggs asked the Minister for Employment and Learning for his assessment of the potential impact of the draft Budget on his Department's activities in years 1 and 2.

(AQO 785/11)

Minister for Employment and Learning: I published my assessment of the implications of the draft budget on 10 January.

I plan to make savings in years one and two of some £40m and £72m respectively.

In doing so I will seek to protect front line services as far as possible. But unfortunately some service impact is unavoidable and this will mean reductions to the employment service, skills and further and higher education budgets.

Although the impact of these reductions should be potentially offset by efficiency improvements I will not be able to sustain funding for adult apprenticeships and I will have to look very closely at the affordability of the provision offered by our employment service.

But even after delivering these savings, the draft budget will leave a significant gap in our funding for the first two years. In real terms, after efficiency savings have been implemented, there is a funding deficit of £40 million and £31 million in years 2011-12 and 2012-13 respectively.

If this is not resourced, it will have a serious impact on the services we offer. I will then have to make even more difficult choices in order to balance the books.

Delivering these further reductions of £40m and £31m in years 1 and 2 will potentially mean that:

- we struggle to maintain parity with Great Britain in our delivery of services to the unemployed;
- key projects and initiatives in research and innovation will be cancelled;
- funding to the FE sector will reduce further, with obvious consequences on capacity;
- our ability to deliver our proposed Skills Strategy, including STEM will be severely restricted and implementation delayed; and
- higher education's funding will reduce further.

Queen's University Belfast and Stranmillis University College

Mr K Robinson asked the Minister for Employment and Learning for an update on the proposed merger of Queen's University and Stranmillis College.

(AQO 786/11)

Minister for Employment and Learning: The College has recently completed a public consultation on an Equality Impact Assessment and has published the results. The College has concluded that the proposed merger has no adverse impact on any Section 75 category or on good relations generally. However, I have stated that legislation will not be brought forward unless the newly merged entity can guarantee respect for the ethos of the Controlled Sector. Officials are currently exploring how this can be achieved with legal advisers. Should an outcome emerge from this which satisfies me, this will be reflected in the public consultation document which will require Executive approval. The subsequent consultation will inform my decision whether or not to proceed with legislation to effect the proposed merger. Any legislation will be subject to a full debate and vote on the floor of this Assembly.

World Skills 2012

Mr B Armstrong asked the Minister for Employment and Learning for an update on Northern Ireland's involvement in World Skills 2012.

(AQO 787/11)

Minister for Employment and Learning: Fourteen competitors from Northern Ireland have been selected to be part of Squad UK for WorldSkills London 2011. This is an excellent achievement; and represents 16% of the overall squad of 87 members, and is higher than any other Nation or Region in the UK. The Squad members come from the 6 Further Education Colleges and the College of Agriculture, Food and Rural Enterprise and are across 8 occupational areas. The Squad members will undergo a rigorous training programme ahead of selection for the team that will eventually represent the UK at WorldSkills London 2011. Team UK will be announced in June 2011.

A training event for squad members in the construction trades will be held in North West Regional College, Limavady campus in May. This will be the first time a WorldSkills Squad UK training session will be held in Northern Ireland and will involve about 26 squad members and 9 training managers from across the UK.

Tuition Fees

Lord Empey asked the Minister for Employment and Learning for his assessment of the applicability to Northern Ireland of the Welsh Government's approach to Higher Education tuition fees.

(AQO 788/11)

Minister for Employment and Learning: Shortly after the announcement by the Welsh Assembly Government, I indicated that I would be looking carefully at its approach to consider its potential applicability here.

It is important to remember that, in the context of the Welsh proposals, we in Northern Ireland have a very different pattern of student flows.

Wales is a net importer of students. In academic year 2008/09 almost 8,800 first year full-time undergraduate students entered higher education in Wales from other parts of the United Kingdom, whilst Wales exported only 5,500 similar students. Under the Welsh proposals, these 8,800 students could be charged up to £9,000 per year.

Northern Ireland is a net exporter of students, with fewer than 200 enrolments in the same period from other parts of the United Kingdom while approximately 4,000 Northern Ireland domiciled students enrolled in institutions in Great Britain.

Unfortunately, this essential fact and its impact on the financing of the Welsh proposals means that it is not really a feasible option for Northern Ireland.

Clearly, the decision by the Welsh Assembly Government to invest very significant sums of public money in meeting any additional fee costs above the current levels for Welsh students, could only be replicated in Northern Ireland at a very significant cost.

Education Maintenance Allowance

Ms M Anderson asked the Minister for Employment and Learning for an update on the future of the Education Maintenance Allowance, including an assessment of whether ending this allowance would be likely to force young people from disadvantaged backgrounds out of full-time education.

(AQO 789/11)

Minister for Employment and Learning: Both my Department and the Department of Education received the findings of the jointly commissioned Review of the Education Maintenance Allowance scheme in Northern Ireland in December 2010. Officials from both Departments are currently assessing the findings of the report and will brief the Employment and Learning Committee on 19 January 2011. My Department will engage fully with the Committee as policy options are developed, which will clearly consider any potential impact on those from the most disadvantaged backgrounds whom I am committed to supporting.

Further Education: Redundancies

Mr J Spratt asked the Minister for Employment and Learning what provision has been made for Further Education lecturers in relation to possible redundancies.

(AQO 790/11)

Minister for Employment and Learning: All six Further Education Colleges have agreed a common policy regarding the award of enhanced severance pay in the event of redundancy. This proposal, which has been based on affordability limits, remains subject to discussions with the Trade Unions, through established negotiating mechanisms.

I have great sympathy for all those staff affected by this situation and remain hopeful that the discussions between management and the trade unions will limit the number of compulsory redundancies.

Further Education: Annual Plans

Mr J Bell asked the Minister for Employment and Learning for his assessment of the progress of Further Education Colleges in relation to meeting targets set out in their annual plans.

(AQO 791/11)

Minister for Employment and Learning: As part of the annual College Development Planning process, which included a bilateral discussion with each of the six Further Education Colleges in March 2010, recurrent block grant allocations were agreed with each college for the current academic year commencing 1 August 2010.

Through this process, targets and budgets were agreed with each individual College to deliver the Department's priorities for the FE sector in terms of provision at levels 2 and 3, provision on the regulated qualifications frameworks, provision in priority skills areas, Higher Education provision delivered by colleges and Essential Skills. Delivery against these targets is monitored throughout the academic year, and interim enrolment data was received from the sector in November.

In this year the performance is encouraging and indicates that the sector is projecting to meet, and in some cases exceed, the targets set.

Further Education: Redundancies

Mrs M O'Neill asked the Minister for Employment and Learning if he has had any discussions with trade unions about redundancies recently proposed by the Further Education colleges.

(AQO 792/11)

Minister for Employment and Learning: I am aware of the redundancies proposed in the Further Education Sector. While I have not had direct discussions with the Trade Unions, my officials have had regular contact in recent months. Issues relating to employment are a matter for each Governing Body but I have encouraged the six College employers to adopt a common 'Sector Wide' approach for the purpose of implementing severance payments for lecturers.

Department of Enterprise, Trade and Investment

Water Crisis in December 2010

Mr G Savage asked the Minister of Enterprise, Trade and Investment for an estimate of the loss of income incurred by the economy due to the water crisis in December 2010.

(AQW 3242/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster): The main economic impact of the disruption in water supplies over the Christmas and New Year period is expected to have been in respect of those businesses which were unable to operate at normal capacity because of interrupted water supply. In addition, the impact of water damage to premises from burst pipes will also have had consequences for the usual operation of business.

However, it is not expected that the impact of these events will be identifiable in respect of the main economic indicators. Therefore, it is not possible to provide an accurate estimate of the loss of income incurred by the Northern Ireland economy in the absence of a survey of the affected businesses which could only be conducted at disproportionate cost.

Corporation Tax: Reduction

Ms M Ritchie asked the Minister of Enterprise, Trade and Investment for her assessment of the recent report from PricewaterhouseCoopers regarding the possible impact of a reduction in corporation tax on the location of further foreign direct investment jobs.

(AQW 3263/11)

Minister of Enterprise, Trade and Investment: On 7 January 2011 PricewaterhouseCoopers published the latest report in its Government Futures series entitled "Corporation Tax- Game Changer or Game Over?"

This report provides a useful contribution to the debate on whether the Executive should seek to reduce the rate of corporation tax in Northern Ireland, to match that in the Republic of Ireland.

In particular, it highlights the recent strong performance of the local economy in attracting Foreign Direct Investment (FDI) which would be further enhanced by a reduction in the rate of corporation tax.

However, it also sets out some of the technical and legal issues involved, including the public expenditure cost, whilst there is a need for complementary measures to maximise the benefit from a reduced rate. In addition, it is suggested that other targeted fiscal incentives might be more effective in supporting the achievement of the Executive's goals for the local economy.

The Executive will need to balance all of these issues in deciding on its approach to corporate taxation.

Tourism: Strangford Lough

Mr S Hamilton asked the Minister of Enterprise, Trade and Investment for an update on the development of Strangford Lough as a tourism destination.

(AQO 800/11)

Minister of Enterprise, Trade and Investment: The Draft Tourism Strategy for Northern Ireland to 2020 has identified Strangford Lough as one of nine potential “key tourism areas”.

The local authorities of Down District Council and Ards Borough Council have a Strangford Lough Destination Forum comprising public/private membership in place.

Discussions are currently taking place with the Northern Ireland Tourist Board regarding implementation of the associated draft Tourism Action Plan for the area.

Employment

Ms S Ramsey asked the Minister of Enterprise, Trade and Investment to outline the proposed package of measures referred to in the draft Budget statement which will result in the creation of around 4000 jobs.

(AQO 801/11)

Minister of Enterprise, Trade and Investment: The Executive's draft Budget includes a package of measures to support employment, with examples including assistance for FDI contact centres; Business start ups in Neighbourhood Renewal areas; food processing and Social enterprises.

These measures are being introduced specifically in response to the downturn, including the rise in unemployment, and are additional to the support already provided by Invest NI to grow the economy and create jobs.

Electricity Costs

Mr P Callaghan asked the Minister of Enterprise, Trade and Investment, given the recent severe weather, what consideration has been given to introducing a payment option, to allow pensioners and other low income customers of NI Electricity to spread the cost of payments over a 12-month period, to protect them against the costs of increased usage and from falling into arrears.

(AQO 802/11)

Minister of Enterprise, Trade and Investment: NIE Energy advise that a number of payment options are already available to customers to help spread the cost of electricity bills.

Customers can choose to spread an outstanding balance over the coming year by rolling it into a fixed monthly direct debit payment. In addition, there is up to £40 a year discount for those paying by monthly direct debit.

Another option is the ‘pay as you go’ Keypad meter. NIE Energy will install this free of charge and also give a 2.5% discount on the standard electricity tariff.

NIE Energy also advises that it can arrange lower than normal repayment amounts for customers on certain benefits, and offers free, fitted loft and cavity wall insulation to lower income householders.

Matrix Report

Mr C McDevitt asked the Minister of Enterprise, Trade and Investment for an update on the implementation of the recommendations of the Matrix Report.

(AQO 804/11)

Minister of Enterprise, Trade and Investment: In November 2009, I announced the government response to the MATRIX report. Implementation is being overseen by a senior cross-departmental

working group chaired by DETI and I am pleased to confirm that there has been good progress towards delivering the 4 key actions in that response.

MATRIX' main recommendation was the creation of Innovation Communities. The first true Innovation Community, the Global Maritime Alliance, has been trading internationally since June 2010. DETI and Invest NI are currently supporting a further 10 collaborative ventures which have the potential to evolve into Innovation Communities.

MATRIX continues to advise on the implementation process.

Social Economy

Ms M Anderson asked the Minister of Enterprise, Trade and Investment for her assessment of the draft Budget allocation to the social economy sector.

(AQO 806/11)

Minister of Enterprise, Trade and Investment: I launched the Executive's current cross-departmental Social Economy Enterprise Strategy last March.

The focus of that strategy is on departments ensuring that existing financial and other support programmes are widely publicised and made accessible to social enterprises.

A cross departmental policy group continues to monitor delivery. Departments will be expected to meet their commitments from within their final Budget allocations and also to consider how they can further support the development of the sector.

The draft Budget allocation would allow my department to meet its commitments to the Social Economy Enterprise Strategy.

Small Businesses: Financial Support

Mr A Ross asked the Minister of Enterprise, Trade and Investment what assistance is available to small businesses that are struggling to obtain access to finance.

(AQO 807/11)

Minister of Enterprise, Trade and Investment: Invest NI and the banks are working in partnership on events for local businesses to provide advice and outline services that might be beneficial in these difficult economic times. The emphasis is on building capability that leads to entrepreneurs and managers having the ability to develop viable business propositions, to identify the most appropriate funding options and to negotiate successfully with the banks.

My officials and I are also in regular contact with the banks to relay concerns expressed by businesses and their representatives and to urge upon them the importance of explaining clearly the reasons for lending decisions and to make appropriate use of Government schemes such as the Enterprise Finance Guarantee.

Department of the Environment

Contamination to Water Supplies

Mr S Gardiner asked the Minister of the Environment for his assessment of the risk of contamination to water supplies as a result of the prolonged periods of low reservoir levels in December 2010.

(AQW 3260/11)

Minister of the Environment (Mr E Poots): NI Water, as part of its regulatory duty to supply safe, clean drinking water is required to monitor all aspects of the water it supplies to its consumers. The regulations are prescriptive and require samples to be taken at specific locations at stipulated frequencies to cover a range of water quality parameters. This sampling programme covers all aspects

of the water supply chain, from the water treatment works, the service reservoirs where water is stored for onward distribution through many kilometres of pipe to consumers' taps.

NI Water's regulatory sampling programme covered 330 service reservoirs which are sampled on a weekly basis for compliance with the microbiological samples and at the same time, checks are made on the levels of chlorine which is used to disinfect the water. This is important as it may indicate a breach in the integrity of the water supply systems.

To safeguard public health, where the regulatory standards have not been achieved, NI Water must investigate all breaches of these standards and report these findings to the Drinking Water Inspectorate. The Inspectorate assesses the significance of these breaches and may take appropriate action to ensure NI Water complies with the regulations.

To date, NI Water has not reported any significant or potential water quality issues because of low service reservoir levels to the Inspectorate. From the information provided by NI Water, the Inspectorate has no evidence to suggest that low water levels in service reservoirs put consumers at increased risk of contamination.

The Inspectorate is aware that NI Water has been in close liaison with the Public Health Agency to provide public health protection where it has been considered necessary.

The Inspectorate's ongoing investigation into this water quality incident will provide the Minister for Regional Development with a report of its findings in due course.

Planning Application H/2008/0089/F

Mr P McGlone asked the Minister of the Environment, pursuant to AQW 3214/11, in relation to planning application H/2008/0089/F, (i) whether the Planning Service opinion of 9 June 2010 remains; (ii) if and when he received further advice; (iii) who provided the advice; and (vi) to detail any further advice.

(AQW 3291/11)

Minister of the Environment:

- (i) My officials in the Ballymena Divisional Planning Office consulted the Magherafelt District Council with an opinion to approve the application on 9 June 2009 (not 2010) and the opinion was accepted. However subsequent to this I received a detailed representation from Dr W. McCrea MP MLA, on behalf of an objector, and am currently considering this prior to making a final determination.
- (ii) My officials in the Ballymena Divisional Planning Office first provided information and advice to me on 4 January 2010 to facilitate a meeting with Dr McCrea on 19 January 2010 when he raised a number of detailed issues on behalf of an objector. These issues were addressed in further advice from officials from Ballymena and Planning Service Headquarters on 15 February 2010 and subsequently in further meetings with my officials. I received further briefing from the Director of Operations on 24 September 2010 again addressing issues raised by Dr McCrea.
- (iii) As above.
- (iv) Under the terms of paragraph 12(4)(e) of the Environmental Information Regulations 2004, I cannot disclose the nature of this advice as it is internal communication relating to a planning application which has yet to be finally determined.

External Legal Advice

Mr S Hamilton asked the Minister of the Environment how much each local council has spent on external legal advice in each of the last five years, broken down by payments to (i) solicitors; and (ii) barristers.

(AQW 3314/11)

Minister of the Environment: The information is not held centrally by my department and to obtain the information from all 26 councils could only be undertaken at disproportionate cost. The information may be available from any individual council in which you have an interest.

Regional Development Strategy: Review Consultation

Mr S Hamilton asked the Minister of the Environment whether the consultation on the review of the Regional Development Strategy, published on 6 January 2011, will be regarded as a material consideration when dealing with planning applications and planning inquiries.

(AQW 3324/11)

Minister of the Environment: The existing Regional Development Strategy and the draft Strategy, which is the subject of public consultation, are material considerations when dealing with planning applications and inquiries but are not operational planning policy. The weight to be given to these documents is a matter for the Planning Service based on the planning merits of a particular proposal.

Trade Unions: Talks

Mr D McNarry asked the Minister of the Environment what talks he has had with trade unions representing staff employed in his Department or in any of its arm's-length bodies in the last six months.

(AQW 3390/11)

Minister of the Environment: I met representatives from Northern Ireland Public Service Alliance (NIPSA) and Royal Town Planning Institute (RTPI) on 12 August 2010 to discuss job opportunities for professional planners outside Planning Service.

Planning Decisions

Ms M Ritchie asked the Minister of the Environment to outline his policy in relation to ministerial announcements about planning decisions on which the Committee for the Environment has not been informed.

(AQO 809/11)

Minister of the Environment: In announcing decisions on Article 31 major planning applications where I am the decision maker I follow a standard procedure which is to inform in writing the Speaker of the Northern Ireland Assembly, the Chair of the Environment Committee and all Members. A copy of the letter announcing my decision is also placed in the Assembly Library.

My Department also follows a standard procedure in releasing information about future planning decisions on non – Article 31 planning applications.

Following an internal Development Management Group meeting, at which a preliminary opinion will be formed indicating the likely decision, the Department's opinion on the proposal is then made available when the application is presented to the local Council on a publically available schedule or list of applications.

When a planning decision issues, the nature of the decision and the reasons for it will then be provided to those who commented on the application during the planning process. All information relating to the processing of a planning application including the Department's decision can be viewed by appointment with the open file unit located at each local divisional planning office.

Footpaths

Mr J McCallister asked the Minister of the Environment whether he plans to issue emergency guidance to councils about co-operating with the Department for Regional Development to ensure that major public footpaths are maintained in a safe condition in times of severe weather.

(AQO 817/11)

Minister of the Environment: I have no plans to issue guidance to councils about co-operating with the Department for Regional Development to ensure that major public footpaths are maintained to a safe condition in times of severe weather.

I have no locus in maintaining the public highway but I would encourage councils to collaborate with the Department for Regional Development and enter into arrangements in clearing footpaths affected by snow or ice and to work within the terms of any guidance that, the Minister for Regional Development, chooses to issue.

Landfill Sites

Mr P Ramsey asked the Minister of the Environment to outline the procedures in place to ensure that landfill operators comply with the terms and conditions of their licences, particularly outside working hours and at weekends.

(AQO 818/11)

Minister of the Environment: Operating landfill sites must comply with stringent conditions in terms of compliance and monitoring contained in landfill permits issued by the Northern Ireland Environment Agency (NIEA).

NIEA carry out regular audits of these facilities both as part of the regulatory regime and in response to complaints received.

Any issues raised during inspections are promptly and effectively dealt with to ensure that the highest environmental standards are maintained.

A number of enforcement mechanisms exist and are used by NIEA. These are:

- An enforcement notice, which relates directly to breaches of permit conditions, served on the operator which specifies steps to be taken to remedy the contravention and the time period allowed for compliance.
- A suspension notice in relation to risk of serious pollution. The notice may cease to authorise the entire operation or any specified activities.

Landfill sites are restricted in terms of operating hours and historically have not required regulatory effort outside working hours. Working within resources available NIEA do not provide routine outside hours cover on waste activities. If the level of risk to the environment were to change NIEA will reconsider the position.

Knock Golf Club, Belfast

Mr T Burns asked the Minister of the Environment when he intends to make a decision on the planning application for a housing development at Knock Golf Club, given that the application to relocate the golf club has been turned down.

(AQO 819/11)

Minister of the Environment: The Belfast Divisional Planning Office (DPO) has recently received a letter from the agent withdrawing this application. All those who have been in correspondence with the DPO will now be informed of this.

Road Deaths

Mr J Wells asked the Minister of the Environment for his assessment of the road fatality statistics for 2010.

(AQO 820/11)

Minister of the Environment: The number of road deaths in Northern Ireland for 2010 was 55, compared with 115 in 2009.

Obviously, we welcome the huge reduction in road deaths, but it is with extreme caution that we note the number of lives saved in 2010. It is difficult to take pleasure from this record low when 55 families were unexpectedly without their loved ones in 2010. I offer my sincerest sympathy to those families.

We have seen a downward trend in road casualties over the last decade. In 2000, 171 people were killed, this has steadily declined to 107 in 2008 the lowest since records began until that point. In 2010 there has been an unprecedented fall of around 50% in fatalities and over 20% in serious injuries. The reduction in fatalities is consistent across all road user groups and includes a reduction in the number of child deaths from 4 in 2009 to 2 in 2010.

It is impossible to be precise about the reasons for the reduction in deaths and serious injuries, because of the range of factors that can impact positively or negatively upon road safety. These include vehicle, road and traffic engineering; education and awareness; weather; roadside enforcement, the economy and penalties; along with public attitudes and various social and cultural factors.

As there are so many variables, the figures can fluctuate significantly from month to month and from year to year. Complacency poses an enormous threat to road users so we must not let our guard down. My Department will continue working in partnership with DRD's Road Service, the PSNI, the Northern Ireland Fire and Rescue Service and Ambulance Service, the Department of Education delivering a programme of road safety education, engineering and enforcement initiatives that have brought us to the position where, even before this year, we were achieving the best figures on record.

Department of Finance and Personnel

Government Office Estate

Lord Empey asked the Minister of Finance and Personnel to outline the steps his Department has taken to identify properties within the Government Office Estate that could be sold or leased to raise revenue. **(AQO 821/11)**

Minister of Finance and Personnel (Mr S Wilson): The office estate owned or leased by DFP comprises approximately 200 buildings with a total asset value of approximately £300m and is managed by Properties Division within DFP.

Properties Division has a 3-year accommodation plan which is focused both on generating revenue savings through improved space utilisation within the estate and generating capital receipts through the sale of surplus assets.

This approach has generated annual revenue savings of some £1.68m over the last 2 years through reductions in leased space. It is anticipated that an additional annual saving of £2.85m p.a. can be achieved over the next 3 years through vacation of further buildings when leases expire.

During this financial year two freehold properties have been sold, realising over £2.2m of capital, and a further site has been declared surplus and is in the process of disposal.

Space in a number of properties is leased under licence to other Public Sector bodies which realises some £677k per annum in rent.

Government Procurement

Mr B Armstrong asked the Minister of Finance and Personnel to outline the steps he has taken to make the procurement process more efficient. **(AQO 823/11)**

Minister of Finance and Personnel: The Procurement Board is fully aware of the need to deliver an efficient procurement service for the taxpayer in Northern Ireland. I will highlight some of the steps which are being taken.

There is a continuing focus on improving the efficiency of procurement processes through the development and implementation of best practice guidance produced by CPD, in consultation with Centres of Procurement Expertise, and approved by the Procurement Board. In the past year eight new guidance notes have been approved by the Procurement Board for implementation across Departments and CoPEs. These cover a range of processes including selection and evaluation of tenders and ensure a consistent and compliant approach to procurement across CoPEs. These are all available on CPD's website.

A programme of formal training is being developed to support the implementation best practice procurement guidance across CoPEs.

The enhanced use of the electronic tendering system, eSourcing NI, has underpinned more streamlined processes, greater consistency and transparency and visibility of opportunities available to the market. Tender documentation is also being streamlined, in conjunction with the industry, to benefit both the supplier and purchaser.

Budget 2011-15

Mr S Neeson asked the Minister of Finance and Personnel for an update on the consultation process on the draft Budget 2011-15.

(AQO 832/11)

Minister of Finance and Personnel: Members will be aware that the Budget issued to draft consultation on 15th December.

The Executive expressly stated that individual Ministers had to publish expenditure plans and savings delivery plans within 7 days. It is disappointing that there have been some considerable delays on the part of some departments in releasing this information.

I have now informed the Executive that the consultation period has been extended to the 16th February but this means that the Executive has a very limited period to consider and approve a final budget position.

Departments and Arms Length Bodies need certainty to allow them to plan service delivery next year.

My officials have already commenced a series of stakeholder consultations on draft budget.

Budget 2011-15

Mr J Bell asked the Minister of Finance and Personnel what steps he intends to take to ensure that Ministerial colleagues publish their draft budget proposals in accordance with the Executive's budget decision.

(AQO 833/11)

Minister of Finance and Personnel: The Executive expressly demanded that individual Ministers publish their departmental budget proposals within a week. Whilst it is disappointing that there has been great delay, I am pleased that all departments have now published their detailed plans.

In recognition of the need to allow as much time as possible for the public consultation the Executive has now agreed to extend the consultation period by one week. We cannot extend it any further if we are to agree a final budget before the start of the new financial year.

Banks: Business Support

Mr J McCallister asked the Minister of Finance and Personnel whether his Department has liaised with local banks in relation to the need to increase lending to small and medium-sized enterprises.

(AQO 834/11)

Minister of Finance and Personnel: I met with representatives of the local banks and the Institute of Directors on the 6th December 2010 to discuss actions being taken to improve access to business finance and customer relationships.

Those in attendance from the banking sector included representatives from the British Bankers Association, Barclays, Ulster Bank, Bank of Ireland, First Trust Bank, Northern Bank, Santander and HSBC.

In particular, we discussed the implementation of the recommendations contained within the British Bankers Association October 2010 Business Finance Taskforce Report. These include a range of specific actions that UK banks could take to help businesses get the advice and support they need, to provide wider access to finance and to deliver better customer services.

It was agreed that the banks will report back with further progress at a subsequent meeting which is to be arranged later this month.

Department of Health, Social Services and Public Safety

St Luke's Hospital Site in Armagh City

Mr W Irwin asked the Minister of Health, Social Services and Public Safety for his assessment of the impact his draft budget will have on the Southern Health and Social Care Trust's strategic development plan for the St. Luke's Hospital site in Armagh City.
(AQW 3511/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): I remain committed to developing the St Luke's site. However the budget, whilst still in draft, has given the Department less than half of what was bid for over the budget period. A review of Capital Priorities is currently being undertaken, which will establish those projects which will go ahead and the timescales for their implementation.

Department of Justice

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 (Mr D Ford): 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.

Separated Prisoners: Definition

Lord Morrow asked the Minister of Justice for an exact definition of a separated prisoner.
(AQW 3264/11)

Minister of Justice: A prisoner will be entitled to be admitted to separated conditions in Bush or Roe House at Maghaberry Prison only if the Secretary of State is satisfied that:

- (a) he wishes to be admitted to separated conditions;
- (b) he is of male gender;
- (c) he has attained the age of 18 years;
- (d) he is a member or supporter of a proscribed organisation connected with the affairs of Northern Ireland;
- (e) admitting him to separated conditions would not be likely to prejudice his safety;
- (f) admitting him to separated conditions would not be likely to prejudice the safety of others; and
- (g) admitting him to separated conditions would not be likely to prejudice the maintenance of security or good order in prison.

Separated Prisoners: Mini-buses at Maghaberry Prison

Lord Morrow asked the Minister of Justice to detail (i) the cost, including fitting and adaptations, of the two new mini-buses for separated prisoners in Maghaberry Prison for transferring them to and from visits; and (ii) the reasons the new mini-buses were required.

(AQW 3265/11)

Minister of Justice:

- (i) In 2010 a new mini-bus was purchased for transferring separated prisoners to and from visits at Maghaberry. The mini-bus cost £15361.38 + VAT. An additional cost of approximately £5000 was incurred in adapting the mini-bus to provide a degree of security for both staff and prisoners. In 2004 following the Government's formal acceptance of the recommendations of the Steele

Review of Safety at Maghaberry a mini-bus was purchased, and is still in use. The mini-bus cost £11737.20 + VAT. At that time it cost approximately £2200 to adapt the mini-bus to meet the security need.

- (ii) The NIPS report into the review of the separated regime which was published in 2006 recommended that a second van should be provided to assist with the movement of prisoners to the separated gym, legal visits and other external activities. This recommendation was not acted upon at that time as the degree of prisoner movement and perceived security implications did not justify the outlay which would be incurred. This decision was recently reviewed and the recommendation implemented.

Separated Prisoners: Population at Maghaberry Prison

Lord Morrow asked the Minister of Justice (i) how many prisoners are currently housed in (a) Roe House; and (b) Bush House in Maghaberry Prison; and (ii) of these how many are separated prisoners. **(AQW 3266/11)**

Minister of Justice:

House	(i) Total Population	(ii) Separated Population
(a) Roe	103	30
(b) Bush	92	24

Cost of Art and Drama Teachers in Prisons

Lord Morrow asked the Minister of Justice to detail the cost of (i) art teachers; and (ii) drama teachers in each prison, including Hydebank Young Offenders Centre, in each of the last three years. **(AQW 3310/11)**

Minister of Justice: Table A, below, sets out the costs¹ of (i) art teachers², and (ii) drama teachers in each prison for the last 3 calendar years:

TABLE A: COST OF ART AND DRAMA TEACHERS IN PRISONS

Calendar Year	Art	Drama
Maghaberry		
2008	£106,668	£11,604
2009	£109,960	£7,301
2010	£113,036	£20,333
Magilligan		
2008	£43,076	£nil
2009	£38,412	£nil
2010	£39,384	£nil
Hydebank Wood		
2008	£140,439	£nil
2009	£170,121	£nil
2010	£166,268	£nil

Notes:

1. Costs available upto and including November 2010.
2. Includes subjects such as craft, leatherwork and pottery.

Prisoner Ombudsman: Recommendations

Lord Morrow asked the Minister of Justice how much has been spent to date on implementing recommendations made by the Prisoner Ombudsman.

(AQW 3311/11)

Minister of Justice: The implementation of recommendations is an integral part of service delivery within the Northern Ireland Prison Service and is not costed separately.

Court Fines

Mr P McGlone asked the Minister of Justice, pursuant to AQW 3158/11, to outline where the revenue from court fines will be allocated now that policing and justice has been devolved.

(AQW 3378/11)

Minister of Justice: Court-imposed fines are paid to the Northern Ireland Consolidated Fund.

Prior to devolution of justice, fines were paid to the UK Consolidated Fund.

Departmental Expenditure Limit

Mr D McNarry asked the Minister of Justice to detail the financial allocation made to the PSNI from his Departmental Expenditure Limit of £1,223.7m.

(AQW 3393/11)

Minister of Justice: The Department of Justice came into existence on 12th April 2010. The opening Resource DEL budget allocation in 2010/11 Main Estimates was £1,223.7m.

Of this total, the PSNI Resource DEL allocation was £791.6m.

Department for Regional Development

NI Water: CEO

Mr G Savage asked the Minister for Regional Development if the former CEO of NI Water received any bonuses or performance related payments during his appointment, and if so, to provide a breakdown.

(AQW 3237/11)

Minister for Regional Development (Mr C Murphy): I have been advised by Northern Ireland Water that its former CEO did not receive any bonuses or performance related payments during his period of appointment.

Permanent Secretary

Mr P McGlone asked the Minister for Regional Development how much has been paid to the Permanent Secretary since his suspension.

(AQW 3288/11)

Minister for Regional Development: Mr Paul Priestly was suspended from duty on full pay with effect from 18 August 2010. The banding within which his annual salary falls is shown in the published DRD Resource Accounts for the year ended 31 March 2010.

Rail Services on the Larne Line

Mr A Ross asked the Minister for Regional Development on how many occasions rail services have been cancelled on the Larne line in each of the last three months; and how this figures compares to Translink targets.

(AQW 3300/11)

Minister for Regional Development: NI Railways monitor service reliability over 4 and 5 week periods which roughly align with calendar months. Under the terms of the Passenger's Charter, NI Railways publish train service reliability figures (i.e. train services operated) each month for the preceding period and the preceding cumulative 26 weeks (6 months). The details for the Larne line are provided in the table below. The Passenger Charter target for Reliability is 99.2%. Passenger Charter targets are agreed between my department, the Consumer Council and Translink.

Period / Dates	No. of Planned Services	No. of Cancelled Services	Comment	Passenger's Charter Reliability	Cumulative Reliability (26 Weeks)
Period 7 27/09/10 – 24/10/10	1800	15	9 cancellations due to NIR, 6 outside of their control	99.5%	99.7%
Period 8 25/10/10 – 21/11/10	1800	29	23 cancellations due to NIR, 6 cancellations outside of their control	98.7%	99.6%
Period 9 22/11/10 – 26/12/10	2165	125	42 cancellations due to NIR, 83 cancellations out of their control	98.1%	99.2%

Notes

- 1 that under the terms of the Passenger Charter only cancellations due to NIR are counted against Reliability targets.
- 2 Period 9 contained 5 operating weeks. During this Period NI Railways experienced 2 individual weeks of unprecedented freezing snow and ice.

Tannoy System at Stations on the Larne Line

Mr A Ross asked the Minister for Regional Development for how long the tannoy system at stations on the Larne line has been faulty; and when Translink plans to replace or repair the system.

(AQW 3301/11)

Minister for Regional Development: Translink have advised that the Long Line Passenger Address (LLPA) system on the Larne line and likewise Bangor and Lisburn lines is approximately 20 years old. Hardware and the software which drives the system does on occasions fail. The root cause is that many of the parts are unreliable and obsolete. NI Railways do respond as best they can to failures across all parts of the system and continuously implement and review repair and maintenance strategies to keep the system operational. Translink advise that proposals exist to replace the entire system. Taking these plans forward will depend on the relative priority of capital schemes against budget resources.

NI Water: Meetings with the Chair and/or CEO

Mr C McDevitt asked the Minister for Regional Development to detail the (i) date; (ii) time; (iii) location; and (iv) duration of all meetings he had had with the Chair and, or the CEO of NI Water from 1 January to 7 January 2011.

(AQW 3325/11)

Minister for Regional Development: I had no meetings with the Chair and, or the CEO of NI Water from 1 January to 7 January 2011, although I was in contact with the interim Chair, Padraic White, by telephone, throughout this period in relation to the handling of the major interruption to water supplies arising from the 'Freeze-Thaw' incident.

NI Water: Public Accounts Committee Inquiry

Mr P McGlone asked the Minister for Regional Development, pursuant to AQW 3212/11, to detail about which two Assembly Questions the Permanent Secretary wrote to the Treasury Office of Accounts on 7 December 2010.

(AQW 3380/11)

Minister for Regional Development: On 7 December 2010, the Permanent Secretary wrote to the Treasury Officer of Accounts in the Department of Finance and Personnel to make her aware of AQW 2762/11 and AQW 2763/11.

Carrickfergus Station Car Park

Mr R Beggs asked the Minister for Regional Development (i) if he can confirm that there will be increase in the size of Carrickfergus Station car park, as a result of obtaining land from Roads Service; and (ii) when additional park and ride car parking spaces will be made available.

(AQW 3441/11)

Minister for Regional Development: Translink are currently taking forward a project to provide additional park and ride facilities at Carrickfergus station. They hope to be able to start work on site early in February 2011 and have the project fully completed during Spring 2011. The project will result in a significant increase in the current capacity of circa 126 car parking spaces to just under 300 spaces.

East Antrim Railway Line: Translink Trains

Mr R Beggs asked the Minister for Regional Development (i) for an update on the new Translink trains expected for delivery this year; (ii) when the first trains are expected to arrive in Northern Ireland; (iii) when the first train is expected to commence service on the East Antrim line, following its commission; and (iv) how many of the new trains will operate on the East Antrim line.

(AQW 3443/11)

Minister for Regional Development: The first of the new CAF Class 4000 trains is scheduled to be delivered in March 2011.

The rest are expected to be delivered progressively from June this year through to February 2012. All of the trains will be required to go through extensive testing and commissioning trials, with the first train potentially available for passenger service from September 2011.

Currently 9 older Class 450/Class 80 trains are operating on the Larne line and the first objective will be to replace these on a one for one basis as new trains are delivered and commissioned into service. It is planned to complete this process by Spring 2012. Full operational deployment of the new trains will be determined later this year once testing and delivery dates have been finalised.

East Antrim Railway Line: Frequency of Service

Mr R Beggs asked the Minister for Regional Development what plans he has to improve the frequency of service on the East Antrim railway line, following the delivery of new trains.

(AQW 3444/11)

Minister for Regional Development: Translink have informed me that NI Railways are currently preparing a new network timetable to be introduced, following consultation, when they receive and fully commission the new CAF Class 4000 rolling stock. Improvements to the capacity and frequency of services on the Larne line are planned as part of this process but the scale of the enhancements have still to be finalised and will have to take account available PSO funding and revenue generation.

Junction of Bog Road and Woodside Road, Broughshane

Mr D McKay asked the Minister for Regional Development to detail the work that Roads Service intends to carry out at the junction of Bog Road and Woodside Road, Broughshane, in light of the recent accidents due to drainage problems.

(AQW 3497/11)

Minister for Regional Development: I understand that the Member has recently met with my Department's Roads Service to discuss the drainage systems at this location, and the wider area. As you are aware, the results of an ongoing investigation to identify the source of the flooding will determine what works are required by Roads Service, or other third parties, to address the cause of the flooding, and minimise the risk posed to the travelling public.

I can also advise that Roads Service will monitor this site during prolonged or significant rainfall and arrange for the placement of advisory signage, until substantive works are completed.

NI Water: Severance Package Paid to Former CEO

Mr C McDevitt asked the Minister for Regional Development to specify the exact amount of the total severance package paid to the former CEO of NI Water, Mr Lawrence McKenzie.

(AQW 3498/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the amount to be paid to its former CEO is £91,000 in respect of 6 months salary. In addition, NIW has agreed to contribute £3,000 towards his legal fees and a further £3,000 towards tax advisor's fees.

Damage to Vehicles from Potholes

Mr G Savage asked the Minister for Regional Development how many claims have been brought against Roads Service for damage caused to vehicles by potholes from September 2010 to date; and the total cost of these claims.

(AQW 3523/11)

Minister for Regional Development: My Department's Central Claims Unit has received 202 vehicle damage pothole claims in the period from 1 September 2010 to 17 January 2011.

32 of these claims have been settled at a total cost of £5,489.05. This total cost figure comprises solely compensation payments and does not include any legal costs.

Department for Social Development

Small Pockets of Deprivation Programme

Mr R Beggs asked the Minister for Social Development, pursuant to AQW 1811/10, for a description of the projects within East Antrim which have been funded through the Small Pockets of Deprivation Programme since 2006.

(AQW 3231/11)

Minister for Social Development (Mr A Attwood): The Housing Executive delivers neighbourhood renewal funding through the Department for Social Development's Small Pockets of Deprivation programme to three areas within the East Antrim constituency – Greenisland estate, Sunnylands estate in Carrickfergus, and Larne town centre area. The programme started in 2006/07 and is still running this year. Please see the funded project details below.

Small Pockets of Deprivation programme expenditure within East Antrim area 2006/07 to 2010/11**2006/07****Larne**

- £33,987 for refurbishment of Dixon Park Residents Association community house
- £1,400 for Riverdale Community Association running costs
- £77,723 to Larne Borough Council for Tullygarley play area

Sunnylands

- £1,305 to Sunnylands Nursery School for the development of a school garden
- £5,650 to Carrickfergus Community Forum for the development of area based strategies for Greenisland and Sunnylands estates.

Greenisland

- £2,084 to Greenisland Youth Club for an anti-graffiti project
- £2,249 for equipment in Greenisland Library
- £14,890 to Carrickfergus Borough Council for refurbishment of Greenisland Bowling Club
- £27,270 to Greenisland Community Council for refurbishment of Jubilee Hall

2007/08**Larne**

- £1,348 for Riverdale & District Community Association running costs
- £335 to Tullygarley Community Development Group for an 'action plan' event
- £10,000 to Larne Borough Council for a public art project

Sunnylands

- £13,006 to NORSUN for a community development worker salary
- £1,200 for development of a community information pack and £2,955 for development of a local strategy and action plan to Carrickfergus Community Forum

Greenisland

- £10,285 for development of a play area and £1,840 for play equipment to Alphabet Playgroup
- £31,186 to refurbish Greenisland Scout Hall
- £2,555 for a Greenisland Cultural Society project
- £3,901 to Greenisland Community Council for further work on Jubilee Hall

2008/09**Larne**

- £1,140 for Riverdale & District Community Association running costs

Sunnylands

- £75,000 to Carrickfergus Borough Council for a Multi Use Games Area
- £3,500 to Carrickfergus Community Forum for a development residential

Greenisland

- £14,999 for a community development worker salary

2009/10**Larne**

- no project applications

Sunnylands

- £26,312 to Carrickfergus YMCA for a PAKT ('Parents and Kids Together') project
- £5,000 for an art project and £28,695 for a community development worker salary to Carrickfergus Community Forum
- £4,990 to Carrickfergus Boxing Club for fees associated with developing a new club building.

Greenisland

- £1,200 to Greenisland Youth Club for miscellaneous activities
- £2,142 to Greenisland Community Council for repairs to Jubilee Hall and IT equipment

2010/11**Larne**

- £2,420 for a summer scheme and running costs and £3,803 for equipment and running costs to Dixon Park Residents Association
- £500 to Tullygarley Community Development Group for senior citizens activities

Sunnylands

- £24,965 to Carrickfergus YMCA for a PAKT ('Parents and Kids Together') project
- £29,920 to Carrickfergus Community Council to employ two Project Workers working in Sunnylands and Greenisland

Greenisland

- no other project applications other than the above.

Economy 7 Heating

Mr R McCartney asked the Minister for Social Development how many houses in the Foyle constituency currently rely on Economy Seven heating as the primary source of heat; and what plans he has to modernise the heating systems in these houses, including the estimated timescale for completion of the modernisation.

(AQW 3282/11)

Minister for Social Development: The information is not available in the format requested as the Housing Executive does not routinely collate information by Parliamentary Constituency. However, the Foyle Constituency area comprises the Housing Executive District Office areas of Waterside, Collon Terrace and Waterloo Place which have a total of 685 properties * with electrical heating systems. The Housing Executive has made provision for 168 electrical heating systems to be replaced during 2011/2012 which are included in seven schemes throughout the Foyle area. The delivery of this programme will be dependent on the availability of funding.

* This figure includes 27 houses, 186 bungalows, 457 flats and 15 maisonettes.

Housing Executive Tenants: Arctic Conditions

Mr F McCann asked the Minister for Social Development (i) whether he or the Housing Executive was made aware of the likelihood of severe weather over the Christmas period; (ii) when it became apparent that tenants were being seriously affected by the weather; and (iii) what action was taken to ensure that tenants were protected against the Arctic conditions.

(AQW 3327/11)

Minister for Social Development: Severe weather warnings were received and acted upon by the Housing Executive before the acute weather hit on 16 December 2010 and subsequently over the holiday period. The Housing Executive put its local offices and Contractors on alert. They also ensured that the water supply to empty and void properties was turned off and that tanks were emptied. Prior to this, the Housing Executive had also offered advice to tenants through the media during November and December about how to prepare for the cold weather. Over the period the Housing Executive received thousands of telephone calls from tenants who reported heating and/or plumbing problems which resulted in the placing of over 30,000 repair orders.

The Northern Ireland Housing Executive has an Emergency Arrangements Booklet and a Strategic Emergency Plan in place which are updated to provide enhanced arrangements over certain periods. However, in the early stages of this unprecedented crisis, the initial response from the Housing Executive was not all that it should have been. In advance of Christmas I therefore met with its Senior Management and Chair and laid down a series of requirements to respond to the emerging situation. For example, the Housing Executive Emergency Services Response capability was moved to their Belfast Customer Services Unit which allowed for an increase in physical space and hence additional staff to man additional telephone lines.

Throughout the period I met with and was in contact with the Housing Executive's Chair, acting Chief Executive and others to ensure that the Housing Executive responded fully and were seen to respond fully. I did not delay until the emergency developed. My Department and I made clear to the Housing Executive the level of response needed during each phase of the response.

Alley-Gating in West Belfast

Ms S Ramsey asked the Minister for Social Development for an update on alley-gating in West Belfast.

(AQW 3335/11)

Minister for Social Development: My Department is not carrying out any such projects. However, funding may be awarded for alley gating where this is identified as a priority in a Neighbourhood Renewal Action Plan and sufficient resources are available.

Draft Spending Plans for 2011-15

Mr T Clarke asked the Minister for Social Development when he intends to publish his Department's draft spending plans for 2011-15.

(AQW 3346/11)

Minister for Social Development: I can advise that my Department's draft spending plans for 2011-15 were published on the Department for Social Development internet site on Wednesday 12 January.

Charity Commission

Mr J Craig asked the Minister for Social Development for an update of the work currently being carried out by the Charity Commission; and to detail (i) the people in post; (ii) the salaries they are paid; and (iii) the total cost incurred to date.

(AQW 3348/11)

Minister for Social Development: The Charity Commission for Northern Ireland (CCNI) is currently taking forward a programme of work that is putting in place the necessary structures, processes and

procedures that will allow it to operate effectively as an independent regulator and registrar of the charity sector in Northern Ireland.

To date the Chief Executive of the CCNI, appointed on 8th April 2010, is the only permanent member of staff in post, attracting an annual salary of £57,300.

Whilst CCNI take forward their plans to recruit permanent staff, they are operating in the interim with staff on loan from the NICS, a secondee from Big Lottery and eight temporary agency staff. The detail and costs of these staff from April to December 2010 are as follows:

Five staff on Loan from NICS	£153,383.
One secondee from Big Lottery	£28,882.
Eight temporary agency staff	£60,457.

Since its establishment on 1st June 2009 the total cost incurred by the CCNI is £855,000. This includes all staff costs and overheads.

Expected Capital Receipts

Ms A Lo asked the Minister for Social Development for a breakdown of how he expects to receive the income for the anticipated capital receipts of (i) £109.1 million in 2011/12; (ii) £101.4 million in 2012/13; (iii) £96 million in 2013/14; and (iv) £91 million in 2014/15, as outlined in his draft budget for 2011-15.

(AQW 3369/11)

Minister for Social Development: Capital receipts over the next 4 years are expected to come from Departmental land sales, Housing Executive house & land sales and from Housing Association/Housing Executive grant and loan repayments. A breakdown of the amounts is provided in the table below.

Receipts	2011-12 £m	2012-13 £m	2013-14 £m	2014-15 £m
Departmental land sales	7.0	5.0	5.0	5.0
NI Housing Executive house & land sales	20.0	20.0	20.0	20.0
Housing Association Grant receipts	2.5	2.5	2.5	2.5
Housing Association loan repayments	0.7	0.6	0.5	0.4
NI Housing Executive loan repayments	78.9	73.3	68.0	63.1
Totals	109.1	101.4	96.0	91.0

While the figures represent our best estimates of the likely level of receipts possible, prevailing market conditions will undoubtedly impact on the timing of sales and the final values ultimately realised. To illustrate this point, it should be noted that NI Housing Executive house & land sales in 2009-10 were only £18m against an original baseline of £69m. Similarly, departmental land sales in 2010-11 are forecast to be only £2.2m against an original baseline of £13m. This highlights the challenge that my Department faces in raising these levels of capital receipts.

Housing Executive: Phone Systems

Mr F McCann asked the Minister for Social Development whether the phone systems set up for the Housing Executive by the major contractors had collapsed during the severe weather crisis over the Christmas period making it impossible for tenants to contact the Housing Executive.

(AQW 3398/11)

Minister for Social Development: The Housing Executive has advised that the telephone communications between them and their major contractors worked satisfactorily, given the volume of work during the Christmas and New Year period. However, they were aware that HEAT had telephony issues. Nevertheless, alternative forms of communication were available including mobile telephones and email to their teams. White Horse also experienced some difficulties with their telephones. However, it is important to note that tenants do not need to contact the Housing Executive's contractors directly. The Housing Executive primarily issues jobs to contractors through their electronic housing management system. The Housing Executive holds contact numbers for all contractors which cover both normal working hours and after hours. These numbers provide round the clock contact details and all of these numbers were available to cover the Christmas and New Year periods. A number of contractors also provided additional land line and mobile numbers for use due to the volume of calls and queries. Finally, in addition, the dedicated number issued to contractors to contact the Housing Executive outside of normal working hours was also in use.

Green New Deal

Mr P Maskey asked the Minister for Social Development if there is a timescale for the Green New Deal to commence.

(AQO 797/11)

Minister for Social Development: The Department for Social Development Permanent Secretary, Will Haire, is leading a cross departmental group to examine the potential of the Green New Deal for Northern Ireland. The group will meet with representatives from Green New Deal on 17th January to discuss their business case. The draft Budget has set aside £4 million for Green New Deal in 2011/2012.

Community and Voluntary Sector: Budgetary Cuts

Mr R Beggs asked the Minister for Social Development whether he has had any discussions with other Government Departments to ensure that the community and voluntary sector does not face disproportionate budgetary cuts.

(AQO 825/11)

Minister for Social Development: I wrote to Executive Colleagues on 21 September 2010 to confirm the important role that voluntary and community organisations play in meeting the needs of disadvantaged communities and vulnerable people in Northern Ireland and to advise against departments taking the view that funding for the community and voluntary sector would be a soft option for future savings.

On 26 October 2010 Executive Ministers were invited to attend the Spectrum Centre to discuss budget priorities when I met with a cross-section of representatives from the voluntary and community sector I informed all my Ministerial colleagues of the outcome of this meeting and I plan to hold a similar event in February 2011 to discuss the implications of the Executive's spending plans.

Disability Living Allowance Claimants

Lord Morrow asked the Minister for Social Development how many current Disability Living Allowance claimants suffer from (i) alcohol; and (ii) drug related issues.

(AQW 3447/11)

Minister for Social Development: Data is published on a Northern Ireland wide basis on what is known as the main disabling conditions for Disability Living Allowance (DLA) recipients at <http://www.dsdni.gov.uk/index/publications/dla.htm>. However, it cannot be deduced from these figures how many customers are in receipt of DLA due to dependency upon alcohol or addiction to drugs. Entitlement to this benefit is not dependent on a diagnosis or medical condition but on the basis of care and/or mobility needs arising.

Flats at West Green, Hollywood

Mr P Weir asked the Minister for Social Development to outline the timescale for the proposed demolition of the flats at West Green in Hollywood.

(AQW 3465/11)

Minister for Social Development: Two blocks of flats alongside other adjacent properties in West Green Hollywood 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 this 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.

Gas and Oil Boilers in Housing Executive Properties

Mr P Maskey asked the Minister for Social Development (i) how many (a) gas; and (b) oil boilers in Housing Executive properties had to be replaced during the recent cold spell; (ii) what was the total cost of replacing these boilers; and (iii) why the boilers could not be repaired.

(AQW 3483/11)

Minister for Social Development: 154 gas boilers and 27 oil boilers had to be replaced during the recent cold spell. The Housing Executive estimates that the cost of replacing these boilers will be in the region of £217,300. The main reason for replacing the boilers was because they had burst and could not be repaired.

Co-ownership Scheme

Mr S Gardiner asked the Minister for Social Development what percentage ownership options are available for support under the Co-ownership Scheme; and whether there are plans to extend these options.

(AQW 3530/11)

Minister for Social Development: Under the Co-Ownership Scheme, applicants have a choice of nine starter shares between 50% and 90% rising in multiples of 5%. Northern Ireland Co-Ownership Housing Association purchases the remaining share in the property, on which the applicant will pay rent. Applicants may subsequently purchase further shares in their home, again in 5% multiples (this is known as staircasing); until they have purchased 100%, when they do so they will have full ownership of their home.

Northern Ireland Co-Ownership Housing Association continually review the operation of the Scheme to ensure it remains fit for purpose. At present there are no plans to extend the range of starter shares available to applicants.

Northern Ireland Assembly

Friday 28 January 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Review of Arm's-length Bodies

Ms S Ramsey asked the First Minister and deputy First Minister for an update on the review of arms-length bodies as outlined in his recent draft Budget 2011-15 statement.

(AQO 827/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): The Executive will shortly consider criteria to be applied by the Budget Review Group in reviewing arms-length bodies. This Group will bring recommendations to the Executive in due course, which will inform final decisions and lay the basis for legislation early in the term of the next Assembly.

Programme for Cohesion, Sharing and Integration

Mrs D Kelly asked the First Minister and deputy First Minister why there has not been an equality impact assessment carried out on the Programme for Cohesion, Sharing and Integration.

(AQW 3476/11)

First Minister and deputy First Minister: The public consultation on the draft Programme for Cohesion, Sharing and Integration ended on 29 October 2010. The report on the independent analysis of the consultation responses was completed in early January and the findings will be sent to us shortly to inform our considerations.

The consultation document included details of how the Programme was screened for equality impacts and the public were given the opportunity to comment on equality impacts as part of the consultation exercise.

An Equality Impact Assessment will be completed taking account of these comments. As a Programme that will cut across many areas of responsibility, the departmental policies currently underpinning it, and any new policies or programmes leading from it, will also be subject to Equality Impact Assessment processes where appropriate.

Single Equality Bill

Mrs D Kelly asked the First Minister and deputy First Minister to outline their proposals for bringing forward legislation on a single Equality Bill.

(AQW 3477/11)

First Minister and deputy First Minister: We are currently considering the options for legislative reform here. When we have made a decision we will outline our proposals.

Whilst no policy decision has been taken regarding a single Equality Bill, the Office of the First Minister and deputy First Minister continues to legislate in order to provide legal protection against discrimination and to promote equality of opportunity.

Strategic Investment Board: Chief Executive

Mr G Savage asked the First Minister and deputy First Minister to detail the cost to date of the recruitment process for the currently unfilled post of Chief Executive of the Strategic Investment Board, broken down by (i) advertising; (ii) administration; and (iii) interview process.

(AQW 3512/11)

First Minister and deputy First Minister: The following amounts were incurred during the recruitment exercise for the chief executive post in the Strategic Investment Board (SIB).

Advertising:	£41,115
Administration:	£15,866
Interview process:	
Room hire	£576
Travel expenses	£725
Total cost incurred to date:	£58,282

Strategic Investment Board: Review

Mr G Savage asked the First Minister and deputy First Minister, pursuant to AQW 112/11, when their Department considered the findings of the review of the Strategic Investment Board; and what recommendations were made to the Executive.

(AQW 3513/11)

First Minister and deputy First Minister: The Department is currently considering the findings of the Strategic Investment Board (SIB) review. The Executive will be advised of the outcome in due course.

Strategic Investment Board: Capital Funding

Mr G Savage asked the First Minister and deputy First Minister, pursuant to AQW 207/11, what action the Strategic Investment Board has taken to minimise the impact of the reduction in the levels of capital funding available to the Executive, whilst ensuring that existing contractual commitments are protected.

(AQW 3514/11)

First Minister and deputy First Minister: As part of the Budget development and Investment Strategy (ISNI) process Department of Finance and Personnel (DFP) and the Strategic Investment Board (SIB) conducted a thorough assessment of existing capital programmes to ensure that contractual commitments would be met.

Thereafter SIB has worked closely with DFP, individual spending departments and other public bodies to revise and update the Executive's Investment Strategy. The Investment Strategy will continue to ensure that the capital available to the Executive is used in ways that maximise the economic, social and environmental benefits to citizens.

St Patrick's Day 2011 Celebrations in the USA

Mr P J Bradley asked the First Minister and deputy First Minister whether they have received an invitation to the 2011 St Patrick's Day celebrations in the USA; and if they are aware of any other members of the Executive being invited to attend.

(AQW 3521/11)

First Minister and deputy First Minister: These plans are still at an early stage and full details of our itinerary will not become clear until arrangements are provided by the Obama Administration.

At this stage we are not aware of any invitations being extended to other members of the Executive.

Revenue-Raising Measures

Mrs M O'Neill asked the First Minister and deputy First Minister what progress has been made, in consultation with Executive colleagues, in bringing forward additional revenue raising measures apart from those outlined in the draft Budget 2011-15 statement.

(AQO 826/11)

First Minister and deputy First Minister: In the context of the impact of the UK Spending Review announcement, additional sources of revenue are an important component in developing a Budget to enable the Executive to stimulate the economy, tackle disadvantage and protect the most vulnerable people in our society.

While recognising that the Executive has limited powers to raise revenue, work has continued since the publication of the draft Budget on identifying additional means of raising revenue and leveraging funds. This has included further development of the options outlined in the draft Budget. The Budget Review Group met again on 18 January to consider some of these issues. Work on developing the detail on potential options and discussions are continuing as part of developing the Budget.

Investment Strategy

Mr G Savage asked the First Minister and deputy First Minister, pursuant to AQW 3169/11, when the new Investment Strategy will be published.

(AQW 3653/11)

First Minister and deputy First Minister: An Investment Strategy for 2011-21 is under development and will be published in due course following agreement with the Executive. It is not possible to confirm a date for publication for consultation at this stage.

Permanent Secretary of the Department for Regional Development

Mr P McGlone asked the First Minister and deputy First Minister, pursuant to AQW 3276/11, to provide detail of the process which follows on from Sir Jon Shortridge's report, including (i) who is leading this process; (ii) what investigative processes have been established; (iii) the remit of investigations; (iv) how many meetings have taken place to date; (v) how many people have been interviewed to date; and (vi) what time-scale has been set for the completion of the process.

(AQW 3678/11)

First Minister and deputy First Minister: The investigation commissioned by the Head of the NI Civil Service and carried out by Sir Jon Shortridge is part of an internal Northern Ireland Civil Service (NICS) management process as part of its disciplinary policy. The process has been conducted in accordance with NICS Human Resources procedures and guidance.

In accordance with NICS Human Resources policy and the obligations placed on employers by data protection legislation, no comment will be made until the process has been completed.

Department of Agriculture and Rural Development

Occupation: Farmer

Mr D McNarry asked the Minister of Agriculture and Rural Development to detail the total number of people listing their occupation as farmer in each (i) constituency; and (ii) council area, in each of the last ten years, broken down by age.

(AQW 2717/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): Information on the number of people identifying themselves as farmers and partners (full-time and part-time) comes from the June Survey of Agriculture and Horticulture undertaken annually by DARD. Head count results by (i) constituency and (ii) council area for each of the last 10 years are attached as Tables 1 and 2.

Information on farmer ages is not collected in a way that allows reliable profiling at parliamentary constituency or council levels.

TABLE 1: FARMERS BY PARLIAMENTARY CONSTITUENCY (2000-2009)

Constituency	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
All Belfast	34	59	61	56	58	52	51	53	48	41
East Antrim	847	849	841	830	816	803	798	779	773	760
East Londonderry	1,931	1,939	1,856	1,799	1,790	1,737	1,642	1,612	1,674	1,606
Fermanagh & South Tyrone	5,930	6,014	5,745	5,728	5,621	5,487	5,596	5,454	5,313	5,157
Foyle	733	729	662	651	625	618	582	572	518	581
Lagan Valley	1,618	1,821	1,573	1,540	1,503	1,441	1,446	1,383	1,377	1,311
Mid Ulster	4,116	4,140	4,013	3,989	3,935	3,848	3,760	3,655	3,597	3,513
Newry & Armagh	4,487	4,475	4,306	4,229	4,115	4,067	4,027	3,897	3,771	3,684
North Antrim	3,537	3,546	3,400	3,329	3,220	3,218	3,188	3,115	3,154	3,019
North Down	203	209	190	180	172	162	166	169	161	147
South Antrim	1,333	1,341	1,301	1,250	1,216	1,159	1,159	1,120	1,094	1,055
South Down	3,897	3,596	3,792	3,721	3,640	3,551	3,519	3,463	3,475	3,419
Strangford	1,231	1,256	1,226	1,184	1,165	1,091	1,046	1,012	1,070	1,044
Upper Bann	1,189	1,360	1,198	1,182	1,135	1,088	1,078	1,034	998	965
West Tyrone	4,561	4,562	4,368	4,325	4,252	4,204	3,936	3,889	4,074	3,965
Total	35,647	35,955	34,532	33,993	33,263	32,526	31,994	31,207	31,097	30,267

Note – Not all Constituency Information is available for 2000.

TABLE 2: FARMERS BY DISTRICT COUNCIL (2000-2009)

District Council	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Antrim	973	991	956	939	910	878	878	868	850	798
Ards	1,041	1,027	971	928	905	850	795	778	768	820
Armagh	2,663	2,617	2,577	2,504	2,434	2,380	2,317	2,253	2,114	2,143
Ballymena	1,704	1,723	1,665	1,619	1,561	1,561	1,528	1,475	1,501	1,455
Ballymoney	1,018	1,016	968	946	913	907	925	903	944	838
Banbridge	1,530	1,579	1,530	1,500	1,444	1,419	1,400	1,360	1,459	1,357
Belfast	44	34	36	38	38	35	36	37	31	24
Carrickfergus	141	143	134	129	125	121	118	117	114	124
Castlereagh	171	162	158	152	149	141	151	146	128	125
Coleraine	1,026	1,025	996	956	949	923	855	839	915	861
Cookstown	1,787	1,783	1,710	1,704	1,697	1,664	1,576	1,533	1,513	1,545
Craigavon	893	891	878	870	832	799	777	742	775	703
Derry	733	729	662	651	625	618	585	572	518	581
Down	1,646	1,639	1,588	1,562	1,546	1,482	1,478	1,447	1,481	1,404
Dungannon	2,452	2,482	2,394	2,401	2,347	2,285	2,308	2,240	2,270	2,072
Fermanagh	4,136	4,169	3,933	3,897	3,836	3,750	3,844	3,744	3,602	3,554
Larne	695	708	698	695	686	678	670	661	657	628
Limavady	905	914	860	843	841	814	790	773	759	745
Lisburn	1,243	1,201	1,189	1,150	1,122	1,063	1,072	1,017	991	966
Magherafelt	1,752	1,759	1,724	1,713	1,674	1,634	1,625	1,584	1,545	1,499

District Council	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Moyle	815	807	767	766	748	750	731	737	709	726
Newry & Mourne	3,527	3,514	3,321	3,283	3,220	3,193	3,219	3,132	3,054	2,986
Newtownabbey	350	358	343	318	311	288	285	266	249	265
North Down	114	122	106	104	98	89	93	94	76	83
Omagh	2,860	2,856	2,737	2,700	2,646	2,633	2,617	2,576	2,530	2,455
Strabane	1,701	1,706	1,631	1,625	1,606	1,571	1,321	1,313	1,544	1,510
Total	35,920	35,955	34,532	33,993	33,263	32,526	31,994	31,207	31,097	30,267

European Task Force

Mr P J Bradley asked the Minister of Agriculture and Rural Development what discussions she has had with the European Task Force to ensure that money which was available under Axis 3 of the Rural Development Programme is invested in projects in Northern Ireland and not returned to the EU.
(AQW 3383/11)

Minister of Agriculture and Rural Development: My Department remains completely engaged with the Barroso Task Force work and has secured real benefit from this engagement. For example, the Task Force has been very helpful in securing early approval of the Rural Development Programme (RDP) in 2007 and our CAP Healthcheck changes in 2009.

On the subject of retaining EU funding allocated to the RDP, this issue has not arisen. Axis 3 is only one element of a broader RDP which is worth in the region of £500 million. A broader Programme enables more flexible financial management and at the end of 2010, expenditure of EU funds under the RDP exceeded the financial targets agreed with the EU at the start of the Programme. My Department continues to monitor and manage the Programme finances closely in order to optimise the contribution from the European Commission to our European Programmes.

I have recorded my concern at the slow progress of Axis 3 implementation and spend and have commissioned a review of the barriers to Axis 3 progress which I am currently considering. I am hopeful that the findings will enable adjustments to operational processes that will speed up delivery on the ground.

Electric Shock Dog Collar Training Devices

Mr C Lyttle asked the Minister of Agriculture and Rural Development whether she has any plans to introduce a ban on electric shock dog collar training devices in light of the introduction of the Animal Welfare (Electronic Collars) Regulations in Wales.

(AQW 3404/11)

Minister of Agriculture and Rural Development: I have no plans at present to introduce a ban on electronic collar training devices. The Welfare of Animals Bill, which will be considered by the Assembly next month, includes the power to make subordinate regulations to secure the welfare of animals. This will provide the power to ban shock collars in future if the evidence shows that it is necessary. I am aware that DEFRA commissioned research in 2007 into the use of shock collars and they anticipate that this will be completed later this year. When the outcome of that research is available my Department will consider what subordinate legislation, if any, may be required. Any such subordinate legislation would be subject to public consultation, scrutiny by the Agriculture and Rural Development Committee and approval by affirmative resolution of the Assembly.

Singvac Three-year Vaccine

Mr P Frew asked the Minister of Agriculture and Rural Development what action her Department has taken to encourage the availability in the near future of a vaccine similar to the Singvac 3 year vaccine.

(AQW 3433/11)

Minister of Agriculture and Rural Development: The old single dose 'Singvac' vaccine is no longer available anywhere

due to restructuring in the pharmaceutical industry. It was previously available through Fort Dodge Animal Health.

Pfizer Ltd. which acquired Fort Dodge Animal Health is currently in the process of seeking an alternative product, 'Ultravac', a two dose vaccine which could be passed through VMD for use in the north of Ireland and Britain. We now understand that the VMD have approved the import of Ultravac into the north and Britain but there is a current difficulty obtaining supplies.

The department is regularly monitoring the situation with VMD.

Financial Allocation: DARD

Mr D McNarry asked the Minister of Agriculture and Rural Development, for each of the last six financial years, and this year to date, to detail (i) the total financial allocation to her Department; (ii) the amount received or deducted through in-year monitoring; and (iii) her Department's actual spend in each year.

(AQW 3470/11)

Minister of Agriculture and Rural Development: The information you have requested is set out in Table 1 below. It should be noted that the figures provided include both Resource and Capital expenditure and that the actual spend figures are those as provided to DFP as part of the annual Final Outturn exercise.

The figures include DARD Core, Agencies and NDPBs.

TABLE 1

Financial Year	Total		
	Total Financial Allocation (i)	Amount received or deducted (iii)	Actual Spend (iv)
2004/05	306,323	33,598	267,347

Financial Year	Total		
	Total Financial Allocation (i)	Amount received or deducted (iii)	Actual Spend (iv)
2005/06	309,370	(19,408)	264,759
2006/07	281,721	(4,854)	260,958
2007/08	304,896	(4,908)	276,458
2008/09	343,836	23,619	347,782
2009/10	260,584	(6,714)	286,548
2010/11 (ii)	253,657	202,269	-

- (i) Total financial allocation is the final approved budget from the outcome of the February Monitoring round in each year, except for 2010/11;-
- (ii) the financial allocation figure for 2010/11 represents the outcome of the December Monitoring Round;
- (iii) amounts deducted are shown in brackets;
- (iv) actual spend is as reported in Final Outturn.

Nitrates Derogation

Mr T Burns asked the Minister of Agriculture and Rural Development whether the recently renewed nitrates derogation includes the poultry industry.

(AQW 3561/11)

Minister of Agriculture and Rural Development: I refer to my answer AQW 2712/11 which was published on Friday 17 December 2010. In that answer I explained that the EU Decision granting derogation to the north of Ireland until 31 December 2014 does not include poultry litter or poultry manure and detailed the reasons why.

Children and Young People's Action Plan

Mr G Robinson asked the Minister of Agriculture and Rural Development what implementation strategies her Department has in place for the Children and Young Peoples Action Plan in the Limavady Borough Council Area.

(AQW 3593/11)

Minister of Agriculture and Rural Development: DARD takes its Section 75 responsibilities seriously and we are working hard to ensure that children and young people in rural communities throughout the north of Ireland have a voice in shaping those public policies that impact on their lives. This Action Plan sets out our commitments.

We developed the Action Plan in partnership with the Participation Network (PN). This organisation, working alongside Children in NI (CiNI) work closely with all government departments to help ensure that government has the support it needs to engage fully with those organisations representing children and young people in taking forward their Section 75 equality duties.

We consulted on the draft Action Plan from November 2009 to the end of February 2010. We issued a Press Release in December 2009 about the launch of the draft Action Plan and invited comments and offered to meet any organisation during the consultation period. Through the Participation Network and the Children's Commissioner's contacts we were able to make sure that our draft Plan was made widely available to groups and organisations throughout the north and we were able to meet up with groups of rural young people to hear first hand about issues of concern to them and their views on our proposals.

In addition, two organisations kindly assisted us with providing photographs for the final publication. We were delighted that 9 such meetings were requested and set up with us, right across the north.

We spoke at youth events, evening discussions, and Saturday workshops and also received useful and constructive comments from 12 leading children and young people's organisations. The full details of who we consulted with, who we met and organisations that provided comments are available from page 32 in the Action Plan. While it would have been impossible for us to consult across every town, we have engaged with every leading children and young people's organisation.

Most of the Actions in our Plan are not specifically targeted at any particular area although hopefully the actions in the Plan will appeal to young people right across the north, including those living in the Limavady Borough Council area and other rural communities too. Our Action Plan will deliver on outcomes for children and young people, and no specific borough, council or rural area has been specifically targeted, or excluded from our actions. We hope, as a first step that it will encourage discussion and interest within organisations and groups in rural areas to hear more about the specific actions and how the young people that they represent can benefit from it.

As stated in our Plan we will continue to meet with children & young people and their representative organisations, to identify further useful actions that our business areas can take forward to better promote participation and involvement of children and young people in all areas of the north.

Pedigree Limousin Cattle

Mr P Girvan asked the Minister of Agriculture and Rural Development to detail the number and grades of pedigree limousin cattle that have been slaughtered in each of the last three years.
(AQW 3601/11)

Minister of Agriculture and Rural Development: I am unable to provide this information as my Department does not collect data on the pedigree status of cattle, there being no legislative requirement to do so. Department of Culture, Arts and Leisure

Department of Culture, Arts and Leisure

Portavoe Reservoir, Groomsport

Mr A Easton asked the Minister of Culture, Arts and Leisure whether the proposed sale of Portavoe Reservoir in Groomsport will have an impact on the sale of fishing licences for that area in the forthcoming year.
(AQW 3362/11)

Minister of Culture, Arts and Leisure (Mr N McCausland): Angling licences, together with permits to fish the Public Angling Estate are available from DCAL and its authorised distributors throughout Northern Ireland. An angling permit is a document issued by the owner of a fishery (or the lessee of the fishing rights) which confers the right to fish in that fishery. An angling licence is required by law to use a fishing rod.

Portavoe Reservoir in Groomsport, which is owned by NI Water, will remain part of the Public Angling Estate for the angling season commencing 1st March to 31st October 2011. The proposed sale of Portavoe Reservoir should not therefore impact on the number of fishing licences or permits available for sale for this season.

NI Water has confirmed that the Company intends to place Portavoe Reservoir on a list for sale in 2011/12.

Funding Granted for Football, Rugby and Gaelic Games

Mr K Robinson asked the Minister of Culture, Arts and Leisure for a breakdown of the funding granted by his Department or its arms-length bodies for (i) football; (ii) rugby; and (iii) gaelic games, in each of the last five years.
(AQW 3612/11)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. In the last five financial years, SNI has allocated a total of £53,458,048 for (i) football; (ii) rugby; and (iii) gaelic games.

This funding is broken down in the tables below.

EXCHEQUER FUNDING

Sport	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Football	£819,000	£2,052,816	£2,412,038	£2,812,514	£6,145,662	£14,242,030
Rugby	£1,928,336	£150,346	£3,038	£2,937,987	£219,930	£5,239,637
Gaelic Games	£3,658,376	£2,079,075	£3,983,734	£5,647,780	£7,895,795	£23,264,760
Total	£6,405,712	£4,282,237	£6,398,810	£11,398,281	£14,261,387	£42,746,427

LOTTERY FUNDING

Sport	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Football	£9,000	£0	£3,543,561	£3,646,011	£420,955	£7,619,527
Rugby	£0	£0	£0	£0	£458,211	£458,211
Gaelic Games	£343,183	£0	£981,342	£1,299,358	£10,000	£2,633,883
Total	£352,183	£0	£4,524,903	£4,945,369	£889,166	£10,711,621

TOTAL FUNDING

Sport	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Football	£828,000	£2,052,816	£5,955,599	£6,458,525	£6,566,617	£21,861,557
Rugby	£1,928,336	£150,346	£3,038	£2,937,987	£678,141	£5,697,848
Gaelic Games	£4,001,559	£2,079,075	£4,965,076	£6,947,138	£7,905,795	£25,898,643
Total	£6,757,895	£4,282,237	£10,923,713	£16,343,650	£15,150,553	£53,458,048

Sports Grounds

Mr K Robinson asked the Minister of Culture, Arts and Leisure whether there are any structures at sports grounds that his Department has assessed as having architectural or heritage value; and if so, whether these structures have been afforded legal protection from demolition.

(AQW 3613/11)

Minister of Culture, Arts and Leisure: The Department of Environment (DOE) is responsible for assessing what structures in Northern Ireland, including those at sports grounds, have architectural or heritage value. This is not a function of the Department of Culture, Arts and Leisure (DCAL). DOE is also responsible for affording such structures legal protection from demolition where it deems appropriate.

Sport Northern Ireland, however, which is responsible for the development of sport including the distribution of funding, requires all applicants in receipt of Exchequer or Sports Lottery capital grant awards to comply with all statutory and planning conditions in relation to any works funded at sports grounds in Northern Ireland. This requirement covers demolition works at grounds, and any works that

may affect structures that DOE has afforded legal protection from demolition following assessment of their architectural or heritage interest.

Funding Allocated to Ice Skating

Mr P Weir asked the Minister of Culture, Arts and Leisure how much funding has been allocated to ice skating in each of the last five years.

(AQW 3634/11)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. In the last five financial years, SNI has allocated a total of £215,552 to ice skating.

This funding is broken down in the table below.

Financial Year	Exchequer Funding	Lottery Funding	Totals
2005/06	£0	£38,200	£38,200
2006/07	£0	£55,551	£55,551
2007/08	£0	£17,500	£17,500
2008/09	£0	£30,320	£30,320
2009/10	£19,818	£54,163	£73,981
Totals	£19,818	£195,734	£215,552

Department of Education

Draft Savings Delivery Plans

Mr T Lunn asked the Minister of Education 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 3141/11)

Minister of Education (Ms C Ruane): Foilsíodh dréacht den Phlean um Choigilteas Seachadta le haghaidh comhairliúcháin ar 13 Eanáir 2011. Leagtar amach go soiléir sa phlean seo an tionchar a bheas ag an dréachtbhuisead ar an Roinn Oideachais agus sonraítear dréacht moltaí na Roinne le hairgead a choigilt sna Buiséid idir 2011-15.

I published my draft Savings Delivery Plan for consultation on 13 January 2011. This Plan clearly sets out the implications of the draft Budget for the Department of Education and outlines the Department's draft saving proposals over Budget 2011-15. The consultation period ends on 16 February and I am keen to hear the views of key stakeholders on my proposals. In the interim, my officials will be working with education's non-departmental public bodies on the likely impacts for services from the proposed reductions and how frontline services and jobs can be protected as far as possible.

Safety of Pupils Travelling to School

Mr P Frew asked the Minister of Education to detail the arrangements in place between Translink, Roads Service and the Education and Library Boards to ensure the safety of pupils travelling to school in the event of adverse weather conditions.

(AQW 3428/11)

Minister of Education: Tá na Boird Oideachais agus Leabharlann freagrach as sábháilteacht na bpáistí atá incháilithe le haghaidh cuidiú taistil. Is é an soláthraí taistil atá freagrach as gach dalta eile, is iad sin na tuismitheoirí agus Translink go príomha.

Education and Library Boards are responsible for the safety of pupils who are eligible for transport assistance. Responsibility for all other pupils lies with the transport provider, primarily Translink and parents.

In relation to eligible pupils, Boards have devised guidance for contractors in relation to the safety of pupils during periods of adverse weather conditions. The guidance includes ensuring that:

- the provider checks the latest weather forecast and prevailing conditions before setting out;
- drivers are equipped with a means to contact base/schools/Boards (eg., mobile phones) and are aware of the numbers to call;
- in the event of being unable to complete a journey, pupils are properly supervised before being left; and
- where applicable, a connecting service is available before children are left.

The full guidance (which includes advice for parents and schools) is available at present on the North Eastern, Southern, and South Eastern Boards' websites, with the remaining Boards to follow.

In relation to the condition of roads to, and in the vicinity of, schools the Department of Regional Development has indicated that 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 move safely and freely in wintry conditions. However, it has introduced enhanced communication arrangements, and priority "secondary" salting to rural schools most affected by weather conditions following a baseline survey conducted in the winter of 2008/09 and updated subsequently.

Publication of the Open Enrolment Booklets

Mr K Robinson asked the Minister of Education what procedures are in place to ensure that children, whose parents have specified a nursery unit as their first choice, will not be disadvantaged should the Department not have made a decision on a development proposal before the publication of the Open Enrolment booklets by an Education and Library Board.

(AQW 3487/11)

Minister of Education: Sa chás nach bhfuil aonad naíonra ar fáil mar gheall ar shocrú nach bhfuil déanta go fóill agus go mbaineann an socrú le moladh forbartha an naíonra sin, cuirfidh an Bord Oideachais agus Leabharlann leis an ghníomh chuí de réir imthosca gach cás ann féin.

Where a specified nursery unit is not available because a decision has not been made on a development proposal relating to the nursery unit, the Education and Library Board will take appropriate action depending on the circumstances of individual cases. If you would like to advise me of a particular nursery unit's development proposal about which you are concerned, I will be happy to write to you regarding procedures that will be followed in respect of a decision relating to the unit.

In the meantime, should a parent have any concerns regarding an application to a nursery unit they should contact the Transfer Officer in the appropriate Education and Library Board as soon as possible for advice.

Proposed Multi-schools Capital Build Project for Hollywood

Mr P Weir asked the Minister of Education what implications, if any, the Department's draft budget will have on the proposed multi-schools capital build project for Hollywood.

(AQW 3526/11)

Minister of Education: Léiríonn an Dréachtbhuiséad 2011-15 go ndéanfar laghduithe móra ar bhuiséad caipitil an Oideachais don chéad ceithre bliana eile le teacht.

Is dócha mar sin gur teoranta agus eadrannach go bliain 2014-15 a bheidh infheistíocht ar bith a bhaineann le tógáil nua, más féidir infheistíocht a fháil. Ní féidir tús a chur le tógáil scoileanna ar bith nua sa bhliain 2011-12 mura bhfaighim an bhreis acmhainne ar a bhfuil mé ag tairiscint. Scríobhfaidh mé chuig gach scoil nuair a bheidh an buiséad socraithe.

The Draft Budget 2011-15 highlights significant reductions in the capital budget for Education over the next four years. Any investment in new builds, if at all possible, is therefore likely to be intermittent and limited until 2014-15 and unless I receive further resource which I am bidding for it will not be possible to commence construction of any new schools in 2011-12. I will write to schools when the budget position is finalised.

I want to continue to build much needed new schools but the rate at which I can do so is totally dependent on the availability of resources. The reduction in the capital allocation will require a comprehensive reassessment of how the limited capital funds available should be deployed on a strategic and prioritised basis to address the most pressing needs. This work will be a priority for my Department in the coming months. As such, it not possible to provide a timeframe on the way forward for proposed capital build projects such as that for the Holywood area.

Funded Preschool Places

Mr R Beggs asked the Minister of Education, pursuant to AQW 1221/11, to detail the number of children, in their immediate pre-school year, who applied for, but did not receive a funded pre-school place, broken down by District Council area.

(AQW 3543/11)

Minister of Education: Thug mé le fios sa fhreagra dar dáta 26 Deireadh Fómhair 2010 (AQW 1221/11) go raibh 19823 páiste in iomlán a raibh sa bhliain roimh thosú ar an réamhscoil agus a raibh áit mhaoinithe réamhscoile faighte acu. Bhí 1202 páiste as an líon seo nach raibh áit réamhscoile socraithe acu i réamhscoil ar bith atá bainteach leis na cúig Bhord Oideachais agus Leabharlann. Baineann na figiúirí seo leis an dáta deireanach den Phróiseas Iontrála Réamhscoile ar 30 Aibreán 2010.

In my answer of 26 October 2010 (AQW 1221/11), I advised that at the end of the Pre-School Admissions process on 30 April 2010, a total of 19823 children in their final pre-school year had been allocated a funded pre-school place and a

total of 1202 such children were unplaced across the five education and library boards. This information is not available broken down in District Council area, but is available by education and library board area.

Following the allocation of the additional £1.3m, information received from the ELBs shows that a further 1145 funded pre-school places in both the statutory nursery and voluntary/private sectors, have been filled by children in their final pre-school year. It should be filled by those children who were unplaced at 30 April, some will have been taken up by children for whom no application was made during the actual admissions process. It is therefore not possible to determine how many of those children unplaced at the end of the process are still without a funded pre-school place as the ELBs do not track the applications of individual unplaced children after 30 April.

The applications which parents make to individual providers after the process is completed, whether as a result of a child being unplaced or because a parent's initial approach is subsequent to the conclusion of the admissions process, is a matter which is dealt with directly between parents and individual providers. At this stage parents approach individual settings and are offered a place in a statutory setting if one is available or if a parent approaches a voluntary/private setting, with capacity to accept additional children, this setting will seek extra funded places from the ELB to meet demand.

The table below shows the number of additional children in their final pre-school year allocated a funded place since 30 April 2010:-

Board	No. of children
BELB	145
WELB	275
NEELB	214
SEELB	218
SELB	293
	1145

The attached list details those voluntary and private settings who admitted additional children in their final pre-school year subsequent to the completion of the Admissions process on 30 April 2010. noted, however, that whilst a significant proportion of these places may have been

Voluntary and private groups which have accepted additional children in their final pre-school year into funded places since 30 April 2010:-

Belfast Education and Library Board area

- Belmont Pre-School Playgroup
- Early Learners Day Nursery
- First Steps Playgroup
- Forge Integrated Playgroup
- Malone Nursery School
- Naíscoil na Mona
- Naíscoil Mhic Reachtain
- Naíscoil Ard Eoin
- Naíscoil Bheann Mhadagain
- Oasis NSPCC
- Our Lady's Girls Primary School Playgroup
- Parkside Playgroup
- Play and Learn Playgroup
- St Colmcille's Pre-School Playgroup
- St Oliver Plunkett Pre-School Playgroup
- Springhill Playgroup
- Sunshine Playgroup
- 174 Trust

Western Education and Library Board area

- Banagher Community Playgroup
- Belcoo Playgroup
- Brambly Hedge Community Playgroup
- Brookborough and District Community Playgroup
- Chapel Road Playgroup

- Chatterbox Playgroup
- Craigbrack Pre-School Group
- Denamona Pre-School
- Dromore Community Playgroup
- Drumahoe Community Playgroup
- Eglinton Community Pre-School Centre
- First Steps Community Playgroup
- Greysteel Playgroup
- Happy Faces Playgroup
- Holy Trinity Pre-School Education Centre
- Irvinestown Cross community Playgroup
- Jack & Jill Community Playgroup
- Kindertee Community Playgroup
- Little Acorns Pre-School
- Little Diamonds Community Playgroup
- Little Flower Playgroup
- Little Friends Playgroup
- Little Rascals Community Playgroup
- Magilligan Community Playgroup
- McClintock Pre-School Centre
- Naíscoil Colmcille An Charraig Mhor
- Naíscoil Leim an Mhadaidh
- Naíscoil Mhaol Iosa
- Naíscoil Neachtain
- Newtownbutler Cross community Playgroup
- Orchard Community Playgroup
- Pennyburn Playgroup
- Playtime Playgroup
- Rainbow Child and Family Centre
- Rainbow Community Playgroup
- Rascals Playstation
- Roe Valley Community Playgroup
- Roundabout Playgroup
- Squirrels Montessori Nursery
- St Bernadette's Playgroup
- St Joseph's Community Playgroup
- St Mary's Pre-School Centre
- Stepping Stones Pre-School Playgroup

- Sugar & Spice Playgroup
- Tempo Community Playgroup
- The Dry Arch Centre
- The Little Castle Playgroup
- Tiny Tots Cross Community Playgroup
- Treehouse Creche
- Treehouse Kindergarton
- Woodlands Community playgroup

North Eastern Education and Library Board area

- Alphabet Playgroup
- Armoy Cross Community Playgroup
- Ballee Pre-School Playgroup
- Ballinascreen Early Years
- Ballyronan Community Playgroup
- Busy Bee Cross Community Playgroup
- Castlerock Community Playgroup
- Crow's Nest Community Playgroup
- Crumlin Primary School Playgroup
- First Steps Pre-School
- Garvagh Community Pre-School Playgroup
- Glenarm Community Pre-School
- Glengormley Integrated Primary School Playgroup
- Gleno Pre-School
- Glenravel Community Playgroup
- Greendale Day Nursery
- Greenlough Early Years
- Greystone Community Playgroup
- Harbour Bears Pre-School
- Happitots Playgroup
- Highkirk Community Playgroup
- Kilbride Playgroup
- Kilroot Playgroup
- Kirkinriola Early Years
- Laughterland Early Years
- Little Rainbow Playgroup
- Little Robins Day Nursery
- Loughgiel Community Early Years
- Mallusk Community Playgroup

- Millburn Community Pre-School Playgroup
- Mt St Nicholas' Playgroup
- Naíscoil an Chastil
- Naíscoil Eanna
- Naíscoil Mhachaire Ratha
- Newtownabbey Methodist Missions Playgroup
- Playaway Playgroup
- Playhouse Activity Centre
- Portglenone Community Playgroup
- Portrush Community Playgroup
- Randalstown Community Playgroup
- Rasharkin Community Playgroup
- Round Tower Community Playgroup
- St Bernards Pre-School Playgroup
- St Louis Pre-School Playgroup
- St MacNissi's Playgroup
- Slievegallion Community Pre-School
- Stepping Stones Cross Community Playgroup
- Sunshine Playgroup
- Tiny Tots Centre
- Tiny Tots Pre-School Centre
- Watt Fun Community Playgroup

South Eastern Education and Library Board area

- Anahilt Playgroup
- Ardglass Community Playgroup
- Ballybeen Women's Pre-school Centre
- Ballygowan Community Playgroup
- Ballykinlar Cross Community Pre-school Playgroup
- Ballymacward Pre-School
- Bangor Abbey Pre-School Centre
- Busy Bees Playgroup
- Castlewellan Community Playgroup
- Carrowdore Early Years Centre
- Carryduff Pre-School Playgroup
- Chirpy Chicks Pre-School
- Country Kids Day Nursery
- Crawfordsburn Playgroup
- Crossgar Cross Community Playgroup

- Drumaness Cross Community Playgroup
- Groomsport Playgroup
- Grove Community Playgroup
- Great Oaks Playgroup
- Little Acorns Pre-School Playgroup
- Little Doves Childcare Centre
- Little Starfish Playgroup
- Mount Oriel Playgroup
- Naíscóil Dhun Padraig
- Naíscóil Uachtar Tire
- Newcastle Pre-School Playgroup
- Play-a-Way Childcare Centre
- Play Links Playgroup
- Rainbow Corner Playgroup
- Redburn Community Playgroup
- Rhyme Times Playgroup
- St Finian's Early Years Centre
- Seymour Hill Pre-School Playgroup
- Tecconnaught Cross Community Playgroup
- Tiggers Palace Nursery
- Tiny Toons Community Playgroup

Southern Education and Library Board area

- Aghagallon Playgroup
- An Tearmann Early Years Project
- Aughnacloy Playgroup
- Ballygawley Early Years Ltd
- Ballinderry Bridge Playgroup
- Banbridge Playgroup
- Beacon Playgroup
- Bosco Playgroup
- Brockagh Playgroup
- Clady Tiny Tots Playgroup
- Clogher Valley Playgroup
- Clonduff Pre-School Playgroup
- Dara Playgroup
- Dominican Playgroup
- Dromintee & Jonesborough Playgroup
- Dunnamann Playgroup

- Early Bird Playgroup
- Firs Playgroup
- Forever Friends Playgroup
- Giggles Daycare Centre
- Happy Days Playgroup
- Humpty Dumpty Playgroup
- Jolly Jester's Playgroup
- Jolly Tots Playgroup
- Keady Community Playgroup
- Kids R Us Playgroup
- Kidzone Playgroup
- Kidzone Pre-School Playgroup
- Kilkeel Playgroup
- Killyman Playgroup
- Kingdom Playgroup
- Laurencetown Playgroup
- Lissan Cross Community Playgroup
- Little Acorns Playgroup
- Little Folk Playgroup
- Little Villagers Playgroup
- Lower Mourne Playgroup
- Loughgall Playgroup
- Montessori Nursery
- Moy Area Playgroup
- Naíscoil an Chreagain
- Naíscoil an Iuir
- Naíscoil Chamlocha
- Naíscoil Eoghain
- Naíscoil Chois Locha
- Naíscoil na Banna
- Naíscoil na mBeann
- Naíscoil Ui Chleirigh
- Newmills Playgroup
- North Lurgan Playgroup
- O'Fiaich Playgroup
- Panda Cross Playgroup
- Peatlands Playgroup
- Rainbow Playgroup, Dungannon

- Rainbow Playgroup, Dromore
- Rainbow Stop Playgroup
- Rascals 'n' Ruffians Playgroup
- St Mary's Playgroup
- St Peter's Playgroup
- Scotwell House Playgroup
- Tannaghmore Playgroup
- Tiny Tots Cross Community Playgroup
- Tiny Tots Pre-School Education Centre
- Toddler's Cove
- Trinity Park Pre-School Nursery
- Twinkle Playgroup

Nursery Places

Mr D Hilditch asked the Minister of Education how many nursery places are available for enrolment in September 2011 in the (i) Larne; and (ii) Carrickfergus area.

(AQW 3629/11)

Minister of Education: Sonraítear sa tábla thíos méid na n-áiteanna reachtúla atá ar fáil sa Latharna agus i gCarraig Fhearghais don scoilbhliain 2011/12.

The statutory nursery school places available in Larne and Carrickfergus for the 2011/12 school year are detailed in the table below:

District Council Areas	2011/12 School Year
Larne	234
Carrickfergus	312

Nursery Enrolment Applications

Mr D Hilditch asked the Minister of Education how many nursery enrolment applications, for September 2011, the North Eastern Education and Library Board has received, to date, for the (i) Larne; and (ii) Carrickfergus area.

(AQW 3630/11)

Minister of Education: Dhearbhaigh Bord Oideachais agus Leabharlann an Oirthuaiscirt nach bhfuil an t-eolas seo acu faoi láthair mar tá ar na tuismitheoirí na foirmeacha iarratais a chur ar aghaidh go díreach chuig an réamhscoil a bhfuil mar chéad rogha acu.

The North-Eastern Education and Library Board has confirmed that at present they do not have this information as parents are required to forward application forms directly to their first preference pre-school provider.

The information will be available from the Education and Library Board later in the process.

Capital Spend: South Belfast

Mr A Maskey asked the Minister of Education to detail the capital spend by her Department in the South Belfast constituency since 2007.

(AQW 3690/11)

Minister of Education: Seo mar a leanas an caiteachas caipitiúil i dtoghcheantar Dheisceart Bhéal Feirste ó 2007:

Capital spend in the South Belfast constituency since 2007 is as follows:

	£000s
2007/08	4,656
2008/09	3,687
2009/10	8,538
2010/11	2,269
(to 31 December 2010)	
Total	19,150

You may wish to know that I attended the sod cutting ceremony at Taughmonagh Primary School recently and this project will cost £3.5 million.

Department for Employment and Learning

Apprenticeship Places in the Foyle Constituency

Mr R McCartney asked the Minister for Employment and Learning how many apprenticeships are currently available in the Foyle constituency; and how this figure compares to the previous year.
(AQW 3298/11)

Minister for Employment and Learning (Mr D Kennedy): ApprenticeshipsNI is a demand led provision and, as such, the number of apprenticeship places in Northern Ireland is determined by employers.

As of 10th January 2011, there are 762 apprentices from the Foyle constituency following an apprenticeship. The comparative figure as of 10th January 2010 is 540. Although these apprentices reside within the Foyle constituency, they may or may not be following their apprenticeship with training suppliers or employers in that constituency.

Local Employment Intermediary Service Project

Ms S Ramsey asked the Minister for Employment and Learning, in relation to the Local Employment Intermediary Service Project, to detail why there is a comparative reduction in the primary funding for areas most in need, including West and North Belfast and Derry; and for his assessment of this reduction in funding in light of the Executive's Anti-Poverty Strategy.
(AQW 3316/11)

Minister for Employment and Learning: The existing methodology for allocating primary funding to providers for the Local Employment Intermediary Service is flawed. Evidence from the operation of the Service to date indicates that allocating primary funding on the basis of the number of benefit claimants in an area bears no relation to the actual performance of providers. In fact some providers who received less primary funding compared to others, out-performed them in terms of client engagement and job outcomes.

If the final budget settlement provides me with the resources necessary to retain the Service, primary funding will be allocated equally to all providers, all of whom will be working in areas of social need and thereby contributing to the Executive's Anti-Poverty Strategy. All will have an equal opportunity to earn output related funding based on performance.

Local Employment Intermediary Service Project

Ms S Ramsey asked the Minister for Employment and Learning, in relation to the Local Employment Intermediary Service Project, for his assessment of whether there is a need for greater equality between providers, particularly in relation to the allocation of primary funding and how the new funding model targets resources towards areas most in need.

(AQW 3317/11)

Minister for Employment and Learning: My assessment, based on evidence from the operation of the Local Employment Intermediary Service over the last three years, is that there is a need for greater equality between providers in relation to the allocation of primary funding. If the final budget settlement provides me with the resources necessary to retain the Service, primary funding will be allocated equally to all providers, all of whom will be working in areas of social need. All will have an equal opportunity to earn output related funding based on performance.

Student Fees

Mr T Clarke asked the Minister for Employment and Learning if any increase in student fees will affect students currently enrolled at university.

(AQW 3337/11)

Minister for Employment and Learning: Should the Assembly vote to increase fees beyond the annual inflationary increase, those students currently enrolled at university will continue to be charged tuition fees at the existing level (subject to annual inflationary increases) for the duration of their course. Any subsequent increase in tuition fees beyond inflation would only apply to students entering higher education on or after the date from when the new fee level would become effective.

Apprenticeship Places in the Foyle Constituency

Mr P Weir asked the Minister for Employment and Learning how many apprenticeship places are currently available in the Foyle constituency; and how this figure compares to the previous year.

(AQW 3411/11)

Minister for Employment and Learning: ApprenticeshipsNI is a demand led provision and, as such, the number of apprenticeship places in Northern Ireland is determined by employers.

As of 10th January 2011, there are 762 apprentices from the Foyle constituency following an apprenticeship. The comparative figure as of 10th January 2010 is 540. Although these apprentices reside within the Foyle constituency, they may or may not be following their apprenticeship with training suppliers or employers in that constituency.

Education Maintenance Allowance

Mr T Clarke asked the Minister for Employment and Learning whether his Department intends to continue providing the Education Maintenance Allowance.

(AQW 3622/11)

Minister for Employment and Learning: In December 2010 my Department and the Department of Education received the findings of the jointly commissioned Review of the Education Maintenance Allowance scheme in Northern Ireland. Officials from both Departments are currently assessing the findings of the report and the Employment and Learning Committee was initially briefed on 19 January 2011. My Department will engage fully with the Committee as policy options are developed, which will clearly consider any potential impact on those from the most disadvantaged backgrounds whom I am committed to supporting. Any proposals to amend the current provision of Education Maintenance Allowance within the Department will be subject to a public consultation and appropriate equality considerations.

Department of Enterprise, Trade and Investment

Foreign Direct Investment

Ms M Ritchie asked the Minister of Enterprise, Trade and Investment for her assessment of the number and location of jobs as a result of foreign direct investment in each of the last five years. **(AQW 3352/11)**

Minister of Enterprise, Trade and Investment (Mrs A Foster): Invest NI is the agency through which the Department of Enterprise Trade & Investment (DETI) provides funding to grow the private sector in Northern Ireland. Invest NI will work with any manufacturing and tradable services business in Northern Ireland which has the potential and ambition to export, to improve its productivity and to become more internationally competitive. Invest NI does not assist projects which only serve the local marketplace e.g. those involved in retail and distribution activities. We, therefore, do not have information relating to investment made by externally-owned businesses in these sectors. This response is based on those inward-investment projects which have been assisted by Invest NI.

Invest NI's focus is to increase business productivity, the means by which wealth can be created for the benefit of the whole community. It does this by supporting projects that aim to create jobs, an aspect of the agency's work that is becoming increasingly important given the need to increase employment levels following the impact of the downturn. Although not directly related to job creation, Invest NI's innovation and capability development activities are designed to increase business competitiveness which generates growth, leading eventually to improved productivity and increased employment opportunities.

Between 1st April 2005 and 31st March 2010, Invest NI offered financial support to assist employment-related projects by externally-owned companies that planned to create nearly 15,300 new jobs and safeguard over 6,200 existing jobs. It should be noted that jobs promoted by Invest NI supported projects may take a number of years to create. Indeed, larger projects may take up to five years to fully mature.

The table below shows the number of jobs that these projects promoted and / or safeguarded in each Parliamentary Constituency Area (PCA) in each of the last five years.

**NUMBER OF JOBS PROMOTED AND SAFEGUARDED BY EXTERNALLY-OWNED INVEST NI CLIENTS BY PARLIAMENTARY CONSTITUENCY AREA
(2005-06 TO 2009-10)**

Parliamentary Constituency	2005-06		2006-07		2007-08		2008-09		2009-10		Total	
	New Jobs	Safe Jobs	New Jobs	Safe Jobs	New Jobs	Safe Jobs	New Jobs	Safe Jobs	New Jobs	Safe Jobs	New Jobs	Safe Jobs
Belfast East	232		624	60	226	1,069	944		289	79	2,315	1,208
Belfast North	46		44				108	2	518	275	716	277
Belfast South	845	47	987	123	433	7	1,279		486	692	4,030	869
Belfast West					142	26	1	3	29		172	29
East Antrim	190	358			235		2				427	358
East Londonderry		787			361	30	17		2		380	817
Fermanagh & South Tyrone	11	65	441		120		156		28	5	756	70
Foyle	361	1,258	754		915	67	30		86		2,146	1,325
Lagan Valley	71	278					29		104		204	278
Mid Ulster	40				84				41		165	0
Newry & Armagh	1,002	30	304		59		653		18	23	2,036	53
North Antrim						264			17		17	264
North Down			233		63	12			150		446	12
South Antrim	67	96					106		22	19	195	115
South Down	127	362					513		12		652	362
Strangford			20	16			16		15		51	16
Upper Bann	49			5	5		163	152	4	35	221	192

Parliamentary Constituency	2005-06		2006-07		2007-08		2008-09		2009-10		Total	
	New Jobs	Safe Jobs	New Jobs	Safe Jobs	New Jobs	Safe Jobs	New Jobs	Safe Jobs	New Jobs	Safe Jobs	New Jobs	Safe Jobs
West Tyrone	109		44		95		27		34		309	0
Total	3,150	3,281	3,451	204	2,738	1,475	4,044	157	1,855	1,128	15,238	6,245

Notes:

1. New Jobs represent the number of jobs expected to be created by the project.
2. Safe Jobs represent the number jobs that would have been lost if the project was not supported.
3. An additional 31 new jobs have still to be located.

It should be noted that Invest NI does not allocate budgets by geographic areas such as Parliamentary Constituency Areas. Assistance patterns are demand-led by those businesses which have come forward with projects suitable for Invest NI assistance. In addition, these areas are not self-contained labour markets. A project assisted in a particular location has the potential to create benefits across a much wider area. Northern Ireland is a relatively small place and evidence indicates that many investments draw their workforce from areas beyond constituency boundaries.

Invest NI: Financial Assistance

Mr J Spratt asked the Minister of Enterprise, Trade and Investment to detail the companies that have received financial assistance from Invest NI in each of the last three years.

(AQW 3440/11)

Minister of Enterprise, Trade and Investment: The attached document details the list of companies that have been paid financial assistance by way of a letter of offer, in each of the 2007-8, 2008-9 and 2009-10 financial years.

2007/08

- | | |
|---|---|
| ■ 3 PAR INCORPORATED | ■ ALAN ADAIR |
| ■ 3D STEELWORK LIMITED | ■ ALEXANDER FLEMING JOHNSTON & ROSEMARY JEAN JOHNSTON |
| ■ 3M UK PLC | ■ ALL PLAY IRELAND LTD |
| ■ 8OVER8 LTD | ■ ALLEN SYSTEMS GROUP INC |
| ■ A DIAMOND & SONS TIMBER LTD | ■ ALLIED BAKERIES NI LTD |
| ■ A1 POWERSYSTEMS LTD | ■ ALLPIPE ENGINEERING LTD |
| ■ ABBEY NATIONAL PLC | ■ ALMAC CLINICAL SERVICES LTD |
| ■ ABC TURBO-CLEAN LTD | ■ ALMAC DIAGNOSTICS LIMITED |
| ■ ABF GRAIN PRODCUTS LTD | ■ ALMAC GROUP LIMITED |
| ■ ACCEPTABLE ENTERPRISES (LARNE) LTD | ■ ALMAC PHARMA SERVICES LIMITED |
| ■ ACHESON & GLOVER LTD | ■ ALMAC SCIENCES LTD |
| ■ ACKSEN LTD | ■ ALPHA ENVIRONMENTAL SYSTEMS LTD |
| ■ ACOLIGHT SYSTEMS LTD | ■ ANDERSON INTERIORS LTD |
| ■ ACORN IT SOLUTIONS LTD | ■ ANDERSON MANNING ASSOCIATES LTD |
| ■ ACTIVE PACKAGING LTD | ■ ANDERSONSTOWN NEWS |
| ■ ADAMSEZ (N I) LTD | ■ ANDOR TECHNOLOGY PLC. |
| ■ ADAPT NI | ■ ANDRONICS LTD |
| ■ ADM PIPE INSTALLATIONS LTD | ■ ANNARD HORSEBOXES LIMITED |
| ■ ADMAN PUBLISHING LTD | ■ ANSER LABORATORIES LTD |
| ■ ADRIAN & LEONORA HAMILL | ■ ANTRIM SAFETY PRODUCTS LTD |
| ■ ADRIAN MCALEESE (T/A CELTOI DESIGN) | ■ ANTRIM TRANSFORMERS LTD |
| ■ ADVANCE SOLUTIONS (NI) LTD | ■ APOLLO MARBLE & GRANITE LTD |
| ■ ADVANCED INDUSTRIAL COATINGS LTD | ■ APPLEBY TRUST LTD |
| ■ ADVANCED LIQUID METALS | ■ APPLETREE PRESS LTD |
| ■ ADVANCED SENSORS LTD | ■ APPLIED SILICATE TECHNOLOGIES |
| ■ AEPONA LTD | ■ ARBARR ELECTRONICS LTD |
| ■ AEROSUBS LTD | ■ ARCATECH LTD |
| ■ AETOPIA LIMITED | ■ ARDMONAGH FAMILY & COMMUNITY GROUP |
| ■ AIDAN STRAIN ELECTRICAL ENGINEERING LTD | ■ ARGYLE BUSINESS CENTRE LTD |
| ■ AJ POWER LIMITED | ■ ARIA CLOTHING LTD |
| ■ AJM ELECTRICAL LTD | ■ ARMAGH CITY & DISTRICT COUNCIL |

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| ■ ARMSTRONG MEDICAL LTD | ■ BEDECK LTD |
| ■ ARTHUR COX NORTHERN IRELAND | ■ BEECHVALE NATURAL WATER LTD |
| ■ ARTLIGHTS - LESLEY BURNEY | ■ BEING COMMUNICATIONS LTD |
| ■ ASBESTOS MANAGEMENT COMPANY (IRELAND) | ■ BELFAST AIRCRAFT STRESS ENGINEERS LTD (BASE) |
| ■ ASHDALE ENGINEERING LTD | ■ BELFAST METROPOLITAN COLLEGE |
| ■ ASHGROVE CONTRACT FURNITURE LTD | ■ BELFAST PRINT FINISHERS LTD |
| ■ ASIDUA LTD | ■ BELFAST PRINT WORKSHOP |
| ■ ASSET MANAGEMENT IRELAND LTD | ■ BELFAST STUDENT RADIO |
| ■ ATG SERVICES(IRELAND) LIMITED | ■ BELFAST THEATRICAL LINENS LTD |
| ■ ATKINSON RICHARD & CO LTD. | ■ BELLE ISLE ESTATE LTD |
| ■ AUDIO PROCESSING TECHNOLOGY LTD | ■ BENBURB BRAMLEYS LTD |
| ■ AUGHER CO-OPERATIVE AGRICULTURAL & DAIRY SOCIETY LTD | ■ BENEDICT O'HANLON |
| ■ AURION LIMITED | ■ BEST BIRTHDAYS LTD |
| ■ AUTOGEN MANUFACTURING LTD | ■ BHB FIRE & SPECIALIST TRAINING CONSULTANTS LTD |
| ■ AUTOSURE SOFTWARE | ■ BIANCAMED LTD |
| ■ AVONDALE FOODS (CRAIGAVON) LTD | ■ BILLY WARKE T/A GROUNDSMAN INDUSTRIES |
| ■ AWAKIN LTD | ■ BIO SEARCH NI LTD |
| ■ AZTECH ENGINEERING SOLUTIONS LTD | ■ BIOBUSINESS NI LIMITED |
| ■ B DONAGHY & L MCNEECE | ■ BIO-KINETIC EUROPE LTD |
| ■ B.E.A.T. (NI) LTD | ■ BIOPANDA DIAGNOSTICS |
| ■ B/E AEROSPACE (UK) LTD | ■ BIZNET IIS LTD |
| ■ B9 ENERGY (O&M) LTD | ■ BLAKELY MCCARTNEY LTD |
| ■ BA KITCHEN COMPONENTS LTD | ■ BLOOMING BOTTOMS LTD |
| ■ BAILIES COFFEE COMPANY LTD | ■ BLUE QUADRANT LTD T/A BUNK CAMPERS |
| ■ BAIRD W&G LTD | ■ BLUE TREE SERVICES LTD |
| ■ BAKER HUGHES | ■ BLUE ZINC IT LTD |
| ■ BALCAS TIMBER LIMITED | ■ BLYTHSWOOD TRADING (IRELAND) LTD |
| ■ BALLYMONEY BOROUGH COUNCIL | ■ BM STEEL FABRICATIONS LTD |
| ■ BALLYRASHANE CO-OP AGRICULTURAL & DAIRY SOCIETY (1990) LTD | ■ BMC ENGINEERING (NI) LTD |
| ■ BANJAX STUDIOS LTD | ■ BMI TRAILERS LTD |
| ■ BARCLAYS MERCANTILE BUSINESS FINANCE LTD | ■ BMK STEEL LTD |
| ■ BAREFRUIT PRODUCTS LTD | ■ BNE ELECTRONICS LTD |
| ■ BARTON INDUSTRIAL SERVICES LTD | ■ BOG STANDARD PRODUCTS LTD |
| ■ BASKETS GALORE LTD | ■ BOOMER INDUSTRIES LTD |
| ■ BDO STOY HAYWARD | ■ BORAN - MOPACK LTD |
| ■ BEAM VACUUM SYSTEMS LIMITED | ■ BORDER ARTS CARNIVAL GROUP LTD |

■ BOTANICA INTERNATIONAL LTD	■ CAPPER TRADING LTD
■ BOWMAN WINDOWS	■ CARBON TRUST, THE
■ BOXPAK LTD	■ CARELLA LAMINATE SYSTEMS LTD.
■ BRADLEY ART LP	■ CARIDIAN BCT NI LTD T/A IVEX PHARMACEUTICALS
■ BRANNIGAN, BRIAN	■ CARN PLASTICS LTD
■ BRENDAN RAFFERTY - T/A BPR CONTRACT FURNITURE	■ CARNMORE STONE LTD
■ BRETT MARTIN LTD	■ CARNROE SUPPLIES LIMITED
■ BRIAN MCCOY	■ CARNTOGHER COMMUNITY ASSOCIATION
■ BRIDGEDALE OUTDOOR LTD	■ CAROL MAGILL
■ BRITISH BAKERIES LTD	■ CARTONCARE LTD
■ BROADCAST & ELECTRONIC SOLUTIONS LTD	■ CASTLE GLASS LTD
■ BROADCAST PROJECT MANAGEMENT	■ CASTLE HUME LEISURE LTD
■ BROADSOFT INC	■ CASTLEDARA DEVELOPMENTS LTD
■ BROWN, COLIN(CI50949)	■ CATERWASTE PRODUCTS LTD
■ BRUISED FRUIT	■ CATHERINE SCOTT
■ BRYSON RECYCLING LIMITED	■ CATHY VILLIERS DESIGN
■ BUILDING SERVICES DESIGN LTD	■ CAUSEWAY DATA COMMUNICATIONS LTD
■ BULLIVANT TARANTO LTD	■ CBM ENGINEERING SERVICES LIMITED
■ BURREN JOINERY WORKS	■ CCL SERVICES (NI) LTD
■ BUSINESS IN THE COMMUNITY C/O INVISTA TEXTILES (UK) LTD	■ CDE IRELAND LIMITED
■ BUSINESS RESULTS	■ CENSYS LTD
■ BYTEL LTD	■ CENTRA MARKETHILL/PAUL HILL
■ C & R FURNITURE (ARMAGH) LTD	■ CENTRAL CHEMICAL SUPPLIES LTD
■ C J HIGGINS & CO LTD	■ CENTRE FOR COMPETITIVENESS
■ C M INTERIORS LTD	■ CET LIMITED
■ C N C COMPONENTS (UK) LTD	■ CHARLES & IRENE SCOTT T/A PARAMOUNT TEXTILES
■ C P PRODUCTIONS LTD	■ CHARLES FEGAN & DECLAN MOONEY
■ C+ ADVANCED PERFORMANCE	■ CHARLES GAFFNEY
■ CALCAST LTD	■ CHERRY TREE BAKERY
■ CALEDON PRECISION ENGINEERING LTD	■ CHESAPEAKE BELFAST LTD
■ CAMCO GROUP LIMITED	■ CHIEFTAIN TRAILERS LTD
■ CAMDEN GROUP LTD	■ CHIMTECHNOLOGY LTD
■ CAMPBELL, JANE AND IRVINE	■ CHRISTINA WATT
■ CANOPIES IRELAND LTD	■ CHURCHTOWN COMMUNITY ASSOCIATION
■ CANYON EUROPE LTD	■ CHURCHTOWN FARM
■ CAPITA BUSINESS SERVICES LTD	■ CIGA HEALTHCARE LTD
■ CAPITAL REINFORCING (IRELAND) LTD	■ CIRRUS LTD T/A CIRRUS PLASTICS

■ CITIBANK INTERNATIONAL PLC	SYSTEMS LTD - CLOSED
■ CITIZENS ADVICE SERVICES LTD	■ COONEEN TEXTILES LTD
■ CITY INDUSTRIAL WASTE LTD	■ COONEEN WATTS & STONE LIMITED
■ CK INTERNATIONAL LTD	■ COONEEN WATTS & STONE LTD
■ CLARE CANNON	■ COPELAND LTD
■ CLAREHILL PLASTICS LTD	■ COPELAND PF LTD
■ CLASSIC MARBLE SHOWERS LTD	■ COPPER INDUSTRIES (IRELAND) LTD
■ CLASSIC MINERAL WATER COMPANY LTD	■ CORE SYSTEMS (NI) LTD
■ CLAUDY RURAL DEVELOPMENT LTD	■ COREWORKFLOW LTD
■ CLEANING DOCTOR LTD	■ CORICK HOUSE LTD - BEACOM, JEAN
■ CLEARWAY MEDICAL LIMITED	■ CORLIN DEVELOPMENTS LTD
■ CLEAVER FULTON & RANKIN	■ COTTAGE CATERING LTD
■ CLERK FENCING LTD	■ COUNTRY INNS (ULSTER) LIMITED
■ CLONALLON LABORATORIES LTD	■ COUNTRYSIDE SERVICES LTD
■ CLOVER PEAT LTD	■ COVENTRY UNIVERSITY ENTERPRISES LTD
■ CMMT LTD	■ CRAFTSTONE 2000 LTD
■ CNC PRESSINGS	■ CRAIGANTLET FARMS LTD
■ COCA-COLA HBC NI LTD	■ CRAIGAVON BOROUGH COUNCIL
■ COLIN NEIGHBOUR HOOD PARTNERSHIP	■ CRAWFORD CONTRACTS LTD
■ COLIN NESBITT	■ CRAWFORD HIDE CO NI LTD
■ COLIN THOMPSON, PATRICIA THOMPSON & JONATHAN RITCHIE T/A LUCAS ASSOCIATES	■ CREATION CONSUMER FINANCE LTD
■ COLLEN BROS (QUARRIES) LTD	■ CREATIVE COMPOSITES LTD
■ COLM & RUAIRI GILDERNEW	■ CREATIVE PLAY RESOURCES
■ COMADA (NI) LTD	■ CREGGAN COUNTRY PARK
■ COMMERCIAL GRAPHICS (N I) LTD	■ CREINAGH TOWNSLEY DESIGNER KNITWEAR
■ COMMON GROUNDS CAFE	■ CRESCENT CAPITAL II LP
■ COMMUNITY DIRECT	■ CROMER ENTERPRISES LTD T/A WHITE HORSE HOTEL
■ COMMUNITY RECYCLING INITIATIVE LTD	■ CROSSBOWS OPTICAL LTD
■ COMPASS ADVOCACY NETWORK	■ CROSSEN ENGINEERING LTD
■ COMPLETE BEVERAGE SERVICES LTD	■ CROSSFIRE TRUST
■ COMPOSITE DESIGN IRELAND LLP	■ CROSSGAR FOODSERVICE
■ COMPOSITE DOORS & PANELS LTD	■ CROSSLAND TANKERS LTD
■ CONCRETE FLOORING SYSTEMS LTD	■ CUAN SEA FISHERIES LTD
■ CONSILIUM TECHNOLOGIES LTD	■ CULLYBACKEY IMPROVEMENT ASSOCIATION
■ CONTACT MARKETING (NI) LTD	■ CULZEAN PROPERTIES (NUMBER 2) LTD
■ CONTROLLED ELECTRONIC MANAGEMENT SYSTEMS LTD	■ CUNNINGHAM COVERS LTD
■ CONTROLLED ELECTRONIC MANAGEMENT	■ D & M CAKES LTD
	■ D MC AULEY & SON T & T LTD

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| ■ DAIRY PRODUCE PACKERS LTD | ■ DIAMOND CORRUGATED CASES LTD |
| ■ DALE FARM LTD | ■ DIARMAID LYNCH |
| ■ DAMIAN ANDREW MOORE | ■ DIFFUSION (NI) LTD |
| ■ DANLOR SERVICES | ■ DIGESTORS SILOS & TANKS LTD |
| ■ DARRYL T E HYLANDS & BEVERLEY A
HYLANDS T/A MASTERBURN | ■ DIGITAL THEATER SYSTEMS UK LTD |
| ■ DATACTICS LTD | ■ DITTYS CASTLEDAWSON LTD |
| ■ DATOS PROFESSIONAL SOLUTIONS LTD | ■ D-MAC ENGINEERING LIMITED |
| ■ DATUM TOOL DESIGN LTD | ■ DOCTOR JALAL M CARTWRIGHT SHAMOON |
| ■ DAVAR LIMITED | ■ DOG FENCE (N.I) |
| ■ DAVID & EDITH DONALDSON | ■ DOLPHIN TRAVELLERS REST LTD |
| ■ DAVID HUTCHINSON & SONS LTD | ■ DONAL LAPPIN & JOHN LAPPIN & GWEN
LAPPIN |
| ■ DAVID MCCREADY & PAULINE MCCREADY | ■ DOOLOOP LIMITED |
| ■ DAVID PERRY | ■ DOREEN & MAURICE DAVISON |
| ■ DAVISON CANNERS LTD | ■ DR ALEX CORNELISSEN |
| ■ DAWSON MANUFACTURING & ENGINEERING
LTD | ■ DROMORE EDUCATION & COMMUNITY |
| ■ DCI ENERGY CONTROL LTD | ■ DRUMHORC PALLETS LTD |
| ■ DECORA BLIND SYSTEMS LTD | ■ DRUMMOND CONTRACTS LTD |
| ■ DEIDRE EASTWOOD | ■ DUNADRY DEVELOPMENT COMPANY LTD |
| ■ DELAP & WALLER LTD | ■ DUNBIA (NORTHERN IRELAND) |
| ■ DELI LITES (IRELAND) LTD | ■ DUNCRUE FOOD PROCESSORS LTD |
| ■ DELTA PRINT & PACKAGING LTD | ■ DUNGANNON MEATS LTD |
| ■ DELTA TRADING IRELAND LTD | ■ DUNLOP DESIGN ENGINEERING LTD |
| ■ DELUXE ART AND THEME LTD | ■ E & I ENGINEERING LTD |
| ■ DELWYN ENTERPRISES LTD (T/A
YARDMASTER INTERNATIONAL) | ■ E D M SPANWALL LTD |
| ■ DENMAN INTERNATIONAL LTD | ■ E S CONSULTANCY |
| ■ DENROY PLASTICS LTD | ■ E S L ENGINEERING LIMITED |
| ■ DERMOT MC ILROY T/A MCILROY MUSICAL
INSTRUMENTS | ■ E. N. E. LIMITED |
| ■ DERNASEER ENGINEERING LTD | ■ E.M AUTOMATION LTD |
| ■ DERRY'S LTD | ■ EAMON CAMPBELL T/A GLENFORT
TRADITIONAL PRODUCTS |
| ■ DESSIAN PRODUCTS LTD | ■ EAMON, ITA, PATRICK & ADRIAN KELLY |
| ■ DETI | ■ EASABILITY SHOWERS LTD |
| ■ DEVENNY, PAUL | ■ EAST BELFAST ENTERPRISE LTD |
| ■ DEVINE AND ASSOCIATES LTD | ■ EAST TYRONE F.E. COLLEGE |
| ■ DEVLIN, DONNA & DORMAN, PATRICIA | ■ EASY STICK LTD |
| ■ DIABETICA LIMITED | ■ ECOMESH LIMITED |
| ■ DIAGEO GLOBAL SUPPLY IBC LTD | ■ ECOTHERM NI |
| | ■ EDAGEN BIOFUELS LIMITED |
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| ■ EDDIE FERGUSON | ■ EXTEC SCREENS AND CRUSHERS (NI) LTD |
| ■ EDERNEY COMMUNITY DEVELOPMENT LTD | ■ F M ENVIRONMENTAL LTD |
| ■ EDGEWATER CONTRACTS LTD | ■ FABLE MULTIMEDIA LTD. |
| ■ EDINA MANUFACTURING LTD | ■ FABRICAT (IRELAND) CONTRACTORS LIMITED |
| ■ EDS IRELAND LIMITED | ■ FABRITE ENGINEERING LIMITED |
| ■ EDWARD & PAUL O'NEILL T/A RATHBANNA | ■ FAMILY CARING CENTRE |
| ■ ELECTRO-TECH MACHINERY LTD | ■ FARMWIZARD LTD |
| ■ ELEMENTAL CREATIVE LIMITED | ■ FARRINGFORD FOODS CO LTD |
| ■ ELMORE FISH LTD | ■ FAST ENGINEERING LTD |
| ■ EMERALD ISLE REPROCESSING LTD | ■ FEARGHAS QUINN HEARSES & LIMOUSINES |
| ■ EMPOWERMENT QUALITY ENGINEERING LTD | ■ FEDERAL ELECTRONIC SECURITY LTD |
| ■ ENDOSIM LTD | ■ FEILE AN PHOBAIL |
| ■ ENGINEERING PLASTICS LTD | ■ FERGAL COLLINS & MARTIN MAGENNIS |
| ■ ENTERPRISE EQUITY FUND MANAGEMENT | ■ FERMANAGH SPRING WATER |
| ■ ENTERPRISE NI LTD | ■ FG WILSON (ENGINEERING) LTD |
| ■ ENVIRONMENTAL FABRICATIONS LTD | ■ FIGHTING BULL BROADCAST TECHNOLOGIES |
| ■ ENVIRONMENTAL PRODUCTS & SERVICES LTD | ■ FIN ENGINEERING GROUP LTD |
| ■ ENVIRONMENTAL STREET FURNITURE | ■ FINLAY HYDRASCREENS OMAGH LTD |
| ■ ENVIRONMENTAL TECHNIQUES LTD | ■ FINRONE LTD |
| ■ EOVERI LIMITED | ■ FINTEC CRUSHING & SCREENING LTD |
| ■ EQUINITI ICS LTD | ■ FIONN TECHNOLOGIES LTD |
| ■ ERIC JENKINSON & MARTIN RICE | ■ FIRE IMC LIMITED |
| ■ ERNE MANAGEMENT LTD | ■ FIRE SECURITY LTD T/A GENT NI |
| ■ ERNECRAFT LTD | ■ FIRE TEC (IRELAND) LTD |
| ■ ESSENTIAL DESIGNS (NI) LTD | ■ FIREGLASS DIRECT (IRELAND) LTD |
| ■ ETAIN LTD | ■ FIRST DERIVATIVES PLC |
| ■ ETHNIC MINORITY ENTERPRISE COUNCIL | ■ FIRST SOURCE SOLUTIONS UK LTD |
| ■ Eugene Kielt T/A LAUREL VILLA GUEST HOUSE | ■ FIVEMILETOWN & BROOKEBOROUGH CO-OP AGRICULTURAL & DAIRY SOCIETY LTD |
| ■ EURO CONTROL PANEL SPECIALISTS LTD | ■ FJ BOWERS & CO |
| ■ EURO ELECTRONIC SECURITY LTD | ■ FLAXSEED PRODUCTS |
| ■ EUROCABLES (BELFAST) LTD | ■ FLEMING AGRI PRODUCTS LTD |
| ■ EUROPEAN MAGAZINE SERVICES LTD | ■ FLEXTRONICS (UK) DESIGN SERVICES LTD |
| ■ EUROSPRINGS LTD | ■ FLICKERPIX LTD |
| ■ EURO-TAN & LEISURE T/A EURO PRODUCTS | ■ FLOOR FORM LTD |
| ■ EVERGREEN LAWNS LTD | ■ FOOD INVESTMENTS LTD T/A JAMES NEILL FLOUR MILLERS |
| ■ EVRON FOODS LTD | ■ FOREVER WARM HOMES LTD |
| ■ EXCITE EXHIBITION & DISPLAY LTD | ■ FORTH & FOYLE (NI) LTD |

■ FORTRESS DIAGNOSTICS LTD	■ GLASSEAL (NI) LTD
■ FORTRESS DOORS (NI) LTD	■ GLEN ELECTRIC LTD
■ FORTRESS STONE LTD	■ GLEN OAK FISHERIES
■ FOUR DEE (NI) LTD	■ GLENADEN SHIRTS LTD
■ FOYLE FOOD GROUP LIMITED	■ GLENBANK NURSERY LTD
■ FOYLE FOOD GROUP LTD	■ GLENPARK ENVIRONMENTAL SERVICES LTD
■ FOYLE LANGUAGE SCHOOL	■ GLENS OF ANTRIM POTATOES LTD
■ FOYLE RECYCLERS LIMITED	■ GLOBAL ARMOUR LIMITED
■ FR KELLY & CO	■ GLOBAL ARMOUR UK LTD
■ FRANCIS DINSMORE LTD	■ GLOBAL EMAIL COMPANY LTD, THE
■ FRANK & GLORIA ALEXANDER	■ GLOBAL LUBRICANTS (N.I.) LIMITED
■ FRED C ROBINSON LTD	■ GLOBEWEIGH UK LTD
■ FREEZA MEATS LTD	■ GLOVER SITE INVESTIGATIONS LTD
■ FRONTIER ENERGY LTD	■ GOLDEN POPCORN LTD
■ FRYLITE LTD	■ GOLFKEEL SELF CATERING COTTAGES
■ FS WHEELS LTD	■ GOOD 4 U FOOD AND DRINK COMPANY LTD
■ FSL ELECTRONICS LIMITED	■ GOUDSMIT MAGNETICS UK LTD
■ FUGRO - BKS LTD	■ GRADEALL INTERNATIONAL LTD
■ FULLEN, JOHN(CI47821)	■ GRAHAM & HESLIP LTD
■ FUSION ANTIBODIES LIMITED	■ GRAHAM MOAG T/A BIN-TOW
■ GALEN LTD	■ GRAMPIAN COUNTRY PORK LTD
■ GALFEES NI LTD	■ GRANTS ELECTRICAL SVS (N I) LTD
■ GALGORM MANOR HOTEL	■ GRAY & ADAMS (IRELAND) LTD
■ GALLAHER LTD LISNAFILLAN PROJECT	■ GREATER VILLAGE REGENERATION TRUST
■ GAME PARK LTD	■ GREENACRE COMPOSTING ENTERPRISES LTD
■ GARAGE DOOR SYSTEMS LTD	■ GREENFIELDS IRELAND LTD
■ GARLAND, ELIZABETH(CI52342)	■ GREENHILL KITCHENS LIMITED
■ GARY NELSON T/A QUALITY PLAN (NI)	■ GREER MURPHY
■ GAVIN KEARNEY	■ GRENIER PACKAGING LTD - WILSANCO PLASTICS LTD
■ GEMS NORTHERN IRELAND LTD / AVENTURENE	■ GREYSTEEL COMMUNITY ENTERPRISE
■ GENERAL CABINS & ENGINEERING LTD	■ GROSVENOR SHIRTS LTD
■ GENERSYS IRELAND LTD	■ GRP SYSTEMS LIMITED
■ GEORGE FLECK SNR, GEORGE FLECK JNR, AGNES FLECK & BRENDA FLECK	■ H IRELAND & SON LTD
■ GEORGE MCIVOR	■ HAEMOBAND SURGICAL LTD
■ GERMINAL HOLDINGS LIMITED	■ HAMILTON ERSKINE LTD
■ GILTSPUR SCIENTIFIC LTD	■ HAMPTON CONSERVATORIES LTD
■ GLANBIA CHEESE LTD	■ HANLEY CRANE HIRE LTD
	■ HANNAWAY HILLTOWN LTD

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| ■ HARLAND & WOLFF HEAVY INDUSTRIES LIMITED | ■ IBC TRADING LTD |
| ■ HAROLD & JEANETTE CHAPMAN | ■ ICEMOS TECHNOLOGY LTD |
| ■ HARPSCREEN INTERNATIONAL LTD | ■ ICON E - BUSINESS LTD |
| ■ HARRY DUNLOP REFRIGERATION EUROPE | ■ ICONI SOFTWARE LTD |
| ■ HASTINGS HOTELS GROUP LIMITED | ■ IDENTITY EXPLORATION LTD |
| ■ HASTINGS, TERESA | ■ IMAGE BRANDING LTD |
| ■ HAWK PROTECTION LTD | ■ IMAGE ZOO (NI) LTD |
| ■ HAYBURN WOOD PRODUCTS LTD | ■ IMAGINE TELECOMMUNICATIONS NI LTD |
| ■ HCL BPO SERVICES (NI) LTD | ■ IMMARK NI LTD |
| ■ HEAT ENERGY & ASSOCIATED TECHNOLOGY LTD | ■ IN TOUCH NETWORK SOLUTIONS LTD |
| ■ HEATHER & ANDREW WHITE T/A WHITESTONE DESIGN | ■ INDUSTRIAL PRODUCTS LTD |
| ■ HEGARTY'S FITTED FURNITURE LTD | ■ INDUSTRIAL RESEARCH & TECHNOLOGY LTD |
| ■ HELEN WALSHAW | ■ INFERNO PRODUCTIONS LTD |
| ■ HELENA SCHLINDWEIN T/A ZOELA'S STORIES | ■ INNOVATION ULSTER LTD |
| ■ HERON BROTHERS LTD/HERON PROPERTY LTD | ■ INSPECVISION LIMITED |
| ■ HE-SHI ENTERPRISES LTD | ■ INTEGRATED MARKETING MANAGEMENT |
| ■ HEWITT MEATS | ■ INTEGRATED TIMBER SOLUTIONS LTD |
| ■ HILL ENGINEERING LTD | ■ INTELESSENS LTD |
| ■ HILLTOP & GLENLUCE CARE TRADING SERVICES LTD | ■ INTELLIDEN LTD |
| ■ HILTON BELFAST | ■ INTELLIGENCE SOFTWARE LTD |
| ■ HILTON MEATS (COOKSTOWN) LTD | ■ INTER ESTATE PARTNERSHIP (PAS) |
| ■ HILTON TEMPLEPATRICK | ■ INTERNATIONAL BUSINESS CENTRE |
| ■ HIVOLT CAPACITORS LTD | ■ INTERNATIONAL HOUSE BELFAST LTD |
| ■ HLL LTD T/A LIDDELL | ■ I-PATH DIAGNOSTICS LIMITED |
| ■ HOLIDAY INN BELFAST, THE | ■ IPEUS LIMITED |
| ■ HOME DESIGN CENTRE LTD | ■ IQ MEDICAL SYSTEMS LTD |
| ■ HOMELOAN MANAGEMENT LTD | ■ IRISH ART GROUP |
| ■ HONEST | ■ IRVINESTOWN TRUSTEE ENTERPRISE CO LTD |
| ■ HOSTELLING INTERNATIONAL NI | ■ IRWIN'S BAKERY |
| ■ HOWDEN UK LIMITED | ■ ISL WASTE MANAGEMENT LTD |
| ■ HUG X LTD | ■ ISLAND TURF CRAFTS LTD |
| ■ HUGHES CHRISTENSEN | ■ IUR - FM |
| ■ HUGHES MUSHROOMS | ■ IVAN & ANGELA NICHOLSON T/A EQUESTRIAN & FARM NEEDS |
| ■ HUNTERS BAKERY | ■ J A SHIELDS T/A AISLING MARINE INSTRUMENTS |
| ■ HYDE, ANDREW & HYDE, ANN | ■ J F IRVINE SAWMILLS LIMITED |
| | ■ J F MCBARRON |
| | ■ J JACKSON T/A DERRY PRECISION TOOLS |

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| ■ J ROONEY & R ROONEY (is listed as supplier 106770) | JOHNSONS COFFEE |
| ■ J THOMPSON SOLUTIONS LIMITED | ■ JOHNSON, ANNA & KENNETH T/A ANNA'S BED & BREAKFAST |
| ■ J WILSON AGRICULTURE LTD | ■ JOHNSTON, ANDREW T/A BAYLANDS SELF-CATERING COTTAGES |
| ■ JACKSON REECE LTD | ■ JOHNSTON, JOANNE(CI47876) |
| ■ JAMES LECKEY DESIGN LTD | ■ JONATHAN MCGALE |
| ■ JAMES MC GAUGHEY | ■ JORDAN PLASTICS LTD |
| ■ JAMES MCGRENAGHAN & SALLY MCGRENAGHAN | ■ JOSEPH BARRETT & SONS LTD |
| ■ JANE MCCANN T/A STRAND BY JANE MCCANN LTD | ■ JOSEPH PATRICK LEON PAULINE MARTIN |
| ■ JANET MOWBRAY | ■ JOSEPHINE BRENNAN KING & CARL KING |
| ■ JARLATH QUINN | ■ JPR |
| ■ JETVENT LTD | ■ JSE COMPUTING |
| ■ JF MCKENNA LTD | ■ JSR TECHNOLOGY LTD |
| ■ JG CRUSHING AND RECYCLING LIMITED | ■ JULIE BELL. |
| ■ JH MCNICKLE & SONS LTD | ■ K HUGHES & CO LTD |
| ■ JMF LTD T/A CONCEPT TRAILERS | ■ KAINOS SOFTWARE LTD |
| ■ JMT DIRECT LIMITED | ■ KAN TEQ LTD |
| ■ JOE & PAUL MAHON AND AISLING SLOAN | ■ KANE ENGINEERING LIMITED |
| ■ JOHN & LISA MC NALLY - BRIDGESTONE CATERING & EVENT MANAGEMENT | ■ KARACHA MUSIC LIMITED |
| ■ JOHN CAMPBELL IMPORTS LTD | ■ KATHY MCCLEAN T/A CALIFORNIA MARKET BAKERY |
| ■ JOHN CURRIE TEXTILES LTD | ■ KBB DOORS LTD |
| ■ JOHN GABBIE & SONS | ■ KEA DESIGNER SPORTSWEAR (UK) LTD |
| ■ JOHN KINNEY | ■ KEEL DEVELOPMENTS LTD |
| ■ JOHN MACKLE (MOY) LTD | ■ KELLY, SEAN |
| ■ JOHN MC CANN & COLM PYERS - T/A C&J MEATS LTD | ■ KELMAN LTD |
| ■ JOHN MCCOLLAM T/A STONE MAD | ■ KENNETH CALLAGHAN |
| ■ JOHN MCELDERRY (MOTORS & TRACTORS) LIMITED | ■ KENNETH KING |
| ■ JOHN MCGEARY | ■ KERRY KETING YAN T/A BIOPANDA DIAGNOSTICS |
| ■ JOHN PAUL MCBRIDE | ■ KESTREL FOODS LTD |
| ■ JOHN SHERIDAN & SONS LTD | ■ KESTREL THERMOPLASTICS LTD |
| ■ JOHN THOMPSON & SONS LIMITED | ■ KETTYLE FOODS LTD |
| ■ JOHN TINNELLY & SONS LTD | ■ KEVIN HUGHES & BRIAN DONAGHY T/A FABCON ENGINEERING |
| ■ JOHN WARD T/A LIMEPARK COTTAGES | ■ KEYSTONE LINTELS LTD |
| ■ JOHN WOODS (LISGLYN) LTD T/A LINWOODS BAKERY | ■ KIDS KABIN DRUMAROAD LTD |
| ■ JOHNSON BROTHERS (BELFAST) LTD T/A | ■ KIERAN SMALL |
| | ■ KIERAN WARD T/A DRAWM |
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| ■ KILBRAE FURNITURE LTD | ■ LIAM AND ROWLAND KANE T/A EQUILIBRIUM |
| ■ KILKEEL DEVELOPMENT ASSOCIATION | ■ LIAM CASEY |
| ■ KILKEEL KIPPERING CO LTD | ■ LIBERTAS SOLUTIONS LTD |
| ■ KILWAUGHTER CHEMICAL COMPANY LTD | ■ LIBERTY INFORMATION TECHNOLOGY LTD |
| ■ KINNEY, JOHN(CI21107) | ■ LILLIPUT (DUNMURRY) LTD |
| ■ KITCHEN BAKES LTD | ■ LIMAVADY GEAR COMPANY LTD |
| ■ KITCHENMASTER (N.I.) LTD | ■ LINDA LESLIE T/A EQUI-BIZ |
| ■ KITTLE OF TOYE LTD | ■ LINDEN FOODS LTD |
| ■ KIVERCO LIMITED | ■ LINDSAY BURNEY & SONS |
| ■ KMC ENGINEERING LTD | ■ LINKUBATOR |
| ■ KNYSNA (NI) LTD T/A RICH SAUCES | ■ LINTON AG-INDUSTRIAL LTD. |
| ■ KOKA CHOCOLATES LTD | ■ LISANELLY REGENERATION GROUP |
| ■ KONFLOOR LTD | ■ LOMBARD NORTH CENTRAL PLC |
| ■ K-SCROLL LTD | ■ LORSHA DESIGN |
| ■ KSM HEALTHCARE LTD | ■ LOUGHBRICKLAND BUILDINGS PRESERVATION TRUST |
| ■ K-SPACE (NI) LTD | ■ LOUGHGIEL COMMUNITY ASSOCIATION LTD |
| ■ L.E. PRITCHITT & COMPANY LTD | ■ LOUGHREY, CONAL |
| ■ LABEL ONE LTD | ■ LOWE REFRIGERATION LIMITED |
| ■ LAGAN TECHNOLOGIES LTD | ■ LUCID INTERACTIVE LTD |
| ■ LAIRD DESIGN & ILLUSTRATION | ■ LYNN'S COUNTRY FOODS LTD T/A FINNEBROGUE VENISON COMPANY |
| ■ LARNE COMMUNITY CARE CENTRE | ■ M M TELEPERFORMANCE LTD |
| ■ LARNE ENTERPRISE DEVELOPMENT CO LTD | ■ M/A-COM TECHNOLOGY SOLUTIONS (UK) LIMITED |
| ■ LARSEN MANUFACTURING LTD | ■ MAC ENGINEERING |
| ■ LASER PROTOTYPES (EUROPE) LTD | ■ MAC NEICE FRUIT LTD |
| ■ LATCH CENTRE LTD | ■ MACNABB BROTHERS (WASTE DISPOSAL) LTD |
| ■ LATENS SYSTEMS LTD | ■ MACRETE IRELAND LTD |
| ■ LAUREL COTTAGE LIMITED | ■ MACWASTE LTD |
| ■ LAURENCE CAIRNS | ■ MADDEN BROS LTD |
| ■ LBM HOLDINGS UK LTD T/A LBM DIRECT MARKETING LTD | ■ MAGHERA JOINERY WORKS LTD |
| ■ LD2 LIMITED | ■ MAGHERABUOY HOUSE |
| ■ LEARNING POOL LTD | ■ MAGMA HEAT LTD |
| ■ LECKPATRICK DAIRIES LTD T/A LECKPATRICK FOODS | ■ MAGOWAN ORIGINALS LTD |
| ■ LEGAL-ISLAND | ■ MAIL DISTILLER LTD |
| ■ LERMAGH | ■ MAKE FILMS LTD |
| ■ L'ESTRANGE & BRETT | ■ MALLAGHAN ENGINEERING LTD |
| ■ LEVEL SEVEN CREATIVE LIMITED | ■ MALLAGHAN, SEAN T/A PARKLAND |
| ■ LEXZANDER LIMITED | |

COTTAGES	TECHNOLOGY
■ MALMAISON (BELFAST) LTD	■ MCELWAINE SMART TECHNOLOGIES LTD
■ MALPLAS LTD	■ MCELWAINE TECHNICAL SERVICES LTD
■ MARBLE HILL SOAPS LTD	■ MCERLAINS BAKERY (MAGHERAFELT) LTD
■ MARC BEATTIE & GARY DUNLOP T/A SOLID FABRICATIONS	■ MCEVOY, JOSIE(CI49964)
■ MARC FIVE LTD	■ MCGIRR ENGINEERING LTD
■ MARIA OLIVEIRA	■ MCH DESIGN & SHOPFITTING LTD T/A FUTURE INTERIOR TRENDS
■ MARK & PAUL CREIGHTON T/A ADVANCED ELECTRONIC SOLUTIONS	■ MCKENNA PRECISION ENGINEERING LTD
■ MARLBOROUGH ENGINEERING LTD	■ MCLAUGHLIN FITTED FURNITURE
■ MARTIN BRADLEY -1	■ MCLAUGHLIN, KEVIN(CI45644)
■ MARTIN MCLERNON & GERARD MCLERNON T/A M & M ENGINEERING SERVICES	■ MCLERNON COMPUTERS (NI) LTD
■ MARTIN MULHOLLAND T/A HERITAGE JOINERY	■ MCLOUGHLIN COACHWORKS LTD
■ MARTIN SLOAN & CAROLINE SLOAN	■ MCMANUS, BARRY
■ MARTURION LTD	■ MCNEARY, NINA(CI50436)
■ MASH DIRECT LTD	■ MCNEILL-MCMANUS GLASS LTD
■ MAYDOWN PRECISION ENGINEERING LTD	■ MCQUAID ENGINEERING LTD
■ MC ARDLE MARKETING LTD	■ MCQUILLAN ENVIROCARE LIMITED
■ MC MULLEN ARCHITECTURAL SYSTEMS LTD	■ MCWHINNEY'S SAUSAGES LTD
■ MCALISTER, AIDAN(CI20201)T/A AMCA DRAUGHTING	■ MDE FUTURE KIDS LTD
■ MCATARSNEY, BARRY	■ MEADOWVALE ARCHITECTURAL JOINERY LTD
■ MCATEE RECYCLING LTD	■ MECHANICAL INSTALLATION & MAINTENANCE (NI) LTD
■ MCAULEY SAFETY MANAGEMENT	■ MEDEVOL LIMITED
■ MCAVOY GROUP LTD, THE	■ MEDIATION NORTHERN IRELAND
■ MCCARTAN, PATRICK & TERESA	■ MENTAS LLP
■ MCCARTNEY, CAROLINE(CI49793)	■ MERIDIAN SYSTEMS LTD
■ MCCAUGHAN, FRANK, MCCAUGHAN, JAMES & FARRELL FRANCIS	■ MERIDIO LTD
■ MCCAULEY TRAILERS LTD	■ MERLIN INTERACTIVE LTD
■ MCCLELLAND, CONNOR & BERNADETTE T/A RAYANNE HOUSE	■ MESSRS WILLIAM, DEAN AND WAYNE MARSHALL AND MS TANYA KNOX T/A CALEDON PRECISION ENGINEERING
■ MCCLOSKEY INTERNATIONAL LTD	■ MET STEEL LTD
■ MCCOLGANS QUALITY FOODS LTD	■ METACOMPLIANCE LTD
■ MCCORD MACHINERY	■ METEOR CONTROLS (INTERNATIONAL) LTD
■ MCCRORY, ANDREA	■ METSO MINERALS (CAPPAGH) LTD
■ MCCUSKEY & CO LTD	■ MGA COMMUNICATION LTD
■ MCELHINNEY, CLARE T/A DATA SOLUTION	■ MICEAL HAUGHEY
	■ MICHAEL BARR T/A STAR CAR HIRE
	■ MICHAEL BRADY

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| ■ MICHAEL CUNNINGHAM T/A INTERNAL DOOR SYSTEMS | ■ MOYFAB ENGINEERING LTD |
| ■ MICHAEL MACMILLAN T/A MACMILLAN NEW MEDIA | ■ MOYLE ENGINEERING LTD |
| ■ MICHAEL MCGRATH | ■ MOYOLA MATTRESS COMPANY LTD |
| ■ MICHAEL SMITH | ■ MOYOLA PRECISION ENGINEERING LTD |
| ■ MICHELE FILIPPI | ■ MOYPARK LTD |
| ■ MICHELIN TYRE PLC | ■ MR FRANKIE O'DONNELL T/A PROTECH ENGINEERING |
| ■ MICHELLE GALLEN | ■ MR FRED CHAMBERS & MRS JOANNE CHAMBERS T/A BRADMOUNT COUNTRY FOODS |
| ■ MICRAN LIMITED | ■ MR GARETH JAMES UPRICHARD T/A R.J UPRICHARD & SON |
| ■ MICRO FLEXITRONICS LTD | ■ MR GEORGE FLECK T/A THE IMET GROUP |
| ■ MID ULSTER COMMUNITY SERVICES LTD | ■ MR GREER MURPHY T/A MOSSBANK COMPUTER CENTRE |
| ■ MILES ASH LTD | ■ MR HENRY AUSTIN |
| ■ MILGRO LIMITED | ■ MR R LIVINGSTON T/A EMERALD ISLE RECYCLE |
| ■ MILLARS SAVOURY FOODS LIMITED | ■ MRS CAROLINE JOHNSTON T/A THE OLDE RECTORY SELF CATERING |
| ■ MILLER WICKS (NI) LTD | ■ MRS M DRENNAN |
| ■ MINPRINT LTD | ■ MRS MARY MCMULLAN, VALERIE MCMULLAN & MR RICHARD MCMULLAN |
| ■ MIVAN LIMITED | ■ MRS O'BRIEN, SORRELL |
| ■ MJJ SPORTS LTD | ■ MRS ORREEN & RUSSELL CJ YATES T/A ZING DESIGN & PRINT |
| ■ MJM MARINE LTD | ■ MSO CLELAND LTD |
| ■ MM TELEPERFORMANCE | ■ MT WASTE MANAGEMENT & MANUFACTURING LTD |
| ■ MO TEAM LTD | ■ MTP LTD |
| ■ MOBILE COHESION LIMITED | ■ MULHOLLAND & BAILIE LTD |
| ■ MOBILITY DATA SYSTEMS LTD | ■ MULLAGHMORE AND CASTLEVIEW COMMUNITY ASSOCIATION |
| ■ MODCOMS LTD | ■ MULLINS ICE CREAM LTD |
| ■ MOFFETT & SONS LIMITED | ■ MULTILIFT PARTS LTD |
| ■ MONICA MC GEARY | ■ MUNSTER SIMMS ENGINEERING LTD |
| ■ MONKSTOWN COMMUNITY FORUM | ■ MURDOCK HARDWOOD INDUSTRIES LTD |
| ■ MOONEY MEDIA LIMITED | ■ MURPHY, PATRICK T/A QUILTING WORKSHOP |
| ■ MOORE CONCRETE PRODUCTS LIMITED | ■ MURRAY, JOHN(CI50106) |
| ■ MOORE UNI-DRILL LTD | ■ MWM SPORTS MANAGEMENT GROUP |
| ■ MOORE, BARRY(CI47284) | ■ N C ENGINEERING (HAMILTONSBAWN) LTD |
| ■ MORGAN, TERRI(CI50305) | ■ N.U.A MEDIA LTD |
| ■ MORRISON, MR & MRS T/A BALLYDUGAN COTTAGES | |
| ■ MORSON PROJECTS LIMITED | |
| ■ MOULD DESIGNER LTD | |
| ■ MOURNE GRANITE LIMITED | |
| ■ MOYALLON FOODS LTD | |
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■ NACCO MATERIALS HANDLING LTD	VOLUNTARY ACTION
■ NAMBARRIE TEA COMPANY LIMITED	■ NORTHERN IRELAND FOOD & DRINK ASSOCIATION
■ NATURAL WORLD PRODUCTS LTD	■ NORTHERN IRELAND MUSIC INDUSTRY COMMISSION (MITB A/C)
■ NEED OF MEATS LTD	■ NORTHERN IRELAND SCIENCE PARK (HOLDINGS) LTD
■ NEW IMAGE ADVERTISING & DESIGN LTD	■ NORTHERN IRELAND SCREEN COMMISSION
■ NEW WORLD DEVELOPMENTS LTD	■ NORTHSTONE (NI) LTD
■ NEW YORK CITY NAILS LTD	■ NOVOSCO LIMITED
■ NEWRY & DISTRICT COMMUNITY SERVICE COUNCIL	■ NOW PROJECT LTD
■ NICHEM LTD	■ NU PRINT TECHNOLOGIES LTD
■ NICHOLL ENGINEERING LTD	■ NU TECH RENEWABLES LTD
■ NICHOLL W & S T/A CAUSEWAY COAST STABLES	■ NUACHTAIN T/A BELFAST MEDIA GROUP (ANDERSONSTOWN NEWS)
■ NI-CO	■ NWP RECYCLING LTD
■ NIFTY NOSH LIMITED	■ NWT SYSTEMS LTD
■ NITECH GROWTH FUND	■ NXP SEMICONDUCTORS - AMPHION SEMICONDUCTOR LTD
■ NITRONICA LTD	■ NYSE TECHNOLOGIES DEVELOPMENT LTD
■ NK FENCING LTD	■ O & S DOORS LTD
■ NL RUBBER LTD	■ OAK GROVE CABINS LTD
■ NORBEV - CLOSED	■ OAKWOOD DOOR DESIGNS LTD
■ NORBEV LTD	■ OASIS HOUSING LTD
■ NORBROOK LABS LTD	■ OBAHOR, UFUOMA(CI50051)
■ NORIBIC LTD	■ OCO GLOBAL LTD
■ NORMAN & EILEEN MOORE	■ OLIVER GORMLEY T/A GORMLEYS FINE ART
■ NORMAN EMERSON GROUP LTD	■ OLIVIA COSGROVE
■ NORTH ANTRIM COMMUNITY NETWORK	■ OLLARD WESTCOMBE (2000) LTD
■ NORTH DOWN BUSINESS VILLAGE LTD	■ OLYMPIC LIFTS LTD
■ NORTH SOUTH COFFEE CO LTD	■ OMAGH ENTERPRISE COMPANY
■ NORTH WEST ACADEMY OF ENGLISH LTD	■ OMAGH FAMILY LEARNING CENTRE
■ NORTH WEST BUSINESS COMPLEX LTD	■ O'NEILL CONTRACTS LTD
■ NORTH WEST GALVANISING LTD	■ O'NEILL, EAMON(CI32932)
■ NORTH WEST MARKETING LTD	■ O'NEILLS IRISH INTERNATIONAL SPORTS CO LTD
■ NORTH WEST OF IRELAND PRINTING AND PUBLISHING CO LTD	■ ONG, GWEN MEI-LEE(CI48901)
■ NORTH WEST PROPELLERS LTD	■ ON-MUSIC LTD
■ NORTHBROOK TECHNOLOGY OF NORTHERN IRELAND LTD	■ OPSIS LIMITED
■ NORTHERN ENGINEERING LTD	■ OPT 2 VOTE LTD
■ NORTHERN HYDRAULICS LTD	
■ NORTHERN IRELAND COUNCIL FOR	

■ OPTOMISE EYECARE	■ PLASWIRE LTD
■ OPUS DIGITAL LTD	■ PM FIREPLACES LIMITED
■ OPUS SOLUTIONS LTD	■ PNEUTROL (IRELAND) LTD
■ ORAN INVESTMENTS LTD T/A DESIGNED 4 U	■ POLARIS SOFTWARE LAB LIMITED
■ ORBY ENGINEERING LIMITED	■ POLLOCK LIFTS LIMITED
■ ORE	■ PORTADOWN LOCKSMITHS LTD
■ ORIGIN PARTNERS LTD	■ POTATO PARTNERS (NI)
■ ORMEAU ENTERPRISES LTD	■ POWER ACTION LTD
■ ORTHODOCS LTD	■ POWERSCREEN INTERNATIONAL DISTRIBUTION LTD
■ OUTSOURCE SOLUTIONS (NI) LIMITED	■ POWERSHIELD DOORS LTD
■ OWEN KILLEW DEV CO LTD	■ PRAEMEDICA LTD
■ OWENS, VERONICA(CI54566)	■ PRECISION PROCESSING SERVICES LTD
■ P & G ENGINEERING	■ PRESHAW, MARTIN
■ P F C RAINWATER SYSTEMS LTD	■ PRICE WATERHOUSE COOPERS
■ P MCCANN & SONS	■ PRIMEPAC LTD
■ P O'BOYLE T/A OBCONSTRUCTION	■ PROLOGIC EPROCUREMENT LTD
■ PAKFLATT (UK) LTD	■ PROTECTINT LTD
■ PARK AVENUE HOTEL	■ PULSE TECHNOLOGY SYSTEMS LTD
■ PARTRIDGE PEARTREE PROMOTIONS LTD	■ PUNJANA LTD
■ PATRICK M MCKERNAN	■ PURVIS STONE PRODUCTS LTD
■ PATRICK MC CORMACK	■ PURVIS, FRANCIS
■ PATRICK MURRAY	■ PWS IRELAND LIMITED
■ PATTERSON, ROBERT(CI49497)	■ QINETIQ LIMITED
■ PATTERSON, WILLIAM T/A PATTERSON GRAPHICS & MARKETING	■ QPODS IRELAND LTD
■ PAUL BREWSTER	■ QTF LTD
■ PAUL DOHERTY T/A URBAN 3D	■ QUADRIGA CONSULTING LTD
■ PAUL SLOAN	■ QUARRY SELL LTD
■ PEAK ENVIRONMENTAL	■ QUARRYFIX LTD
■ PEDRO PET FOODS LTD	■ QUARRYTECH LTD
■ PEGASUS ORTHOSES	■ QUEENS UNIVERSITY OF BELFAST
■ PEPPER (DROMORE) LTD	■ QUEENS UNIVERSITY OF BELFAST - BURSAR
■ PERCEPTUS LTD.	■ QUINN BUILDING SUPPLIES LIMITED
■ PERFECSEAL LTD	■ QUINN DIRECT INSURANCE LTD
■ PETAL POSTFORMING LTD	■ QUINN GLASS LIMITED
■ PHILIP COYLE T/A GLASSWORKS	■ QUINN MANUFACTURING LTD
■ PI COMMUNICATION LTD	■ QWIZDOM UK LTD
■ PIA ROSSINI LTD	■ R & R POWER & CONTROL SYSTEMS LTD
■ PLANT MEC IRELAND LTD	■ R BEVERIDGE ENGINEERING LTD

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| ■ R THOMPSON & SON (ARMAGH) LTD T/
AFARMLAY EGGS | ■ ROE PARK HOLDINGS LTD |
| ■ R W PIERCE & CO GROUP LTD | ■ ROLL FORMED FABRICATIONS LTD |
| ■ RADISSON BLU HOTEL | ■ ROMTECH LTD |
| ■ RADIUS PLASTICS LTD | ■ RORY & BRIAN SMITH T/A BRS SYSTEMS |
| ■ RAMADA DA VINCIS HOTEL | ■ RORY O'LOUGHLIN |
| ■ RANA, DILGIT S DR | ■ ROSCO ENGINEERING (NI) LTD |
| ■ RANDOX LABORATORIES LTD | ■ RPS CONSULTING ENGINEERS |
| ■ RAPIDWALL LTD | ■ RTU LTD |
| ■ RATHGILL SOLUTIONS LTD | ■ RUBBER & PLASTIC PRODUCTS (NI) LTD |
| ■ RAUL OLIVEIRA | ■ RUTLEDGE JOBLINK |
| ■ RAYMOND KELLY & FIONNUALA KELLY T/A
NEW DIMENSIONS | ■ RVP GROUP LTD |
| ■ RAYMOND MAGUIRE LTD | ■ RYE VALLEY FOODS LTD |
| ■ REACH EPS LTD | ■ RYOBI ALUMINIUM CASTINGS (UK) LTD |
| ■ RED BAY BOATS LTD | ■ S + B PRODUCTION LTD |
| ■ RED SKY GROUP LTD | ■ S J C HUTCHINSON ENGINEERING LTD |
| ■ REED | ■ S J MCAULEY ENGINEERING LTD |
| ■ REFLEX MOULDINGS LTD | ■ S MCCONNELL & SONS LTD |
| ■ REFLEX STOCK LIMITED | ■ S.D. SPORTS LTD |
| ■ REGAL PROCESSORS LIMITED | ■ SAFETY DIRECT GLOBAL (NI) LTD |
| ■ REGEN WASTE LTD | ■ SALMOR INDUSTRIES LTD |
| ■ REGUS BUSINESS SERVICES LTD | ■ SAM & LORNA ROBINSON T/A CLOUGHBANE
FARM FOODS |
| ■ RELAY BUSINESS SOFTWARE LTD | ■ SAMUEL LAMONT & SONS LTD |
| ■ RESTORE NI | ■ SANDHILL LINENS |
| ■ RETAIL SYSTEMS TECHNOLOGY LTD | ■ SANDY ARTHUR TRAINING SVCS LTD |
| ■ RETAILWORX LIMITED | ■ SAP (UK) LTD |
| ■ RFD BEAUFORT LTD | ■ SASSI PRODUCTIONS |
| ■ RHM GROUP LTD | ■ SAVAGE, IAN T/A HAL TRAINING |
| ■ RICHARD STUART T/A GARDEN ESCAPES | ■ SAVILLE ROW HOLDING COMPANY LTD, THE |
| ■ RICHARD SWANSON & PETER BRADY T/A THE
DENTAL STUDIO | ■ SB CHEMICALS LTD |
| ■ RIPFACTORY LTD | ■ SCHLUMBERGER OILFIELD UK PLC |
| ■ RIVERDOCS LTD | ■ SCHOFIELD TECHNOLOGIES LTD T/A
COOLTONE |
| ■ RJB TRAINING & DEVELOPMENT SERVICES | ■ SCHRADER ELECTRONICS LTD |
| ■ RMB ROBINSON & MORNIN BOOKBINDERS
LTD | ■ SCOTT, CHARLES AND IRENE T/A
PARAMOUNT TEXTILES |
| ■ ROAD SAFETY CONTRACTS LTD | ■ SCOTTS BAKERY LTD |
| ■ ROBERT J FARRELL SPECIALIST JOINERY | ■ SDC TRAILERS LTD |
| ■ ROBERT PATTON T/A OLD MILL SADDLERY | ■ SDG CONSTRUCTION TECHNOLOGY LTD |
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| ■ SEAGATE TECHNOLOGY (IRELAND) | ■ SPAJET LTD |
| ■ SEAGATE TECHNOLOGY MEDIA (IRELAND) | ■ SPECIALIST JOINERY FITTINGS LTD |
| ■ SEAGOE TECHNOLOGIES LTD | ■ SPECTRUM PREMIER SERVICES |
| ■ SEAMUS, EILEEN & PAUL MARSHALL | ■ SPENCE BRYSON LTD |
| ■ SEAN BLANEY | ■ SPENCE ENGINEERING LTD |
| ■ SEATON, DAVID | ■ SPERRIN METAL PRODUCTS LIMITED |
| ■ SENSEI SOLUTIONS | ■ SPINCRAFT LTD |
| ■ SEPHA LIMITED | ■ SPIRIT MARKETING GROUP |
| ■ SERVASPORT LTD | ■ SPORTOPPS.COM |
| ■ SHAFT SKINZ LTD | ■ SPRINT AUTO CENTRE |
| ■ SHANE MEEHAN | ■ ST JOHN BOSCO AFTER SCHOOL CLUB |
| ■ SHANE O'NEILL & SAM EWART | ■ STANLEY MAIRS & HILARY INGRAM |
| ■ SHANKILL WOMENS CENTRE | ■ STEP |
| ■ SHARMAN D NEILL LTD | ■ STEPHEN CULLY |
| ■ SHEILA CHAMBERS | ■ STEPHENS CATERING EQUIPMENT CO LTD |
| ■ SHORE DISTRIBUTION LTD | ■ STEVENSON & CO LTD |
| ■ SHORT BROS PLC | ■ STIRK LAMONT & ASSOCIATES LTD |
| ■ SILOTANK | ■ STRABANE & DISTRICT CARING SERVICES |
| ■ SILVERTONGUE SOFTWARE | ■ STRABANE DISTRICT COUNCIL |
| ■ SIMON GRATTAN T/A SENGANIA LIMITED | ■ STRATHROY DAIRY LTD |
| ■ SIMPRO IRELAND LTD | ■ STREAM INTERNATIONAL (NI) LTD |
| ■ SINGHASAN LTD | ■ STREDIA LIMITED |
| ■ SINGULARITY LTD | ■ STREET PLAY LEISURE LTD |
| ■ SIXTOWNS PLANT & MACHINERY HIRE LTD | ■ STRETCH & PLAY COMPANY LTD |
| ■ SJC HUTCHINSON ENGINEERING LTD | ■ SU53 SOLUTIONS LTD |
| ■ SKILLEN, TRACY(CI52363) | ■ SUGARLUMP ROCKING HORSES |
| ■ SLA MOBILE | ■ SUKI TEAHOUSE LTD |
| ■ SLEVER SOLUTIONS LTD | ■ SURESPRAY (NI) LIMITED |
| ■ SLOAN, KERRY MRS T/A WHITEWATER BREWING CO | ■ SUZANNE LIVINGSTONE T/A SHAZZAM (CI49254) |
| ■ SLOANE HELICOPTERS LTD | ■ SVEYE LTD |
| ■ SMILEY MONROE LIMITED | ■ SWARMTEAMS LTD |
| ■ SMITHS ENGINEERING WORKS (NI) LTD | ■ SWF FABRICATIONS LTD |
| ■ SMURFIT UK LTD | ■ SYDNEY ALEXANDER/ S&M PRODUCTS |
| ■ SMYTH STEEL LTD | ■ SYNERGY INTEGRATION (NI) LTD |
| ■ SMYTH, DAVID & YOUNG, JOHN | ■ SYSTEM CONTROLS LIMITED |
| ■ SOUTH WEST COLLEGE | ■ T HEATRICK CONTRACTS LTD T/A TY-ROCK PRODUCTS |
| ■ SOUTHERN CROSS DENTAL LABORATORIES LTD | ■ T2E TRANSPORT TO EMPLOYMENT |

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| ■ TAILORED IMAGE LTD | ■ THERMOMAX LTD |
| ■ TAKE THE BISCUIT LTD | ■ THOMAS HARTE |
| ■ TAMNAMORE JOINERY | ■ THREE SOFTWARE LTD |
| ■ TARGET DRY LIMITED | ■ TIGI (IRELAND) LTD |
| ■ TASTY FOODS CUISINE LTD | ■ TILT-A-DOR LTD |
| ■ TAVAKOLI ASSOCIATES LTD | ■ TIM & JUDITH MCMULLAN T/A CM ANIMAL HEALTH |
| ■ TAYTO NI LTD | ■ TIMBERTONE DESIGN LTD |
| ■ TEAL SAFETY LTD | ■ TIME ASSOCIATES (IRELAND) LTD |
| ■ TEAM INDUSTRIES LTD | ■ T-MET LIMITED |
| ■ TEAM RACING LTD | ■ TOBERMORE CONCRETE PRODUCTS LTD-1 |
| ■ TECNICO LOGIX LTD | ■ TODD CHART AGENCY LTD |
| ■ TELATEC LTD | ■ TODOR NANEV |
| ■ TELESTACK LTD | ■ TOM |
| ■ TENDERLEAN MEATS LTD | ■ TOM & CAROLINE FAIRBAIRN T/A THE WASTE RECYCLE COMPANY |
| ■ TERENCE O'NEILL & SEAN MC SHANE | ■ TOMCAT SYSTEMS LTD |
| ■ TESAB ENGINEERING LTD | ■ TOOLS FOR LIVING (IRELAND) LTD |
| ■ TEXTHELP SYSTEMS LTD | ■ TOPGLASS CONTRACTS LTD |
| ■ TG EAKIN LTD | ■ TOTAL SURFACE SOLUTIONS LTD |
| ■ TGM SOFTWARE SOLUTIONS LTD | ■ TOUGHGLASS LTD |
| ■ THALES AIR DEFENCE LTD | ■ TR LOGISTICS LTD |
| ■ THE BOYS BRIGADE (BELFAST BATTALION) | ■ TR SHIPPING SERVICES |
| ■ THE BRUNCH BOX SANDWICH COMPANY LTD | ■ TRACKCARE MARKETING AND MAINTENANCE |
| ■ THE CELEBRATION CANDLE COMPANY | ■ TRADE MOULDINGS LTD |
| ■ THE CORPORATE WARDROBE LTD | ■ TRADE ROBES LIMITED |
| ■ THE CRESCO TRUST | ■ TRAINING FOR WOMEN NETWORK LIMITED |
| ■ THE EXTERN ORGANISATION LTD | ■ TRUCORP LIMITED |
| ■ THE FISHER METAL GROUP LIMITED | ■ TS FOODS LTD |
| ■ THE HELM CORPORATION LTD | ■ TUGHAN & CO |
| ■ THE MERCHANT HOTEL LIMITED | ■ TULLY MEADOWS LTD |
| ■ THE MUMMERS FOUNDATION | ■ TURBO LEISURE LIMITED |
| ■ THE OFFBEAT BOTTLING COMPANY | ■ TV GAMESHOW COMPANY LTD |
| ■ THE PERFECT GIFT | ■ TYCO HEALTHCARE (UK) MANUFACTURING LTD |
| ■ THE POSTCARD COMPANY LTD | ■ TYRONE CRYSTAL GIFTWARE LTD |
| ■ THE RAINEY CENTRE | ■ U M E (NI) LTD |
| ■ THE SAVILE ROW HOLDING COMPANY LTD | ■ U.M.E (NI) LTD T/A PAUL TRIMBLE PRINTING |
| ■ THE SIGNATURE WORKS LIMITED | ■ UCS DESIGN LTD |
| ■ THE STREAT FRANCHISING LTD | |
| ■ THE SUCCESS FOUNDATION NI | |

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| ■ ULSTER ENGINEERING LTD | ■ WELLINGTON COMPUTER SYSTEMS LTD |
| ■ ULSTER JOURNALS LTD | ■ WEST BELFAST & GREATER SHANKHILL ENTERPRISE COUNCIL |
| ■ ULSTER PVC LTD | ■ WESTERN BUILDING SYSTEMS LTD |
| ■ ULSTER WEAVERS APPAREL LTD | ■ WHITE, CHRISTOPHER(CI51266)-1 |
| ■ ULTRA SPREADER INTERNATIONAL LTD | ■ WHITEFORD GEOSERVICES LTD |
| ■ UNIMUSH IRELAND - PLUNKETT CURRY & SEAMUS CASSIDY | ■ WHITEMOUNTAIN TYRE & BATTERY CO. LTD. |
| ■ UNIQUE TIMBER FRAME LTD | ■ WHITEROCK CRECHE ASSOCIATION LTD |
| ■ UNIT DESIGN | ■ WHITES SPEEDICOOK LTD |
| ■ UNITEK LTD | ■ WHITEWATER CONSULTING LTD |
| ■ UNIVERSITY OF ULSTER | ■ WILLIAM BRIAN FOSTER |
| ■ URBAN ANGEL MUSIC LTD | ■ WILLIAM CLARK & SONS LTD |
| ■ URBAN FOREST LTD | ■ WILLIAM HANNA |
| ■ USED SCREENS AND CRUSHERS WORLDWIDE LIMITED | ■ WILLIAM KERR |
| ■ VALPAR INDUSTRIAL LTD | ■ WILLIAM SPROTT (PORTADOWN) LTD |
| ■ VAN NET | ■ WILLOWBROOK FOODS LTD |
| ■ VANCE, ROGER | ■ WILSON, KENNETH |
| ■ VECTOR ENVIRONMENTAL SERVICES LTD | ■ WILSON'S COUNTRY LTD |
| ■ VEETOO LTD | ■ WINDELL LTD |
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| ■ VK KK & JR BEDI | ■ WOODTEK INDUSTRIES LIMITED |
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| ■ WAFER ENTERPRISES LTD | ■ WRIGHT GROUP, THE |
| ■ WALLACE, RICHARD(CI49806) | ■ WRIGHTBUS LTD |
| ■ WARD, AIDEN T/A WARDS WOODCRAFT FURNISHINGS LTD | ■ WW TYRES & ACCESSORIES |
| ■ WARMFILL LTD | ■ WYLIE ENGINEERING LTD |
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| ■ WARNER CHILCOTT (UK) LTD | ■ XPERIENCE SUPPORT LIMITED |
| ■ WASTE NOT | ■ YARDMASTER INTERNATIONAL |
| ■ WATERFALL NI LTD | ■ YARRA SOFTWARE LTD |
| ■ WD IRWIN & SONS LTD | ■ YELL LIMITED |
| ■ WD MEATS LTD | ■ YELO LTD |
| ■ WEBBER, SIMON(CI45869) | ■ YOLANDE BELL |
| ■ WEBTECH (NI) LTD | ■ YOUNG ENTERPRISE NORTHERN IRELAND |
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| ■ A & B PNEUMATICS LTD | ■ ALAN ADAIR |
| ■ A & K LANDSCAPE RETAIL LTD | ■ ALAN PATTERSON DESIGN |
| ■ A DIAMOND & SONS TIMBER LTD | ■ ALEXANDER FLEMING JOHNSTON & ROSEMARY JEAN JOHNSTON |
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| ■ A1 POWERSYSTEMS LTD | ■ ALL PLAY IRELAND LTD |
| ■ ABACUS PROFESSIONAL RECRUITMENT | ■ ALLEN SYSTEMS GROUP INC |
| ■ ABANI | ■ ALLPIPE ENGINEERING LTD |
| ■ ACHESON & GLOVER LTD | ■ ALMAC CLINICAL SERVICES LTD |
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| ■ ACOS (NI) LTD T/A THE PRINT FACTORY | ■ ALMAC GROUP LIMITED |
| ■ ACT DETECTION DOGS (NI) LTD | ■ ALMAC PHARMA SERVICES LIMITED |
| ■ ACTIVE PACKAGING LTD | ■ ALMAC SCIENCES LTD |
| ■ ADAIR ARMS HOTEL | ■ ALPHA ENVIRONMENTAL SYSTEMS LTD |
| ■ ADAMSEZ (N I) LTD | ■ ALTERNATIVE HEAT |
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| ■ ADRIAN RAFFERTY T/A ADVANCED FLOORING SYSTEMS | ■ ANN CHRISTINA MCCAY |
| ■ ADVANCE SOLUTIONS (NI) LTD | ■ ANN QUINN |
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■ ARK LTD	■ BARNABAS VENTURES LTD
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■ ARMAGH ALLOTMENTS	■ BEANSTALK EVENTS LTD
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■ ARTTOO LTD	■ BEFAB LIMITED
■ ASHDALE ENGINEERING LTD	■ BEING COMMUNICATIONS LTD
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■ ASIDUA LTD	■ BELFAST BRAKE SPECIALISTS LTD
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■ AUDIO INTERNATIONAL LTD	■ BELLE ISLE ESTATE LTD
■ AUDIO PROCESSING TECHNOLOGY LTD	■ BELOW THE RADAR LIMITED(CI42494)
■ AUGHER CO-OPERATIVE AGRICULTURAL & DAIRY SOCIETY LTD	■ BELOW THE RADAR LTD
■ AURION LIMITED	■ BEN BEST T/A TREE OF KNOWLEDGE IRELAND
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■ GLOVER SITE INVESTIGATIONS LTD	■ HEAT ENERGY & ASSOCIATED TECHNOLOGY LTD
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■ GOUDSMIT MAGNETICS UK LTD	■ HENNING BROS FISHING CO LTD
■ GP WILLIAMS LTD	■ HERITAGE PLUMBING & HEATING NI LTD
■ GPS COLOUR GRAPHICS LTD	■ HERRON ENGINEERING LTD
■ GRADEALL INTERNATIONAL LTD	■ HE-SHI ENTERPRISES LTD
■ GRAMPIAN COUNTRY PORK LTD	■ HEWITT MEATS
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■ GREEN GRAVES LTD	■ HILL ENGINEERING LTD
■ GREENFIELDS IRELAND LTD	■ HILTON MEATS (COOKSTOWN) LTD
■ GREENLAND HOMES NI LTD	■ HMC GLOBAL LTD
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| ■ ICONIC SIGN SYSTEMS LTD | ■ J WILSON AGRICULTURE LTD |
| ■ IDENTITY EXPLORATION LTD | ■ JA GRAHAM RENEWABLE ENERGY SERVICES |
| ■ IGENERATION MARKETING LTD | ■ JACKSON REECE LTD |
| ■ IMAGE ZOO (NI) LTD | ■ JAMES & PATRICK SMITH T/A DERRYKEERAN NURSERIES |
| ■ IMMARK NI LTD | ■ JAMES A S FINLAY LTD |
| ■ IMPACT ENTERPRISES (NORTHERN IRELAND) LTD | ■ JAMES F MCCUE LTD |
| ■ INCLUSIVE SOLUTIONS WASTE MGT LTD | ■ JAMES GEORGE (HUDSON TRAILERS) LTD |
| ■ INDEPENDENT NEWS AND MEDIA PLC | ■ JAMES KILLEN LTD |
| ■ INDUSTRIAL PRODUCTS LTD | ■ JAMES LECKEY DESIGN LTD |
| ■ INDUSTRIAL RESEARCH & TECHNOLOGY LTD | ■ JAMES MCGRENAGHAN & SALLY MCGRENAGHAN |
| ■ INFERNO PRODUCTIONS LTD | ■ JAMES SAMMON & CO LTD T/A SAMMON CHARTERED SURVEYORS |
| ■ INPHOACTIVE LIMITED | ■ JANE MCCANN T/A STRAND BY JANE MCCANN LTD |
| ■ INSOLVENCY SERVICES (UK) LIMITED | ■ JARLATH QUINN |
| ■ INSPECVISION LIMITED | ■ JASPER CASTEL |
| ■ INTEGRATED SERVICES DESIGN | ■ JF MCKENNA LTD |
| ■ INTELESSENS LTD | ■ JG CRUSHING AND RECYCLING LIMITED |
| ■ INTELLIDEN LTD | ■ JH MCNICKLE & SONS LTD |
| ■ INTERFACE EUROPE LTD | ■ JIM MARTIN MARKETING LTD |
| ■ INTERMATIC MANUFACTURING LTD | ■ JMF LTD T/A CONCEPT TRAILERS |
| ■ INTERNATIONAL HOUSE BELFAST LTD | ■ JMT DIRECT LIMITED |
| ■ INVISION SOFTWARE LTD | ■ JOHN & BRIAN LAGAN T/A J & B ENGINEERING |
| ■ I-PATH DIAGNOSTICS LIMITED | ■ JOHN & LISA MC NALLY - BRIDGESTONE CATERING & EVENT MANAGEMENT |
| ■ IRISH SPARS & RIGGING LTD | ■ JOHN ADGEY T/A ADGEY AWNINGS & SHUTTERS |
| ■ IRWIN'S BAKERY | ■ JOHN ENGLAND TEXTILES LTD |
| ■ ISLAND ENTERPRISES LTD | ■ JOHN GRAHAM (DROMORE) LTD |
| ■ ISLAND SALADS LTD | ■ JOHN HUDDLESTON ENG LTD |
| ■ ISLAND TURF CRAFTS LTD | ■ JOHN KINNEY |
| ■ IVAN BELL T/A RLS CANOES (IRELAND) | ■ JOHN MACKLE (MOY) LTD |
| ■ J & G AGENCIES LTD | ■ JOHN MC CANN & COLM PYERS - T/A C&J MEATS LTD |
| ■ J BOHILL & U KENNEDY BOYD T/A ELEVATION DESIGN | |
| ■ J DOHERTY T/A JND PROPERTIES | |
| ■ J JACKSON T/A DERRY PRECISION TOOLS | |
| ■ J ROONEY & R ROONEY (is listed as supplier 106770) | |
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| ■ JOHN MCCOLLAM T/A STONE MAD | ■ KEYLITE ROOF WINDOWS LTD |
| ■ JOHN MCGEARY | ■ KEYS & MONAGHAN ARCHITECTS LTD |
| ■ JOHN PAUL MCBRIDE | ■ KEYSTONE LINTELS LTD |
| ■ JOHN RAINEY & SON LTD | ■ KIERAN WARD T/A DRAWM |
| ■ JOHN SHARKEY T/A NORTHERN M&E | ■ KILBRAE FURNITURE LTD |
| ■ JOHN THOMPSON & SONS LIMITED | ■ KILLYLEAGH BOX CO LTD |
| ■ JOHN WARD T/A LIMEPARK COTTAGES | ■ KILWAUGHTER CHEMICAL COMPANY LTD |
| ■ JOHN WOODS (LISGLYN) LTD T/A LINWOODS BAKERY | ■ KITCHEN BAKES LTD |
| ■ JOHNSON BROTHERS (BELFAST) LTD T/A JOHNSONS COFFEE | ■ KITCHENMASTER (N.I.) LTD |
| ■ JONATHAN MAXWELL & KIRSTIN MAXWELL | ■ KITTLE OF TOYE LTD |
| ■ JORDAN PLASTICS LTD | ■ KMC ENGINEERING LTD |
| ■ JOSEPH HUGHES PAINTING CONTRACTORS LTD | ■ KN NETWORK SERVICES (NI) LTD |
| ■ JOSEPH MACKLE LTD | ■ KNYSNA (NI) LTD T/A RICH SAUCES |
| ■ JPM TRAILERS LTD | ■ KOKA CHOCOLATES LTD |
| ■ JSR TECHNOLOGY LTD | ■ KONFLOOR LTD |
| ■ K HUGHES & CO LTD | ■ K-POINT INTERNET SOLUTIONS LTD |
| ■ KAINOS SOFTWARE LTD | ■ K-SCROLL LTD |
| ■ KAN TEQ LTD | ■ KSM HEALTHCARE LTD |
| ■ KARACHA MUSIC LIMITED | ■ L.E. PRITCHITT & COMPANY LTD |
| ■ KAREN & STEPHEN LENNIE T/A CHOC-O-BLOC FRANCHISING | ■ LABEL ONE LTD |
| ■ KATCH UP LIMITED | ■ LAGAN CONSTRUCTION LTD |
| ■ KATHLEEN HESKETH | ■ LAGAN HOLDINGS |
| ■ KBB DOORS LTD | ■ LAGAN PROJECTS LIMITED |
| ■ KELMAN LTD | ■ LAGAN TECHNOLOGIES LTD |
| ■ KELVATEK LIMITED | ■ LAING CONSULTING LTD |
| ■ KENNEDY CONCRETE PRODUCTS LTD | ■ LAMONT FIREPLACES LTD |
| ■ KENNETH KING | ■ LANDSCAPE CENTRE, THE |
| ■ KESTREL FOODS LTD | ■ LANGFORD LODGE ENGINEERING CO LTD |
| ■ KESTREL THERMOPLASTICS LTD | ■ LARGEWOOD ENTERPRISES LTD |
| ■ KETTYLE FOODS LTD | ■ LARSEN MANUFACTURING LTD |
| ■ KEVIN & PATRICIA GREENE T/A NOLKA DESIGN | ■ LASER PROTOTYPES (EUROPE) LTD |
| ■ KEVIN DEVINE | ■ LATENS SYSTEMS LTD |
| ■ KEVIN HUGHES & BRIAN DONAGHY T/A FABCON ENGINEERING | ■ LAUREL COTTAGE LIMITED |
| ■ KEVIN MURPHY ENGINEERING LTD T/A KME STEELWORKS | ■ LAURENCE CAIRNS |
| | ■ LAWELL ASPHALT CO LTD |
| | ■ LBM HOLDINGS UK LTD T/A LBM DIRECT MARKETING LTD |
| | ■ LD2 LIMITED |
| | ■ LEADING LADY |
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■ LEARNING POOL LTD	■ MADDEN BROS LTD
■ LECKPATRICK DAIRIES LTD T/A LECKPATRICK FOODS	■ MAGHERA JOINERY WORKS LTD
■ LEVEL SEVEN CREATIVE LIMITED	■ MAGHERABUOY HOUSE
■ LEWIS & YVETTE HENNING	■ MAGHERAFELT & DISTRICT COMMUNITY HOUSE LTD - T/A DYSLEXIA & DYSPRAXIA SUPPORT
■ LIAM EASTWOOD	■ MAGHERY RURAL ENTERPRISE CENTRE
■ LIAM CASEY	■ MAGOWAN ORIGINALS LTD
■ LIBERTY INFORMATION TECHNOLOGY LTD	■ MAHON'S HOTEL
■ LIMA BUILDING SYSTEMS LTD	■ MAINE SURFACE FINISHING
■ LIMAVADY GEAR COMPANY LTD	■ MAINE TANKERS LIMITED
■ LINDA LESLIE T/A EQUI-BIZ	■ MAIREAD MCDONAGH
■ LINDEN FOODS LTD	■ MALLAGHAN ENGINEERING LTD
■ LINTON & ROBINSON LTD	■ MALLAGHAN, SEAN T/A PARKLAND COTTAGES
■ LINTON AG-INDUSTRIAL LTD.	■ MAMMOTH DESIGN CONSULTANTS LTD
■ LIR-MED LTD	■ MARC BEATTIE & GARY DUNLOP T/A SOLID FABRICATIONS
■ LONDON HELICOPTER CENTRES NI LTD	■ MARC FIVE LTD
■ LONDONDERRY ARMS HOTEL	■ MARCOL ENGINEERING
■ LORNA & TONY BOYCE - T/A BAYVIEW FARM HOLIDAY COTTAGES	■ MARIA CARDENAS CULLEN
■ LOUGH NEAGH BRONZE	■ MARIE-CLAIRE DONAGHY T/A BLUEFISH
■ LOUGHBRICKLAND BUILDINGS PRESERVATION TRUST	■ MARK & PAUL CREIGHTON T/A ADVANCED ELECTRONIC SOLUTIONS
■ LOUGHSHORE VEG LTD	■ MARK ANDERSON & GREGG RADCLIFFE T/A RISTRETTO
■ LOUGHTEC LTD	■ MARK MCCARTNEY
■ LOW CARBON SOLUTIONS LTD	■ MARLBOROUGH ENGINEERING LTD
■ LOWE REFRIGERATION LIMITED	■ MARTEC N.I LIMITED
■ LOWRY BROS LTD	■ MARTIN BRADLEY -1
■ LUCID INTERACTIVE LTD	■ MARTIN SLOAN & CAROLINE SLOAN
■ LUXURY TOURS IRELAND LTD	■ MARTIN SMITH DESIGN LTD
■ LYNN'S COUNTRY FOODS LTD T/A FINNEBROGUE VENISON COMPANY	■ MARTURION LTD
■ M & K QUARRY PLANT LTD	■ MARY GRAY FARM SERVICES LTD
■ M HERRON LTD	■ MASH DIRECT LTD
■ M M TELEPERFORMANCE LTD	■ MAURICE QUAIL T/A SYNERGY MEDICAL SYSTEMS
■ MACNABB BROTHERS (WASTE DISPOSAL) LTD	■ MAYDOWN PRECISION ENGINEERING LTD
■ MACRETE IRELAND LTD	■ MC ARDLE MARKETING LTD
■ MACSPEC ENGINEERING LTD	■ MC KEOWN FINE FOODS LTD
■ MACTEL LTD	■ MC MULLEN ARCHITECTURAL SYSTEMS LTD
■ MACWASTE LTD	

■ MCALISTER, AIDAN(CI20201)T/A AMCA DRAUGHTING	SUPPLIES
■ MCATARSNEY, BARRY	■ MICHAEL BARR T/A STAR CAR HIRE
■ MCAVOY GROUP LTD, THE	■ MICHAEL BRADY
■ MCCAUGHAN, FRANK, MCCAUGHAN, JAMES & FARRELL FRANCIS	■ MICHAEL CUNNINGHAM T/A INTERNAL DOOR SYSTEMS
■ MCCAULEY TRAILERS LTD	■ MICHAEL MACMILLAN T/A MACMILLAN NEW MEDIA
■ MCCLELLAND, CONNOR & BERNADETTE T/A RAYANNE HOUSE	■ MICHAEL MCGRATH
■ MCCLOSKEY INTERNATIONAL LTD	■ MICHAEL MORTON & DAVID MILLSOP - T/A GOLF NETWORK
■ MCCOLGANS QUALITY FOODS LTD	■ MICHAEL SMITH
■ MCCORD MACHINERY	■ MICHELE FILIPPI
■ MCCUSKEY & CO LTD	■ MICHELIN TYRE PLC
■ MCELWAIN ELECTRICAL	■ MICHELLE BUTLER CERAMICS
■ MCELWAIN SMART TECHNOLOGIES LTD	■ MICHELLE GALLEN
■ MCERLAINS BAKERY (MAGHERAFELT) LTD	■ MICRAN LIMITED
■ MCERLEAN TRAILERS LTD	■ MICRO FLEXITRONICS LTD
■ MCGILL CORPORATION EUROPE LTD	■ MICROCHANNEL TECHNOLOGIES LTD
■ MCGIRR ENGINEERING LTD	■ MICROSOFT LIMITED
■ MCGOWAN, JOHN	■ MID ULSTER REPRODUCTIONS LTD
■ MCGRATH ENGINEERING LTD	■ MID ULSTER STORAGE SOLUTIONS LTD - T/A BOX-IT IRELAND
■ MCLARNON, GE & SONS LTD	■ MIKE HAIGNEY T/A COMPOSERMAIL.COM
■ MCLAUGHLIN & HARVEY CONSTRUCTION LTD	■ MILGRO LIMITED
■ MCLERNON COMPUTERS (NI) LTD	■ MILLARS SAVOURY FOODS LIMITED
■ MCNEILL-MCMANUS GLASS LTD	■ MILLER HOSPITALITY LTD
■ MCNICHOLL & HUGHES LTD	■ MILLERS TRADITIONAL BAKERY LTD
■ MCQUAID ENGINEERING LTD	■ MILLTOWN BOOKS LLP
■ MCQUILLAN ENVIROCARE LIMITED	■ MIND ASSOCIATES LTD
■ MEADOWVALE ARCHITECTURAL JOINERY LTD	■ MINPRINT LTD
■ MEDEVOL LIMITED	■ MISSION HALL QUILTS
■ MEDIA IRELAND	■ MIVAN LIMITED
■ MEDIA LIGHTBOX LTD	■ MJJ SPORTS LTD
■ MERHILL CATERING	■ MJM MARINE LTD
■ MERIDIAN SYSTEMS LTD	■ MM TELEPERFORMANCE
■ MET STEEL LTD	■ MO TEAM LTD
■ METAL TECHNOLOGY LTD	■ MOBILITY DATA SYSTEMS LTD
■ METEOR CONTROLS (INTERNATIONAL) LTD	■ MOFFETT & SONS LIMITED
■ METSO MINERALS (CAPPAGH) LTD	■ MONICA MC GEARY
■ MICHAEL & JOSEPHINE MCNELIS T/A MCNELIS WORKSHOP MACHINERY & STEEL	■ MONSTER COOKIES LTD

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| ■ MOONEY BAKERY LTD | ■ MURDOCK HARDWOOD INDUSTRIES LTD |
| ■ MOORE CONCRETE PRODUCTS LIMITED | ■ MURPHY JOINERY LTD |
| ■ MORSON PROJECTS LIMITED | ■ MURPHY, PATRICK T/A QUILTING WORKSHOP |
| ■ MOURNE COUNTRY MEATS LTD | ■ MWM SPORTS MANAGEMENT GROUP |
| ■ MOURNE STIMULUS LTD HORTICULTURAL PROJECT | ■ N C ENGINEERING (HAMILTONSBAWN) LTD |
| ■ MOURNE-DERG COMMUNITY CARE LTD | ■ NATURAL ENERGIES LTD |
| ■ MOY PARK LIMITED | ■ NATURAL WORLD PRODUCTS LTD |
| ■ MOYFAB ENGINEERING LTD | ■ NAVITAL (UK) LTD |
| ■ MOYFAB TOOL COMPANY LTD | ■ NEED OF MEATS LTD |
| ■ MOYLE ENGINEERING LTD | ■ NET-FINITY LTD |
| ■ MOYLE ENTERPRISE COMPANY LTD | ■ NEU DESIGN ACTIVISTS |
| ■ MOYOLA PRECISION ENGINEERING LTD | ■ NEW WORLD DEVELOPMENTS LTD |
| ■ MOYPARK LTD | ■ NEW YORK CITY NAILS LTD |
| ■ MR A & MRS M MCAULEY | ■ NEWBRIDGE JOINERY LTD |
| ■ MR AIDAN MCALLISTER | ■ NEWGROVE CONSULTANTS LTD |
| ■ MR ANDREW WOODS | ■ NI SHOTBLASTING LTD |
| ■ MR CHARLES STEWART, MR LESLIE HUGHES, MR JIM BOWERS & MR DAVID N BOYD T/A EQUESTRIAN & FARM FEEDS | ■ NICHE DRINKS COMPANY LTD |
| ■ MR FRANKIE O'DONNELL T/A PROTECH ENGINEERING | ■ NICHEM LTD |
| ■ MR FRED CHAMBERS & MRS JOANNE CHAMBERS T/A BRADMOUNT COUNTRY FOODS | ■ NICHOLL W & S T/A CAUSEWAY COAST STABLES |
| ■ MR GEORGE FLECK T/A THE IMET GROUP | ■ NICHOLSON & BASS LTD |
| ■ MR PATRICK MCLAUGHLIN T/A MCLAUGHLIN EVENT HIRE | ■ NI-CO |
| ■ MR R LIVINGSTON T/A EMERALD ISLE RECYCLE | ■ NICOBAND LIMITED |
| ■ MR SEAN KELLY T/A SK ELECTRICAL | ■ NIFTY NOSH LIMITED |
| ■ MRS CAROLINE JOHNSTON T/A THE OLDE RECTORY SELF CATERING | ■ NIPAK LTD |
| ■ MRS ORREEN & RUSSELL CJ YATES T/A ZING DESIGN & PRINT | ■ NIRECON LTD |
| ■ MSO CLELAND LTD | ■ NITEC SOLUTIONS LTD |
| ■ MT WASTE MANAGEMENT & MANUFACTURING LTD | ■ NITECH GROWTH FUND |
| ■ MTM TRADING LTD - T/A WORLDSITES | ■ NITRONICA LTD |
| ■ MULDOON TRANSPORT SYSTEMS LTD | ■ NIVOTEC |
| ■ MULLINS ICE CREAM LTD | ■ NK FENCING LTD |
| ■ MUNSTER SIMMS ENGINEERING LTD | ■ NORBEV LTD |
| | ■ NORBROOK LABS LTD |
| | ■ NORMAN & EILEEN MOORE |
| | ■ NORMAN EMERSON GROUP LTD |
| | ■ NORTH ANTRIM FOODS LLP |
| | ■ NORTH ATLANTIC RIB MARINE LTD |
| | ■ NORTH DOWN BUSINESS VILLAGE LTD |
| | ■ NORTH SOUTH COFFEE CO LTD |
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| ■ NORTH WEST ACADEMY OF ENGLISH LTD | ■ O'KANE POULTRY LTD |
| ■ NORTH WEST GALVANISING LTD | ■ OLIVER GORMLEY T/A GORMLEYS FINE ART |
| ■ NORTH WEST OF IRELAND PRINTING AND PUBLISHING CO LTD | ■ OLIVIA COSGROVE |
| ■ NORTH WEST ORGANIC TRADING CO LTD | ■ OLLARD WESTCOMBE (2000) LTD |
| ■ NORTH WEST PROPELLERS LTD | ■ OLYMPIC LIFTS LTD |
| ■ NORTH WEST REGIONAL COLLEGE | ■ OMAGH ENTERPRISE COMPANY |
| ■ NORTHBROOK TECHNOLOGY OF NORTHERN IRELAND LTD | ■ OMAGH MEATS LTD |
| ■ NORTHERN AUTOMATION LTD | ■ OMIINO LTD |
| ■ NORTHERN ENGINEERING LTD | ■ O'NEILL, EAMON(CI32932) |
| ■ NORTHERN HYDRAULICS LTD | ■ O'NEILLS IRISH INTERNATIONAL SPORTS CO LTD |
| ■ NORTHERN INNOVATION (NI) LTD | ■ ON-MUSIC LTD |
| ■ NORTHERN IRELAND FOOD & DRINK ASSOCIATION | ■ ONUS (NI) LTD |
| ■ NORTHERN IRELAND MUSIC INDUSTRY COMMISSION (MITB A/C) | ■ OPENWAVE SYSTEMS LTD |
| ■ NORTHERN IRELAND POLYMERS ASSOCIATION | ■ OPSIS LIMITED |
| ■ NORTHERN IRELAND SCIENCE PARK (HOLDINGS) LTD | ■ OPT 2 VOTE LTD |
| ■ NORTHERN IRELAND SCREEN COMMISSION | ■ OPTIMA NUMERICS LTD |
| ■ NOVATECH AV | ■ OPUS SOLUTIONS LTD |
| ■ NOVOSCO LIMITED | ■ ORE |
| ■ NU PRINT TECHNOLOGIES LTD | ■ ORIGIN PARTNERS LTD |
| ■ NU TECH RENEWABLES LTD | ■ ORIOR BY DESIGN LIMITED |
| ■ NUACHTAIN T/A BELFAST MEDIA GROUP (ANDERSONSTOWN NEWS) | ■ ORTHODOCS LTD |
| ■ NUTHERM NI LTD | ■ OSM (IRL) LTD |
| ■ NWP RECYCLING LTD | ■ OUTSOURCE SOLUTIONS (NI) LIMITED |
| ■ NWT SYSTEMS LTD | ■ P CLARKE AND SONS LTD |
| ■ NXP SEMICONDUCTORS - AMPHION SEMICONDUCTOR LTD | ■ P MCCANN & SONS |
| ■ NYSE TECHNOLOGIES DEVELOPMENT LTD | ■ PAKFLATT (UK) LTD |
| ■ O & S DOORS LTD | ■ PARADOX OMEGA OILS LTD |
| ■ OAK GROVE CABINS LTD | ■ PARITY SOLUTIONS LIMITED |
| ■ OAKFIELD CABINETS LTD | ■ PARK AVENUE HOTEL |
| ■ OAKLEAF CONTRACTS (EUROPE) LTD | ■ PARTRIDGE PEARTREE PROMOTIONS LTD |
| ■ OAKWOOD DOOR DESIGNS LTD | ■ PAT & KATHY CASSIDY T/A CASPAC |
| ■ OCO GLOBAL LTD | ■ PATRICK M MCKERNAN |
| ■ O'DONNELL PRESS | ■ PATRICK MCCAUL |
| | ■ PATTERSON, WILLIAM T/A PATTERSON GRAPHICS & MARKETING |
| | ■ PATTON D & SONS NI LTD |
| | ■ PAUL & ALISON LAVERTY |
| | ■ PAUL & GARY MCCULLOUGH T/A NU SCREEN |
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■ PAUL BREWSTER	■ PROLOGIC EPROCUREMENT LTD
■ PAUL DOHERTY T/A URBAN 3D	■ PROVITA EUROTECH LTD
■ PAUL JOHNSTON T/A JPS PRINT & MEDIA	■ PUJOL LTD
■ PAUL MCCORMACK	■ PUMPS AND FUEL INSTALLATIONS LTD
■ PAUL SISTERN T/A PARTS FOR AIRCRAFT	■ PUNJANA LTD
■ PERCEPTUS LTD.	■ PURVIS STONE PRODUCTS LTD
■ PERFECSEAL LTD	■ PVS MANUFACTURING LIMITED
■ PETER QUINN T/A QUINFRESH	■ PWS IRELAND LIMITED
■ PF COPELAND LTD	■ QM3 INNOVATION LTD
■ PHILIP COYLE T/A GLASSWORKS	■ QTF LTD
■ PHOENIX INSULATED DOOR PANELS	■ QUADRIGA CONSULTING LTD
■ PI COMMUNICATION LTD	■ QUARRYTECH LTD
■ PIPESKETCH LIMITED	■ QUAY DEVELOPMENTS LTD
■ PLASWIRE LTD	■ QUEENS UNIVERSITY OF BELFAST
■ PLASWIRE LTD	■ QUEENS UNIVERSITY OF BELFAST - BURSAR
■ PLATO TRAINING LTD	■ QUICKTAG
■ PM FIREPLACES LIMITED	■ QUIGG GOLDEN LTD
■ PNEUTROL (IRELAND) LTD	■ QUINN GLASS LIMITED
■ POLLOCK LIFTS LIMITED	■ QUINN INSURANCE LTD
■ POLLOCK LIFTS LTD	■ QWIZDOM UK LTD
■ PORTADOWN FIREPLACES	■ R BEVERIDGE ENGINEERING LTD
■ PORTAFILL INTERNATIONAL LTD	■ R HORTON & J TEMPLETON - T/A COURTYARD FOODS
■ PORTVIEW FIT-OUT LTD	■ R JOHN & W A CHERRY - T/A RJ CHERRY & SON
■ POTATO PARTNERS (NI)	■ R MEDIA LTD
■ POTTER COWAN & CO (BELFAST) LTD	■ R W PIERCE & CO GROUP LTD
■ POWER ACTION LTD	■ R&D LABORATORIES LTD
■ POWERSCREEN INTERNATIONAL DISTRIBUTION LTD	■ RACKING & SHELVING LIMITED
■ POWERSHIELD DOORS LTD	■ RADISSON BLU HOTEL
■ PPI LTD	■ RADIUS PLASTICS LTD
■ PRAEMEDICA LTD	■ RAINHARVESTING IRELAND
■ PRECISION INDUSTRIAL SERVICES LIMITED	■ RALPH ANNESLEY,NIGEL CATHCART,J CATHCART & H ANNESLEY T/A NIRAL STAINLESS STEEL SYSTEMS
■ PREMIER CARE ARMAGH LIMITED	■ RAMADA DA VINCIS HOTEL
■ PREMIER ELECTRICS LTD	■ RANDOX LABORATORIES LTD
■ PREMIER FOODS GROUP LIMITED	■ RAPID INTERNATIONAL LTD
■ PRESHAW, MARTIN	■ RAPIDWALL LTD
■ PREVENTION GUARD	■ RAYMOND KELLY & FIONNUALA KELLY T/A
■ PRIMEPAC LTD	
■ PRINCIPAL COOLING LIMITED	

NEW DIMENSIONS	■ RUSHE SIGNS & DISPLAY LTD
■ RAYMOND MAGUIRE LTD	■ RUTLEDGE JOBLINK
■ RAYMOND TODD T/A GLENVIEW FOODS	■ RYCOWEB LTD
■ RED BAY BOATS LTD	■ RYOBI ALUMINIUM CASTINGS (UK) LTD
■ RED HEIFER CHEESE COMPANY	■ S + B PRODUCTION LTD
■ RED SKY GROUP LTD	■ S J C HUTCHINSON ENGINEERING LTD
■ REDROCK ENGINEERING LTD	■ S J MCAULEY ENGINEERING LTD
■ REDUCTION PLASTICS LTD	■ S MCCONNELL & SONS LTD
■ REFLEX MOULDINGS LTD	■ S.A. KENNEDY ENG.
■ REFLEX STOCK LIMITED	■ S.D. SPORTS LTD
■ REHABSTUDIO LTD	■ SAFETY SOLUTIONS (NI) LTD
■ RELAY BUSINESS SOFTWARE LTD	■ SAIL NORTHERN IRELAND LTD
■ RENEWABLE PRODUCTS LTD	■ SALMOR INDUSTRIES LTD
■ REPLIFY LIMITED	■ SAM & LORNA ROBINSON T/A CLOUGHBANE FARM FOODS
■ RETAILWORX LIMITED	■ SAMUEL LAMONT & SONS LTD
■ RFD BEAUFORT LTD	■ SANYX INTERNATIONAL LTD
■ RIAS PLC	■ SAP (UK) LTD
■ RICHARD MILLAR T/A TAKEAWAY2GO.COM	■ SARAH B DISPLAY LTD
■ RICHARD O'LONE T/A ROL ELECTRICAL INSPECTION & TESTING	■ SAVAGE, IAN T/A HAL TRAINING
■ RICHARD STUART T/A GARDEN ESCAPES	■ SAVILLE ROW HOLDING COMPANY LTD, THE
■ RILEY PHOTOGRAPHY	■ SB CHEMICALS LTD
■ RIPFACTORY LTD	■ SCHLUMBERGER OILFIELD UK PLC
■ RJB TRAINING & DEVELOPMENT SERVICES	■ SCHRADER ELECTRONICS LTD
■ RJF JENNINGS BAKERY LTD	■ SCIENCE FRICTION LTD
■ RMB ROBINSON & MORNIN BOOKBINDERS LTD	■ SCOTT & STINSON ENGINEERING LTD
■ ROADLINER INTERNATIONAL LTD	■ SCOTT, CHARLES AND IRENE T/A PARAMOUNT TEXTILES
■ ROCWELL NATURAL MINERAL WATER LTD	■ SCRABO CATERING ENTERPRISES LTD
■ ROE PARK HOLDINGS LTD	■ SCRABO TRADING LTD
■ ROGERS & SMYTH (NI) LIMITED	■ SCREEN IRELAND LTD T/A CUTTING INDUSTRIES
■ ROGERS FENCING SYSTEMS LTD	■ SCRUTTONS (NI) LTD
■ RORY & BRIAN SMITH T/A BRS SYSTEMS	■ SDC TRAILERS LTD
■ RORY O'LOUGHLIN	■ SDG CONSTRUCTION TECHNOLOGY LTD
■ ROSCO ENGINEERING (NI) LTD	■ SEAGATE TECHNOLOGY (IRELAND)
■ ROSE KANE T/A FOOD DOODLE LIMITED	■ SEAGOE TECHNOLOGIES LTD
■ ROVIPAK PACKAGING SOLUTIONS	■ SEAMUS & COLETTE MCCUSKER T/A SMC WOODCRAFT CONTRACTS
■ ROY EDWARDS FINE ARTS LTD	■ SEAN BLANEY
■ RUBBER & PLASTIC PRODUCTS (NI) LTD	

■ SEAN GERARD O'NEILL T/A ECO TOILET HIRE	BREWING CO
■ SEAN HAGAN, EAMON HAGAN & CATHAL HAGAN /TA H2 MODS	■ SLOANE HELICOPTERS LTD
■ SEAN JORDAN	■ SMART START SPECIALISED TUITION SERVICE LTD
■ SEAN MALLAGHAN - T/A SPERRIN VIEW COTTAGES	■ SMILEY MONROE LIMITED
■ SEAN MCANEARNEY	■ SMURFIT UK LTD
■ SEAN NUGENT ENGINEERING LTD	■ SMYTH RESEARCH LTD
■ SEATING MATTERS LTD	■ SOL AIR ENVIRONMENTAL LTD
■ SEMBARC LTD	■ SOLTEX GLOBAL LTD
■ SEMPLE & MCKILLOP LTD	■ SONIC MUSIC SERVICES LTD T/A SONIC DJ ACADEMY
■ SENTEL INDEPENDENT LIMITED	■ SOPHIA SEARCH LTD
■ SEPHA LIMITED	■ SPAJET LTD
■ SERVASPORT LTD	■ SPANBOARD PRODUCTS LTD
■ SETANTA THE CONSTRUCTION COMPANY LTD	■ SPEC-DRUM ENGINEERING
■ SEVEN TECHNOLOGIES LTD	■ SPECIALIST JOINERY FITTINGS LTD
■ SFM ENGINEERING LTD	■ SPECTRUM PREMIER SERVICES
■ SHANE BRANIFF T/A THE FECKIN DRINKS COMPANY	■ SPENCE ENGINEERING LTD
■ SHANE MEEHAN	■ SPRINGCO (N I) LTD
■ SHARMAN D NEILL LTD	■ SPRINGFARM ARCHITECTURAL MOULDINGS LTD
■ SHAUN MCBRIDE	■ SRS LTD
■ SHAW AUTOMATION LTD	■ ST VINCENT DE PAUL (ST JOSEPH'S CONFERENCE)
■ SHAZZAM	■ STANLEY MAIRS & HILARY INGRAM
■ SHERWOOD SYSTEMS LTD.	■ STEELWELD FABRICATIONS LTD
■ SHIRLEY HUNTER	■ STEPHEN CULLY
■ SHORT BROS PLC	■ STEPHEN MCCULLY & ARNOLD ROBINSON T/A NORTHERN IRELAND SECURITY INTELLIGENCE TRAINING
■ SILANSYS SEMI CONDUCTOR LTD	■ STEPHENS CATERING EQUIPMENT CO LTD
■ SILVERWOOD ENTERPRISE LIMITED	■ STEWART DIGITAL LIMITED
■ SIMON GRATTAN T/A SENGANIA LIMITED	■ STIRK LAMONT & ASSOCIATES LTD
■ SINGHASAN LTD	■ STIRLING FILM & TELEVISION PRODUCTIONS LTD
■ SINGULARITY LTD	■ STORM XCESSORIES LTD
■ SISAF LTD	■ STREAM INTERNATIONAL (NI) LTD
■ SKE SOLUTIONS LTD	■ STREAMON.NET LTD
■ SKU LTD	■ STREDIA LIMITED
■ SKYGLAZE ARCHITECTURAL SYSTEMS LIMITED	■ STREET MONKEY
■ SLEVER SOLUTIONS LTD	■ STREET PLAY LEISURE LTD
■ SLIDEROBES (NI) LTD	
■ SLOAN, KERRY MRS T/A WHITEWATER	

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| ■ SUCCESSFUL SECURITY LTD | ■ THEONESWITCH LTD |
| ■ SUKI TEAHOUSE LTD | ■ THERMOMAX LTD |
| ■ SYDNEY ALEXANDER/ S&M PRODUCTS | ■ THERMPAK SYSTEMS LTD |
| ■ SYNERGY INTEGRATION (NI) LTD | ■ THOMAS HARTE |
| ■ SYSCO SOFTWARE (N.I.) LTD | ■ THREE SOFTWARE LTD |
| ■ SYSTEM CONTROLS LIMITED | ■ TIGI (IRELAND) LTD |
| ■ T NEWELL T/A KILKEEL FLATFISH PROJECT (KFP) | ■ TILT-A-DOR LTD |
| ■ TAILORED IMAGE LTD | ■ TIMBER FRAME HOMES LTD |
| ■ TARGET DRY LIMITED | ■ TIME ASSOCIATES (IRELAND) LTD |
| ■ TASTY FOODS CUISINE LTD | ■ TITAN IC SYSTEMS LTD |
| ■ TAYLOR & BOYD | ■ TMC DAIRIES (NI) LTD |
| ■ TEAL SAFETY LTD | ■ TOBERMORE CONCRETE PRODUCTS LTD-1 |
| ■ TEAM INDUSTRIES LTD | ■ TODD CHART AGENCY LTD |
| ■ TEEMORE ENGINEERING LTD | ■ TOM & CAROLINE FAIRBAIRN T/A THE WASTE RECYCLE COMPANY |
| ■ TELESTACK LTD | ■ TONY PATTERSON SPORTS GROUNDS LTD |
| ■ TELETECH UK LIMITED | ■ TOOLS FOR LIVING (IRELAND) LTD |
| ■ TENDERLEAN MEATS LTD | ■ TOPGLASS CONTRACTS LTD |
| ■ TENNANTS TEXTILE COLOURS LTD | ■ TORRENT MARBLE AND GRANITE LTD |
| ■ TERENCE MCCORMACK LTD | ■ TOUCHWOOD MANUFACTURING CO LTD |
| ■ TES (NI) LTD | ■ TOWN & COUNTRY GUTTERING SERVICES |
| ■ TESAB ENGINEERING LTD | ■ TR SHIPPING SERVICES |
| ■ TEXTHELP SYSTEMS LTD | ■ TRACE FIRST LTD |
| ■ TG EAKIN LTD | ■ TRACEAL |
| ■ TGM SOFTWARE SOLUTIONS LTD | ■ TRACTORMATIC LTD |
| ■ THALES AIR DEFENCE LTD | ■ TRADE MOULDINGS LTD |
| ■ THE CELEBRATION CANDLE COMPANY | ■ TRAFFIC OBSERVATION VIA MANAGEMENT |
| ■ THE CLOTH SHUTTER COMPANY | ■ TRAINING FOR WOMEN NETWORK LIMITED |
| ■ THE COOLER WATER COMPANY | ■ TRANSEN SUSTAINABLE ENERGY SYSTEMS LTD |
| ■ THE DESIGN YARD LIMITED | ■ TRAVEL 118 LTD T/A CRUISE 118 |
| ■ THE ELEVATE GROUP LTD | ■ TREVOR & STEVEN SMITH - T/A BALLYMAC STUD |
| ■ THE FISHER METAL GROUP LIMITED | ■ TREVOR LECKEY T/A STONEYFORD BUILDING SUPPLIES |
| ■ THE HEATHERLEA (HEATHERLEA BAKERY) | ■ TREVOR MCKIBBIN - T/A TRADEMARK MASONS |
| ■ THE MERCHANT HOTEL LIMITED | ■ TRIAL SYSTEMS (NI) LTD |
| ■ THE SAVILE ROW HOLDING COMPANY LTD | ■ TRICORD LTD |
| ■ THE SIGNATURE WORKS LIMITED | ■ TRUCORP LIMITED |
| ■ THE STREAT FRANCHISING LTD | |
| ■ THE WOOD EFFECTS COMPANY LTD | |
| ■ THE ZIP YARD LTD | |
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■ TRUNK FLOORING LIMITED	■ V-PLAS ROOFING LIMITED
■ TS FOODS LTD	■ VUELOS BARATOS LIMITED
■ TURBINE DEVELOPMENTS NI LTD	■ W C GUTHRIE LTD
■ TURBO LEISURE LIMITED	■ W G BUCHANAN & SON LTD
■ TURKINGTON ENGINEERING LTD	■ WADDELL MEDIA LIMITED
■ TURKINGTON LIVESTOCK SYSTEMS LTD	■ WALL EFFECTS LTD
■ TYPERITE LTD	■ WALSIN LTD
■ TYRONE BRICK LTD	■ WALTER WATSON LTD
■ TYRONE CRYSTAL GIFTWARE LTD	■ WARMFILL LTD
■ TYRONE FABRICATIONS LTD	■ WARMFLOW ENGINEERING CO LTD
■ U M E (NI) LTD	■ WARNER CHILCOTT (UK) LTD
■ U.M.E (NI) LTD T/A PAUL TRIMBLE PRINTING	■ WARWICK ENGINEERING NI LTD
■ ULSTER CARPET MILLS (HOLDINGS) LIMITED	■ WATTS AND STONE LIMITED
■ ULSTER JOURNALS LTD	■ WD IRWIN & SONS LTD
■ ULSTER STORES LTD	■ WD MEATS LTD
■ ULSTER SUPPORTED EMPLOYMENT LIMITED	■ WEB DESIGN SOLUTIONS LTD
■ ULSTER TATLER	■ WEBTECH (NI) LTD
■ ULSTER WEAVERS APPAREL LTD	■ WELLINGTON COMPUTER SYSTEMS LTD
■ ULSTER WEAVERS HOME FASHIONS LTD	■ WENDY MCGUIRE T/A WINDRUSH CUISINE
■ ULTRA SPREADER INTERNATIONAL LTD	■ WEST BELFAST & GREATER SHANKHILL ENTERPRISE COUNCIL
■ UNIQUE PLAYGROUNDS LTD	■ WESTERN BRAND POULTRY PRODUCTS (NI) LTD
■ UNIQUE TIMBER FRAME LTD	■ WESTERN BUILDING SYSTEMS LTD
■ UNITED DAIRY FARMERS LTD	■ WESTERN HEALTH & SOCIAL CARE TRUST
■ UNIVERSITY OF ULSTER	■ WESTLAND HORTICULTURE LIMITED
■ UPPER SPRINGFIELD DEVELOPMENT COMPANY LTD	■ WFS TECHNOLOGIES LTD
■ URBAN ANGEL MUSIC LTD	■ WHERE WISEMEN FISH LTD
■ URBAN FOREST LTD	■ WHITEFORD GEOSERVICES LTD
■ VALPAR INDUSTRIAL LTD	■ WHITEROCK CRECHE ASSOCIATION LTD
■ VANJO	■ WHITES SPEEDICOOK LTD
■ VANTEC NI LTD	■ WILLIAM CLARK & SONS LTD
■ VECTOR ENVIRONMENTAL SERVICES LTD	■ WILLIAM HANNA
■ VEMAC ENGINEERING LTD	■ WILLIAM KERR
■ VERTICAL WIND ENERGY LIMITED	■ WILLIAM SPROTT (PORTADOWN) LTD
■ VIBE FM COMMUNITY RADIO LTD	■ WILLIAMS INDUSTRIAL SERVICES LTD
■ VICTORIAN GARDEN ARCHITECTURE LTD	■ WILLIAMSON, JOHN & SALLY T/A THE VALLEY HOTEL
■ VIVION MCSORLEY/RAINVAULT	■ WILLIS HEATING & PLUMBING CO LTD
■ VIVOMED LTD	
■ VOGUE SURROUNDS LTD	

- WILLOWBANK LTD
- WILLOWBANK ORGANIC PRODUCERS LTD
- WILLOWBROOK FOODS LTD
- WILSON'S COUNTRY LTD
- WINDELL LTD
- WISHART GROUP
- WOMEN IN BUSINESS (NI) LTD
- WOMEN IN ENTERPRISE (NI) LTD
- WOODLAND FURNITURE LTD
- WOODLOCK JOINERY LTD
- WOOFLE PETCARE LTD
- WORLD FURNITURE (NI) LTD
- WRIGHT COMPOSITES LTD
- WRIGHTBUS LTD
- WRX EYEWORKS LTD
- WYLIE ENGINEERING LTD
- XPERIENCE SUPPORT LIMITED
- YARDMASTER INTERNATIONAL
- YARRA SOFTWARE LTD
- YAXEKA
- YELL LIMITED
- YELLOW MOON POST PRODUCTION LTD
- YELO LTD
- YOUNGER HOMES LTD
- ZETEX CARPET TILES LTD

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- 2 ML Ltd
- 2B CREATIVE
- 3 PAR INCORPORATED
- 360 PRODUCTION LTD
- 3D STEELWORK LIMITED
- 3M UK PLC
- 493K LTD
- 4REAL INTERNATIONAL PTY LTD
- 8OVER8 LTD
- A & B PNEUMATICS LTD
- A DIAMOND & SONS TIMBER LTD
- A FARLOW ENGINEERING LTD
- A N IRWIN & SONS
- A W CONTROL SYSTEMS LTD
- A1 POWERSYSTEMS LTD
- A1 SOLUTIONS NI LTD
- AARON MULLAN T/A MULLAN ENGINEERING
- ABACUS PROFESSIONAL RECRUITMENT
- ABBEY TRAINING SERVICES
- ABBEY UPHOLSTERERS LTD
- ABERCORN ESTATES
- ABP NEWRY
- ACCEPT CARE LTD
- ACHESON & GLOVER PRECAST LTD
- ACORN IT SOLUTIONS LTD
- ACORN WOOD MOULDINGS LTD
- ACOS (NI) LTD T/A THE PRINT FACTORY
- ACT DETECTION DOGS (NI) LTD
- ACTIVE PACKAGING LTD
- ADAM MURPHY T/A SHNUGGLE
- ADAMSEZ (N I) LTD
- ADMAN PUBLISHING LTD
- ADRIAN & HELEN MCNEVISON (AM NEON) T/A AM LIGHT
- ADRIAN CATHCART
- ADRIAN RAFFERTY T/A ADVANCED FLOORING SYSTEMS
- ADVANCE THERMOFORM TOOLING
- ADVANCED INDUSTRIAL COATINGS LTD
- ADVANCED SENSORS LTD
- ADVANCED TIMBER CRAFT (NI) LTD
- AER LINGUS
- AERONA SOFTWARE SYSTEMS LTD
- AEROSUBS LTD
- AETOPIA LIMITED
- AGRIHEALTH (NI) LIMITED
- AIDAN KELLY T/A MACC ENGINEERING

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| ■ AIDAN O'HAGAN T/A CARDBOARD BOX CO | ■ ANNE HUMPHRIS - CHOCO-WRAP IRELAND |
| ■ AIDAN STRAIN ELECTRICAL ENGINEERING LTD | ■ ANTRIM HILLS SPRING WATER CO LTD |
| ■ AIR-NET WIFI LIMITED | ■ APEX FASTENING SOLUTIONS LTD |
| ■ AJ POWER LIMITED | ■ APT LICENSING LTD |
| ■ ALAN ADAIR | ■ ARBARR ELECTRONICS LTD |
| ■ ALAN JONES - JONES BOATS | ■ ARCATECH LTD |
| ■ ALBUS SOLUTIONS LTD | ■ AREMIS LTD |
| ■ ALEXANDER FLEMING JOHNSTON & ROSEMARY JEAN JOHNSTON | ■ ARIA CLOTHING LTD |
| ■ ALFIE SHAW | ■ ARK - ACTS OF RANDOM KINDNESS LTD |
| ■ ALL BRITE (NI) LTD | ■ ARMADA SOLUTIONS LIMITED |
| ■ ALL PLAY IRELAND LTD | ■ ARMSTRONG MEDICAL LTD |
| ■ ALLIED MILLS | ■ AROUND NOON LTD |
| ■ ALLPIPE ENGINEERING LTD | ■ ARTTOO LTD |
| ■ ALLSTATE NORTHERN IRELAND LTD | ■ ASHBERRY HOTEL LTD T/A THE WESTVILLE HOTEL |
| ■ ALMAC CLINICAL SERVICES LTD | ■ ASHDALE ENGINEERING LTD |
| ■ ALMAC CLINICAL TECHNOLOGIES LIMITED | ■ ASHGROVE CONTRACT FURNITURE LTD |
| ■ ALMAC DIAGNOSTICS LIMITED | ■ ASHLAND CHEMICALS & HYGIENE SUPPLIES LIMITED |
| ■ ALMAC DISCOVERY LTD | ■ ASIDUA LTD |
| ■ ALMAC GROUP LIMITED | ■ ASSET MANAGEMENT IRELAND LTD |
| ■ ALMAC PHARMA SERVICES LIMITED | ■ ATG SERVICES(IRELAND) LIMITED |
| ■ ALMAC SCIENCES LTD | ■ ATKINSON RICHARD & CO LTD. |
| ■ ALPHA ENVIRONMENTAL SYSTEMS LTD | ■ AUDIO PROCESSING TECHNOLOGY LTD |
| ■ ALTERNATIVE HEAT | ■ AULINO WANN & ASSOCIATES |
| ■ ALUMINIUM & PLASTICS SYSTEMS LTD | ■ AURION LIMITED |
| ■ AMALGAMATED ENVIRONMENTAL SERVICES (AES) LTD | ■ AUTOGEN MANUFACTURING LTD |
| ■ AMBER MERCHANTS LTD T/A WASTEBEATER | ■ AUTOLINE DIRECT INSURANCE CONSULTANTS LTD |
| ■ AMEY BUILT ENVIRONMENT | ■ AVALON GUITARS |
| ■ AMTEC MEDICAL LTD | ■ AWAKIN LTD |
| ■ ANACONDA EQUIPMENT INTERNATIONAL LTD | ■ AWASH ON THE WEB LIMITED |
| ■ ANAEKO | ■ AWP ENVIRONMENTAL (IRELAND) LTD |
| ■ ANDERSON SPRATT GROUP HOLDINGS NI LIMITED | ■ AXA INSURANCE LIMITED |
| ■ ANDOR TECHNOLOGY PLC. | ■ AXELLIS MEDICAL TECHNOLOGIES LTD |
| ■ ANGLO BEEF PROCESSORS LIMITED | ■ AXIS THREE LTD |
| ■ ANN BRESLIN & SEAMUS BRESLIN T/A COLOURSTORM | ■ AXON POWER AND CONTROL LTD |
| ■ ANNAGHMORE AGENCIES LTD | ■ AYRES, ROBERT |
| ■ ANNARD HORSEBOXES LIMITED | ■ B & H MATERIALS HANDLING CO LTD |

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| ■ B&E SECURITY SYSTEMS LTD | ■ BIOMASS CHP LTD |
| ■ B/E AEROSPACE (UK) LTD | ■ BIOPANDA DIAGNOSTICS |
| ■ B9 ENERGY (O&M) LTD | ■ BITE SNACK FOODS LTD |
| ■ BA KITCHEN COMPONENTS LTD | ■ BIZNET IIS LTD |
| ■ BACK TO SLEEP LTD | ■ BIZNET SOLUTIONS LTD |
| ■ BAILIES COFFEE COMPANY LTD | ■ BLACKBOURNE ELECTRICAL |
| ■ BAIRD W&G LTD | ■ BLADEHOLD LTD |
| ■ BALCAS TIMBER LIMITED | ■ BLAKELY MCCARTNEY LTD |
| ■ BALLYRASHANE CO-OP AGRICULTURAL & DAIRY SOCIETY (1990) LTD | ■ BLAKELY MCCARTNEY LTD T/A BELMORE COURT MOTEL |
| ■ BANK OF IRELAND SECURITIES SERVICES LTD | ■ BLICK SHARED STUDIO (CHRISTINE JAMES) |
| ■ BARON RECYCLING LTD | ■ BLUE EAGLE PRECISION LTD |
| ■ BASKETS GALORE LTD | ■ BLUE QUADRANT LTD T/A BUNK CAMPERS |
| ■ BE ENTERTAINMENT LTD | ■ BLUE SKIES ASSOCIATES LTD |
| ■ BEAM VACUUM SYSTEMS LIMITED | ■ BLUE SKY RENEWABLES LTD |
| ■ BEANSTALK EVENTS LTD | ■ BLUE TREE SERVICES LTD |
| ■ BEATTIE RECYCLING LTD | ■ BLUE ZINC IT LTD |
| ■ BEDECK LTD | ■ BLUECHIP TECHNOLOGIES LTD |
| ■ BEECH HILL HOUSE LTD | ■ BM STEEL FABRICATIONS LTD |
| ■ BEFAB LIMITED | ■ BMI TRAILERS LTD |
| ■ BEING COMMUNICATIONS LTD | ■ BNE ELECTRONICS LTD |
| ■ BELFAST AIRCRAFT STRESS ENGINEERS LTD (BASE) | ■ BODYGUARD SOFTWARE LTD |
| ■ BELFAST HARBOUR COMMISSIONERS | ■ BOOMER INDUSTRIES LTD |
| ■ BELFAST INTERNATIONAL AIRPORT LTD | ■ BOTANICA INTERNATIONAL LTD |
| ■ BELFAST METROPOLITAN COLLEGE | ■ BOWMAN WINDOWS |
| ■ BELFAST PRINT FINISHERS LTD | ■ BOXPAK LTD |
| ■ BEN BEST T/A TREE OF KNOWLEDGE IRELAND | ■ BRADBURY GRAPHICS LTD |
| ■ BENEDICT O'HANLON | ■ BRADLEY ART LP |
| ■ BENSON GEORGE | ■ BRAESIDE COUNTRY PIES LTD |
| ■ BERNARD DINSMORE | ■ BRANNIGAN, BRIAN |
| ■ BEST BIRTHDAYS LTD | ■ BREEZEMOUNT ELECTRICAL & HYDRAULICS LTD |
| ■ BHSCT - HSC INNOVATIONS | ■ BRENDAN & AILEEN MCSORLEY |
| ■ BIANCAMED LTD | ■ BRETT MARTIN LTD |
| ■ BILL ROY CONSULTING (BRC) | ■ BRIAN & MARY MACKLIN T/A MALONE LODGE HOTEL & APARTMENTS |
| ■ BIOBUSINESS NI LIMITED | ■ BRIAN & SHENA MCALLISTER T/A BOX DISPLAYS |
| ■ BIOCOLOR LTD | ■ BRIAN ATKINSON & KAREN CONNOLLY T/A GREENVILLE ELECTRICAL & INDUSTRIAL |
| ■ BIO-KINETIC EUROPE LTD | |
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■ BRIAN ROBINSON & MICHAEL ROBINSON	■ CARNROE SUPPLIES LIMITED
■ BRIAN SIMMS T/A SFS PLASTICS	■ CARPET TILE SOLUTIONS LTD
■ BRIDGEDALE OUTDOOR LTD	■ CARRITECH RESEARCH LTD
■ BRITISH ROTOTHERM CO LTD	■ CASTLE HUME LEISURE LTD
■ BRITISH TELECOMMUNICATIONS PLC	■ CATERING EQUIPMENT ENGINEERS LTD
■ BRM SYSTEMS LTD	■ CATERWASTE PRODUCTS LTD
■ BROADSOFT INTERNATIONAL INC	■ CATHEDRAL CRAFTS
■ BROOKVENT	■ CATHY SMYTH
■ BROOKWOOD LTD	■ CAUSEWAY DATA COMMUNICATIONS LTD
■ BRUCE ENGINEERING SERVICES (NI) LTD	■ CBM ENGINEERING SERVICES LIMITED
■ BRYSON RECYCLING LIMITED	■ CCP GRANSDEN LTD
■ BTI SYSTEMS UK LTD	■ CDE IRELAND LIMITED
■ BUBBLE (NI) LTD	■ CENTRAL WELDING LTD
■ BUILDING SERVICES DESIGN LTD	■ CENTRE FOR COMPETITIVENESS
■ BULLIVANT TARANTO LTD	■ CENZITEK LTD
■ BUSHMILLS HOTELS LTD	■ CET LIMITED
■ BUSINESS & SCIENTIFIC SERVICE LTD	■ CHARLIE, CONNOR & JOEL CANAVAN - CANAVAN JOINERY SERVICES
■ C & R FURNITURE (ARMAGH) LTD	■ CHERRY PIPES LTD
■ C N C COMPONENTS (UK) LTD	■ CHESAPEAKE BELFAST LTD
■ C P HIRE LTD	■ CHIEFTAIN TRAILERS LTD
■ C&F PRODUCTIONS LTD	■ CHIMTECHNOLOGY LTD
■ CABRAGH ENGINEERING LTD	■ CHRIS MCCLELLAND
■ CAIRDE TEO	■ CHURCHILL MOULDINGS LTD
■ CALDWELL & ROBINSON	■ CIGA HEALTHCARE LTD
■ CALEDON PRECISION ENGINEERING LTD	■ CIMA OMEGA LTD
■ CAMDEN GROUP LTD	■ CIRRUS LTD T/A CIRRUS PLASTICS
■ CAMPSTEAD LTD	■ CITIBANK INTERNATIONAL PLC
■ CANAL LOCKGATES LTD	■ CITY INDUSTRIAL WASTE LTD
■ CANYON EUROPE LTD	■ CK INTERNATIONAL LTD
■ CAPELLA INNOVATIONS LTD	■ CKOS KITCHENS LTD
■ CAPITA BUSINESS SERVICES LTD	■ CLADDAGH CRAFTS
■ CAPITAL REINFORCING (IRELAND) LTD	■ CLANCONNEL BREWING CO LTD
■ CAPNA DSP LTD	■ CLANDEBOYE LODGE HOTEL
■ CARBON TRUST, THE	■ CLAREHILL PLASTICS LTD
■ CARELLA LAMINATE SYSTEMS LTD.	■ CLARITY BUSINESS EDUCATION LTD
■ CARIDIAN BCT NI LTD T/A IVEX PHARMACEUTICALS	■ CLASSIC MARBLE SHOWERS LTD
■ CARMAC (WASTE HANDLING SYSTEMS) LTD	■ CLASSIC MINERAL WATER COMPANY LTD
■ CARNMORE STONE LTD	■ CLEANFIELDS TECHNOLOGIES LTD

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| ■ CLEARWAY MEDICAL LIMITED | ■ COOL-IT REFRIGERATION |
| ■ CLERK FENCING LTD | ■ COONEEN TEXTILES LTD |
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| ■ CLIVE RICHARDSON LTD | ■ COONEEN WATTS & STONE LTD |
| ■ CLOGHER VALLEY PRECISION LTD | ■ COPAS TOOL & DIE LTD |
| ■ CLOUGHORR INVESTMENTS LTD | ■ COPELAND LTD |
| ■ CLOVER PEAT LTD | ■ COPIUS CONSULTING LTD |
| ■ CM NUGENT & SJ NUGENT T/A NUGENT COACHWORKS | ■ COPPER INDUSTRIES (IRELAND) LTD |
| ■ CM PRECISION COMPONENTS LTD | ■ COPPER RIDGE SYSTEMS LIMITED |
| ■ CMI - NEW CMI LTD | ■ CORE SYSTEMS (NI) LTD |
| ■ CMM ELECTRICS LTD | ■ CORICK HOUSE LTD - BEACOM, JEAN |
| ■ CMMT LTD | ■ CORLIN DEVELOPMENTS LTD |
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| ■ COCA-COLA HBC NI LTD | ■ CORR'S CORNER |
| ■ COCOON (EUROPE) LTD | ■ COTTAGE CATERING LTD |
| ■ COKI-C LTD | ■ COUNTRY INNS (ULSTER) LIMITED |
| ■ COLIN & NOEL CONWAY T/A THE GREEN OAK FRAMING COMPANY | ■ COUNTY LINK MEDIA LTD |
| ■ COLIN NEIGHBOUR HOOD PARTNERSHIP | ■ CR COFFEE HOUSES LTD |
| ■ COLINWELL CONCRETE LTD | ■ CRAFT DEVELOPMENT NORTHERN IRELAND |
| ■ COLLOIDE ENGINEERING SYSTEMS LTD | ■ CRAFTSTONE 2000 LTD |
| ■ COLORITE EUROPE LTD | ■ CRANE STOCKHAM VALVE LTD |
| ■ COMADA (NI) LTD | ■ CRAWFORD CONTRACTS LTD |
| ■ COMMERCIAL CONNECTIONS LTD | ■ CRAWFORD HIDE CO NI LTD |
| ■ COMMERCIAL GRAPHICS (N I) LTD | ■ CRAWFORDSBURN INN LTD |
| ■ COMPLETE BEVERAGE SERVICES LTD | ■ CREAGH CONCRETE PRODUCTS LTD |
| ■ COMPOSITE DESIGN IRELAND LLP | ■ CREATIVE COMPOSITES LTD |
| ■ CONCRETE FLOORING SYSTEMS LTD | ■ CREGGAN COUNTRY PARK ENTERPRISES LTD |
| ■ CONOR MCCLUSKEY | ■ CRESCENT CAPITAL II LP |
| ■ CONSILIUM TECHNOLOGIES LTD | ■ CREW MOULDINGS LTD |
| ■ CONTACT MARKETING (NI) LTD | ■ CROMER ENTERPRISES LTD T/A WHITE HORSE HOTEL |
| ■ CONTACT YOUTH COUNSELLING SERVICES (NI) | ■ CROSS CONCRETE FLOORING LTD |
| ■ CONTRACT TILE & STONE LTD | ■ CROSS REFRIGERATION (NI) LTD |
| ■ CONTROL WAND LTD | ■ CROSSBOWS OPTICAL LTD |
| ■ CONTROLLED ELECTRONIC MANAGEMENT SYSTEMS LTD | ■ CROSSEN ENGINEERING LTD |
| ■ CONWELL CONTRACTS (UK) LTD | ■ CROSSGAR FOODSERVICE |
| | ■ CROSSGAR FOODSERVICE - INACTIVE |
| | ■ CROSSGAR FOODSERVICE - prev CROSSGAR MEATS LTD |
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| ■ CROSSGAR SAUCES | ■ DELUXE ART AND THEME LTD |
| ■ CROSSLAND TANKERS LTD | ■ DENMAN INTERNATIONAL LTD |
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| ■ CUILINN ENGINEERING LTD | ■ DENROY PLASTICS LTD |
| ■ CUNAMH ICT LTD | ■ DERMOT DEVLIN T/A DEVLIN GLAZING |
| ■ CUNNINGHAM COVERS LTD | ■ DERMOT MC ILROY T/A MCILROY MUSICAL INSTRUMENTS |
| ■ CUSTOM BUILT HOMES | ■ DERNASEER ENGINEERING LTD |
| ■ CWS RECYCLING LTD | ■ DERRY'S LTD |
| ■ CYBERSOURCE NI LTD | ■ DESIGN BY FRONT LTD |
| ■ CYRIL REID T/A DRUMACK COACHWORKS | ■ DESIGNER FOOTSTOOL CO |
| ■ D & M CAKES LTD | ■ DESMOND HUGHES |
| ■ D ENGINEERING LTD | ■ DESSIAN PRODUCTS LTD |
| ■ DAILY BAKE LIMITED | ■ DEVELOPMENT ACTION LTD |
| ■ DAIRY PRODUCE PACKERS LTD | ■ DEVENISH NUTRITION LTD |
| ■ DALE FARM LTD | ■ DEVENNY, PAUL |
| ■ DALY GOLF LTD | ■ DEVINE AND ASSOCIATES LTD |
| ■ DAMIAN OSUILLEABHAIN | ■ DEVLIN, DONNA & DORMAN, PATRICIA |
| ■ DARK WATER STUDIOS LTD | ■ DIAMOND CORRUGATED CASES LTD |
| ■ DARRYL T E HYLANDS & BEVERLEY A HYLANDS T/A MASTERBURN | ■ DIAMOND PRECISION ENGINEERING (NI) LTD |
| ■ DATACTICS LTD | ■ DIET EXPRESS LTD |
| ■ DATOS PROFESSIONAL SOLUTIONS LTD | ■ DIFFUSION (NI) LTD |
| ■ DATUM MONITORING IRELAND LTD | ■ DIGESTORS SILOS & TANKS LTD |
| ■ DATUM TOOL DESIGN LTD | ■ DIGITAL FUTURE SOLUTIONS LTD |
| ■ DAVADA LTD | ■ DIGITAL ROBOT SOFTWARE |
| ■ DAVID ANDERSON PLUMBING & HEATING SERVICES LTD | ■ DISABILITY NEEDS LTD |
| ■ DAVID HUTCHINSON & SONS LTD | ■ DITTYS CASTLEDAWSON LTD |
| ■ DAVID JAMESON ROOFING | ■ DIXON CONTRACTORS LTD |
| ■ DAVID SEARLE, ROBERTA WRIGHT, JOHN WALKER T/A NOVA CURTAIN MAKING | ■ DK LEISURE T/A BUSHTOWN HOTEL |
| ■ DAWSON MANUFACTURING & ENGINEERING LTD | ■ DLL NI LTD |
| ■ DCI ENERGY CONTROL LTD | ■ DOCUMENT PROCESSING AGENCY LTD |
| ■ DEALING EDGE | ■ DOHERTY & GRAY LTD |
| ■ DECORA BLIND SYSTEMS LTD | ■ DOIRE DRESS DESIGNS LTD |
| ■ DELAP & WALLER LTD | ■ DOLPHIN TRAVELLERS REST LTD |
| ■ DELI LITES (IRELAND) LTD | ■ DOMESTIC SHEEPSKINS (UK) LTD |
| ■ DELTA PRINT & PACKAGING LTD | ■ DONNELLY CABINS LIMITED |
| ■ DELTA TRADING IRELAND LTD | ■ DONNELLY O'NEILL ARCHITECTS LTD |
| | ■ DONOR 2 DEED LTD |
| | ■ DOUBLE BAND FILMS LTD |
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| ■ DOUGLAS & GRAHAME LTD | ■ ELECTRO MECH AGRI LTD |
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| ■ DOWN GARAGE EQUIPMENT SERVICES | ■ ELECTRO-TECH MACHINERY LTD |
| ■ DR DARRYL CHARLES | ■ ELITE ELECTRONIC SYSTEMS LTD |
| ■ DR JOSEPH BUTTERFIELD | ■ EMAIL SAVIOUR LTD |
| ■ DRENAGH SAWMILLS LTD | ■ EMBEDDED MONITORING SYSTEMS LTD |
| ■ DREW MCCOUBREY - T/A QUALITY MANUFACTURING SYSTEMS | ■ EMERALD ISLE REPROCESSING LTD |
| ■ DRIVE 105 FM COMMUNITY RADIO LTD | ■ EMERALD LAWNS (IRELAND) LTD |
| ■ DU PONT (U.K.) INDUSTRIAL LIMITED | ■ EMERALD MUSIC (IRELAND) LIMITED |
| ■ DUNADRY DEVELOPMENT COMPANY LTD | ■ EMERGENCY PLANNING SOLUTIONS LTD |
| ■ DUNBIA (BALLYMENA) LTD | ■ EMPIRE MEATS LTD T/A FERMANAGH FOOD DISTRIBUTORS |
| ■ DUNBIA (NORTHERN IRELAND) | ■ EMPOWERMENT QUALITY ENGINEERING LTD |
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■ NAUTILUS (NI) LTD	■ NORTHERN IRELAND POLYMERS ASSOCIATION
■ NAVITAL (UK) LTD	■ NORTHERN IRELAND SCREEN COMMISSION
■ NEIL GILLESPIE T/A AMAR DOMESTIC FLOOD DEFENCE	■ NORTHERN IRELAND UNION OF SUPPORTED EMPLOYMENT (NIUSE)
■ NEIL KERR T/A POSITIVE CODE	■ NORTHERN MATERIALS HANDLING (IRELAND) LTD
■ NEW WORLD DEVELOPMENTS LTD	■ NORTHERN MOULDINGS LTD
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| ■ NU PRINT TECHNOLOGIES LTD | ■ P CLARKE AND SONS LTD |
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| ■ NUALA CONNOLLY T/A CELTIC CREATIONS | ■ PACO INTERIORS LTD |
| ■ NUGENT & GIBNEY LTD | ■ PAKFLATT (UK) LTD |
| ■ NU-TRACK LTD | ■ PALMER AGENCIES LTD |
| ■ NWP RECYCLING LTD | ■ PARADOX OMEGA OILS LTD |
| ■ NWT SYSTEMS LTD | ■ PARITY SOLUTIONS LIMITED |
| ■ NYSE TECHNOLOGIES DEVELOPMENT LTD | ■ PARK AVENUE HOTEL |
| ■ O & S DOORS LTD | ■ PARK GATE FOODS LTD |
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| ■ OAKWOOD DOOR DESIGNS LTD | ■ PAT & KATHY CASSIDY T/A CASPAC |
| ■ OCO GLOBAL LTD | ■ PATCHWORK (IRELAND) |
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| ■ OFC IRELAND LIMITED | ■ PATRICK DEVLIN T/A DEVLIN ASSOCIATES |
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| ■ O'NEILL ENTERPRISES LTD | ■ PAUL DOHERTY T/A URBAN 3D |
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| ■ ON-MUSIC LTD | ■ PAUL FOX T/A FOXCUT WATERJET CUTTING SERVICES |
| ■ OPENWAVE SYSTEMS LTD | ■ PAUL JOHNSTON T/A JPS PRINT & MEDIA |
| ■ OPSIS LIMITED | ■ PAUL MCALEER T/A SPERRIN ENGINEERING |
| ■ OPT 2 VOTE LTD | ■ PAUL QUINELL T/A ARCTIC ICE |
| ■ ORAN INVESTMENTS LTD T/A DESIGNED 4 U | ■ PEDEN POWER LTD |
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| ■ ORE | ■ PERFECSEAL LTD |
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| ■ ORIOR BY DESIGN LIMITED | ■ PHILIP AVERELL T/A SPRINT BOATS |
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| ■ OUTSOURCE IRELAND LTD | ■ PHILIP TURKINGTON |
| ■ OUTSOURCE SOLUTIONS (NI) LIMITED | |
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■ PLATO TRAINING LTD	■ QUEENS UNIVERSITY OF BELFAST
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■ POLLOCK LIFTS LTD	■ QWIZDOM UK LTD
■ PORTAFERRY REGENERATION LTD	■ R BEVERIDGE ENGINEERING LTD
■ PORTAFILL INTERNATIONAL LTD	■ R JOHN & W A CHERRY - T/A RJ CHERRY & SON
■ POWER ACTION LTD	■ R MEDIA LTD
■ POWERSCREEN INTERNATIONAL DISTRIBUTION LTD	■ R W PIERCE & CO GROUP LTD
■ POWERSHIELD DOORS LTD	■ R&D LABORATORIES LTD
■ POWERTECH IRELAND LTD	■ RA IRWIN & CO LTD
■ PPI LTD	■ RACKING & SHELVING LIMITED
■ PRECISION INDUSTRIAL SERVICES LIMITED	■ RADISSON ROE PARK HOTEL AND GOLF RESORT
■ PRECISION PROCESSING SERVICES LTD	■ RADIUS PLASTICS LTD
■ PREMIER CARE ARMAGH LIMITED	■ RAINHARVESTING IRELAND
■ PREMIER FOODS GROUP LIMITED	■ RALPH ANNESLEY,NIGEL CATHCART,J CATHCART & H ANNESLEY T/A NIRAL STAINLESS STEEL SYSTEMS
■ PREMIER WOODLANDS LTD	■ RANDOX LABORATORIES LTD
■ PREMIERE POULTRY LTD	■ RANTEC RESEARCH CORPORATION LTD
■ PRIMEPAC LTD	■ RAPID INTERNATIONAL LTD
■ PRITCHITTS	■ RAPTOR PHOTONICS LTD
■ PROLOGIC EPROCUREMENT LTD	■ RAYMOND & ELAINE BOYD T/A BOYD BEDDING
■ PROPERTY PAL.COM	■ RAYMOND CRAWFORD T/A CRAWFORD BROS
■ PROTURN PRECISION ENGINEERING LTD	■ RAYMOND KELLY & FIONNUALA KELLY T/A NEW DIMENSIONS
■ PROVITA EUROTECH LTD	■ RAYMOND MAGUIRE LTD
■ PRUNTY PEAT LTD	
■ PT GOLF LTD	
■ PUJOL LTD	
■ PUNJANA LTD	

■ REAM LTD	■ ROCK ROLAND LTD
■ RED BAY BOATS LTD	■ ROCKSTAR LOGISTICS LTD
■ RED SKY GROUP LTD	■ ROCWELL NATURAL MINERAL WATER LTD
■ REDROCK ENGINEERING LTD	■ ROGERS FENCING SYSTEMS LTD
■ REDUCTION PLASTICS LTD	■ ROMTECH LTD
■ REFLEX STOCK LIMITED	■ ROOMS DYNAMIC FURNITURE LTD
■ REGEN GROUP LTD	■ RORY O'LOUGHLIN
■ REGEN WASTE LTD	■ ROSCO ENGINEERING (NI) LTD
■ REGENCY CARPET MANUFACTURING LTD	■ ROY EDWARDS FINE ARTS LTD
■ REGUS BUSINESS SERVICES LTD	■ RTU LTD
■ REHABSTUDIO LTD	■ RUBBER & PLASTIC PRODUCTS (NI) LTD
■ REISSWOLF NI LTD	■ RURAL GENERATION LTD
■ RELAY BUSINESS SOFTWARE LTD	■ RUSHE SIGNS & DISPLAY LTD
■ RENEWABLE PRODUCTS LTD	■ RUTLEDGE JOBLINK
■ REPLIFY LIMITED	■ RUTLEDGE RECRUITMENT & TRAINING LTD
■ RETAIL SYSTEMS TECHNOLOGY LTD	■ RYCOWEB LTD
■ RETAILWORX LIMITED	■ RYOBI ALUMINIUM CASTINGS (UK) LTD
■ RETRO LTD	■ S + B PRODUCTION LTD
■ RFD BEAUFORT LTD	■ S J C HUTCHINSON ENGINEERING LTD
■ RICHARD FREDDIE, ROSEMARY & GEORGE CHESTNUTT T/A CHESTNUTT HOLLIDAY PARKS	■ S J MCAULEY ENGINEERING LTD
■ RICHARD MCGONIGLE T/A SIGNS EXPRESS	■ S MCCONNELL & SONS LTD
■ RICHARD O'LONE T/A ROL ELECTRICAL INSPECTION & TESTING	■ SAFETY SOLUTIONS (NI) LTD
■ RICHARD STUART T/A GARDEN ESCAPES	■ SAIL NORTHERN IRELAND LTD
■ RIPSTOP LLP	■ SALMAR CONSTRUCTION LTD
■ RJ & SR MCILROY T/A FINNIS ORGANIC WORMS & THE WORM WORKS	■ SAM & LORNA ROBINSON T/A CLOUGHBANE FARM FOODS
■ RJB TRAINING & DEVELOPMENT SERVICES	■ SANDY ARTHUR TRAINING SVCS LTD
■ RJCS LTD	■ SANYX INTERNATIONAL LTD
■ RJF JENNINGS BAKERY LTD	■ SAP (UK) LTD
■ RMB ROBINSON & MORNIN BOOKBINDERS LTD	■ SAVILLE ROW HOLDING COMPANY LTD, THE
■ ROAD TANKER SPARES INTERNATIONAL	■ SB CHEMICALS LTD
■ ROBERT MCCONNELL	■ SCHRADER ELECTRONICS LTD
■ ROBERT OVEREND - T/A DEERPARK PEDIGREE PIGS	■ SCRABO BATHING CARE
■ ROBERT PATTERSON T/A PATTERSON STEEL PRODUCTS	■ SCREENSPARES DIRECT LTD
■ ROBERT PATTON T/A OLD MILL SADDLERY	■ SDC TRAILERS LTD
	■ SDG CONSTRUCTION TECHNOLOGY LTD
	■ SEAGATE TECHNOLOGY (IRELAND)
	■ SEAGOE TECHNOLOGIES LTD
	■ SEAN & KATHLEEN FARRELL T/A FARRELL

JOINERY	■ SKU LTD
■ SEAN BLANEY	■ SLA MOBILE
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■ SEAN KERR	■ SLOAN, KERRY MRS T/A WHITEWATER BREWING CO
■ SEAN MCANEARNEY	■ SLOANE HELICOPTERS LTD
■ SEAN NUGENT ENGINEERING LTD	■ SLURRYKAT LTD
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■ SEARCH FIND LEARN	■ SMART START SPECIALISED TUITION SERVICE LTD
■ SEATING MATTERS LTD	■ SMILEY MONROE LIMITED
■ SEAVIEW ENTERPRISES LTD	■ SMITHS ENGINEERING WORKS (NI) LTD
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■ SEMPLE & MCKILLOP LTD	■ SMYTH RESEARCH LTD
■ SENTEL INDEPENDENT LIMITED	■ SOFTEDGE SYSTEMS (NI) LTD
■ SEOPA LTD	■ SOL AIR ENVIRONMENTAL LTD
■ SEPHA LIMITED	■ SOLTEX GLOBAL LTD
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■ SEVEN TECHNOLOGIES LTD	■ SONIC MUSIC SERVICES LTD
■ SFM ENGINEERING LTD	■ SONIC MUSIC SERVICES LTD T/A SONIC DJ ACADEMY
■ SHANE BRANIFF T/A THE FECKIN DRINKS COMPANY	■ SOPHIA SEARCH LTD
■ SHANLIEVE STONE LTD	■ SOPRA GROUP LTD
■ SHARMAN D NEILL LTD	■ SPAJET LTD
■ SHAUN MCBRIDE	■ SPANBOARD PRODUCTS LTD
■ SHAW AUTOMATION LTD	■ SPARC COMPOSITES LLP
■ SHAZZAM	■ SPECIALIST JOINERY FITTINGS LTD
■ SHERWOOD SYSTEMS LTD.	■ SPECTRUM PREMIER SERVICES
■ SHIRLEY HUNTER	■ SPENCE & PARTNERS LTD
■ SHOPMOBILITY NEWRY	■ SPERRIN METAL PRODUCTS LIMITED
■ SHORT BROS PLC	■ SPINCRAFT LTD
■ SHRED BANK LTD	■ SPORTS MERCHANDISING IRELAND LTD
■ SILVERWOOD ENTERPRISE LIMITED	■ SPOTCHECK NI LLP
■ SIMON GRATTAN T/A SENGENIA LIMITED	■ SPOUNCER ECOLOGY
■ SINAI TRAINING SOLUTIONS LTD	■ SPRINGCO (N I) LTD
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■ SINGULARITY LTD	■ SRS LTD
■ SIPFIT LTD	■ STAKEHOLDER
■ SISAF LTD	■ STATSPORTS LTD
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| ■ STEPHEN CRAWFORD -1 | ■ TERRA SOLUTIONS LTD |
| ■ STEPHEN SUFFERIN T/A S&J CONTRACTS | ■ TES (NI) LTD |
| ■ STEPHENS CATERING EQUIPMENT CO LTD | ■ TESAB ENGINEERING LTD |
| ■ STIRK LAMONT & ASSOCIATES LTD | ■ TEXTHELP SYSTEMS LTD |
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| ■ STORAGE PLANNING & SALES LTD | ■ THE BEAUTY SHOP |
| ■ STORM XCESSORIES LTD | ■ THE BRUNCH BOX SANDWICH COMPANY LTD |
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| ■ STRANGFORD LOUGH BREWING CO LTD | ■ THE CLIFF |
| ■ STREAMON.NET LTD | ■ THE CORNER CAKE SHOP LTD |
| ■ STREDIA LIMITED | ■ THE CORPORATE WARDROBE LTD |
| ■ SU53 SOLUTIONS LTD | ■ THE CREATIVE MEDIA COMPANY (NI) LTD |
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| ■ SUKI TEAHOUSE LTD | ■ THE LIGHTHOUSE DRAWING ROOMS |
| ■ SWF FABRICATIONS LTD | ■ THE PEACE FACTORY |
| ■ SYDNEY ALEXANDER/ S&M PRODUCTS | ■ THE POSTCARD COMPANY LTD |
| ■ SYNERGY LEARNING | ■ THE SAVILE ROW HOLDING COMPANY LTD |
| ■ SYSCO SOFTWARE (N.I.) LTD | ■ THE SIGNATURE WORKS LIMITED |
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| ■ TACTILITY FACTORY LTD | ■ THE VISIONARY WORKS COMPANY |
| ■ TAILORED IMAGE LTD | ■ THEONESWITCH LTD |
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| ■ TAKE THE BISCUIT LTD | ■ THREE SOFTWARE LTD |
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| ■ TANDEM DESIGN LTD | ■ TILT-A-DOR LTD |
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| ■ TASTY FOODS CUISINE LTD | ■ TIMESERVE LTD |
| ■ TAXI & BUS CONVERSION LTD | ■ TINA O'HAGAN ASSOCIATES LTD |
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| ■ TERENCE MCCORMACK LTD | ■ TOM & PAUL GORMLEY T/A SIRIUS INFORMATION SYSTEMS |
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| ■ TOPGLASS CONTRACTS LTD | ■ UNIBASE CABINET SYSTEMS LIMITED |
| ■ TORRENT MARBLE AND GRANITE LTD | ■ UNIMUSH IRELAND - PLUNKETT CURRY & SEAMUS CASSIDY |
| ■ TRACE FIRST LTD | ■ UNIQUE PLAYGROUNDS LTD |
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| ■ TRACEY CONCRETE LTD | ■ UNITED DAIRY FARMERS LTD |
| ■ TRACTORMATIC LTD | ■ UNIVERSITY OF ULSTER |
| ■ TRADE MOULDINGS LTD | ■ URBAN ANGEL MUSIC LTD |
| ■ TRAFFIC OBSERVATION VIA MANAGEMENT | ■ UU HEALTH LTD |
| ■ TRANSEN SUSTAINABLE ENERGY SYSTEMS LTD | ■ VALPAR INDUSTRIAL LTD |
| ■ TRAVEL 118 LTD T/A CRUISE 118 | ■ VANCE, ROGER |
| ■ TREVOR & SAMANTHA TORRENS T/A TREVOR TORRENS FABRICATION WORKS | ■ VECTOR ENVIRONMENTAL SERVICES LTD |
| ■ TREVOR & STEVEN SMITH - T/A BALLYMAC STUD | ■ VERTICAL WIND ENERGY LIMITED |
| ■ TREVOR MCKIBBIN - T/A TRADEMARK MASONS | ■ VGUARD INTERNATIONAL LTD |
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| ■ TRIANGLE HOUSING ASSOCIATION LTD | ■ VIVION MCSORLEY/RAINVAULT |
| ■ TRIO FORMWORK LTD | ■ VIVOMED LTD |
| ■ TRI-POWER ENVIRONMENTAL ENERGY LTD | ■ VOGUE SURROUNDS LTD |
| ■ TRUCORP LIMITED | ■ VYKSON LTD |
| ■ TRUNK FLOORING LIMITED | ■ W G BUCHANAN & SON LTD |
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| ■ TURBO LEISURE LIMITED | ■ WAFER ENTERPRISES LTD |
| ■ TURKINGTON ENGINEERING LTD | ■ WALL EFFECTS LTD |
| ■ TURKINGTON LIVESTOCK SYSTEMS LTD | ■ WALSIN LTD |
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| ■ U.M.E (NI) LTD T/A PAUL TRIMBLE PRINTING | ■ WARWICK ENGINEERING NI LTD |
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| | ■ WEST BELFAST & GREATER SHANKHILL |
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■ WESTLAND HORTICULTURE LIMITED	■ WORLDWIDE GROUP
■ WFS TECHNOLOGIES LTD	■ WRIGHT COMPOSITES LTD
■ WHITE INK ARCHITECTS LTD	■ WRIGHTBUS LTD
■ WHITEFORD GEOSERVICES LTD	■ WT ROBSON LTD
■ WHITES SPEEDICOOK LTD	■ XCELL PARTNERS LTD
■ WILLIAM ALLINGHAM	■ XPERIENCE SUPPORT LIMITED
■ WILLIAM BULLOCK - GRACES IRISH BISCUITS	■ YARDMASTER INTERNATIONAL
■ WILLIAM CLARK & SONS LTD	■ YARRA SOFTWARE LTD
■ WILLIAM MCCAUGHERN	■ YAXEKA
■ WILLIAMS INDUSTRIAL SERVICES LTD	■ YELL LIMITED
■ WILLIAMSON, JOHN & SALLY T/A THE VALLEY HOTEL	■ YELLOW BRANDING & DIGITAL MEDIA LTD
■ WILLIS HEATING & PLUMBING CO LTD	■ YELLOW MOON POST PRODUCTION LTD
■ WILLOWBROOK FOODS LTD	■ YELO LTD
■ WILSON, KENNETH	■ YOUNGER HOMES LTD
■ WILSON'S COUNTRY LTD	■ YOUTH HOSTEL ASSOCIATION OF NORTHERN IRELAND LTD (YHANI)
■ WINDELL LTD	■ ZEST AUDIO LTD

Mourne Coastal Drive: Proposed Route

Mr S Hamilton asked the Minister of Enterprise, Trade and Investment (i) to outline the route of the proposed Mourne Coastal Drive; (ii) when it will be completed; and (iii) how much will be invested in the project.

(AQW 3448/11)

Minister of Enterprise, Trade and Investment: The Mourne Coastal Route (MCR) is an integral part of the Mourne Signature Project. The MCR will be a tourist signed driving route from Newry to Belfast mostly utilising the A2 coast road. In conjunction with the Causeway Coastal Route (CCR), the MCR will form a total coastal driving route around Northern Ireland.

The MCR begins (or ends) in Newry and goes along the coast to Clough then up through Strangford and along the coast to Bangor and finally Belfast. There are several associated scenic loops at strategic points along the route.

The Northern Ireland Tourist Board (NITB) has paid for the Technical Report for the MCR and this is now complete. NITB has an application for financial assistance from the Mourne Heritage Trust in place to implement the project but this is awaiting match funding confirmation from the relevant Councils involved. Once all necessary approvals are in place it is anticipated that the MCR should be implemented during 2011-2012 financial year. The estimated costs for the signage for the MCR is approximately £250,000 plus associated professional fees.

Financial Allocation: DETI

Mr D McNarry asked the Minister of Enterprise, Trade and Investment, for each of the last six financial years, and this year to date, to detail (i) the total financial allocation to her Department; (ii) the amount received or deducted through in-year monitoring; and (iii) her Department's actual spend in each year. **(AQW 3457/11)**

Minister of Enterprise, Trade and Investment: The following table provides the information requested for the last six financial years and the current financial year to date:

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Opening Budget Position	282,939	274,700	255,084	306,030	253,342	311,841	273,008
Net In-Year Monitoring Adjustments	-12,883	-20,938	-30,598	-101,062	-41,291	-30,136	-4,075
Actual expenditure	257,784	238,772	213,925	194,790	208,932	279,380	N/A

The variations between opening and final budget positions comprise net in-year monitoring adjustments to budgets. These adjustments include allocations, reductions, transfers to other departments and re-profiling of capital budgets to forward years. More detail of the main net in-year monitoring adjustments is provided below.

Adjustments include a number of distinct one-off items which under monitoring guidelines are required to be surrendered rather than used by departments for other purposes. Additional receipts that were a result of the major increases in property values and the growth in the economy were also a main feature of the adjustments. Again these receipts were required to be surrendered under monitoring guidelines rather than be used by the department, and these receipts surrenders appear to reduce the budget due to the technical budgeting guidelines for the treatment of receipts when in fact expenditure on the ground is not affected.

Where actual expenditure is less than final budgets the difference was in the main in the Capital Budget where it should be noted that up to 2006/07 Treasury recognised that most Capital projects were multi-year by nature and therefore afforded the facility for End Year Flexibility. This meant that up to this year unspent Capital budget could be brought forward to the next year.

2004-05

The net reduction in 2004-05 relates mainly to the release in Monitoring of budget specifically set aside for Government intervention to reduce electricity costs to businesses, as EU State Aid approval for the proposed intervention was under consideration. Budgeting guidelines meant that DETI was not allowed to reallocate this funding for other uses.

2005-06

The net reduction in 2005-06 also relates to the release in Monitoring of budget set aside for Government intervention to reduce electricity costs to businesses as approval for EU State Aids was still under consideration. In addition, Invest NI generated increased capital receipts from the disposal of land, increases in income from loan repayments, share repayments and grant claw backs. Again budgeting guidelines meant that DETI was not allowed to reallocate this funding for other uses.

In addition the technical treatment of additional receipts means that they appear as a reduction to the Budget when in fact expenditure on the ground was not affected by their release, rather Invest NI's expenditure was unchanged but the receipts were available to the Block to spend.

2006-07

In 2006-07 there were three main factors contributing to the overall reduction in budget:

- The Irish Government made a contribution towards the construction of the North West and South North Gas Pipelines;
- Budgets for a number of capital programmes were reprofiled into 2007-08; and
- Invest NI generated increased capital receipts from the disposal of land, increases in income from loan repayments, share repayments and grant claw backs.

The technical treatment of the additional receipts from the contribution by the Republic of Ireland Government towards the pipelines and the additional receipts generated by Invest NI means that they appear as a reduction to the Budget when in fact expenditure on the ground is not affected by their release. Rather the DETI/Invest NI spending was unchanged by the additional receipts release but the receipts were available to the Block to spend.

2007-08

In 2007-08 there were a number of major one-off factors which contributed towards the large net reduction in budget. These included:

- The release of budget set aside for Government intervention to reduce electricity costs to businesses due to the withdrawal of the State Aid application;
- Reductions in Non Cash budgets, mainly relating to an actuarial review of the asbestosis related liabilities due by Harland and Wolff;
- Transfers to other departments and reprofiling of the Environment & Renewable Energy Fund across the next budget period; and
- Reductions in capital expenditure due to the Giant's Causeway Visitor Centre not being progressed in the timeline originally anticipated.

Invest NI also generated increased capital receipts from loan repayments, share repayments and grant claw backs, and from the sale of land. The one-off issues were required under Monitoring guidelines to be released to the Block rather than used by DETI for other purposes.

2008-09

The net reduction in 2008-09 mainly relates to reductions in Invest NI Resource and Capital grants resulting from the downturn in the global economy and the credit crunch, and reductions in Non Cash budgets.

2009-10

In 2009-10 the main factors contributing to the overall figure were a reduction in Invest NI grant following the Budget 2009-11 Strategic Stocktake exercise, contributions made by DETI to the Bombardier C Series project by way of a budget transfer to the UK Department of Business Innovation and Skills, and some slippage in NITB signature projects.

2009-10

The small reduction in 2010-11 budgets is a result of reductions in Energy and Tourism capital projects.

Invest NI: Financial Assistance

Mr P McGlone asked the Minister of Enterprise, Trade and Investment to detail the total investment from Invest NI in the (i) Cookstown; (ii) Magherafelt; and (iii) Dungannon districts in (a) 2005/06; (b) 2006/07; (c) 2007/08; (d) 2008/09; and (e) 2009/10; and how many jobs were created as a consequence.
(AQW 3475/11)

Minister of Enterprise, Trade and Investment: During the period 1st April 2005 to 31st March 2010, Invest NI offered assistance worth over £50m to companies in the (i) Cookstown, (ii) Magherafelt and (iii) Dungannon District Council Areas (DCA). The total assistance offered is split between employment related (£25m) and business development (£25m) projects. Business development projects involve activities such as research and development, training, trade development and technology and process development. Although not directly related to job creation, these activities will underpin business competitiveness leading eventually to growth and employment opportunities.

Table 1 shows the amount of assistance offered in each DCA in each of these 5 years. This represents the value of support which is expected to be paid towards business-related investment during the life-time of assisted projects. In addition, the table also details the total amount of investment planned by supported companies and the number of jobs that this investment aims to create and safeguard. This represents the number of jobs that these projects plan to create or safeguard and the total expected investment in the local economy generated by these projects.

TABLE 1 – INVEST NI OFFERS OF ASSISTANCE IN COOKSTOWN, DUNGANNON AND MAGHERAFELT DCAS (2005-06 TO 2009-10)

		Job-Related					Business Development			Total				
	FIN Year	No. of Offers	New Jobs	Safe Jobs	Total Assistance £m	Total Planned Investment £m	No. of Offers	Total Assistance £m	Total Planned Investment £m	No. of Offers	New Jobs	Safe Jobs	Total Assistance £m	Total Planned Investment £m
DCA														
Cookstown	2005-06	7	55		0.28	4.62	65	0.58	1.40	72	55		0.86	6.02
	2006-07	13	143	1	0.60	6.94	70	0.60	1.42	83	143	1	1.20	8.36
	2007-08	11	139	4	0.95	16.86	92	1.58	5.03	103	139	4	2.53	21.88
	2008-09	21	106		0.88	7.69	95	1.51	5.50	116	106		2.39	13.19

		Job-Related					Business Development			Total				
DCA	FIN Year	No. of Offers	New Jobs	Safe Jobs	Total Assistance £m	Total Planned Investment £m	No. of Offers	Total Assistance £m	Total Planned Investment £m	No. of Offers	New Jobs	Safe Jobs	Total Assistance £m	Total Planned Investment £m
	2009-10	24	100	260	5.04	40.65	150	1.52	3.64	174	100	260	6.57	44.29
Total		76	543	265	7.76	76.76	472	5.79	16.99	548	543	265	13.55	93.75
Dungannon	2005-06	12	98		0.37	3.13	112	2.60	15.31	124	98		2.97	18.44
	2006-07	23	284	30	1.24	15.61	86	1.45	3.96	109	284	30	2.69	19.57
	2007-08	23	242		6.74	36.13	137	2.15	9.49	160	242		8.89	45.62
	2008-09	38	274	293	2.46	15.65	157	3.76	10.13	195	274	293	6.22	25.78
	2009-10	25	149	25	1.52	11.41	248	4.70	12.84	273	149	25	6.22	24.26
Total		121	1,047	348	12.33	81.92	740	14.66	51.74	861	1,047	348	26.99	133.66
Magherafelt	2005-06	9	84	41	0.46	5.61	93	0.51	1.46	102	84	41	0.96	7.07
	2006-07	9	78	8	0.35	2.26	72	0.58	1.48	81	78	8	0.93	3.74
	2007-08	19	116	80	1.63	11.18	91	0.74	1.90	110	116	80	2.37	13.08

		Job-Related					Business Development			Total				
DCA	FIN Year	No. of Offers	New Jobs	Safe Jobs	Total Assistance £m	Total Planned Investment £m	No. of Offers	Total Assistance £m	Total Planned Investment £m	No. of Offers	New Jobs	Safe Jobs	Total Assistance £m	Total Planned Investment £m
	2008-09	17	224	10	1.53	28.00	100	0.92	2.19	117	224	10	2.45	30.19
	2009-10	17	70	47	1.15	7.21	132	1.94	5.30	149	70	47	3.09	12.51
Total		71	572	186	5.12	54.26	488	4.69	12.32	559	572	186	9.81	66.59
Grand Total		268	2,162	799	25.21	212.95	1,700	25.15	81.05	1,968	2,162	799	50.35	294.00

Notes:

- 1 Total Planned Investment includes Total Assistance Offered.
- 2 New Jobs represent the number of jobs expected to be created by the project.
- 3 Safe Jobs represent the number jobs that would have been lost if the project was not supported.
- 4 2010/11 figures are provisional and may be subject to change.
- 5 Some of the assistance offered may not be paid if projects are not fully delivered by the client.

In addition, during the same period Invest NI also indirectly offered support of over £476,000 to nearly 1,600 new locally-owned business starts through the Enterprise Development Programme (formerly the Start a Business programme), delivered in conjunction with Enterprise Northern Ireland. Table 2 shows the number of businesses and the associated assistance offered to these projects.

TABLE 2: NEW LOCAL BUSINESSES ASSISTED UNDER THE ENTERPRISE DEVELOPMENT PROGRAMME IN COOKSTOWN, DUNGANNON AND MAGHERAFELT DCAS (2005-06 TO 2009-10)

	Cookstown		Dungannon		Magherafelt		Total	
Year	No. of Offers	Total Assistance £	No. of Offers	Total Assistance £	No. of Offers	Total Assistance £	No. of Offers	Total Assistance £
2005-06	88	40,300	136	62,300	143	68,750	367	171,350
2006-07	92	32,400	121	44,600	102	37,200	315	114,200
2007-08	103	38,000	129	46,200	127	48,000	359	132,200
2008-09	71	24,000	112	23,600	68	10,800	251	58,400
2009-10	80	-	129	-	82	-	291	-
Total	434	134,700	627	176,700	522	164,750	1,583	476,150

Note: The new Enterprise Development Programme established in 2009 does not offer financial support to establish a business but provides training, advice and guidance.

Initial analysis of the EDP found that an average of 1.13 jobs were created by those businesses that continued to trade. Further analysis found that 68% of participants had proceeded to actually start a business, and 80% of those were still trading. Therefore, these figures would suggest that approximately 1,000 jobs would have been created under this programme during the 5 year period.

Office of Tourism Ireland, Coleraine

Mr J Dallat asked the Minister of Enterprise, Trade and Investment to detail (i) when she last visited the office of Tourism Ireland in Coleraine; and (ii) any plans for investment at this location.

(AQW 3580/11)

Minister of Enterprise, Trade and Investment: I have visited and participated in a number of Tourism Ireland events in Great Britain, the US, Canada, Germany, the Netherlands, China and India to assist Tourism Ireland in marketing Northern Ireland overseas.

However, I have not visited the Tourism Ireland office in Coleraine and it is my understanding that Tourism Ireland has no plans for further investment on the site.

Private Debt and Finance Management Companies

Ms J McCann asked the Minister of Enterprise, Trade and Investment what regulatory guidelines are in place to ensure that (i) fair trading is adhered to by private debt and finance management companies; and (ii) their customers are protected.

(AQW 3689/11)

Minister of Enterprise, Trade and Investment: The Office of Fair Trading (OFT) – which has a UK-wide remit - has published comprehensive debt management guidance which covers the activities of debt management companies in the UK. This sets out minimum standards to be met by debt management businesses, if they are judged fit to hold a Consumer Credit licence, and is used by DETI in advising businesses about best practice. The OFT is responsible for administering the licensing regime including the granting of licences and monitoring the continuing fitness of those to whom licences have been granted.

In September 2010 OFT published key findings from a review of the debt management sector which identified 129 debt management companies that faced losing their Consumer Credit licence unless immediate action was taken. The OFT report sets out a detailed action plan to improve standards

across the industry and undertook to update its guidance to take explicit account of new and emerging unfair business practices.

In Northern Ireland DETI is charged with enforcing, among other pieces of consumer protection legislation, the Consumer Credit Act 1974 which allows debt management companies to hold a Consumer Credit licence and which regulates their activities and behaviour.

Local Small Businesses

Mr S Anderson asked the Minister of Enterprise, Trade and Investment what meetings she has had with banks in the last three months in relation to lending to local small businesses.

(AQW 3713/11)

Minister of Enterprise, Trade and Investment: My officials and I maintain regular contact with the banks and ensure that specific problems raised by businesses and their political representatives are brought to their attention.

I write regularly to senior management of the banks drawing their attention to cases where businesses feel they have not had the assistance they need. In addition, a series of official level meetings between my Department and the banks began in December 2010 with the aim of improving communication and establishing the facts about the way in which banks deal with businesses and the availability of funding for them.

Department of the Environment

Assessment on Efficiency

Mr P McGlone asked the Minister of the Environment to detail (i) what assessment has been carried out on the efficiency of the management of his Department; (ii) what conclusions were made; and (iii) what steps he has taken to ensure effective management practices are implemented to improve the delivery of his Department.

(AQW 3379/11)

Minister of the Environment (Mr E Poots): My Department has faced very significant financial pressures in the last two financial years, primarily as a consequence of the significant and sudden decrease in planning application income and various reductions to the Department's overall budget. The overall budgetary pressure at the beginning of this financial year was circa £16 million (in excess of 12% of the opening budget position). This scale of financial pressure within one financial year is unprecedented in this Department and follows a difficult financial position in 2009-10 when the Department had to absorb financial pressures of circa £9 million.

To address the overall pressures facing the Department two reviews were commissioned to identify how efficiencies could be achieved from a reduction in the cost of delivering corporate services across the Department and its executive agencies; and by aligning the Planning Service operating costs to forecast levels of planning application income.

When fully implemented, the Corporate Services Review will deliver savings of circa £2 million through the rationalisation and streamlining of these corporate functions. In light of the nature of these functions, the savings will largely be delivered through the redeployment of surplus staff and the suppression of vacancies (approximately 75 posts). These staff reductions have already taken place.

The Review of the Planning Service Operating Costs has identified potential savings of circa £9 million. This will be partly delivered through a rapid reduction in staffing costs through the redeployment of staff and reviewing and revising the fees structure for planning applications. To date, the Planning Service has reduced its staffing complement by over 160 staff through a combination of staff transfers, loans and secondments across the wider NICS and public sector and through retirements and other natural wastage. Furthermore, the ongoing review of Planning Fees should deliver in excess of £2 million per

annum which, in addition to the savings from the review of planning operating costs, should contribute to moving the Planning Service to a balanced budget position.

In addition, the level of discretionary spend across the Department has been significantly reduced and the Department will continue to ensure all resources are efficiently utilised in the delivery of its services and programmes.

New Departmental Staff

Mr D McNarry asked the Minister of the Environment to detail the number of new staff employed by his Department in each of the last five years, broken down by grade; and how many of these new staff employed in each year were planners.

(AQW 3387/11)

Minister of the Environment: My Department has employed 361 new staff since April 2006, 35 of which were at planning grades. A further breakdown by year and grade, including planners is provided in the tables below.

Financial Year: 2006/07		Number of New Staff		
Analogous Grade	Grade Name	Non Planners	Planners	Total
Administrative Assistant	Administrative Assistant	7	0	7
Administrative Officer	Administrative Officer	4	0	4
Administrative Officer	Driving Examiner (Tg1)	4	0	4
Administrative Officer	Vehicle Inspector Tg1	19	0	19
Executive Officer 1	Pto (Planning Assistant)	0	15	15
Industrial	Ranger	1	0	1
Staff Officer	Hpto (Planning Assistant)	0	1	1
Staff Officer	Staff Officer	1	0	1
Staff Officer	Staff Officer (Accountant)	1	0	1
	Totals	37	16	53

Financial Year: 2007/08		Number of New Staff		
Analogous Grade	Grade Name	Non Planners	Planners	Total
Administrative Assistant	Administrative Assistant	14	0	14
Administrative Officer	Administrative Officer	3	0	3
Administrative Officer	Driving Examiner (Tg1)	5	0	5
Administrative Officer	Vehicle Inspector Tg1	14	0	14
Deputy Principal	Accountant (DP)	1	0	1
Deputy Principal	Deputy Principal Information Officer	1	0	1

Financial Year: 2007/08		Number of New Staff		
Analogous Grade	Grade Name	Non Planners	Planners	Total
Executive Officer 1	Pto (Planning Assistant)	0	19	19
Senior Civil Servant	Deputy Secretary	1	0	1
Staff Officer	Auditor (SO) MIIA or BATS	1	0	1
Staff Officer	Staff Officer	4	0	4
		44	19	63

Financial Year: 2008/09		Number of New Staff		
Analogous Grade	Grade Name	Non Planners	Planners	Total
Administrative Assistant	Administrative Assistant	11	0	11
Administrative Officer	Driving Examiner (Tg1)	1	0	1
Administrative Officer	ICT Level 2	1	0	1
Administrative Officer	Administrative Officer	29	0	29
Administrative Officer	Vehicle Inspector Tg1	43	0	43
Deputy Principal	Accountant (DP)	1	0	1
Deputy Principal	Deputy Principal Information Officer	1	0	1
Deputy Principal	Deputy Principal	5	0	5
Executive Officer 1	ICT Level 4	1	0	1
Executive Officer 1	Pto Vehicle Driving Examiner	1	0	1
Executive Officer 1	Executive Officer I	2	0	2
Executive Officer 1	Scientific Officer	24	0	24
Executive Officer 2	Personal Secretary	1	0	1
Executive Officer 2	ICT Level 3	2	0	2
Executive Officer 2	Executive Officer II	5	0	5
Grade 7	Principal	1	0	1
Industrial	Ranger	1	0	1
Staff Officer	Curatorial Grade E	1	0	1
Staff Officer	Higher Scientific Officer	1	0	1
Staff Officer	Hpto Enforcement Manager	1	0	1
Staff Officer	ICT Level 5	1	0	1

Financial Year: 2008/09		Number of New Staff		
Analogous Grade	Grade Name	Non Planners	Planners	Total
Staff Officer	Staff Officer	13	0	13
		147	0	147

Financial Year: 2009/10		Number of New Staff		
Analogous Grade	Grade Name	Non Planners	Planners	Total
Administrative Assistant	Support Grade Band 2	2	0	2
Administrative Assistant	Administrative Assistant	3	0	3
Administrative Officer	Driving Examiner (Tg1)	1	0	1
Administrative Officer	Administrative Officer	5	0	5
Administrative Officer	Vehicle Inspector Tg1	26	0	26
Deputy Principal	Deputy Principal Information Officer	1	0	1
Deputy Principal	Senior Scientific Officer	3	0	3
Deputy Principal	Deputy Principal	5	0	5
Executive Officer 1	Pto	1	0	1
Executive Officer 1	Executive Officer I	4	0	4
Executive Officer 1	Scientific Officer	8	0	8
Executive Officer 2	ICT Level 3	1	0	1
Executive Officer 2	Executive Officer II	4	0	4
Grade 6	Senior Principal (G6)	2	0	2
Grade 7	Principal Information Officer (G7)	1	0	1
Grade 7	Principal	3	0	3
Senior Civil Servant	Assistant Secretary	1	0	1
Senior Civil Servant	Chief Executive UG4	1	0	1
Senior Civil Servant	Chief Executive UG5	1	0	1
Staff Officer	Hpto Graphic Designer	1	0	1
Staff Officer	ICT Level 5	1	0	1
Staff Officer	Staff Officer (Accountant)	2	0	2
Staff Officer	Hpto (Architect Assistant)	6	0	6

Financial Year: 2009/10		Number of New Staff		
Analogous Grade	Grade Name	Non Planners	Planners	Total
Staff Officer	Staff Officer	6	0	6
		89	0	89

Financial Year: 2010/11 to date		Number of New Staff		
Analogous Grade	Grade Name	Non Planners	Planners	Total
Administrative Officer	Administrative Officer	1	0	1
Administrative Officer	Vehicle Inspector Tg1	5	0	5
Deputy Principal	Senior Scientific Officer	1	0	1
Deputy Principal	Deputy Principal	2	0	2
		9	0	9

Planning Applications

Mr D McNarry asked the Minister of the Environment how many planning applications were received in each of the last five years.

(AQW 3388/11)

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 following table.

PLANNING APPLICATIONS RECEIVED

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11 (April - Sept 10)
Planning Applications Received (All Divisions)	35,356	27,077	27,906	20,469	19,557	9,207

Environment Agency Staff

Mr D McNarry asked the Minister of the Environment to outline the employment status of Environment Agency staff compared to staff in the Civil Service.

(AQW 3389/11)

Minister of the Environment: Northern Ireland Environment Agency staff, both non-industrial and industrial, are Northern Ireland Civil Servants employed by the Department of the Environment under NICS terms and conditions. Their employment status is the same as that of other civil servants.

Draft Spending Plans for 2011-15

Mr P Callaghan asked the Minister of the Environment to detail the (i) grades; (ii) functions; and (iii) locations of posts which his Department plans to remove in the next 18 months under its draft spending plans for 2011-15.

(AQW 3419/11)

Minister of the Environment: In response to the NI Executive's Draft Budget 2011-15, and to inform the consultation process, I published the draft spending and savings proposals for my Department on 10 January 2011. The proposed reductions in my Department's budget will create a need to reduce the number of posts by some 300, over the budget period. This is an estimated figure based on the draft spending and savings proposals as set out in my Department's consultation document. Final proposals will not be published until the consultation period is over and all responses have been received and analysed. It is only when this exercise is complete that I will be in a position to consider the full impact on staff numbers and how proposed reductions will be managed. It will be necessary to continually review this position throughout the Budget period taking into consideration the pace at which savings are delivered from the wide range of proposals that have been identified.

Financial Allocation: DOE

Mr D McNarry asked the Minister of the Environment, for each of the last six financial years, and this year to date, to detail (i) the total financial allocation to his Department; (ii) the amount received or deducted through in-year monitoring; and (iii) his Department's actual spend in each year.

(AQW 3456/11)

Minister of the Environment: The table below provides the information as requested.

	2004/05 £'000		2005/06 £'000		2006/07 £'000	
	Resource	Capital	Resource	Capital	Resource	Capital
Opening Budget	130,458	12,424	119,813	13,839	125,432	10,656
Received/Deducted In-Year Monitoring Rounds**	(3,819)	5,479	10,726	3,197	(7,226)	6,819
Adjusted Budget Position	126,639	17,903	130,539	17,036	118,206	17,475
Actual Spend	121,801	11,125	119,458	9,784	116,388	12,788

	2007/08 £'000		2008/09 £'000		2009/10 £'000	
	Resource	Capital	Resource	Capital	Resource	Capital
Opening Budget	125,265	9,819	137,543	5,714	136,501	16,294
Received/Deducted In-Year Monitoring Rounds**	(751)	2,726	(3,661)	(9,568)	14,765	(9,409)
Adjusted Budget Position	124,514	12,545	133,882	(3,854)	151,266	6,885
Actual Spend	120,492	9,208	133,312	(3,781)	149,646	6,704

	2010/11* £'000	
	Resource	Capital
Opening Budget	135,454	182,604
Received/Deducted In-Year Monitoring Rounds**	7,467)	(170,349)
Adjusted Budget Position	142,921	12,255
Actual Spend to end November 2010	96,515	3,394

* Actual Spend figures for 2010/11 are up to end November 2010.

** Net figures

Planning Applications

Mr P J Bradley asked the Minister of the Environment (i) for his assessment of the financial and sustainable impact on businesses of the delays in planning applications that have arisen as result of miscalculation of planning fees made by his Department; and (ii) to detail (a) the number of Departmental errors relating to planning fees that have been identified to date; (b) the date of the earliest application still on hold as result of these errors; (c) the number of applications placed on hold due to miscalculation errors; (d) the range of fees paid by applicants whose applications are currently on hold; (e) the range of the sums being sought by his Department to allow applications, stalled by the miscalculation of planning fees, to progress; (f) the total of the sums demanded by his Department to allow these applications to progress; and (g) what action he proposes to take to offset the delays, the inconvenience and business-related problems caused by the miscalculation in planning fees made by his Department.

(AQW 3472/11)

- (i) **Minister of the Environment:** I acknowledge that the delays will have had an impact on a number of quarry operators. The Department is however required to ensure that it protects the public purse. The Department has agreed to meet with each applicant to discuss each application.
- (ii) Details requested are as follows:-
 - (a) & (c) I can confirm that 26 planning applications have been identified as having a fee undercharge.
 - (b) The earliest application was received on 17 September 2004;
 - (d) The fees paid for these applications range from £200 to £22,500;
 - (e) The range of sums sought to progress applications with a fee undercharge is from £460 to £34,250;
 - (f) The total sum required to allow these mineral extraction applications to progress is £283,420; and
 - (g) I have instructed Minerals Unit staff in the Planning Service to progress these applications as a priority, with a willingness to meet to discuss each case as required.

Polluting Sources of Drinking Water

Mr T Burns asked the Minister of the Environment (i) what legal options are available to (a) his Department; and (b) the public to pursue individuals, groups or companies that have polluted sources of drinking water; and (ii) how many prosecutions there were for such incidents in each of the last three years.

(AQW 3537/11)

Minister of the Environment: The Northern Ireland Environment Agency (NIEA), an Agency within my Department, is responsible for investigating reports of pollution; for regulating all discharges to waterways and underground strata and for instigating enforcement action where appropriate.

The primary legislation under which the Department controls pollution is the Water (Northern Ireland) Order 1999. Supplementary legislation such as The Nitrates Action Programme Regulations (Northern Ireland) 2010 and the Groundwater Regulations (Northern Ireland) 2009 provide legal powers similar to those in The Water Order, but specific to pollution from agriculture; while the Pollution Prevention and Control Regulations (Northern Ireland) 2003 provide legal powers specific to pollution from industry.

In addition to the legal options available to my Department the Department for Regional Development (DRD) also advises that under the Water and Sewerage Services Order (Northern Ireland) 2006 it is an offence to pollute the water in any waterworks. Waterworks include:

- (a) any spring, well, adit, borehole, service reservoir or tank; and
- (b) any main or other pipe of a water undertaker.

This pollution control legislation provides my Department with a range of legal options depending on the circumstances and severity of the pollution or pollution threat. These options are:

- a. prosecution;
- b. the issue of a formal warning letter;
- c. the issue of a range of legally binding notices requiring the polluter to take prompt remedial or cleanup action; and
- d. requiring the polluter to pay the costs of any remedial action or making good any damage caused.

Most of the cases taken by NIEA on behalf of the Department are heard in the Magistrates Court where the maximum sentence that can be imposed is imprisonment for a term not exceeding 3 months, a fine not exceeding £20,000 or a combination of both. If the offence warrants it, a case can be heard in the Crown Court where the maximum fine that can be imposed is imprisonment for a term not exceeding 2 years, a fine or both.

There is no mechanism for the public to take prosecutions through the criminal courts. However, where a member of the public or a group can demonstrate that they have suffered some monetary or other loss due to pollution, there is the option for them to mount a claim against the polluter for compensation in a civil court.

Over the past three years there has been only one prosecution arising from an incident of water pollution affecting a waterway at or close to a drinking water source.

This prosecution was taken against NIW for an incident in July 2008 which affected a tributary of Lough Ross near Crossmaglen, Co. Armagh. This case was heard in court on 15 March 2010 and resulted in NIW being fined £1,500 plus court costs of £31.

It should be noted that this incident involved sediment recovered from the raw drinking water during the water treatment process being discharged back into a tributary of Lough Ross. While this sediment did cause water pollution, the risk posed by this material to human health and the risk of it entering the drinking water supply were both negligible.

Advertising Budget for Road Safety

Mr P Weir asked the Minister of the Environment to detail the advertising budget for road safety in each of the last five years.

(AQW 3548/11)

Minister of the Environment: The advertising budget for road safety in the last five financial years is as follows:

Year	Budget
2006/2007	£2.355m
2007/2008	£2.156m

Year	Budget
2008/2009	£1.651m
2009/2010	£1.722m
2010/2011	£1.586m

Ulster Farm By-Products Factory, Ballyvannon Road, Glenavy

Mr T Burns asked the Minister of the Environment whether the Northern Ireland Environment Agency is aware of the precise chemical composition of the plume and odour caused by the processing and incineration operations at the Ulster Farm By-Products factory at Ballyvannon Road, Glenavy.

(AQW 3562/11)

Minister of the Environment: The thermal oxidisers at Ulster Farm By-Products treat odorous compounds arising from the process by oxidation at high temperature. The oxidation process breaks down these compounds to form substances such as carbon dioxide, oxides of nitrogen and water. The permit sets a limit for residual volatile organic compounds (VOC) at 20 mg/m³ and for hydrogen sulphide at 1 part per million by volume.

NIEA has not carried out a full analysis of the chemical composition of the emission to air from the process. It would not be an appropriate use of resources to set permit limits, or monitor for every conceivable compound within the plume. The Agency seeks to ensure the substances of most relevance to the facility are monitored. In this case volatile organic compounds (VOC) and hydrogen sulphide are the most relevant as they are an established proxy for odour. Direct odour measurements have also been carried out by the operator to determine the effectiveness of the thermal oxidisers.

Depending on weather and processing conditions, there may be a visible plume from the thermal oxidisers. This is caused by condensation of water vapour arising from the cooking process.

Lafarge Project at the Magheramorne Quarry, Larne

Mr D Hilditch asked the Minister of the Environment for an update on the Lafarge project at the Magheramorne Quarry in Larne.

(AQW 3596/11)

Minister of the Environment: In May 2006 Lafarge Cement UK submitted a planning application (F/2006/0131/O) for the regeneration of the Quarry and Works. The application, which was accompanied by an Environmental Statement, was processed under Article 31 procedures. On 16 September 2009 outline planning permission was granted for the following uses in the 3 main areas of the site:

- Quarry area - World Cycling Centre and All-Ireland Diving Centre.
- Old cement works area - Harbour Village (with a residential component of 450 dwellings) and mixed uses, and Industrial Heritage Park.
- Peninsula - Film studios, heritage railway & visitor centre, events area, bird watching, ecological area.

In accordance with the conditions of the outline planning permission, any application for reserved matters consent is required to be submitted by 16 September 2019. To date no such application has been received.

Glenarm Village: Regeneration Scheme

Mr D Hilditch asked the Minister of the Environment for an update on the regeneration scheme for Glenarm Village.

(AQW 3597/11)

Minister of the Environment: The 10 year heritage-led regeneration strategy was launched in June 2010 at which time I announced my support for a secondee, at Senior Planning Officer grade, to the Prince's Foundation for the Built Environment. This would be as a pilot scheme and on a part time basis of 2½ days per week for 6 months (after which the position will be reviewed).

The position will ensure that the momentum gained through the Enquiry by Design Workshops and the publication of the regeneration strategy will be maintained and taken forward.

Discussions have been ongoing between my officials, officers of Larne Borough Council and Ben Bolgar from the Prince's Foundation to agree the details of the secondment and the role of the secondee.

The secondee has now been selected and will take up post on 14 February 2011.

Adverse Weather Conditions

Mr P McGlone asked the Minister of the Environment to detail any discussions his Department, or its agencies, had with the Department for Regional Development prior to the recent adverse weather; and what measures were agreed to alleviate the problems caused by these weather conditions.

(AQW 3624/11)

Minister of the Environment: My Department was involved in a number of conference calls with a wide range of agencies before Christmas and afterwards that included the Department for Regional Development Roads Service and NI Water to review the growing adverse weather conditions and the extent of the response measures needed. With the weather situation getting worse and the water crisis developing, it was apparent by 23 December that the public would be needing help and I therefore arranged for councils to activate their emergency response plans to ensure local government was on standby to assist communities and lead agencies such as NI Water.

In discussions with the Local Government Emergency Management Group, my Department arranged for council reception centres to be opened to provide people with humanitarian aid and also facilitate the response process. This led to councils distributing bottled water to the vulnerable, providing showering facilities in leisure centres and managing stand-pipes to supply drinking water to the public. Council staff were also deployed on the ground checking building sites for burst pipes, environmental health officers were visiting catering premises without water to offer advice and council emergency planning officers were working in NI Water's operations room to relay key information on the water crisis to council co-ordination centres.

In my view councils undertook a fundamental role in providing valuable measures to alleviate the problems caused by the severe weather.

Belfast Metropolitan Area Plan

Mr G Savage asked the Minister of the Environment (i) when he expects the new Belfast Metropolitan Area Plan (BMAP) to be presented to his Department by the Planning Appeals Commission; (ii) what resources his Department has allocated to ensure that it can respond swiftly to the PAC; and (iii) the date on which he anticipates BMAP will be finally adopted by his Department.

(AQW 3694/11)

Minister of the Environment: The Draft Belfast Metropolitan Area Plan (BMAP) 2015 was published in November 2004. Approximately 4,000 representations and objections were received, and Planning Service asked the Planning Appeals Commission (PAC) to convene a Public Inquiry to consider the objections. The PAC is an independent body and is not part of the Department of the Environment but appointed by the Office of the First Minister and deputy First Minister.

The BMAP Public Inquiry commenced in April 2007 and concluded in May 2008. The PAC is currently considering all the information before it prior to completing its report and making its recommendations to the Department.

The Department wrote to the PAC in October 2008, and requested the early release of that part of the BMAP Report relating to strategic retail issues, including Sprucefield. The PAC took the view that this was a discrete issue and, as the public sessions of the Inquiry were complete, it issued the report to the Department on 21 January 2009. This report is available to the public on request.

The PAC had indicated a preliminary timescale for delivery of the remainder of the report to Planning Service as early summer 2010. However, in July 2010, the PAC stated that 'due to the number of objections and the scope and complexity of the issues they raise' they were unable to deliver the report in accordance with the timescale originally envisaged, and they now aim to present their report to the Department by the end of March 2011.

Upon receipt of the report, Planning Service will consider the PAC recommendations, and will prepare the Plan for adoption. The Department has assembled a team to undertake the work that will be necessary to ensure that BMAP is prepared for adoption as quickly as possible, consistent with available resources.

The final timescale for the adoption of BMAP will be dependent on a number of factors, including the nature of the recommendations contained in the PAC Report. Due to the scale of the task involved, it is anticipated that the Plan will be finally adopted in 2012.

Department of Finance and Personnel

Section 3.47 of the Draft Budget 2010 Document

Mr D Kinahan asked the Minister of Finance and Personnel to clarify the statement in section 3.47 of the draft Budget 2010 document; and whether the Executive will make an equal contribution of £25m to the Presbyterian Mutual Society as a donation rather than as a loan.

(AQW 3339/11)

Minister of Finance and Personnel (Mr S Wilson): The Coalition Government's £25 million contribution to the proposed Mutual Access Fund element of Presbyterian Mutual Society (PMS) solution was conferred in the Spending Review and our own draft Budget makes provision for the Executive's £25 million contribution.

The proposed solution includes the requirement for the Mutual Access Fund contribution to be repaid from any available surplus at the end of the ten year loan workout period for PMS assets. After this any remaining surplus would be available for distribution to PMS creditors and members.

However, 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.

Section 3.47 of the Draft Budget 2010 Document

Mr T Elliott asked the Minister of Finance and Personnel whether the statement in section 3.47 of the draft Budget 2010 document which states that "a contribution from the Treasury of £25m which is matched by an equal contribution from this Executive" means that the Executive will be making a donation to the Presbyterian Mutual Society as opposed to a loan.

(AQW 3341/11)

Minister of Finance and Personnel: The Coalition Government's £25 million contribution to the proposed Mutual Access Fund element of Presbyterian Mutual Society (PMS) solution was conferred in the Spending Review and our own draft Budget makes provision for the Executive's £25 million contribution.

The proposed solution includes the requirement for the Mutual Access Fund contribution to be repaid from any available surplus at the end of the ten year loan workout period for PMS assets. After this any remaining surplus would be available for distribution to PMS creditors and members.

However, 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.

Performance and Efficiency Delivery Unit

Mr P McGlone asked the Minister of Finance and Personnel, pursuant to AQW 2543/11, what action the Performance and Efficiency Delivery Unit has taken to drive the delivery of the Priorities for Government commitments and targets, broken down for each Department; and how many people currently work in the unit.

(AQW 3454/11)

Minister of Finance and Personnel: The Performance and Efficiency Delivery Unit, PEDU, in conjunction with OFMDFM, developed the PFG Performance Management Framework which was subsequently adopted by the NI Executive.

On a quarterly basis PEDU provides support to OFMDFM in running the Performance Management Framework. Typically, PEDU will prepare the PSA Monitoring templates, arrange the Central assessment of PSA progress and draft the alternating Interim and Full Delivery Reports for the OFMDFM and the Executive. This approach focuses on all PSAs across all departments.

PEDU also provides support to the related Accountability Meetings which focus in on areas of particular concern in terms of progress on PSAs. Typically, PEDU prepare Delivery Assessments of the areas in question and subsequent outcome papers to set out actions to help to drive progress on the challenging targets. Through the Accountability Meetings, the following departments have been scrutinised in the following areas:

DEL	PSA 2	Promoting the study of STEM Subjects
DoE	PSA 22	Greenhouse gas emissions
OFMDFM	PSA 11	Sustainable development
DSD	PSA 12	Regeneration
DETI	PSA	1 Productivity and tourism
DARD	PSA 4	Supporting Rural Business
OFMDFM	PSA 7	Child Poverty and Victims
DHSSPS	PSA 8	Promoting Health and Addressing Health Inequalities

In terms of staffing, in addition to the Head of PEDU, four full time members of staff currently work in the Unit. It should also be noted that, in undertaking specific work with departments, staff from the Unit will work within a larger collaborative Team that will include staff from the respective host organisations.

Draft Spending Plans for 2011-15

Mr P Weir asked the Minister of Finance and Personnel which Departments have published their draft spending plans for 2011-15.

(AQW 3466/11)

Minister of Finance and Personnel: The Executive expressly demanded that individual ministers publish their departmental budget proposals within a week. Whilst the delay by some departments has been disappointing, I am pleased that all departments have now published their detailed plans.

In recognition of the need to allow as much time as possible for the public consultation the Executive has now agreed to extend the consultation period by one week to 16th February 2011. Unfortunately

it is not possible to extend this any further if we are to agree a final budget before the start of the new financial year.

Financial Allocation: DFP

Mr D McNarry asked the Minister of Finance and Personnel, for each of the last six financial years, and this year to date, to detail (i) the total financial allocation to his Department; (ii) the amount received or deducted through in-year monitoring; and (iii) his Department's actual spend in each year.

(AQW 3469/11)

Minister of Finance and Personnel: The (i) total financial allocation to my Department; (ii) the amount received or deducted through in-year monitoring; and (iii) the actual spend in each of the last six financial years along with the 2010-11 position to the end of December 2010 are set out in the Tables 1 and 2 attached.

TABLE 1

DEPARTMENT OF FINANCE AND PERSONNEL RUNNING COSTS - RESOURCE AND CAPITAL DEPARTMENTAL EXPENDITURE LIMIT (DEL)

				£million
Financial Year	Opening Budget	Final Budget	In Year Monitoring Increase	Final Outturn
2004-05	156.2	195.2	39.0	167.7
2005-06	231.8	247.9	16.1	202.5
2006-07	239.3	253.1	13.8	220.3
2007-08	224.9	248.7	23.8	239.4
2008-09	216.0*	236.4	20.4	234.5
2009-10	189.8	253.9	64.1	245.3
Financial Year	Opening Position	December Position	In Year Monitoring Increase	To December 2010 (provisional)
2010-11	198.1	227.5	29.4	148.0

* Exclusive of £175 million Workplace 2010 capital receipt.

The significant increase between the 2009-10 opening and final budget positions, reflects both additional allocations largely to support the delivery of essential shared services on behalf of Northern Ireland departments and other public bodies; and technical changes, in particular the transfer of shared services to DFP, the introduction of International Financial Reporting Standards and the NICS equal pay claim.

TABLE 2

DEPARTMENT OF FINANCE AND PERSONNEL RUNNING COSTS – ANNUALLY MANAGED EXPENDITURE (AME)

				£million
Financial Year	Opening Position	Final Position	Increase	Final Outturn
2009-10	0.0	7.9	7.9	4.6

				£million
Financial Year	Opening Position	Final Position	Increase	Final Outturn
Financial Year	Opening Position	December Position	Increase	To December 2010 (provisional)
2010-11	0.0	3.5	3.5	-14.2*

* The outturn to December is negative reflecting the release of the previous year's provision for equal pay. EU Funding Application in Respect of the Maze/Long Kesh

Maze/Long Kesh Development: EU Funding

Mrs D Kelly asked the Minister of Finance and Personnel whether the EU funding application in respect of the Maze/Long Kesh will be submitted by the Special EU Programmes Body deadline of 17 January 2011.

(AQW 3478/11)

Minister of Finance and Personnel: An application for a project titled Peace Building and Conflict Resolution Centre was submitted by the Maze/Long Kesh Programme Delivery Unit to the Special EU Programmes Body on 17 January 2011.

Civil Servant Media Contact

Mr P McGlone asked the Minister of Finance and Personnel to outline the protocols and procedures governing contact with the media by civil servants on matters relating to (i) the Department of their employment; (ii) Departments other than the Department of their employment; and (iii) business being conducted at other Departments.

(AQW 3482/11)

Minister of Finance and Personnel: The standards of conduct chapter in the NICS HR handbook contains general guidelines to assist staff when dealing with any media enquiries. The relevant section can be found in the Standards of Conduct Chapter paragraph 18:

<http://www.dfpni.gov.uk/6.01-standards-of-conduct.pdf>

It states that civil servants must not make any public statements, which may, or may not, involve the disclosure of official information, or draw upon experience gained in their official capacity, without the prior approval of the Departmental Personnel Officer.

The handbook adds that all contacts with the media should normally be handled through Departmental Press Offices.

These procedures apply to civil servants on matters relating to their own Department, Departments other than the Department of their employment and business being conducted by other Departments.

Rates Arrears: Pubs, Clubs and other Licensed Commercial Premises

Mr T Burns asked the Minister of Finance and Personnel to detail the total number, names and locations of pubs, clubs and other licensed commercial premises that are currently in rates arrears of more than £5,000; and how much each organisation is in arrears.

(AQW 3494/11)

Minister of Finance and Personnel: Individual ratepayer details can not be supplied due to Data Protection legislation. The table attached therefore provides aggregated information by District Council.

The information in the table has been extracted from Land & Property Services (LPS) records as at 19 January 2011. The existence of a licence is a relevant factor in the valuation of certain classes of premises, but not in other categories.

The figures include rates owed for 2010-11 and all previous years. They therefore include amounts being paid under monthly instalment plans.

PUBS, CLUBS AND OTHER LICENSED COMMERCIAL PROPERTIES WITH TOTAL RATING DEBT GREATER THAN £5,000 AS AT 16 JANUARY 2011, BY DISTRICT COUNCIL

District Council	Total Debt	Minimum Debt per property	Maximum Debt per Property	Properties	Occupancies	Average Debt Per Property
Antrim	£200,324	£6,218	£49,975	12	19	£16,694
Ards	£244,868	£8,273	£35,419	13	22	£18,836
Armagh	£173,309	£5,533	£27,533	13	20	£13,331
Ballymena	£167,752	£5,256	£34,112	12	20	£13,979
Ballymoney	£15,119	£5,024	£5,068	3	4	£5,040
Banbridge	£90,598	£5,043	£18,639	9	12	£10,066
Belfast	£3,483,114	£5,003	£237,723	129	204	£27,001
Carrickfergus	£199,091	£7,558	£96,070	6	10	£33,182
Castlereagh	£212,256	£5,083	£60,324	10	16	£21,226
Coleraine	£301,517	£5,258	£34,558	20	29	£15,076
Cookstown	£92,676	£6,571	£28,032	8	14	£11,584
Craigavon	£241,488	£5,580	£43,174	13	24	£18,576
Derry	£685,990	£5,079	£60,305	38	60	£18,052
Down	£452,312	£5,779	£150,162	19	36	£23,806
Dungannon & S.Tyrone	£103,436	£5,777	£41,523	5	7	£20,687
Fermanagh	£480,554	£5,748	£145,461	23	31	£20,894
Larne	£164,687	£10,920	£60,300	5	7	£32,937
Limavady	£205,755	£5,398	£30,062	14	17	£14,697
Lisburn	£320,709	£5,149	£55,903	18	23	£17,817
Magherafelt	£99,209	£5,609	£39,369	5	8	£19,842
Moyle	£150,686	£5,593	£58,772	9	16	£16,743
Newry & Mourne	£743,076	£5,634	£171,437	33	57	£22,517
Newtownabbey	£138,003	£5,211	£67,287	9	15	£15,334
North Down	£523,645	£5,448	£52,554	23	45	£22,767
Omagh	£77,990	£5,387	£17,444	8	15	£9,749
Strabane	£130,215	£5,135	£42,978	8	15	£16,277
Grand Total	£9,698,378			465	746	£20,857

Figures may not total exactly due to rounding.

Draft Health Budget

Mr A Easton asked the Minister of Finance and Personnel whether he has received any meeting requests since 17 December 2011 from the Minister of Health, Social Services and Public Safety to discuss the draft Health Budget.

(AQW 3574/11)

Minister of Finance and Personnel: I have not met with nor received any request for a meeting from the Health Minister since the 17 December 2010.

Monitoring Rounds

Mrs M O'Neill asked the Minister of Finance and Personnel whether the Department of Health, Social Services and Public Safety will continue to receive the previously agreed amount of £20m in each Monitoring Round for the period 2011/12 to 2014/15.

(AQW 3606/11)

Minister of Finance and Personnel: There is no provision made in the Draft Budget 2011 to 2015 for the continuation of the guarantee of first call on available in- year money up to the limit of £20million each year to the Department of Health, Social Services and Public Safety.

Capital Projects

Mr G Savage asked the Minister of Finance and Personnel, pursuant to AQW 3168/11, how 'the Executive's proposals will ensure that the construction sector will not be as adversely affected as some had predicted'.

(AQW 3654/11)

Minister of Finance and Personnel: The draft Budget 2011-15 published on 15th December reflected a number of measures to boost the capital investment available. The two main measures included the identification of some £650 million capital receipts which have increased the overall capital investment available and the Executive's decision to reclassify some £252 million from current expenditure into capital investment.

These enhancements of the capital investment budget should provide a further stimulus to the local construction industry.

Capital Funding Surrendered by NI Water

Mr A Ross asked the Minister of Finance and Personnel to detail the amount of capital funding surrendered by NI Water in each of the last four monitoring rounds.

(AQW 3656/11)

Minister of Finance and Personnel: The amount of capital investment resources surrendered by NI Water in each of the last four monitoring rounds is detailed in the table below:

Monitoring Round	NI Water Reduced Requirements (000s)
February 2010	£0
June 2010	£0
September 2010	£0
December 2010	£24,894

Lone Pensioner Allowance: Larne, Carrickfergus and Newtownabbey

Mr A Ross asked the Minister of Finance and Personnel how many people were in receipt of the Lone Pensioner Allowance in (i) Larne; (ii) Carrickfergus; (iii) Newtownabbey in each of the last three years. **(AQW 3672/11)**

Minister of Finance and Personnel: The tables overleaf show the number of properties in receipt of Lone Pensioner Allowance awards made by Land & Property Services (LPS) for owner occupiers in the Larne, Carrickfergus and Newtownabbey council areas, along with their net value for the years 2008-09, 2009-10 and from 1 April 2010 until 16 January 2011.

LPS Lone Pensioners Allowance awards for each year from 1st April 2008 to 16th January 2011:

Council	Properties in Receipt of LPA 2008-09	Net Value of LPA Awards
Larne	406	£52,213
Carrickfergus	464	£68,496
Newtownabbey	1,036	£145,405

Council	Properties in Receipt of LPA 2009-10	Net Value of LPA Awards
Larne	511	£67,079
Carrickfergus	568	£92,916
Newtownabbey	1,297	£186,275

Council	Properties in Receipt of LPA 2010- to date	Net Value of LPA Awards
Larne	525	£70,916
Carrickfergus	591	£90,952
Newtownabbey	1,336	£183,264

The Northern Ireland Housing Executive administers Lone Pensioner 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 for the period 1 April 2008 until 21 January 2011.

NIHE LONE PENSIONER ALLOWANCE AWARDS FROM 01 APRIL 2008 UNTIL 21 JANUARY 2011

NIHE Office	Total current awards
Larne	105
Carrickfergus	151
Newtownabbey	249

Land & Property Service's records show the total amount awarded by NIHE during each year from 01 April 2008 until 16 January 2011:

Council	Total Net Value of LPA Awards made by NIHE		
	2008-09	2009-10	2010-11
Larne	£7,424	£14,123	£11,193
Carrickfergus	£11,611	£16,740	£14,896
Newtownabbey	£15,313	£27,641	£25,070

Department of Health, Social Services and Public Safety

Mains Water Interruption

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety (i) to list the Health and Social Care facilities in each Trust area which suffered a mains water interruption during the recent water crisis; and (ii) what alternative supply arrangements were implemented to maintain supply in each facility.

(AQW 3253/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): The attached table lists the Health and Social Care facilities in each Trust which suffered a mains water interruption together with alternative supply arrangements.

Health and Social Care facilities by Trust

South Eastern HSC Trust	
Facilities suffering a mains water interruption	Alternative Supply Arrangements
Lagan Valley Hospital Laurel Hill Elderly Peoples Home Drumlough House Elderly Peoples Home Thompson House Hospital	Bottled water (procured by Trust together with NIW supply)
Marmion Children's Home Hillsborough Health Centre Newcroft Lodge Care Home	Water bowser
Downshire Hospital	NIW tanker supply

Western HSC Trust	
Facilities suffering a mains water interruption	Alternative Supply Arrangements
Greenfield Care Home	Local water storage
Gortmore Day Centre	Facility was closed for holidays and no action was required.

Northern HSC Trust	
Facilities suffering a mains water interruption	Alternative Supply Arrangements
Westlands Old People's Home Cookstown Adult Centre	NIW tanker supply
Causeway Hospital	Local water storage and bottled water

Southern HSC Trust	
Facilities suffering a mains water interruption	Alternative Supply Arrangements
Loane House Woodside Childrens Home Longstone Site St Lukes Hospital South Tyrone Hospital	Bottled water and storage tanks topped up by NIFRS
Drumglass Childrens Home Dungannon Clinic	Bottled water
Crossmaglen Health Centre	Bottled water and storage tanks topped up by NIW

Belfast HSC Trust	
Facilities suffering a mains water interruption	Alternative Supply Arrangements
Belfast City Hospital (by agreement with NIW and the Trust) Musgrave park Hospital (by agreement with NIW and the Trust)	Belfast City & Musgrave Park Hospitals used the on site water supply boreholes as an alternative supply source.
Ballyowen Elderly Peoples Home	Bottled water
Trench Park Mica Drive Day Centre	Local water storage and bottled water
Cupar Street Clinic	Local water storage
Bawnmore Childrens Home Edgecumbe Orchardville Finaghy Health Centre Island Resource Centre 80 Malone Rd 611 Ormeau Rd 414 Ormeau Rd Eleanor Day Centre	Bottled water

Western Health and Social Care Trust: Review

Lord Morrow asked the Minister of Health, Social Services and Public Safety (i) on what date the decision was taken to instigate a review into the Western Health and Social Care Trust healthcare and social services management; (ii) whether he was party to this decision; and (iii) on what date did the review commence.

(AQW 3257/11)

Minister of Health, Social Services and Public Safety: I am advised by the Health and Social Care Board that it has instigated a review of clinical and social care governance within the Western Health and Social Care Trust. This is part of the Board's routine responsibilities in its role of commissioner of services, where it regularly reviews the performance of HSC Trusts.

The Health and Social Care Board agreed with the Chief Executive and senior management of the Trust on 1st October 2010, that a review would be undertaken and preparations for the review commenced from this date.

Waterways Rescue and Recovery Training

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3085/11, whether Fire and Rescue Service crews in the Craigavon area are authorised to conduct water based rescues which involve Fire and Rescue Service personnel entering inland waterways either by boat or by other means.

(AQW 3268/11)

Minister of Health, Social Services and Public Safety: Northern Ireland Fire and Rescue Service standard operating procedures do not permit frontline operational firefighters to enter the water by any means to conduct search and rescue operations. Only firefighters who have successfully completed aptitude tests and specialist training are permitted to enter the water to perform these duties.

Agenda for Change Payments

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety, pursuant to AQW3086/11, how many Agenda For Change payments are outstanding for former staff of the legacy Craigavon and Banbridge Health and Social Services Trust who are not employed by the Southern Health and Social Care Trust.

(AQW 3269/11)

Minister of Health, Social Services and Public Safety: I understand that 621 former employees of the Southern Health and Social Care Trust who were employees of the Craigavon & Banbridge Social Services Trust are still due Agenda for Change arrears payments.

Lagan Valley Hospital: Swine Flu/Seasonal Flu

Mr J Craig asked the Minister of Health, Social Services and Public Safety how many people were admitted to Lagan Valley Hospital with (i) swine flu; and (ii) seasonal flu, between 23 December 2010 and 5 January 2011.

(AQW 3274/11)

Minister of Health, Social Services and Public Safety: Between 23 December 2010 and 5 January 2011:

- (i) 14 people were admitted to Lagan Valley Hospital with swine flu; and,
- (ii) 1 person was admitted to Lagan Valley Hospital with seasonal flu.

Vaccines for Seasonal Flu and Swine Flu: Cost

Mr J Craig asked the Minister of Health, Social Services and Public Safety how much it would cost per annum to vaccinate everyone against (i) seasonal flu; and (ii) swine flu.

(AQW 3275/11)

Minister of Health, Social Services and Public Safety: The costs associated with a vaccination programme depend on a number of components including the cost of the vaccine itself; the quantity of vaccine purchased; cost of administering vaccine by GPs or Trust staff; vaccine uptake by the population; vaccine storage and distribution costs; leaflets and advertising materials; and disposables such as syringes, alcohol wipes, sharps boxes etc. It is therefore not possible to provide a precise figure for this question, but by extrapolating costs of previous flu vaccination programmes it is estimated that a programme to vaccinate the entire Northern Ireland population against seasonal flu or swine flu could be in the region of £17 to £20 million per annum per programme.

Western Health and Social Care Trust: Review

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety to outline the terms of reference for the review of the Western Health and Social Care Trust being undertaken by the Health and Social Care Board.

(AQW 3278/11)

Minister of Health, Social Services and Public Safety: I am advised that a review of clinical and social care governance in the Western Health and Social Care Trust has been commissioned by the Health and Social Care Board, as a routine part of its role to monitor the performance of health and social care providers and their delivery of commissioned services.

The aim of the review is to quality assure the existing clinical and social care governance framework and in particular:

- (a) ensure managers and staff are aware of the importance of risk assessment, risk management and escalation policies
- (b) ensure that existing systems, processes and structures support good governance
- (c) ensure that decision making processes effectively address the balance of risks for the organisation to ultimately promote quality and safety.

Hospitals: Burst Water Pipes

Mr T Clarke asked the Minister of Health, Social Services and Public Safety which hospitals suffered from burst water pipes between 23 December 2010 and 5 January 2011; and how much it cost to repair these pipes.

(AQW 3281/11)

Minister of Health, Social Services and Public Safety: The attached table lists the hospital by Health and Social Care Trust which suffered from burst water pipes between 23 December 2010 and 5 January 2011 together with costs to repair these pipes.

South Eastern HSC Trust

Hospitals which suffered from burst water pipes between 23 December 2010 and 5 January 2011	Costs to Repair
Ulster Hospital Lagan Valley Hospital Thompson House Downshire Hospital Ards Hospital Bangor Hospital Downe Hospital	Trust total estimated costs to repair is £45,000

WESTERN HSC TRUST

Hospitals which suffered from burst water pipes between 23 December 2010 and 5 January 2011	Costs to Repair
Altnagelvin Hospital	£26,000
Gransha Hospital	£4,000
Erne Hospital	£200
Tyrone County Hospital	£7,500

Hospitals which suffered from burst water pipes between 23 December 2010 and 5 January 2011	Costs to Repair
Tyrone and Fermanagh Hospital	£2,500

NORTHERN HSC TRUST

Hospitals which suffered from burst water pipes between 23 December 2010 and 5 January 2011	Costs to Repair
Whiteabbey Hospital	£3500
Holywell Hospital	£6800
Antrim Area Hospital	£700
Moyle Hospital	£350
Braid Valley Hospital	£580

Southern HSC Trust

Hospitals which suffered from burst water pipes between 23 December 2010 and 5 January 2011	Costs to Repair
Daisy Hill Hospital	£8,000
St Lukes Hospital	£10,000
South Tyrone Hospital	£10,000
Craigavon Area Hospital	£2,500
Lurgan General Hospital	(cost included in CAH)

BELFAST HSC TRUST

Hospitals which suffered from burst water pipes between 23 December 2010 and 5 January 2011	Costs to Repair
The Royal Group of Hospitals	Trust total estimated costs to repair is £100,000
The Belfast City Hospital	
Musgrave Park Hospital	
Foster Green Hospital	
Mater Hospital	
Knockbracken Hospital	
Muckamore Abbey Hospital	

Adult Day Services

Mr P Girvan asked the Minister of Health, Social Services and Public Safety (i) how many non-statutory places for people in adult day services did the Northern Health and Social Care Trust contract for, under European Social Fund funded schemes, in each of the last three years; (ii) how many people were attending these schemes on (a) 1 April 2009; and (b) 1 April 2010, broken down by each voluntary organisation involved.

(AQW 3286/11)

Minister of Health, Social Services and Public Safety: The table below details the number of places under contract for day services across Learning Disability, Physical Disability and Sensory Impairment

and Mental Health with European Social Fund funded schemes, and the number of service users who were attending these schemes on 1 April 2009 and 1 April 2010, broken down by each voluntary organisation. The figure in the 2010/11 row for numbers attending represents the December 2010 figure to show the most up to date position.

ISP	Year	No of Places*	No Attending 1st April**
Action Mental Health	2008-09	50	49
	2009-10	50	49
	2010-11	50	40
Bridge Association	2008-09	24	18
	2009-10	24	14
	2010-11	24	24
Mencap Pathways	2008-09	12	11
	2009-10	12	11
	2010-11	12	11
Triangle	2008-09	252	227
	2009-10	319	260
	2010-11	385	271
The Cedar Foundation	2008-09	35	54
	2009-10	35	55
	2010-11	35	63

* Note that the numbers of places are not directly comparable as the duration of places will vary.

** Note that the number attending will vary from month to month as people move into and out of schemes.

European Social Fund Funded Schemes

Mr P Girvan asked the Minister of Health, Social Services and Public Safety how many people have attended more than one European Social Fund funded scheme within the Northern Health and Social Care Trust in the last three years.

(AQW 3289/11)

Minister of Health, Social Services and Public Safety: The information requested is not held.

European Social Fund Funded Schemes

Mr P Girvan asked the Minister of Health, Social Services and Public Safety to outline the tendering processes in place to ensure fairness for all voluntary organisations and individuals wishing to make use of the European Social Fund funded schemes within the Northern Health and Social Care Trust.

(AQW 3290/11)

Minister of Health, Social Services and Public Safety: Where the Trust is seeking to procure new services from independent providers, including voluntary and community sector organisations, a competitive approach is adopted, seeking responses from appropriate interested organisations. The responses from such organisations that meet the criteria are then assessed by a number of Trust representatives. The nature and level of the competitive process is commensurate with the scale and

potential value of the scheme. Procedures are set out to that a common approach is taken across the different service and programme areas.

Northern Health and Social Care Trust

Mr P Girvan asked the Minister of Health, Social Services and Public Safety whether any staff currently employed in the Northern Health and Social Care Trust have been involved, or are currently involved, with any organisation that has had grant money clawed back from that organisation or the Trust by the 'match funders', such as the Lottery or the European Social Fund, due to the organisation not fulfilling the objectives of the scheme.

(AQW 3292/11)

Minister of Health, Social Services and Public Safety: The Trust is not aware of any instances where match funders have withdrawn funding from a community or voluntary organisation due to failure to fulfil the objectives of the scheme.

Health, Social Services and Public Safety Staff

Mr P Girvan asked the Minister of Health, Social Services and Public Safety whether any staff currently employed in the Northern Health and Social Care Trust have had previous employment, or are currently employed or seconded, in advisory or director positions within voluntary organisations which have been funded by the Trust within the last three years; and if so, to name these people and the position they hold in the Trust and the organisation with which they have had involvement.

(AQW 3293/11)

Minister of Health, Social Services and Public Safety: This information is not recorded.

Northern Health and Social Care Trust: Day Opportunities Programme

Mr P Girvan asked the Minister of Health, Social Services and Public Safety whether the manager of the Northern Health and Social Care Trust's Day Opportunities Programme was previously employed by Triangle Housing Association Ltd; and if so, to outline his/her role and responsibilities in Triangle during his/her employment.

(AQW 3308/11)

Minister of Health, Social Services and Public Safety: I am advised that the Manager of the Day Opportunities Programme was previously employed by Triangle Housing Association Ltd. as part of their Management Team.

I am further advised that the Manager was responsible for residential and supported living services from September 1989 to November 1997 and as a Supported Employment and Transitions Manager from November 1997 to August 2004. Since then he has been working for the Northern Health and Social Care Trust formerly known as the Homefirst Trust.

Northern Health and Social Care Trust: Day Opportunities Programme

Mr P Girvan asked the Minister of Health, Social Services and Public Safety whether the manager of the Northern Health and Social Care Trust's Day Opportunities Programme has approached any organisation, which receives funding from the Trust, such as the Base Drop-In Centre in Ballymoney, regarding the prospect of joining the board of the organisation; and if so, for his assessment of whether this represents a conflict of interest.

(AQW 3309/11)

Minister of Health, Social Services and Public Safety: I am advised by the Northern Health and Social Care Trust, that their Day Opportunities Programme Manager has not approached any organisation that receives funding from the Trust, regarding the prospect of joining the Board of that organisation.

Northern Health and Social Care Trust: Day Opportunities Programme

Mr P Girvan asked the Minister of Health, Social Services and Public Safety whether Triangle Housing Association Ltd provides 67 per cent of the available day care places on the Day Opportunities Programme whilst eight other organisations share the remaining 33 per cent.

(AQW 3312/11)

Minister of Health, Social Services and Public Safety: I am advised by the Northern Health and Social Care Trust that they provide access to a wide range of day opportunities for people with a learning disability, through a range of voluntary and statutory sectors partners.

Triangle Housing Association is an important partner in this provision and provides on a daily basis approximately 37 per cent of available opportunities.

Adult Services Management Structure

Mr P Girvan asked the Minister of Health, Social Services and Public Safety (i) whether extra layers of management for adult day care were created when the Northern Health and Social Care Trust was set up; (ii) to outline the adult services management structure that was in place at the former Homefirst and Causeway Trusts before RPA; and (iii) to outline the current adult services management structure of the Northern Trust.

(AQW 3321/11)

Minister of Health, Social Services and Public Safety: I am advised that:

- (i) No extra layers of management for adult day care were created when the Northern Health and Social Care Trust (the “Northern Trust”) was established.
- (ii) In the previous Homefirst Trust there was one Assistant Director and 4 Senior Managers managing Learning Disability and Physical/Disability Sensory Impairment programmes.

In the former Causeway Trust there was one Assistant Director and 2 Senior Managers managing Learning Disability and Physical /Disability/Sensory Impairment programmes.

- (iii) The current adult service structure manager in the Northern Trust is as follows: 1 Assistant Director and 3 Senior Managers for Adult Learning Disability Services, and 1 Assistant Director and 2 Senior Managers for Physical Disability /Sensory Impairment.

Cystic Fibrosis Children’s Ward at Belfast City Hospital

Mr D McKay asked the Minister of Health, Social Services and Public Safety what plans he has to protect the service provided for Cystic Fibrosis children being treated at Belfast City Hospital.

(AQW 3328/11)

Minister of Health, Social Services and Public Safety: It is for the Health and Social Care Board, as the commissioner of services, to prioritise and allocate services to meet the needs of the population of Northern Ireland.

I have been advised that specialist services for children suffering from cystic fibrosis are currently provided on a regional basis from the Royal Belfast Hospital for Sick Children (RBHSC). Patients who require inpatient treatment are normally admitted to Allen Ward (a general ward) in RBHSC or Cherry Tree House, which is an area at the back of Allen Ward.

The Belfast Trust is carrying out refurbishment of Allen Ward, which, when complete, will significantly improve accommodation for both sick children and their families.

Cystic Fibrosis Children's Ward at Belfast City Hospital

Mr D McKay asked the Minister of Health, Social Services and Public Safety if he will ensure that the Cystic Fibrosis children's ward at Belfast City Hospital will continue to operate as it does currently without being opened up to patients with other conditions.

(AQW 3329/11)

Minister of Health, Social Services and Public Safety: It is for the Health and Social Care Board, as the commissioner of services, to prioritise and allocate services to meet the needs of the population of Northern Ireland.

I have been advised that specialist services for children suffering from cystic fibrosis are currently provided on a regional basis from the Royal Belfast Hospital for Sick Children (RBHSC). Patients who require inpatient treatment are normally admitted to Allen Ward (a general ward) in RBHSC or Cherry Tree House, which is an area at the back of Allen Ward.

The Belfast Trust is carrying out refurbishment of Allen Ward, which, when complete, will significantly improve accommodation for both sick children and their families.

Hospitals: Complaints

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for a breakdown of the number of complaints made in hospitals over the Christmas holiday period; and how many of these complaints were made by hospital staff.

(AQW 3338/11)

Minister of Health, Social Services and Public Safety: Information provided by HSC Trusts on the number of complaints made in hospitals over the Christmas holiday period (20th December 2010 to 7th January 2011) is detailed in the table below. However, it is not possible to provide information on the number of these complaints which were made by hospital staff.

Number of Complaints Made in Hospitals during the 2010 Christmas Period (20th December 2010 to 7th January 2011) 1, 2

HSC Trust	Number of formal complaints received
Belfast	40
Northern	8
South Eastern	15
Southern	17
Western	4

- 1 It is important to note that whilst complaints have been received during this period, the actual date of the incident which gave rise to the complaint may not have been during this period.
- 2 Information is provisional and may be subject to change.

Bariatric Surgery

Mr A Maginness asked the Minister of Health, Social Services and Public Safety (i) how many people have been referred for bariatric surgery in each of the last three years; and (ii) how many of these people received an outpatient appointment within the nine-week target time.

(AQW 3343/11)

Minister of Health, Social Services and Public Safety: The data requested is not collected in a manner that permits patients with specific conditions to be identified.

Patients referred for consideration of bariatric surgery are normally seen at surgical outpatient clinics.

The latest position with regard to waiting times can be accessed on www.dhsspsni.gov.uk/index/waiting_times_main.html

Bariatric Surgery

Mr A Maginness asked the Minister of Health, Social Services and Public Safety what is the average time for an outpatient referral for bariatric surgery.

(AQW 3344/11)

Minister of Health, Social Services and Public Safety: The data requested is not collected in a manner that permits patients with specific conditions to be identified.

Patients referred for consideration of bariatric surgery are normally seen at surgical outpatient clinics.

The latest position with regard to waiting times can be accessed on www.dhsspsni.gov.uk/index/waiting_times_main.html

Bariatric Surgery

Mr A Maginness asked the Minister of Health, Social Services and Public Safety what measures his Department is taking to (i) reduce the need for bariatric surgery; and (ii) reduce the waiting time for an outpatient appointment for bariatric surgery.

(AQW 3345/11)

Minister of Health, Social Services and Public Safety:

- (i) My Department has led the development of a cross-sectoral Obesity Prevention Framework. This Framework sets out short, medium and long-term outcomes to prevent obesity across the life course and thus reduce the need for bariatric surgery by encouraging and establishing healthy eating habits and increasing participation in physical activity. The Obesity Prevention Framework is out for public consultation until 28 January 2010.
- (ii) At present, the Health and Social Care Board does not commission a comprehensive bariatric surgical service in Northern Ireland. However, the Regional Medical Services Group (RMSG) has been considering whether a dedicated bariatric service, including surgery, should be established. On RMSG's recommendation, the Board agreed to fund and carry out a limited bariatric surgery pilot and, during 2009, some 150 potential patients were identified to undergo surgery in England.

The HSCB will assess the expected demand for and financial implications of introducing a comprehensive bariatric service in Northern Ireland in the light of other competing financial pressures in the current difficult financial position.

Draft Spending Plans for 2011-15

Mr T Clarke asked the Minister of Health, Social Services and Public Safety when he intends to publish his Department's draft spending plans for 2011-15.

(AQW 3347/11)

Minister of Health, Social Services and Public Safety: The proposed budget for Health, Social Services and Public Safety is significantly less than what is needed to deliver HSSPS services over the next four years. On 5th January, I published a summary of the consequences of the current draft budget for DHSS&PS.

Foetal Alcohol Spectrum Disorders

Mr G Robinson asked the Minister of Health, Social Services and Public Safety the percentage of births in which Foetal Alcohol Spectrum Disorder has been a factor in each of the last three years.

(AQW 3350/11)

Minister of Health, Social Services and Public Safety: The information is not available in the manner requested.

Foetal Alcohol Spectrum Disorder (FASD) is a difficult condition to diagnose accurately because of the wide range of symptoms with which it can present. These signs and symptoms can be indicative of other conditions, such as behavioural problems. In addition, there are also difficulties associated with ascertaining or establishing the mother's alcohol intake before and during pregnancy.

Foetal Alcohol Spectrum Disorders

Mr G Robinson asked the Minister of Health, Social Services and Public Safety how many Foetal Alcohol Spectrum Disorder specialist conferences were attended by Health Service maternity staff in each year since 2005.

(AQW 3354/11)

Minister of Health, Social Services and Public Safety: I have been advised by Trusts that there is no record of any maternity staff having attended Foetal Alcohol Spectrum Disorder specialist conferences in the period 2005 to date.

Maternity Staff

Mr G Robinson asked the Minister of Health, Social Services and Public Safety how many specialist training hours are given to maternity staff in initial and ongoing training programmes which emphasise the dangers of (i) alcohol use; (ii) drug use; and (iii) smoking while pregnant.

(AQW 3355/11)

Minister of Health, Social Services and Public Safety: This training is built into programmes across the spectrum of maternal care and it is not possible to quantify by hours of training or individual professions. Health promotion is a core competence of maternity staff and includes, but is not limited to, smoking, drugs and alcohol. Training focuses on the skills and competence to promote healthy choices throughout pregnancy and the affects poor diet, lack of exercise, tobacco and abuse of alcohol and drugs can have upon the developing baby.

Limavady Fire Station

Mr G Robinson asked the Minister of Health, Social Services and Public Safety whether consideration has been given to the purchase of additional land, adjacent to the existing Limavady Fire Station, for the proposed new station and associated training facilities.

(AQW 3358/11)

Minister of Health, Social Services and Public Safety: The Northern Ireland Fire and Rescue Service is aware of additional land to the rear of Limavady Fire Station and has considered its suitability, along with several other potential sites in the town, for the proposed new fire station.

Domestic Violence: Male Victims

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety whether he has any plans to dedicate resources to assisting male victims of domestic violence.

(AQW 3361/11)

Minister of Health, Social Services and Public Safety: Domestic violence is a cross-departmental issue which DHSSPS and DOJ jointly lead on. Male victims of domestic violence can access services including counselling within Health and Social Care through a range of mechanisms. It is the role of the Health and Social Care Board to commission services across the five Health and Social Care Trust Areas according to assessed need.

Electronic Cigarettes

Mr A Easton asked the Minister of Health, Social Services and Public Safety whether it is legal to smoke electronic cigarettes in public houses.

(AQW 3363/11)

Minister of Health, Social Services and Public Safety: The smoking of electronic cigarettes in public houses is not illegal under the Smoking (Northern Ireland) Order 2006.

The effect of the Order is to prohibit smoking in enclosed or substantially enclosed public places with “smoking” defined as “smoking tobacco or anything which contains tobacco, or smoking any other substance”. While electronic cigarettes contain nicotine, which is vaporised when the smoker inhales, they do not contain tobacco products.

Electronic cigarettes are currently unregulated and therefore it has not been determined that they are safe to use. The Medicines and Healthcare products Regulatory Agency recently went out to public consultation to seek views on the regulation of all non-tobacco nicotine containing products under medicines safety legislation. The outcome of this consultation is yet to be announced.

Swine Flu

Mr A Easton asked the Minister of Health, Social Services and Public Safety to provide the latest figures for people who have had or currently have swine flu.

(AQW 3364/11)

Minister of Health, Social Services and Public Safety: Information on the number of people who have had or currently have swine flu is released weekly by the Public Health Agency at the following link:

<http://www.publichealth.hscni.net/publications/influenza-weekly-surveillance-bulletin-northern-ireland-week-1-1-7-january-2011>

Between 2nd October 2010 and 7th January 2011, there were a total of 613 laboratory confirmed swine flu cases (influenza A (H1N1) 2009 detections) in Northern Ireland.

Draft Departmental Spending Plans for 2011-15

Mr A Easton asked the Minister of Health, Social Services and Public Safety when he will publish his draft Departmental spending plans for 2011-15.

(AQW 3365/11)

Minister of Health, Social Services and Public Safety: I refer the member to Written Assembly Question 3347/11.

Social Workers

Ms A Lo asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2720/11, (i) why 40 agency staff were employed during a two year period in the Western Health and Social Care Trust area; and (ii) how much more it cost the Trust to employ Agency staff compared to the Trust's own Social Workers.

(AQW 3370/11)

Minister of Health, Social Services and Public Safety:

- (i) The Western Trust has advised me that although it may have employed 40 agency staff over 2 years these staff were covering vacancies and sick leave at various points throughout the two years i.e. the Trust did not at any stage have 40 agency staff at any one time.

The Trust had to employ agency staff in the past two years due to extreme staffing difficulties particularly in the Southern Sector of the Trust area, where people were not applying for permanent

posts. The agency staff were necessary in order to maintain safe working practices in all parts of the Trust and to ensure that an appropriate level of qualified experienced staff were in post.

The situation has now changed considerably with the Trust now employing 10 agency social workers and there are plans to reduce this further.

- (ii) The difference in cost between an agency Band 6 Social Worker and a Trust Band 6 Social Worker is 26 pence per hour.

Multiple Sclerosis Respite Centre at Dalriada Hospital, Ballycastle

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety whether the Northern Health and Social Care Trust has any plans to change the services available at the Multiple Sclerosis Respite Centre at Dalriada Hospital, Ballycastle.

(AQW 3373/11)

Minister of Health, Social Services and Public Safety: Given changes in service demand, service provision, and the commissioning of respite care during the past decade, the Northern Health and Social Care Trust has given its commitment to undertaking a consultation exercise with service users to determine their preferred model of respite care and MS services at Dalraida Hospital.

Foetal Alcohol Spectrum Disorders

Mr G Robinson asked the Minister of Health, Social Services and Public Safety what (i) ante-natal; and (ii) post-natal specialist support is currently available to families of children with Foetal Alcohol Spectrum Disorder.

(AQW 3386/11)

Minister of Health, Social Services and Public Safety: All pregnant women are advised of the Chief Medical Officers advice that pregnant women should avoid drinking alcohol. If they do choose to drink they should not drink more than 1 to 2 Units of alcohol once or twice a week and should not get drunk.

Foetal Alcohol Spectrum Disorder can only be diagnosed after birth and children suffering from this disorder may require access to a range of services. While there are no dedicated services for this group of children, their management will be tailored to their individual needs and circumstances, the severity of their condition and their responsiveness to interventions.

Genito Urinary Medicine Clinic at the Royal Victoria Hospital

Ms D Purvis asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2935/11 and AQW 2936/11, when the upgrade of the telephone system for the Genito Urinary Medicine and HIV clinics at the Royal Victoria Hospital will be completed.

(AQW 3396/11)

Minister of Health, Social Services and Public Safety: I have been advised that the Belfast Trust hopes to complete the upgrade to the telephone system at the Genito Urinary Medicine and HIV clinics by the end of March 2011.

Delayed Admissions

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety (i) to detail (a) the number of people who experienced delayed admissions to wards after reporting to accident and emergency units during the Christmas holiday period; (b) the length of time these people had to wait for admission; and (c) the reasons for the delayed admissions; and (ii) whether staff were called back, or returned voluntarily, from leave to help alleviate the delays.

(AQW 3399/11)

Minister of Health, Social Services and Public Safety: This information is not readily available at a regional level and could only be provided at disproportionate cost.

Over the Christmas holiday period a number of Accident & Emergency staff were called back or returned voluntarily from leave, as and when required to help alleviate the delays.

Delayed Admissions

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety whether additional hospital beds were opened over the Christmas holiday period to alleviate delayed admissions.
(AQW 3400/11)

Minister of Health, Social Services and Public Safety: Trusts have in place robust escalation plans to deal with winter pressures and, where it was appropriate to do so, opened additional beds to help alleviate delayed admissions.

As with every winter, the increased demand placed on our hospital services including A&E services, by flu, fractures and the weather – and for this winter in particular there has been the impact of exceptionally cold weather over the Christmas period - remains challenging. The health service has responded effectively to this increase in demand, and will continue to do so.

Mobile Phone Usage: Departmental/Trust

Lord Morrow asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2447/11, whether staff supplied with Departmental or Trust mobile phones are permitted to use them to make personal calls.
(AQW 3401/11)

Minister of Health, Social Services and Public Safety: Staff who are supplied with mobile phones in the Department and in four of the Health and Social Care Trusts are permitted to use them to make personal calls, the costs of which must be reimbursed to the Department or Trust as appropriate.

One Health and Social Care Trust (the Northern) does not permit the use of mobile phones for personal calls.

Ulster Hospital: Swine Flu Admissions

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many people were admitted to the Ulster Hospital with (i) swine flu; and (ii) seasonal flu between 23 December 2010 and 5 January 2011.
(AQW 3413/11)

Minister of Health, Social Services and Public Safety: Between 23 December 2010 and 5 January 2011:

- (iii) 23 people were admitted to Ulster Hospital with swine flu; and,
- (iv) 4 people were admitted to Ulster Hospital with seasonal flu.

Average Number of Patients per GP

Mr G Campbell asked the Minister of Health, Social Services and Public Safety to detail the average number of patients per GP in each constituency in 2010.
(AQW 3418/11)

Minister of Health, Social Services and Public Safety: The average number of patients per GP in 2010 is shown in table 1 below.

Due to changes in the GMS contract in 2004 patients no longer register with a GP, but with a GP practice. Figures are based on the number of patients registered with GP practices located in each Parliamentary constituency in October 2010. It should be noted that the GP practice with which a patient is registered may not be located in the same constituency in which they live.

The GP numbers used in the calculation are the headcounts of UPE (Unrestricted Principle or Equivalent) and salaried GPs; other types of general practitioner, such as locums, assistants, and associates are not included. Allocation of GPs to a parliamentary constituency is based on the postcode of the practice where they were employed in October 2010.

TABLE 1: AVERAGE NUMBER PATIENTS PER GP BY PARLIAMENTARY CONSTITUENCY.

Parliamentary Constituency	Average number of patients per GP in 2010
Belfast East	1359
Belfast North	1521
Belfast South	1490
Belfast West	1532
East Antrim	1603
East Londonderry	1689
Fermanagh and South Tyrone	1672
Foyle	1547
Lagan Valley	1651
Mid Ulster	1917
Newry and Armagh	1608
North Antrim	1431
North Down	1626
South Antrim	1727
South Down	1676
Strangford	1583
Upper Bann	1825
West Tyrone	1816
Northern Ireland	1611

Source: Family Practitioner Services, Information and Registration Unit - HSC Business Services Organisation

Dentists Offering NHS Treatment

Mr G Campbell asked the Minister of Health, Social Services and Public Safety to detail the number of (i) dentists; and (ii) dentists offering NHS treatment in each constituency in 2010.

(AQW 3420/11)

Minister of Health, Social Services and Public Safety:

- (i) The number of dentists registered to provide Health Service dental services in each Parliamentary Constituency area are shown in table 1 below. The figures are a count of dentists who were registered at any point during 2010; all dentists were not necessarily registered for the full year.

Data is not held centrally on dental practitioners who exclusively provide private dental treatment and are not registered to provide Health Service dental services.

TABLE 1: NUMBER OF DENTISTS REGISTERED TO PROVIDE HEALTH SERVICE DENTAL SERVICES¹ BY PARLIAMENTARY CONSTITUENCY².

Parliamentary Constituency	Number of dentists registered to provide Health Service dental services during 2010
Belfast East	59
Belfast North	81
Belfast South	82
Belfast West	54
East Antrim	51
East Londonderry	48
Fermanagh and South Tyrone	89
Foyle	69
Lagan Valley	69
Mid Ulster	48
Newry and Armagh	98
North Antrim	90
North Down	70
South Antrim	54
South Down	59
Strangford	59
Upper Bann	76
West Tyrone	48
Northern Ireland³	1,033

Source: Family Practitioner Services, Information and Registration Unit - HSC Business Services Organisation

Notes

- 1 These figures include GDS principal dentists, associates, assistants, vocational dental practitioners, salaried dentists and dentists employed by Oasis Dental Care Ltd. Community dental service dentists are excluded.
 - 2 Figures are calculated based on the location of the dental surgery where the dentist is employed.
 - 3 Northern Ireland total does not add to the sum of constituency counts due to dentists who work in more than one constituency being counted only once at the Northern Ireland level.
- (ii) The number of dentists offering Health Service dental treatment in each Parliamentary Constituency area are shown in table 2 below. A dentist offering Health Service treatment is defined as a dentist who was registered on the BSO's dental list in 2010 and has had Health Service dental claims paid by the BSO during the 2010 calendar year.

TABLE 2: NUMBER OF DENTISTS¹ PROVIDING HEALTH SERVICE DENTAL TREATMENT IN EACH PARLIAMENTARY CONSTITUENCY².

Parliamentary Constituency	Number of dentists offering Health Service dental treatment during 2010
Belfast East	57
Belfast North	77
Belfast South	81
Belfast West	52
East Antrim	49
East Londonderry	47
Fermanagh and South Tyrone	83
Foyle	68
Lagan Valley	65
Mid Ulster	42
Newry and Armagh	94
North Antrim	81
North Down	65
South Antrim	53
South Down	58
Strangford	59
Upper Bann	70
West Tyrone	47
Northern Ireland³	991

Source: Family Practitioner Services, Information and Registration Unit - HSC Business Services Organisation

Notes

- 1 These figures include GDS principal dentists, associates, assistants, vocational dental practitioners, salaried dentists and dentists employed by Oasis Dental Care Ltd. Community dental service dentists are excluded.
- 2 Figures are calculated based on the location of the dental surgery where the dentist is employed.
- 3 Northern Ireland total does not add to the sum of constituency counts due to dentists who work in more than one constituency being counted only once at the Northern Ireland level.

Registered Childminders

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety to detail the number of people in each Health and Social Care Trust area who are currently awaiting decisions on their application to become a registered Childminder; and to indicate the current waiting time for such applications to be processed.

(AQW 3422/11)

Minister of Health, Social Services and Public Safety: There are currently 633 new applications being processed across the five Health and Social Care Trusts (Trusts). These are all at different stages. Regarding those awaiting final decisions, the information you request is not held centrally by

my Department and it would be disproportionate in costs to examine the status of each individual application.

All Trusts aim to process all applications within a 3 month period, however, delays can occur for a variety of reasons.

Hospitals Without Running Water

Mr T Burns asked the Minister of Health, Social Services and Public Safety (i) how many hospitals were without running water during the recent water crisis because they had supplies cut off by NI Water; (ii) the names and locations of these hospitals; (iii) the length of time they were without water; (iv) how these hospitals were cleaned during the periods when they had no water; and (v) what other hospital services were disrupted, and to what extent, during the periods of no mains water supply.

(AQW 3431/11)

Minister of Health, Social Services and Public Safety: The information requested is detailed in the attached table.

Question Part (i) how many hospitals were without running water during the recent water crisis because they had supplies cut off by NI Water
Answer: Information provided by Health and Social Care Trusts indicates that five hospitals were without mains running water due to water supplies being cut off by NI Water
Question Part (ii) the names and locations of these hospitals
Answer: Causeway Hospital, Coleraine Braid Valley Hospital, Ballymena Lagan Valley Hospital, Lisburn St Lukes Hospital, Armagh South Tyrone Hospital, Dungannon
Question Part (iii) the length of time they were without water
Answer: Causeway Hospital, Coleraine: 1 hour Braid Valley Hospital, Ballymena: 30 hours Lagan Valley Hospital: 2 hours St Lukes Hospital, Armagh: 2 days South Tyrone Hospital, Dungannon: 8 days
Question Part (iv) how these hospitals were cleaned during the periods when they had no water
Answer: Causeway Hospital, Coleraine: No impact on cleaning as water was available from storage tanks. Braid Valley Hospital, Ballymena: No impact on cleaning as water was available on the ground floor of the Hospital. Lagan Valley Hospital, Lisburn: No impact on cleaning as the event occurred during the night. St Lukes Hospital & South Tyrone Hospital: No impact on cleaning as water storage tanks were topped up by NIFRS.

Question Part (v) what other hospital services were disrupted, and to what extent, during the periods of no mains water supply

Answer:

No other hospital services were disrupted during the periods of no mains water supply.

Brain Scan Waiting Times

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety what the average waiting time for each hospital is for a patient to receive a brain scan.

(AQW 3450/11)

Minister of Health, Social Services and Public Safety: The average waiting time for a patient to receive a brain scan is not readily available for each hospital and could only be provided at disproportionate cost.

Hospital Infections: Closure of Wards and Beds

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how many hospital (i) wards; and (ii) beds are currently closed to visitors due to hospital infections which could cause vomiting and/or diarrhoea.

(AQW 3451/11)

Minister of Health, Social Services and Public Safety:

Ninth Report of the ESR

NIA 37/10/11R

Hospital Beds

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how many hospital beds were blocked over the holiday period due to patients not being able to receive the necessary tests, to diagnose their condition, which resulted in longer stays.

(AQW 3452/11)

Minister of Health, Social Services and Public Safety: Information on how many hospital beds were blocked over the holiday period is not available.

Accident and Emergency Unit in Antrim Area Hospital

Mr P McGlone asked the Minister of Health, Social Services and Public Safety to detail the number of admissions to the Accident and Emergency Unit in Antrim Area Hospital for the months of (i) September; (ii) October; (iii) November; and (iv) December for (a) 2009; and (b) 2010.

(AQW 3473/11)

Minister of Health, Social Services and Public Safety: It is assumed that this question refers to the number of attendances at the Accident and Emergency Unit in Antrim Area Hospital. Information on Emergency Care attendances is collected and published monthly and is available from:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats_2/emergency_care-3/emergency_care-4_monthly_waiting_times.htm

Computer Equipment Belonging to Belfast Health and Social Care Trust

Mr T Gallagher asked the Minister of Health, Social Services and Public Safety (i) to specify the value of the computer equipment belonging to the Belfast Health and Social Care Trust that is currently

stored in a warehouse in Dublin; (ii) the date of purchase of this equipment; (iii) the total cost of purchase and storage of the equipment; and (iv) to outline the rationale behind this investment.

(AQW 3481/11)

Minister of Health, Social Services and Public Safety: The position regarding each of the points raised is as follows:

- (i) as of 14th January 2011, the value of the equipment in question was £650,720. This equipment is stored by the supplier in a high security bonded warehouse;
- (ii) part payment was made on 19th November 2010. A sum of £94,835 is being retained pending deployment of the equipment before 31st March 2011;
- (iii) the total purchase cost of the equipment to the Belfast Health and Social Care Trust is £1,499,789. The total cost of storage is zero. Equipment is stored in the secured bonded warehouse as part of the supplier's own logistics strategy for distribution and deployment in the Belfast Trust. While stored in the Bonded Warehouse and during delivery and deployment, the supplier remains totally responsible for the replacement of any lost, faulty or damaged equipment. This storage and deployment strategy has previously been reviewed and approved by the Northern Ireland Audit Office (NIAO); and
- (iv) the rationale behind the investment was to move to a planned, transparent investment plan for the provision of PCs to Health and Social Care (HSC) bodies. This investment approach follows best practice by buying in bulk and leveraging the HSC's purchasing power by aggregating demand across all HSC organizations and ensuring value for money through competition to meet aggregate demand. As a result, it is hoped to generate potential real savings of approximately £7 million over the six-year period of the project.

Fire Stations Without Running Water

Mr T Burns asked the Minister of Health, Social Services and Public Safety (i) how many fire stations were without running water during the recent water shortage crisis due to (a) their supplies being cut off by NI Water; and (b) burst pipes; and (ii) for how long they had no water supply.

(AQW 3493/11)

Minister of Health, Social Services and Public Safety: Northern Ireland Fire and Rescue Service (NIFRS) contingency plans ensured that it did not experience any difficulty in providing an emergency response during the period of the recent water shortage crisis.

NIFRS has received no reports of fire stations being without water as a result of supplies being cut off by NI Water. A total of 22 NIFRS Stations suffered burst water pipes, but none of these was without water except on the occasions when repairs were being carried out; information on the duration of these temporary interruptions of supply is not collected centrally by NIFRS.

Vaccines for Seasonal Flu and Swine Flu

Mr J Craig asked the Minister of Health, Social Services and Public Safety how many vaccines are currently available for (i) seasonal flu; and (ii) swine flu; and for his assessment of the adequacy of this supply.

(AQW 3545/11)

Minister of Health, Social Services and Public Safety: By 11 January over 414,000 doses of seasonal flu vaccine had been issued from central stocks on request to GPs and Trusts. As of 18 January there are almost 268,000 doses of H1N1 (swine flu) vaccines held centrally in Northern Ireland.

The seasonal flu vaccination programme began on 1 October 2010 and by this stage it is expected that the vast majority of eligible people will now have been either vaccinated or offered vaccination. Therefore while the central stocks of seasonal flu vaccine have now been distributed, many GPs and the Trusts will continue to vaccinate members of 'at risk' groups with the seasonal flu vaccine. With the introduction of the H1N1 vaccine to supplement the supply of flu vaccine there is no shortage of

safe, effective vaccine to provide protection against swine flu which is the most prevalent circulating seasonal flu strain this winter.

Swine Flu

Mr J Bell asked the Minister of Health, Social Services and Public Safety how many patients are currently being treated in the Ulster Hospital for (i) swine flu; and (ii) suspected swine flu; and what measures he is taking to address the number of people affected by swine flu.

(AQW 3584/11)

Minister of Health, Social Services and Public Safety: Information on swine flu is published weekly by the Public Health Agency (PHA) and is available from:

<http://www.publichealth.hscni.net/publications/influenza-weekly-surveillance-bulletin-northern-ireland-week-2-8-14-january-2011>

In addition, the PHA conducts a Media Briefing each Thursday on the latest swine flu figures in Northern Ireland. Information released at the PHA Media Briefing on 20 January 2011, detailed that on 19 January 2011:

- (v) 2 people were being treated at Ulster Hospital with confirmed swine flu (excludes critical care); and,
- (vi) 5 people were being treated at Ulster Hospital with suspected swine flu (excludes critical care).

My priority has been to encourage as many people as possible in the at-risk groups to get vaccinated as they are more vulnerable to complications. For most people, flu will be a short illness with no serious consequences. Pregnant women, parents of children under one, and anyone belonging to an at-risk group should call their GP for advice if they suspect they might have flu. Their doctor may prescribe antiviral treatment.

The HSC Trusts, working with the HSC Board and the PHA, have increased their critical care capacity as part of their escalation plans. I have made a number of statements to keep people advised about the vaccination programme and the current pressures on the health service, and to remind people in the at-risk groups of the need to get vaccinated. The Chief Medical Officer has issued letters to the HSC bodies advising on the management of patients with flu or flu-like illness. The PHA has issued press releases highlighting public health advice including the need for good respiratory and hand hygiene.

Holy Trinity Playgroup, West Belfast

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety why funding to the Holy Trinity Playgroup in West Belfast has been cut from £9,076 in 2010/2011 to £3,500 in March 2011/12.

(AQW 3650/11)

Minister of Health, Social Services and Public Safety: During Contract meetings with all playgroups in June 2010, the Belfast Health and Social Care Trust discussed funding in future years. The Trust is due to meet again with the Chair and management representatives of Holy Trinity Playgroup for further discussions on funding options for 2011/12.

Unfortunately the proposed allocation for DHSSPS in the Draft Budget 2011-15 represents a significant shortfall against assessed need. This means that the Department and HSC Commissioners face significant challenges in order to deliver on the overall objectives for Health, Social Services and Public Safety and maintain the current level of services.

Accident and Emergency Unit at Antrim Area Hospital

Mr T Clarke asked the Minister of Health, Social Services and Public Safety if he can provide an assurance that the future of the Accident and Emergency Unit at the Antrim Area Hospital is secure;

and whether it will be subject to cuts, including a reduction in opening hours or regrading to a minor injuries unit.

(AQW 3674/11)

Minister of Health, Social Services and Public Safety: While the delivery of services at Antrim Area 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 the hospital. Indeed, a business case submitted by the Trust outlining proposals to develop a new A&E Department at the Hospital was approved by the Department of Finance and Personnel on 30 December 2010.

As you will be aware, deliberations on budgets for the next four years are ongoing. Until the budget for my Department becomes clear, it is not possible to determine the timing for the progression of any projects, including the extension of the A&E Unit at Antrim Hospital. However, I can assure you that this project remains one of my top priorities

Mater Hospital Accident and Emergency Unit

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety whether he plans to downgrade the Mater Hospital's Accident and Emergency Unit to a Minor Injuries Unit.

(AQW 3684/11)

Minister of Health, Social Services and Public Safety: The delivery of services at the Mater Hospital is a matter for the Belfast Trust. The Trust has advised there are no plans to downgrade the Mater Hospital's Accident and Emergency Unit.

Agency Nurses

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety to detail the total number of agency nurses employed in each hospital in each of the last three years.

(AQW 3691/11)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Water Shortage

Mr D McKay asked the Minister of Health, Social Services and Public Safety whether the Fire Service provided water to any properties at the request of councillors during the recent water shortage; and to list which councillors were facilitated in this way.

(AQW 3707/11)

Minister of Health, Social Services and Public Safety: Northern Ireland Fire and Rescue Service (NIFRS) received one request from a Councillor to provide water by filling a header tank at a property occupied by an elderly couple, living in an isolated rural area of Craigavon, with an infant child in the house.

This request was made on 26 December from Councillor Arnold Hatch.

The request was considered in the context of the availability of local resources and approval was given by the Duty Area Officer for an appliance from Portadown to provide assistance.

Subsequently the Area Commander provided guidance on the appropriateness of providing this type of assistance in the context of NIFRS policy and measures were put in place to manage any future requests of this nature.

Annual Turnover of Staff

Mr A Easton asked the Minister of Health, Social Services and Public Safety what his Department's annual turn over of staff through natural wastage has been in each of the last three financial years.

(AQW 3731/11)

Minister of Health, Social Services and Public Safety: The natural wastage rate within the Department for the last three financial years is detailed below:

Year	Number of Staff	DHSSPS Wastage Rate
2009/10	49	5.7%
2008/09	49	5.6%
2007/08	72	7.6%

Shortage of Junior Epi-Pens

Mr K McCarthy asked the Minister of Health, Social Services and Public Safety what his Department is doing to address the shortage of junior Epi-Pens.

(AQW 3770/11)

Minister of Health, Social Services and Public Safety: The Epipen Junior Auto-injector is manufactured in America and I am aware that there have been unexpected delays in getting the product shipped to the UK. However, this product has now arrived in England and I have been advised that stock will be delivered to Northern Ireland wholesalers early next week.

The Health and Social Care Board wrote to GPs and Community Pharmacists on 25 January with an update on current stock levels, an explanation of product expiry dates and offering advice on alternatives for patients who do not have any stock at present.

Legal High: A3A

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety for his assessment of the dangers posed by the legal high, A3A.

(AQW 3840/11)

Minister of Health, Social Services and Public Safety: So-called 'legal highs' are psychoactive substances currently not controlled under the UK-wide Misuse of Drugs Act 1971 and which are self-administered to achieve an altered state of mind. At the moment very little is known about A3A, and given this it is difficult to determine if it is being misused in Northern Ireland. However the drug (also referred to as 'A3A Methano', or 'Methano') is being sold on the internet as a replacement for Mephedrone.

As no official safety or toxicity data is available on this substance, it is very difficult to make an assessment of what the active chemical in A3A is (including if this is legal or not), and to give an accurate picture of potential side-effects and dangers. However, I have no doubt that there is a potential for very serious and potentially tragic consequences for anyone taking this substance as users have no way of knowing exactly what they are taking.

My approach is to act to protect the public from dangerous or otherwise harmful drugs. At present, it is the duty of the Advisory Council on the Misuse of Drugs (ACMD) to advise Ministers on appropriate measures to be taken with respect to drugs which are being, or appear to them are likely to be, misused and which are causing or may cause a social problem. The ACMD assessment of a drug's harms is a key consideration in any decision to bring forward proposals to control any drug. In the past 12 months, following reports of the availability of mephedrone and NRG-1 and emerging evidence of the associated harms.

The ACMD looked at this issue as a priority, and made recommendations to the Home Office which resulted in the subsequent banning of these substances. I

raised the issue directly with the former Home Secretary and the ACMD proposing that a new classification be added to the Misuse of Drugs Act which would allow substances such as A3A to be banned while they are fully researched. The Coalition Government in Westminster is currently taking

forward this proposal. When this new legislation is brought forward, it will allow us to respond much quicker to emerging drugs of concern by temporarily banning them, while full consideration is given to them by the ACMD.

Ambulance Service: Adverse Weather Conditions

Lord Browne asked the Minister of Health, Social Services and Public Safety what additional measures were put in place to ensure that the recent adverse weather conditions did not overly impact on the reaction times of ambulance crews responding to emergencies.

(AQO 857/11)

Minister of Health, Social Services and Public Safety: During the recent adverse weather conditions the number of emergency calls to the Northern Ireland Ambulance Service (NIAS) increased significantly, the harsh conditions meant greater difficulty in reaching patients in many areas. The snow and treacherous road conditions did cause a dip in performance but the latest provisional figures for the week ending 16 January show the response times for Category A calls has returned to over 70% within 8 minutes.

In response to the harsh weather NIAS implemented their contingency plans to cover the projected surges in demand. Throughout this period the ambulance service worked closely with other Trusts to ensure that the most urgent calls were prioritised and that disruption to normal service was kept to a minimum. NIAS acted quickly and professionally to prioritise emergency responses and

temporarily suspended non-emergency transports. I am aware that voluntary sector organisations, such as the St John Ambulance and the Red Cross, assisted with these activities.

I wish to extend my sincere thanks to the men and women of the ambulance service, skilled professionals, who continued to provide this vital front-line service to the most vulnerable and sick in our community in extremely risky and dangerous driving conditions.

Revenue Budget 2010-11: DHSSPS

Mr J McCallister asked the Minister of Health, Social Services and Public Safety for an assessment of his Department's revenue budget for 2010/11.

(AQO 858/11)

Minister of Health, Social Services and Public Safety: My department's revenue budget for 2010/11 currently stands at £4,308m. This is after my budget suffered entirely unexpected cuts of £130m including a cut of nearly £17m due to last year's swine flu. These further cuts left my department facing over £280m of immediate pressures that I did not have funding for.

In order to balance my budget I have had to apply a whole range of measures; cancelling or deferring over £94m of new services planned for this year; I have had to reduce funding to vital primary care services including pharmacy and GPs by nearly £50m; I have made cuts in other departmental budgets and regional services of a further £78m; trusts are delaying recruitment of many key posts in order to save £40m on staff costs and all of my department's central budgets have been cut to the bare minimum.

My budget for 2010-11 is inadequate – right around NI people are not getting the services they need. The draft Budget would see it cut again next year by another £200m and I simply can't accept health continuing to be recklessly cut in this way.

Craigavon Area Hospital: Weather-related Falls

Mr S Moutray asked the Minister of Health, Social Services and Public Safety how many patients have been treated to date this winter in Craigavon Area Hospital for weather-related falls.

(AQO 859/11)

Minister of Health, Social Services and Public Safety: I have been advised by the Southern Trust that 353 patients were treated in Craigavon Area Hospital for falls or slipping between 1 December and 7 January 2011. The vast majority of patients will be treated in A&E however many people will also be treated or have continuing care provided in outpatients departments, or by primary, community and personal social services.

Naturally this all brings additional costs to an already pressurised health service.

I want to commend the efforts of all health service staff who despite all the recent crises stepped up to the mark when it counted and continued to deliver care to the highest standards.

Capital Budget 2010-11: DHSSPS

Rev Dr R Coulter asked the Minister of Health, Social Services and Public Safety for his assessment of his Department's capital budget for 2010/11.

(AQO 860/11)

Minister of Health, Social Services and Public Safety: My capital budget for 2010/11 is £204m having been reduced by £21.5m as a result of having to meet pressures across the NI Block. This level of funding is still insufficient to meet all the demands being placed on the health service.

The situation will become even more difficult based on the proposed allocations for both revenue and capital under the draft budget. I submitted bids for £1.8bn of capital to address the legacy of under investment and I have received less than half of that for the next four year period. The impact on the health capital programme will be disastrous, with serious implications in terms of our ability to deliver a modern health service. Some very difficult decisions are going to have to be made.

Care Responsibilities: Children and Young People

Mr A Bresland asked the Minister of Health, Social Services and Public Safety for his assessment of the support available to children and young people with caring responsibilities.

(AQO 861/11)

Minister of Health, Social Services and Public Safety: The support available to young carers is emphasised through initiatives such as the Regional Young Carers Service, the Caring for Carers Strategy and the Review of Support Provision for Carers, as undertaken by my Department and the Department for Social Development. Statutory obligations under the Children (Northern Ireland) Order 1995 ensure that young carers are subject to an assessment of need and appropriate services are provided for them to support them in their role as carers. It is the policy of the Department to treat all children who are providing care as children first and carers second.

Acute Hospitals: Elderly Patients

Mr P McGlone asked the Minister of Health, Social Services and Public Safety to outline the steps he has taken to expedite the discharge from acute hospitals of elderly patients with complex needs.

(AQO 862/11)

Minister of Health, Social Services and Public Safety: I have set stringent targets for delayed discharge, which mean that, from April 2010, all non-complex cases should be discharged within 6 hours of being declared medically fit and 90% of complex cases should be discharged within 48 hours of being declared fit. These targets are subject to rigorous monitoring arrangements and I can report that in December 2010 84% of complex discharges from hospital took place within 48 hours and 95% of non-complex discharges from hospital took place within 6 hours.

In tandem with improving systems within hospitals, we are also working to expand the range of flexible and responsive intermediate care services in the community. This will ensure that those who need it can be discharged safely and promptly into an appropriate service in the community

Mental Health

Ms M Anderson asked the Minister of Health, Social Services and Public Safety how many people have been sectioned under the Mental Health Act since April 2010.

(AQO 863/11)

Minister of Health, Social Services and Public Safety: Information is not available centrally on the number of people detained under the Mental Health (NI) Order 1986.

Figures for the number of detentions under the Order since April 2010 are only available up to 30 September 2010. In that period there were 1,105 detentions. The figure includes both detentions under the Order and changes in status from voluntary to detained patient. As an individual may be detained more than once under the Order the figures relate to the number of detentions rather than to the number of individuals detained.

Hospital Admissions: Adverse Weather Conditions

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how many hospital admissions, attributed to adverse weather conditions, were recorded in December 2010.

(AQO 864/11)

Minister of Health, Social Services and Public Safety: It is not yet possible to give an accurate assessment of the number of hospital admissions during December 2010 which can be attributed to adverse weather conditions.

Our hospitals work as a network to ensure that services, particularly in an emergency, are available to all of our people. As with every winter, the increased demand placed on our hospital services including A&E services, by flu, fractures and the weather – and this winter in particular there has been the impact of exceptionally cold weather - remains challenging. However, our health service is responding and will continue to respond effectively to this increase in demand thanks to robust escalation plans which Trusts have in place.

Department of Justice

Separated Prisoners

Lord Morrow asked the Minister of Justice to detail the number and cost of staff allocated to the Prison Service for separated prisoners in each of the last three years.

(AQW 3267/11)

Minister of Justice (Mr D Ford): The table below shows the number and cost of staff allocated to the Prison Service for separated prisoners in each of the last full years.

Financial Year	Number of Staff	Cost
2007-2008	84	£3,408,417
2008-2009	84	£3,548,594
2009-2010	84	£3,890,037

Prisoner Assessment Unit, Belfast

Lord Morrow asked the Minister of Justice to detail (i) the annual running costs; and (ii) the number of staff currently employed at the Prisoner Assessment Unit, Belfast.

(AQW 3313/11)

Minister of Justice: In the financial year to 31 March 2011 it is estimated that it will cost £885,018 to run the Prisoner Assessment Unit.

There are currently 13 staff employed within the Unit.

Prisoner Education Provision

Lord Morrow asked the Minister of Justice to detail the current education provision for (i) separated prisoners; and (ii) the remaining prison population.

(AQW 3406/11)

Minister of Justice: Table A below sets out the current education provision for (i) separated prisoners; and (ii) the remaining prison population in all establishments:

Table A

Separated Prisoners	Remaining Prison Population
Essential Skills – Literacy and Numeracy	Essential Skills – Literacy and Numeracy
GCSE English	GCSE English
GCSE Maths	GCSE Maths
Irish	
German	German
Drama	Drama
Art	Art
Information Technology	Information Technology
Music	Music
Fly Tying	Fly Tying
Craft	Craft
Leathercraft	Leathercraft
Hairdressing	Hairdressing
Various Open University courses	Various Open University courses
	Ceramics/pottery
	Cookery
	Creative writing
	Criminal Justice System
	English for Speakers of Other Languages
	Money Management
	Preparation for employment

Prisoner Search Procedures

Lord Morrow asked the Minister of Justice (i) whether all prisoners, both sentenced and on remand, are subject to the same search procedures when going to and from visits; and (ii) what procedures are followed when a prisoner refuses to be searched.

(AQW 3410/11)

Minister of Justice: The search procedures for prisoners going to and from visits, whether remand or sentenced vary according to a number of factors.

In Magilligan Prison - all prisoners are routinely rub-down searched on leaving their residential area and again on arrival at visits. In addition a ratio of 1:6 prisoners are subject to a random full body search (the list is generated by computer to ensure random selection), although additional searches can be conducted if there is reason to believe that a prisoner may be concealing illicit items on his person. The same procedure is employed on the return from visits.

The same procedure is again applied to all integrated prisoners going to and from visits within Maghaberry Prison.

All separated prisoners leaving the separated accommodation areas in Maghaberry Prison are required to pass through the purpose built search facility. They will all be subject to a rub-down search, pass through airport style metal archways, footwear and jackets etc will be passed through a RAPISCAN and be required to sit on the BOSS chair. If at any stage any of the technology gives an indication, or if there is reason to believe they may have concealed prohibited items on their person, then they will then be subject to a Full Body Search. The return from visits follows the same procedure.

In Hydebank Wood YOC - all inmates are routinely rub-down searched on leaving their residential area; on arrival at visits all are rub-down searched and a ratio of 1:5 inmates are subject to a full body search if the passive drug dog is in attendance at the visitors entrance (if not in attendance the ratio is 1:3). Again, additional searches can be conducted if reasonable suspicion exists. The return from visits follows the same procedure.

All women at Hydebank Wood are routinely rub-down searched on leaving their residential area, and if the passive drug dog is in attendance at the visitors entrance a ratio of 1:5 are subject to a full body search, although additional searches can be conducted if reasonable suspicion exists. (If the passive drugs dog is not in attendance the ratio is 1:3.) The return from visits follows the same procedure.

Due to the high numbers of young people being remanded into custody at Hydebank Wood for drug and substance abuse the ratio had been set at a more frequent rate. This is currently under review in light of greater use of technology and the Prison Drug Dogs.

- (ii) In the event that any prisoner refuses a full body search they will be cautioned and given a further opportunity to comply, continued refusal will result in the search being carried out under control and restraint.

Prisoner Assessment Unit, Belfast

Lord Morrow asked the Minister of Justice how many prisoners have been moved to the Prisoner Assessment Unit, Belfast, in each of the last three years; and of these, how many were returned to standard prison facilities.

(AQW 3412/11)

Minister of Justice:

Ninth Report of the ESR	NIA 37/10/11R
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Prisoner Ombudsman: Costs

Lord Morrow asked the Minister of Justice to outline the cost of the Office of the Prisoner Ombudsman since it was established.

(AQW 3446/11)

Minister of Justice: The Office of the Prisoner Ombudsman was established in May 2005. Until 2008/09 its costs were included with the costs for the Independent Monitoring Boards and cannot be provided separately. In 2009/10 the cost was £687,000.00 and in 2010/11 (to 31 Dec) the cost was £475,000.00

Devidas Paliutis

Lord Morrow asked the Minister of Justice, in relation to the erroneously released prisoner, Devidas Paliutis, whether assistance has been sought from authorities in his native country or Interpol.

(AQW 3462/11)

Minister of Justice: As I indicated in my statement on 4 October 2010, the PSNI sought assistance from Interpol with their operation to return Devidas Paliutis to custody. Interpol are responsible for liaising with police services in other jurisdictions.

Prisoners Who Failed to Return to Custody

Lord Morrow asked the Minister of Justice how many prisoners have failed to return to custody after being granted leave in each of the last five years.

(AQW 3463/11)

Minister of Justice: Table A below sets out the number of prisoners in each of the last five years who have failed to return to custody after being granted leave.

TABLE A

Calendar Year	Total no. of periods of leave granted.	No. of prisoner who have returned late.	Maghaberry	Magilligan	Hydebank Wood
2006	2043 *	36	14	18	4
2007	2146	26	4	13	9
2008	2043	35	10	21	4
2009	1871	20	13	5	2
2010	2113	23	7	13	3

* The computerised system which has produced the total number of periods of leave granted was not fully operational in all establishments until 2007 and therefore the 2006 figure is an estimate based on the average between 2007 and 2010.

Court Fines

Mr P Weir asked the Minister of Justice how much revenue has been raised from court fines in each of the last five years.

(AQW 3467/11)

Minister of Justice: I would refer the Member to the reply I gave on 6th January 2011 to AQW 3158/11.

Arrests at Sports Stadiums

Mr K Robinson asked Minister of Justice, pursuant to AQW 2703/11, to detail (i) the sources of the incidents mentioned in his reply; and (ii) in relation to the incidents of chanting, (a) the words that were chanted; (b) who made note of the chanting and wording; and (c) whether any arrests were made.

(AQW 3489/11)

Minister of Justice: The incidents provided in the answer to AQW 2703/11 were provided by the PSNI and, via the Department of Culture, Arts, and Leisure, from the Safety at Sports Grounds Overseeing Body within Sport NI. A number of arrests were made in relation to the incidents, however none of

these related to chanting, as indecent chanting is not currently an offence. No official record was made of the words chanted.

Arrests at Sports Stadiums

Mr K Robinson asked the Minister of Justice, pursuant to AQW 2703/11, whether the pursuit of the offenders relating to the incidents of urinating in private gardens would fall under legislation relevant to indecent exposure or outraging public decency; and whether the offenders have been pursued under this legislation.

(AQW 3490/11)

Minister of Justice: The prosecution of offences is a matter for the Public Prosecution Service, however I understand that urinating in a garden would generally be prosecuted as indecent behaviour in a public place.

With such incidents it can be difficult to identify the perpetrator and I understand that no arrests have been made.

Justice Bill

Mr K Robinson asked the Minister of Justice to outline his Department's rationale for limiting Clause 44 of the Justice Bill to alcohol on vehicles and not to extend it to railway passenger vehicles.

(AQW 3491/11)

Minister of Justice: Translink byelaws already provide that: "A person shall not take, or attempt to take, any intoxicating liquor or substance into, or onto, any railway vehicle, or have in his or her possession any intoxicating liquor or substance in or on any railway vehicle, in respect of which railway vehicle notice is given prohibiting the taking of intoxicating liquor or substance therein or thereon."

Prisoners Returning Late from Temporary Release or Leave

Mr T Burns asked the Minister of Justice to detail for each prison, in each of the last five years, (i) how many prisoners returned late from temporary release or leave from prison; (ii) the nature of, or reasons for, their leave or release; (iii) for a breakdown of the length of time these prisoners were late returning; and (iv) how many prisoners never returned from leave.

(AQW 3496/11)

Minister of Justice:

(I)

Calendar Year	Total no. of periods of leave granted.	No. of prisoners who have returned late.	Maghaberry	Magilligan	Hydebank Wood
2006	2043 *	36	14	18	4
2007	2146	26	4	13	9
2008	2043	35	10	21	4
2009	1871	20	13	5	2
2010	2113	23	7	13	3

* The computerised system which has produced the total number of periods of leave granted was not fully operational in all establishments until 2007 and therefore the 2006 figure is an estimate based on the average between 2007 and 2010.

(II)

	Breakdown of nature of leave				
	2006	2007	2008	2009	2010
Home Leave	18	14	26	12	18
Pre-release	9	2	0	4	2
Compassionate Temporary Release	3	2	0	1	1
Christmas Home Leave	2	3	3	1	0
Town Visit	0	1	1	0	1
Special Privilege Home Leave	2	0	0	0	0
Resettlement Leave	2	1	3	2	1
*Prison Rule 27	0	3	2	0	0

* In addition to the above types of leave under Prison Rule 27 a Governor can approve (subject to risk assessment) medium or low risk prisoners temporarily release to enable them to have medical treatment. High Risk cases have to be decided at NIPS HQ.

(III)

Time taken to return to custody	Breakdown length of time prisoners were late in returning					
	2006	2007	2008	2009	2010	Total
1 Day or less	8	8	18	9	16	59
More than 1 Day Less than a week	8	7	8	7	6	36
1 week to a month	7	6	6	3	1	23
1 month to 6 months	6	2	2	0	0	10
6 months to a year	2	2	1	0	0	5
Over 1 year	3	1	0	1	0	5
Total	*34	26	35	20	23	138
	* Please note that in 2006 two prisoners died while on leave and therefore have not been included in the return to custody figures.					

(IV)

Two prisoners remain unlawfully at large, one prisoner who failed to return from a period of Home Leave in 2006 and the second who failed to return in 2009.

Think First Course as Part of a Probation Order

Lord Morrow asked the Minister of Justice how many people have completed a Think First course as part of a Probation Order in the last 12 months, broken down by court division.

(AQW 3557/11)

Minister of Justice: During 2010, 90 Offenders completed Think First as part of a Probation Order supervised by the Probation Board for Northern Ireland. Table 1 below provides a breakdown of this information by Court District.

TABLE 1: THINK FIRST COMPLETIONS BY COURT DISTRICT

Court District	2010 Think First Completions
EX Northern Ireland	1
Antrim	4
Ards	9
Armagh & South Down	6
Belfast	19
Craigavon	10
Fermanagh & Tyrone	19
Londonderry	22
Total	90

Prison Weddings

Lord Morrow asked the Minister of Justice, pursuant to AQW 3224/11, to detail (i) the cost incurred to facilitate the prison weddings; and (ii) of those weddings where both spouses were in custody, in which prison was each spouse incarcerated.

(AQW 3567/11)

Minister of Justice:

- (i) The total estimated cost incurred to facilitate these five weddings for six prisoners over a three year period was £342.64.
- (ii) In the one wedding where both parties were in custody, both were in Hydebank Wood.

Separated Prisoners: Definition

Lord Morrow asked the Minister of Justice, pursuant to AQW 3264/11, (i) when the definition of a separated prisoner was drawn up; and (ii) whether it replaced any other such definition and when it was last reviewed.

(AQW 3568/11)

Minister of Justice: On 8 September 2003 the Government accepted the Steele Review recommendation that Republican and Loyalist prisoners with paramilitary affiliations should be accommodated separately from each other and from the rest of the prison population, on a voluntary basis, within Maghaberry Prison. The first Compact for Separated Prisoners, which set out the criteria for separation, was published immediately thereafter.

- (ii) This was the first such compact and no definition existed prior to this. The Compact was reviewed in January 2006 and a revised version published in July 2006.

Independent Tribunal Service

Mr J Dallat asked the Minister of Justice to detail the number of times the Independent Tribunal Service has hired space in courthouses to conduct benefit appeals in the last 12 months; and the income generated.

(AQW 3579/11)

Minister of Justice: The Appeals Service hired accommodation in courthouses to conduct benefit appeals on 170 occasions in the last 12 months.

The income generated in the 3 months prior to devolution of justice was £1,965. Since devolution there has been an administrative management fee.

Prisoner Ombudsman: Statutory Powers

Ms C Ní Chuilín asked the Minister of Justice whether he intends to give statutory powers to the Prisoner Ombudsman.

(AQW 3594/11)

Minister of Justice: I refer the Member to AQO 868/11 which was answered on 25 January 2011 and is available in Hansard.

Banning Orders for Football

Mr K Robinson asked the Minister of Justice to provide an estimate of the annual cost of the introduction of banning orders for football.

(AQW 3621/11)

Minister of Justice: I expect the cost of Football Banning Orders to be low, particularly since I am not creating a Football Banning Order Authority, such as exists in England, Wales and Scotland. PSNI administration and enforcement costs will depend on the number of Orders made, and will be met from existing resources. There may be additional training costs for the IFA / clubs but I expect these to be minimal.

Human Trafficking

Mr R McCartney asked the Minister of Justice to outline how human trafficking will be addressed through the Cross Border Policing Strategy.

(AQW 3623/11)

Minister of Justice: The Governments north and south of the border, and our law enforcement agencies, have longstanding and effective links at all levels to tackle cross border organised crime including human trafficking.

The Cross Border Policing Strategy, which was published jointly by the PSNI and An Garda Síochána on 13 December 2010, reinforces the two police services' commitment to the highest level of policing cooperation. The Strategy seeks to enhance the policing capabilities of both police services and identifies further opportunities to strengthen cross border investigations, operations and intelligence sharing. This will further enable the PSNI and the An Garda Síochána, working together, to detect and prevent human trafficking and to protect the victims of this appalling crime. That approach will complement existing structures. For instance, An Garda Síochána attend the Organised Crime Task Force's Human Trafficking and Immigration subgroup. Human trafficking is also one of the areas examined at the annual Cross Border Crime Seminar.

Separated Prisoners: Meetings with the Prisoner Ombudsman

Lord Morrow asked the Minister of Justice how many times the Prisoner Ombudsman, or associated staff, have met with separated prisoners in (i) Roe House; and (ii) Bush House in Maghaberry Prison, in each of the last 12 months.

(AQW 3626/11)

Minister of Justice: I have been advised by the Prisoner Ombudsman that her office's records are not held in a way as to provide the number of times that her staff met with separated prisoners in Roe House and Bush House. When in the prison, the Ombudsman and her staff may visit a number of houses and these visits are not individually recorded.

Domestic Violence: Convictions

Lord Morrow asked the Minister of Justice to detail the number of convictions for incidents of domestic violence in each of the last three years, broken down by court division; and of these, to provide statistics on the age groups of (i) victims; and (ii) offenders.

(AQW 3627/11)

Minister of Justice: I regret the information requested is not available. Court conviction data do not contain background or victim information in relation to offences committed and it is therefore not possible to separate out the number of convictions for offences, such as assault, which had a domestic motivation.

Legal Aid: Reform

Mr P Weir asked the Minister of Justice to detail the proposed timetable for the reform of Legal Aid.

(AQW 3631/11)

Minister of Justice: The Northern Ireland Courts and Tribunals Service (NICTS) is presently taking forward a programme of criminal legal aid reform. In parallel with this, the Northern Ireland Legal Services Commission (NILSC), which has policy responsibility for civil legal aid, is taking forward a programme of civil legal aid reform.

A number of the reform proposals are dependent on the passage of the Justice Bill and the subsequent enactment of subordinate legislation. Other reform proposals are dependent on the passing of subordinate legislation only and some require no legislation. I have set out the various reform proposals in the tables below with an indicative implementation time. Not all of the proposed reforms will deliver savings. I would emphasise that the indicative implementation times set out in the first two tables are dependent on the approval of the necessary legislation by the Assembly. If approval were not forthcoming, significant delay could result and necessary savings might not be made.

Legal Aid Reforms dependant on the Justice Bill and subsequent subordinate legislation	
Financial eligibility for criminal legal aid - means testing (NICTS)	Late 2011
Recovery of defence costs orders (NICTS)	Late 2011
Litigation funding agreements (an alternative to funding money damages cases) (NILSC)	Spring 2012

Legal Aid Reforms dependant on Subordinate Legislation	
Remuneration of defence representation in the Crown Court (NICTS)	March 2011
Representation provided by way of criminal legal aid at the Crown Court – (two counsel) (NICTS)	March 2011
Statutory Charge – recovery of legal aid costs where property or money has been recovered or preserved. (NILSC)	Spring 2012
Funding code – a replacement of the current merits test for civil legal aid. (NILSC)	Spring 2012
Financial eligibility for civil legal aid – means testing. (NILSC)	Spring 2012

Legal Aid Reforms dependant on Subordinate Legislation	
Awarding costs – reform of the current procedures for costs against a legally assisted person and the NILSC. (NILSC)	Spring 2012
Registration scheme – registration of providers of publicly funded services. (NILSC)	Spring 2013

Legal Aid Reforms requiring no legislative process	
Mixed model of service delivery – the provision of legal services by both the private and voluntary sector. (NILSC)	Spring 2012

I have also commissioned a Review of Access to Justice in Northern Ireland. The review commenced on 13 September 2010 and is due to report by early summer 2011. The aim of the review is to develop proposals on how best to secure access to justice while achieving value for money in the use of public funds. It is not possible to provide a timetable for proposals which may arise from that review.

Court Service: Budget Allocation

Mr P Weir asked the Minister of Justice how much of the draft budget has been allocated to the courts service, in each of the next four years.

(AQW 3633/11)

Minister of Justice: The Department of Justice published its draft Budget 2010 allocations on 23 December 2010. This information is available via the following link www.dojni.gov.uk/index/publications/doj_budget_2010_draft_budget_tables.htm

For information, the NI Courts and Tribunals Service draft budget is as follows:

£m	2011/12	2012/13	2013/14	2014/15
Resource DEL	54.8	56.0	55.0	55.2
Capital DEL	4.5	2.3	1.8	2.2

Youth Justice System: Review

Mr L Cree asked the Minister of Justice for an update on the review of the Youth Justice System; and what bearing did the need to replace a member of the Team, due to a perceived lack of independence, have on the extension of the Review Team's timetable for completion.

(AQW 3658/11)

Minister of Justice: The Independent Review Team has begun its work with an intensive series of meetings and briefings with a wide range of stakeholders including the judiciary, young people, Departmental officials and representatives of the statutory, voluntary and community sectors. The Team plans to continue this process of engagement through February and March to ensure that they capture all relevant evidence to inform their deliberations.

The replacement of a member of the Team early on in this process had no bearing on the timescale for the completion of the Review. I made the decision to extend the timeframe to June 2011 following correspondence with the Review Team as originally constituted. Given the extent of the work required, the range of consultations and views to take on board and the wider linkages which would need to be made, they felt they could not produce an adequate report for publication by early March. I was content to agree to an extension on that basis.

Manufacture and Storage of Explosives

Mr I McCrea asked the Minister of Justice if he can confirm that his Department will grant a licence to businesses selling fireworks without planning permission, under the 28-day rule set out in the Planning (General Development) Order (NI) 1993.

(AQW 3659/11)

Minister of Justice: I can confirm that the Department will grant a licence or registration under the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 for a period of 28 days. The applicant must comply with the requirements of the Regulations and with Schedule 1, Part 4 of the Planning (General Development) Order (Northern Ireland) 1993.

Drug-Dealing Offences

Mr A Maginness asked the Minister of Justice how many people charged with drug dealing offences are currently on bail.

(AQW 3673/11)

Minister of Justice: Drug dealing is not a statutorily defined offence. Information has therefore been collated on the basis of offences involving supplying, manufacturing/producing, exporting and importing drugs.

As of 24 January 2011, 314 defendants charged with these types of offences were on bail.

Note:

1 Data has been extracted from a live operational IT system and may change on a daily basis.

Physical Abuse of Partners

Ms C Ní Chuilín asked the Minister of Justice how many people have been imprisoned for physical abuse of their partners since April 2010; and what sentences did they receive.

(AQW 3685/11)

Minister of Justice: I regret the information requested is not available. Court conviction data do not contain background or victim information in relation to offences committed and it is therefore not possible to separate out the number of convictions for assault offences which had a domestic motivation.

Staff Transferred from the NIO

Mr P Weir asked the Minister of Justice what policy was followed when staff, who were transferring from the NIO to his Department, were moved on to NI Civil Service payscales.

(AQW 3698/11)

Minister of Justice: Following devolution of justice functions, all NICS staff in the DOJ were given the option of retaining their former NIO grade and salary. Staff were also given the option of transferring to the analogous NICS pay scales on the following basis:

SCS staff will have the option of transferring to NICS terms on their existing salary;

Staff at Grades C to A had the option to transfer at the equivalent or next highest point in monetary terms; and

Staff at Grades D2 and D1 had the option to transfer in line with the length of service provisions as outlined in the terms of the NICS Equal Pay settlement.

PSNI Staff Transferring to DOJ

Mr P Weir asked the Minister of Justice whether he intends to review the current policy on reckonable service for former, or seconded, PSNI staff transferring to his Department.

(AQW 3699/11)

Minister of Justice: On devolution, staff working in the former NIO transferred to the Department of Justice which resulted in the NIO pay delegation being rescinded and pay authority for all DOJ staff transferring to DFP. I am aware that discussions are on-going between DFP and PSNI in respect of the legal arguments put forward by PSNI in the draft business case on the extension of the NICS Equal Pay settlement to PSNI support staff. The outcome of these discussions may impact on whether DFP considers periods of service in the PSNI for staff as eligible for equal pay purposes. My officials are following developments on this issue. If a decision is taken by DFP to include PSNI service, my staff will implement those changes, and pay any arrears due to staff, as quickly as possible.

Staff Transferred from Access NI

Mr P Weir asked the Minister of Justice how many staff transferred from Access NI to his Department when it was created.

(AQW 3700/11)

Minister of Justice: Fifty six staff transferred with Access NI to the Department of Justice when it was established on 12 April 2010.

Court Interpreters

Lord Morrow asked the Minister of Justice what is the standard fee paid to court interpreters for each court appearance; and whether the fee is paid per hour or per defendant.

(AQW 3723/11)

Minister of Justice: The Northern Ireland Courts and Tribunals Service (NICTS) is party to a contract with Connect-NICEM, who supply interpreters in a wide variety of languages for the criminal justice agencies.

NICTS is also a party to a similar contract with RNID for the provision of sign language interpretation services.

The rates under both contracts are exclusive of VAT.

Connect-NICEM

There are different rates depending on the type of court appearance and interpreter booked.

Local Interpreter

For all hearings other than a Crown Court trial one local interpreter is booked. The fees are as set out below and apply whether there are one or more individuals requiring an interpreter at a particular court venue.

Minimum Fee (3 hour session)	Hourly Fee thereafter	Booking Fee	Fixed Travel Fee	Mileage Rate
£75.00	£25.00 per hour	£50.00*	£6.00	£0.45

*If less than 24 hours notice is given then an enhanced booking fee of £70.00 is charged.

There is also a £10.00 waiting fee between interpreting sessions if this is necessary.

National Register Interpreter

For all Crown Court trials two nationally registered interpreters are booked per case, these may either be local interpreters or may be sourced from outside the jurisdiction. The rates below are per interpreter.

Minimum Fee (6 hours)	Hourly Fee thereafter	Booking Fee	Fixed Travel Fee	Mileage Rate
£240.00	£40.00 per hour	£50.00	£6.00	£0.45

Where the interpreter has to be sourced outside Northern Ireland all flights, accommodation and other travel costs are also invoiced and paid for. There is also a daily meal allowance of £15.00 paid per interpreter.

RNID

The sign language interpretation rates applicable are dependant on the type of interpreting services required. The rates below are per interpreter and, where necessary, 2 sign language interpreters may be booked. The fees apply whether there are one or more individuals requiring an interpreter at a particular court venue.

Type of Interpreting Services	Minimum Fee	Hourly Fee thereafter
British Sign Language Deaf Blind Interpreters	£175.00 for up to 3 hours	£49.00 per hour
Irish Sign Language Lipspeakers Speech to Text Reporters	No fixed fee, charged at cost plus £15.00 administration fee	N/A

All rates are inclusive of travel expenses.

Prisoner Ombudsman: Budget

Lord Morrow asked the Minister of Justice how much his Department has allocated annually to the Prisoner Ombudsman, through the Northern Ireland Prison Service's budget.

(AQW 3764/11)

Minister of Justice: The Prisoner Ombudsman's budget is not allocated through the Northern Ireland Prison Service: it is provided direct from the Department of Justice's budget. The Prisoner Ombudsman's budget for 2010/11 is £670,000.

Police and Prison Officers: Suspension

Mr A Ross asked the Minister of Justice to outline any proposals his Department has to reduce the cost of suspended police or prison officers.

(AQO 873/11)

Minister of Justice: In both the PSNI and the Northern Ireland Prison Service, the decision to suspend an officer is only taken in exceptional circumstances. Managers are actively encouraged to consider alternatives to suspension, where appropriate, such as the redeployment of staff, so that the facility to suspend is only used when it is essential.

The factors considered in coming to a decision, whether in relation to a police officer or a prison officer will include:

- the nature and seriousness of the alleged offence;
- the nature of the post held and potential associated risk;

- public interest;
- reputation and public confidence;
- organisational effectiveness; and
- the risk of compromising any investigation.

Where suspension is considered necessary this will normally be on full pay because the measure is not a punishment, nor is it a presumption of guilt. The suspension is usually pending the outcome of a disciplinary process or court proceedings and so the duration of this process will therefore impact directly on its cost.

The PSNI has been working with officials from my Department to develop a policy for the reform of police conduct and performance procedures for Northern Ireland which will address (amongst other things) a reduction in the time a police officer remains suspended. The Department is currently reviewing the legislation to consider what amendments to primary and secondary legislation would be required.

Within NIPS there is recognition that the disciplinary process is complex and can be subject to delay and NIPS too has plans in place to take forward a review of its Code of Conduct and Discipline. Where the disciplinary procedures are internal to NIPS every effort is made to expedite matters. However, where a prison officer has been suspended pending police investigation or court proceedings the length of time taken to complete the process is beyond the control of NIPS.

Youth Conferences

Mr F McCann asked the Minister of Justice if there is a limit to the number of times an individual can participate in a youth conference.

(AQO 874/11)

Minister of Justice: There is no statutory limit to the number of times an individual can participate in a youth conference. The legislation allows for repeat conferences and to impose a limit would deny victims of subsequent offences an opportunity to have an input into the process.

The restorative conference is only the starting point which gives the victim the opportunity to be involved, allows for detailed discussion around the offence committed, and leads to a plan encompassing up to 9 requirements which may include restrictions on conduct or whereabouts, performing unpaid work within the community, reparation and payment to the victim, as well as a custodial option.

During 2009-10, 88.5% of young people referred for youth conferences received no more than 2 referrals.

Public Prosecution Service

Mr M McLaughlin asked the Minister of Justice how his Department ensures that the Public Prosecution Service is accountable to the public without interfering with its independence.

(AQO 875/11)

Minister of Justice: As members will be aware, the Department of Justice has no formal responsibility for the Public Prosecution Service. As Minister of Justice, I am nevertheless mindful of the importance of the criminal justice system as a whole working effectively and of proper regard to independence of decision-making.

While the current arrangements for the PPS have been in place only since 12 April last year, concerns have been expressed by a number of members about accountability arrangements for the PPS. Following discussions, the First Minister, deputy First Minister and I have agreed that we will consult on options for accountability arrangements for the future.

My officials aim to be in a position to discuss a draft consultation paper with the Justice Committee soon.

Department for Regional Development

NI Water: Meetings

Mr P J Bradley asked the Minister for Regional Development whether he initiated pre-Christmas meetings with NI Water to discuss the arrangements in place to address the impending thaw.
(AQW 3232/11)

Minister for Regional Development (Mr C Murphy): I did not initiate pre-Christmas meetings with NI Water to discuss its arrangements for dealing with the impending thaw. Managing, maintaining and operating its water and sewerage networks and assets is an operational matter for the Company.

Mains Water Supply: Warrenpoint, Mayobridge and Rostrevor

Mr P J Bradley asked the Minister for Regional Development (i) for his assessment of the two-week breakdown in the mains water supply to Warrenpoint, Mayobridge and Rostrevor, including Burren; and (ii) to outline what plans he has to ensure that these areas will not experience the same problem in the immediate and long-term future.
(AQW 3233/11)

Minister for Regional Development: Northern Ireland Water (NIW) experienced problems from 27 December to 6 January. I have been advised by NIW that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

Mains Water Supply: Shinn Road, Newry

Mr P J Bradley asked the Minister for Regional Development to detail (i) the specific reasons why residents of Shinn Road, Newry were without a mains water supply for 13 days from 20 December to 1 January 2011; (ii) why updates, promised by NI Water, were not given to residents; and (iii) why drinking water was not made available to the residents during this time.
(AQW 3234/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) according to its records, the Shinn Road area of Newry was not without mains water supply, but individual properties may have encountered problems with frozen pipes. Some customers may have experienced intermittent supply from 26 December 2010 to 3 January 2011 as the service reservoir level fell to approximately 1.2 metres.

- (ii) It is acknowledged that NIW's processes for communicating with customers were overwhelmed by the volume of enquiries received due to the unprecedented nature of the incident. Restoring customers to supply during what has probably been the single biggest supply incident the organisation has ever faced was a major challenge. I have been assured by NIW that it has learnt from the mistakes made and is striving to improve its processes and to develop its partnerships with local Councils and other agencies to reduce the risk of a recurrence in the future.
- (iii) Alternative water supplies were available in the following locations from 28 December 2010:-

The Square and Upper Dunmore Road, Warrenpoint

The Square, Rosstrevor

Community Centre, Mayobridge

The Square, Hilltown

NIW Office and Newry & Mourne Leisure Centre, Newry.

Damaged Roads

Mr P J Bradley asked the Minister for Regional Development for his assessment of the cost to repair roads damaged by the recent frost.

(AQW 3235/11)

Minister for Regional Development: There is no doubt that the coldest month for over 120 years has had a damaging effect on our road network. The repeated freezing and thawing cycles caused many carriageways to split and potholes to form. This is especially prevalent on local rural roads which are more vulnerable to this type of damage.

Well maintained roads in good condition will, by and large, suffer relatively little damage from frost. However, where the surface is ageing, or has been damaged by excavation and reinstatement, water can penetrate into small cracks and other defects in the surface. When the water freezes, often overnight, it expands to open up these cracks. During daytime thaws, the ice melts and more water seeps in, before the next freeze. Repeated freeze thaw cycles gradually open up such cracks and create cavities, and the surface deteriorates very quickly. Traffic soon displaces the loose aggregate and potholes form.

It is anticipated that the amount of damage caused will be considerable, and well in excess of the additional £2 million estimated repair costs for last winter. That said, 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, to diagnose every failure that has already led, or is likely to contribute to damage in the future.

It will take some time for all of the damage to be identified, however, the additional £8.5 million allocated for roads maintenance since October 2010 will help to deal with the effects of the damage caused by recent frost.

NI Water: Awareness of Long Range Weather Forecast

Mr G Savage asked the Minister for Regional Development if, on 23 December 2010, NI Water was aware, via the long range weather forecast, that the thaw was due to take place on 26 December 2010.

(AQW 3238/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: December 2010 Thaw

Mr G Savage asked the Minister for Regional Development, given the expected thaw on 26 December 2010, what actions NI Water took from 23 December onwards in preparation for any difficulties that the thaw would bring.

(AQW 3240/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Call-Handling Capacity

Mr C McDevitt asked the Minister for Regional Development to detail (i) what steps NI Water took to increase call handling capacity in 2010; (ii) whether NI Water approached any call centre companies about increasing capacity; and (iii) whether any call centre companies offered NI Water enhanced call handling services, and if so, what was the response from NI Water.

(AQW 3244/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Employees

Mr C McDevitt asked the Minister for Regional Development how many of the 1415 employees of NI Water were in work each day from 22 December to 31 December 2010 inclusive, broken down by (i) industrial; and (ii) non-industrial staff.

(AQW 3245/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Emergency Meeting

Mr C McDevitt asked the Minister for Regional Development when did NI Water have its first emergency meeting, either in person or by teleconference, in December 2010.

(AQW 3246/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Additional Contractors

Mr C McDevitt asked the Minister for Regional Development how many additional contractors NI Water employed on 27 and 28 December 2010 to address the mains water supply shortage.

(AQW 3247/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Website

Mr C McDevitt asked the Minister for Regional Development why information on NI Water's website in relation to the mains water supply shortage was not updated in a timely manner until 29 December 2010.

(AQW 3248/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Waterline Revenue

Mr P Callaghan asked the Minister for Regional Development to detail, for each of the last three years, (i) how much revenue has been generated by NI Water from charges for its Waterline phone line; (ii) the cost incurred by NI Water for the operation of this phone line; and (iii) any payments made to third parties in relation to this phone line.

(AQW 3249/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) it does not generate any income from inbound calls received on Waterline 08457 440088 and has received no income from this line in the last three years. (ii) Operation of the Waterline is undertaken by a third party, on behalf of NIW, under a contract which includes the provision of a range of customer

contact and billing services. The cost of operating Waterline is not identified separately in the contract and is therefore not available. (iii) NIW is required to pay for the telecommunications infrastructure which needs to be in place to support the various phone lines offered (Waterline, Leakline, Billing Line, etc.). In each of the last three years there has been a fixed annual cost for the provision of telephone line capacity and maintenance and support of telephony infrastructure. These services have been competitively tendered.

Gritting Policy in Rural Areas

Ms M Ritchie asked the Minister for Regional Development whether he will undertake a review of the gritting policy in rural areas, given the impact of the recent severe weather conditions on rural communities.

(AQW 3251/11)

Minister for Regional Development: The winter service policy and procedures operated by Roads Service follow the well-established practice of targeting the limited resources available for this service on the busier main through routes. In general, this means that Roads Service salts the main through routes that carry more than 1,500 vehicles per day and, in exceptional circumstances, roads with difficult topography that carry 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. 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.

I fully understand and appreciate the concerns of those who use the remaining more lightly trafficked roads, which are not on the salted network. However, I am sure that you will appreciate that there is a fine balance to be drawn between putting even more funds into salting, or continuing to spend it on the many other worthwhile demands on Roads Service's limited resources, many of which are also safety related. During the next four years, there will be even greater pressures on the Roads Service budget; therefore it is highly unlikely that additional funding will be made available to salt additional roads, including those in rural areas.

That said, while the aim of this policy is to target the limited resources available for this service on the busier main through routes, the policy also makes provision for unscheduled and emergency requests. For example, additional salting may be undertaken in the case of an emergency, to provide access for the emergency services, or some other unforeseen occurrence, such as a funeral.

In addition, small settlements in rural areas, containing 100 dwellings or more, have salted links to roads on the main salted network and over 40,000 salt bins and grit piles are provided 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 also introduced enhanced communication arrangements and priority "secondary" salting to a number of rural schools that are most affected by weather conditions.

In light of the significant resources already deployed by Roads Service and the budget cuts that my Department is facing during the next four years, I currently have no plans to review the winter gritting policy and schedule in rural areas at this stage. That said, as with all such significant weather events, Roads Service will examine the operational effectiveness of its response this season and take on board any lessons learnt, and as a result, it may be necessary to reassess the situation at some point in the future.

Roads Infrastructure

Ms M Ritchie asked the Minister for Regional Development, in light of the impact of the severe weather conditions on the road infrastructure, what plans he has to improve the roads infrastructure.

(AQW 3252/11)

Minister for Regional Development: There is no doubt that the coldest month for over 120 years has had a devastating effect on the road network. The repeated freezing and thawing cycles caused many carriageways to split and potholes to form. This is especially prevalent on local rural roads which are

more vulnerable to this type of damage. As a result, it will be some time before the full extent of the damage caused to the road network can be identified, fully assessed and repaired, subject to the availability of sufficient funds.

I would emphasise that if the roads had been in better condition to start with, the amount of damage caused by the recent wintery weather would have been much less. By and large, relatively little damage is caused to well maintained roads, in good condition, during these weather conditions.

Since October 2010, an additional £8.5 million of funding has been allocated for road maintenance which is particularly timely given the recent extreme weather we have been experiencing. It is also hoped that Roads Service's structural maintenance budget will benefit from the redistribution of funds as a result of the December Monitoring Round. The money will be used to assist in dealing with the effects of the recent cold spell, including the purchase of salt to replenish stocks and progressing pre-determined programmes of work, which will target the worst affected roads.

It is evident that if more funding was available, more maintenance work would be carried out and I can assure you that Roads Service will continue to make strong bids for additional funding for structural maintenance.

In the meantime, Roads Service will continue to make the best use of resources available to it to develop and maintain the road network.

Salt and Grit Stock

Mr A Easton asked the Minister for Regional Development (i) whether his Department had enough salt and grit stock to cope with the severe weather conditions in December 2010; and (ii) whether his Department had to buy additional salt and grit stock from abroad due to low stockpiles.

(AQW 3254/11)

Minister for Regional Development: My Department's Roads Service has advised that as part of its pre-season preparations, salt barns were filled to capacity and carried around 65,000 tonnes of salt. During an average winter, Roads Service would expect to use around 50,000 tonnes. Roads Service has arrangements in place to replenish salt stocks on a regular basis and sufficient stocks were available to deal with the extreme weather conditions experienced during December 2010.

Roads Service has sourced all of its salt supplies from one provider, Irish Salt Sales, which is supplied with salt from a number of sources, including from abroad.

Grit Boxes in Bangor

Mr A Easton asked the Minister for Regional Development why grit boxes in Bangor were not filled for days at a time during the severe weather in December 2010.

(AQW 3255/11)

Minister for Regional Development: Firstly, I should explain that my Department's Roads Service has no statutory obligation to salt public roads or footways. However, to assist the safe movement of traffic in wintry conditions, sufficient funding is set aside to salt the main traffic routes across the North.

The winter service policy and procedures, operated by Roads Service, follow the well-established practice of targeting the limited resources available for this service on the busier main through routes. Its primary aim is to keep the strategic road network open during periods adverse weather, and despite the longest uninterrupted sub-zero spell experienced in the North since 1881 and the accompanying periods of snow, it managed to do so.

On roads in urban areas that are not part of the salted schedule, consideration is given to the placing of salt bins on lightly trafficked roads. The salt is intended for use by the public on public roads and footways, on a self-help basis. Roads Service has devised a criteria-based point scoring system to determine when provision of a salt bin is deemed appropriate, which takes account of traffic volume,

road gradient and geometry, available alternative routes and other community related facilities such as hospitals and schools.

There are presently 167 salt bins in North Down. The frequency of the replenishment of the salt bins is dependent on weather conditions and the availability of staff resources. During December 2010, which was the coldest for over 120 years, salt bins were allocated the highest priority with a salt replenishment cycle of two to three days.

The demand on this source of salt was very high, and a number of reports were received of salt being used inappropriately i.e. not on public roads and footways. As a consequence some members of the public at certain locations were denied access to salt until stocks had been replenished. As you will appreciate, Roads Service does not have the resources to monitor each bin but every effort was made to respond to requests from the public in so far as resources permitted.

Gritting: Housing Estates in Bangor

Mr A Easton asked the Minister for Regional Development why some (i) bus routes; and (ii) housing estates in Bangor were not gritted during the severe weather in December 2010.
(AQW 3256/11)

Minister for Regional Development: Firstly I should explain that my Department's Roads Service has no statutory obligation to salt roads or footways. However to assist the safe movement of traffic in wintry conditions, sufficient funding is set aside to salt the main traffic routes across the North.

The winter service policy and procedures, operated by Roads Service, follow the well-established practice of targeting the limited resources available for this service on the busier main through routes. In general, this means that Roads Service salts the main through routes that carry more than 1,500 vehicles per day and, in exceptional circumstances, roads with difficult topography that carry 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.

Roads Service prepares a salted road schedule using these criteria, and there are some bus routes and roads within estates which do not qualify for inclusion within the schedule.

On roads that are not part of the salted schedule, consideration is given to the placing of salt bins on lightly trafficked roads. The salt is intended for use by the public on public roads and footways, on a self-help basis. Roads Service has devised a criteria-based point scoring system to determine when provision of a salt bin is deemed appropriate, which takes account of traffic volume, road gradient and geometry, available alternative routes and other community related facilities such as hospitals and schools.

Extending the schedule, for example to include all bus routes and housing estates and cover 90% or 100% of traffic volumes would increase the cost to approximately £10 million or £20 million per annum, respectively. In the current economic climate and with the proposed reductions in the Department's overall budget, such an approach would not be affordable.

Damage to the Roads System

Mr S Gardiner asked the Minister for Regional Development for his assessment of the damage to the roads system as a result of the severe weather conditions in late 2010.
(AQW 3258/11)

Minister for Regional Development: There is no doubt that the coldest month for over 120 years has had a damaging effect on our road network. By and large, well maintained roads in good condition suffer relatively little damage but where the surface is ageing, or has been damaged by excavation and reinstatement, water can penetrate into small cracks and other defects in the surface. The repeated freezing and thawing cycles then cause many carriageways to split and potholes to form. This is especially prevalent on local rural roads, which are more vulnerable to this type of damage.

It is anticipated that the amount of damage caused to the road network will be considerable, and well in excess of the estimated £2m of additional repair costs for last winter. However, 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, to diagnose every failure that has already led to, or is likely to contribute to, damage in the future.

Regrettably, it will take some time for all of the damage to be identified and repaired, as this will be dependent upon the availability of funds.

NI Water: Constraints

Mr S Gardiner asked the Minister for Regional Development if there are any constraints on NI Water in relation to interrupting the water supply to any area.

(AQW 3259/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it is required, except in an emergency, to serve reasonable notice on consumers where it proposes to interrupt the water supply to carry out necessary work. Where the supply of water to domestic premises is interrupted for more than 24 hours NIW is required to provide an emergency supply, whether or not in pipes, within a reasonable distance of those premises.

During the recent freeze/thaw incident, my Department gave a general direction under the Water and Sewerage Services (Northern Ireland) Order 2006 which enabled NIW to interrupt, with or without notice, any water supply to any premises to deal with the emergency.

Road Maintenance and Repairs

Mr S Gardiner asked the Minister for Regional Development to detail the spend, per mile, on road maintenance and repairs in (i) each of the last four years; and (ii) 2010/11 to date.

(AQW 3261/11)

Minister for Regional Development: My Department's Roads Service has advised that details of structural maintenance spend per mile in each of the last four years are set out in the Table below. Structural maintenance includes resurfacing, strengthening, surface dressing, structural drainage and patching.

Length (miles) *	Spend 06 - 07		Spend 07 - 08		Spend 08 - 09		Spend 09 - 10	
	£k	£k/mile	£k	£k/mile	£k	£k/mile	£k	£k/mile
25,576	65,565	2.5	77,370	3	62,982	2.5	85,189	3.5

* Road length as at 1 April 2010

Figures of £k/mile have been rounded

At present, I am unable to provide details of 2010/11 spend, as the current financial year's figures are subject to audit and may change. This information will not be available until after the end of this financial year.

Roads with Insufficient Lighting

Mr S Gardiner asked the Minister for Regional Development (i) for his assessment of roads with insufficient lighting; and (ii) whether he has had any contact with the PSNI in relation to the contribution of roads with insufficient lighting to road accidents.

(AQW 3262/11)

Minister for Regional Development: My Department's Roads Service has advised that it aims to conform to the standards and recommendations in the latest Codes of Practice for the Design of Road Lighting BS 5489 / BS EN 13201, and in the Well-lit Highways Code of Practice for Highway Lighting Management. In addition, Roads Service aims to provide and maintain street lighting systems in line with its Policy and Procedures Guidelines. In all cases, the need for additional or improved street lighting is assessed against the relevant policies and criteria.

With regard to contact with the PSNI and extent to which insufficient lighting on roads might be a contributory factor in accidents, I can advise that Roads Service is in regular contact and shares data with the PSNI on possible contributing factors associated with collisions on the road network.

Roads Service is committed to considering measures which have the potential to reduce collisions in all aspects of its work. This applies to both new road schemes and at locations on the existing road network where there may be a poor safety record.

Roads Service undertakes analysis, as part of its Collision Remedial programme, of selected collision sites for the purposes of identifying possible remedial measures. Street lighting is one aspect of this analysis which is assessed along with other factors, when determining if remedial action is required.

Water and Sewerage Infrastructure: Upgrade

Mr J Craig asked the Minister for Regional Development how much money the Executive secured from London during the previous mandate for upgrading the water and sewerage infrastructure; and how the money was spent.

(AQW 3273/11)

Minister for Regional Development: Budget settlements received from London are not hypothecated and do not make specific allocations for particular functions or services such as water and sewerage. The Budget Allocations for water and sewerage (including capital investment) are made by the Executive from the NI DEL.

Snow Ploughs Owned by Roads Service

Mr T Clarke asked the Minister for Regional Development to detail (i) the number of snow ploughs owned by Roads Service; (ii) where they are located; and (iii) the cost of utilising one of these ploughs.

(AQW 3280/11)

Minister for Regional Development: My Department's Roads Service owns 238 snow plough attachments and details of numbers and their location are provided in the table below:

Location	Snow Ploughs	Location	Snow Ploughs
Belfast	14	Craigavon	7
Armagh	9	Banbridge	8
Arvalee	8	Larne	4
Bangor	8	Limavady	23
Ballymena	12	Magherafelt	19
Ballymoney	23	Dungannon	5
Ballyvadden	4	Newry	7
Coleraine	12	Lisburn	12
Antrim	10	Strabane	7
Seaforde	12	Derry	22

Location	Snow Ploughs	Location	Snow Ploughs
Enniskillen	12		

Snow plough attachments are fitted to various types of vehicles including 26 and 18 tonne dual function gritter/tipper lorries, 17 tonne multi function Unimogs, 14 tonne tipper lorries, Roads Service agricultural tractors and agricultural tractors of various sizes utilised under contract by contractors and farmers. Due to the varied type and nature of vehicles on which snow plough attachments are utilised, it is not possible to provide a definitive cost for the utilisation of a snow plough.

NI Water: Board

Mr P McGlone asked the Minister for Regional Development whether the Board of NI Water voted unanimously to approve the settlement package for the outgoing CEO.

(AQW 3285/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the decision to approve the settlement package for the outgoing CEO was carried by the Board. It is not the practice of the Board to record whether votes are carried unanimously or otherwise.

NI Water: Procurement Breaches

Mr P McGlone asked the Minister for Regional Development how many procurement breaches were found at NI Water between (i) July 2009 to July 2010; and (ii) August 2010 to date.

(AQW 3287/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) the scope of the Contracts Approval and subsequent deep dive internal audit reviews covered the period from April 2007 to February 2010 only. These reviews found a total 74 procurement breaches, 54 of which had incurred expenditure in the period from July 2009 to February 2010. A subsequent Northern Ireland Audit Office examination of procurement breaches in NIW included a review of expenditure across the 74 procurement breaches up until August 2010. This found that 45 of the 74 procurement breaches had incurred expenditure in the period from February 2010 to August 2010.

- (ii) There have been no independent investigations into procurement breaches covering the period post August 2010. However, NIW's Procurement Compliance Officer has identified one additional procurement breach from August 2010 to date.

NI Water: Bottled Water

Mr T Burns asked the Minister for Regional Development to detail the number of drinking water dispensers in all NI Water offices and premises; and of these, how many dispense (i) bottled water; and (ii) tap water.

(AQW 3303/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that it has 25 drinking water dispensers in its premises, used as offices or with office accommodation, and all dispense tap water.

NI Water: Bottled Water

Mr T Burns asked the Minister for Regional Development to detail, for each of the last five years, (i) which companies have provided NI Water with bottled water for use in its water dispensers and for hospitality in its premises; (ii) how much bottled water has been provided; and (iii) the cost of this bottled water.

(AQW 3304/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it has not provided bottled water for use by staff, except in the Duncrue Street Incinerator control room where welfare and health and safety considerations require the availability of drinking water but restrict the introduction of mains water in close proximity to sensitive electronic equipment. Responsibility for the operation and maintenance of the Incinerator transferred to a Private Finance Contractor in March 2010, when the requirement for NIW to provide bottled water for staff ceased. Bottled water was supplied under contract by Rocwell Natural Mineral Water and the table below details the amounts spent in each of the past five years.

Year	Amount
2006/07	£380.25
2007/08	£298.25
2008/09	£299.55
2009/10	£329.55
2010/11	Nil.

Bottled Water: Dispensed to the Public

Mr T Burns asked the Minister for Regional Development how much bottled water was dispensed to the public during the recent water shortage.

(AQW 3305/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Catering and Hospitality

Mr T Burns asked the Minister for Regional Development how much NI Water has spent on catering and hospitality in each of the last five years.

(AQW 3306/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the amounts spent on catering and hospitality in the past five years, by NIW and its predecessor DRD Water Service, were as follows:-

Year Ended 31 March	Amount	Entity
2010	£53,000	NIW
2009	£68,000	NIW
2008	£63,000	NIW
2007	£62,000	DRD Water Service
2006	£34,000	DRD Water Service

All amounts are exclusive of VAT.

Bottled Water: Sent to Northern Ireland

Mr T Burns asked the Minister for Regional Development to detail (i) how much water was sent to Northern Ireland from (a) Scotland; (b) England; (c) Wales; (d) the Republic of Ireland; and (e) elsewhere

during the recent water shortage; (ii) on what date the water was requested by his Department; and (iii) whether the Department paid for the water; and if so, to detail the total cost and the cost per litre.

(AQW 3307/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

Parking Tickets

Mr S Hamilton asked the Minister for Regional Development how many parking tickets issued to Republic of Ireland registered vehicles, since the commencement of the NCP contract and the NSL Services Group Traffic attendants, remain outstanding.

(AQW 3315/11)

Minister for Regional Development: My Department's Roads Service has advised that, since the commencement of the current parking enforcement contract in November 2006 to the end of October 2010, 47853 Penalty Charge Notices (PCNs) have been issued to Southern registered vehicles. Of that total, the number of PCNs outstanding, and which remain subject to ongoing processing and debt recovery procedures, is 2,600 (5.4%). However, you should note that figures relating to outstanding PCNs can, and do, change on a daily basis.

In March 2010, a new pilot agreement was implemented between both licensing authorities. This has enabled Roads Service's Parking Enforcement Processing Unit to pursue payment of PCNs issued since then to Southern registered vehicles.

Under-Road Water Network

Mr G Savage asked the Minister for Regional Development, in light of the water shortage crisis in December 2010, whether his Department has a co-ordinated response plan with Roads Service and NI Water to ensure cost effective access to the under-road water network with minimal traffic disruption; and for an estimate of the cost of developing the plan.

(AQW 3318/11)

Minister for Regional Development: The Street Works (Northern Ireland) Order 1995 and the associated regulations and codes of practice provide the framework within which NI Water's (NIW), and other undertakers, statutory right to carry out works is balanced with the rights of road users to expect the minimum disruption from such works. This framework includes provision for minimum notice periods when carrying out works of different categories within traffic sensitive and non-traffic sensitive situations, and covers emergency and urgent works, in addition to planned works.

The central aspect of the framework, developed to coordinate street works and keep traffic disruptions to a minimum, is the Northern Ireland Street Works Register and Notification System (NISRANS). NIW uses this system to inform Roads Service of all openings in public footpaths and carriageways, such as those associated with the recent severe weather events. The cost of these arrangements is not unduly influenced by the events in December.

NISRANS was procured by Roads Service on behalf of the NI Road Authority and Utilities Committee (NIRAUC), with the costs shared between Roads Service and all the utility providers. For example, the 2010/11 charge for provision of NISRANS is £275,000, with NIW's share of this cost in the order of £77,000.

NI Water: Major Incident Response Plan

Mr G Savage asked the Minister for Regional Development at what time on 26 December 2010 NI Water initiated the Major Incident Response Plan.

(AQW 3319/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Major Incident Response Plan

Mr G Savage asked the Minister for Regional Development on how many occasions NI Water's Major Incident Response Plan has been revised, amended or updated since 1 April 2007; and to detail any changes.

(AQW 3320/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that its Major Incident Response Plan has been reviewed, amended or updated a total of 7 times since 1 April 2007. The table below outlines the date and description of the changes.

Date	Change
April 2007	All benchmarks reviewed and amendments made to the following benchmarks: <ul style="list-style-type: none"> ■ Drinking Water Quality ■ Discoloured Water ■ Loss of Supply ■ Internal Sewage Flooding
August 2007	References to Water Service updated to Northern Ireland Water
October 2008	The following Chapters were added to the Major Incident Response Plan: <ul style="list-style-type: none"> ■ Public Private Partnership (PPP) Alpha Section (Water Supply PPP Partner) - Volume 1 Chapter 6 ■ ICT Section - Volume 1 Chapter 6. All benchmarks reviewed and amendments made to the following benchmarks: <ul style="list-style-type: none"> ■ Public Relations Additional benchmarks for ICT & Customer Contact added.
March 2009	The following Chapter was added to the Major Incident Response Plan: <ul style="list-style-type: none"> ■ PPP Omega Section (Waste Water PPP Partner) - Volume 1, Chapter 6 Amendments made to Volume 1 Chapter 2 – Definitions.
October 2009	Volume 1 Chapter 4: The Major Incident Plan - Amendments to Roles & Responsibilities of Incident Teams. Volume 1 Chapter 6: Specific Events – Amendments to Injuries & Fatalities section.
August 2010	Volume 1 Chapter 6: Special Events – Amendments to PPP contact details.
Sept 2010	Volume 1 Chapter 5: Tasks – Responsibility Guidance Notes added for the following: <ul style="list-style-type: none"> ■ Work Control Centre (WCC) ■ Operations Contract Partner.

Water Shortage Crisis

Mr G Savage asked the Minister for Regional Development whether he will consider his position as a result of the water shortage crisis in December 2010.

(AQW 3322/11)

Minister for Regional Development: I refer to my statement to the Assembly on Monday 17 January 2011 in which I dealt with this point.

Water Shortage Crisis

Mr G Savage asked the Minister for Regional Development for his assessment of the impact of the water shortage crisis in December 2010 on NI Water's aspiration to be the number one utility company in the UK by 2014.

(AQW 3323/11)

Minister for Regional Development: The Executive review of the response to the recent emergency, which will report at the end of February, will cover the types of issues you have raised.

NI Water: Waterline Revenue

Mr C McDevitt asked the Minister for Regional Development how much revenue NI water generated from the Waterline phone line during the water shortage crisis.

(AQW 3326/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

Budget: DRD

Mr T Clarke asked the Minister for Regional Development when he intends to publish his Budget.

(AQW 3336/11)

Minister for Regional Development: My Department's Budget was published on 13 January 2011. I would refer you to my Department's website where there is a link to DRD's Draft Budget 2011-15 Spending and Savings Proposals.

Concessions for Water Leakages

Mr T Elliott asked the Minister for Regional Development, given the recent severe weather conditions, (i) whether businesses will be offered any concessions for leakages which passed through their water meter; and (ii) what steps he intends to take to ensure that these customers will not be overcharged.[R]

(AQW 3340/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that non-domestic customers who are billed on a metered basis will be charged for all of the water that has been recorded by the meter, whether used or lost through leakage within the property. Metered customers who have experienced a leak, and who are connected to the public sewer, can apply for a reduction of the sewerage bill in recognition that the leaked water would not have returned to the sewer.

NIW has no responsibility for supply pipes within customers' property but encourages the property owners to protect and maintain their private pipes and to regularly check consumption through the meter to quickly identify any leakage. There is a cost associated with the treatment and distribution of all water supplied to customers and the cost of wastage arising from bursts on private supply pipes should not be borne by other customers or the taxpayer generally.

NI Water: Board

Ms A Lo asked the Minister for Regional Development to detail the current composition of the Board of NI Water; and how each member is remunerated.

(AQW 3351/11)

Minister for Regional Development: The Board of NI Water currently comprises an interim Non Executive Chair; 3 Interim Non-Executive Directors; 1 Non-Executive Director; and 3 Executive Directors.

Remuneration for the Chair is approximately £40,000 per annum based on anticipated attendance of 4 business days per month, with scope for an additional 5 days (maximum) remunerated at £ £1,000 per day. Remuneration for the Non-Executive Directors is approximately £18,000 per annum based on anticipated attendance of 2 business days per month, with scope for 4 additional days (maximum) at £750 per day. One Executive Director is paid an annual salary of circa £120,000 and the two other Executive Directors are paid an annual salary of circa £108,000.

Allocated Budget for Roads Maintenance

Ms M Ritchie asked the Minister for Regional Development to detail (i) the allocated budget for roads maintenance in each Roads Service division; (ii) how much of each budget has been spent to date; (iii) what bids have been made through monitoring rounds for additional resources in this financial year; and (iv) whether he intends to request additional funds for improvements to the roads infrastructure. **(AQW 3353/11)**

Minister for Regional Development: Details of the opening structural maintenance allocations and spend to the end of November 2010, for each of the four Roads Service Divisions during 2010/11, are set out in the table below:

	Northern Division	Southern Division	Eastern Division	Western Division
Opening Budget (£k)	14,062	17,812	14,921	18,467
Spend at November (£k)	9,394	13,640	9,377	14,788

Since October 2010, an additional £8.5 million has been allocated to Divisions for road maintenance, which is particularly timely given the affects of the recent prolonged spell of extreme weather. The additional money will be used to purchase salt and progress pre-determined programmes of work, targeting the worst affected roads.

The table below shows details of the bids which were made during the year, as part of the various monitoring rounds. All bids were for additional Capital funding.

	June Monitoring Round	September Monitoring Round	December Monitoring Round
Value of bid (£k)	41,000	34,000	12,000

Roads Service's structural maintenance budget received an additional £3 million in December's Monitoring Round, which will also be used to progress pre-determined programmes of work, targeting the worst affected roads.

I can assure the Member that if more funding was available, more maintenance work would be carried out, and that Roads Service will continue to make strong bids for additional structural maintenance funds. In the meantime, Roads Service will continue to make the best use of resources available to it to develop and maintain the road network.

NI Water: Employment of Additional Staff

Mr T Burns asked the Minister for Regional Development how many additional staff were employed by NI Water during the recent severe weather and the water shortage crisis, broken down by post and role; and to detail the cost of employing additional staff. **(AQW 3356/11)**

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

Mains Water Supply

Mr T Burns asked the Minister for Regional Development to detail (i) the mains water supply connections between Northern Ireland and (a) the Republic of Ireland; (b) Scotland; (c) England; and (d) Wales; (ii) whether he plans to upgrade any of these connections; (iii) whether any significant upgrades have taken place in the last five years; and (iv) whether he has any plans to create new connections.
(AQW 3357/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) there are 16 cross-border watermain connections with the South and no connections with Scotland, England or Wales. (ii) NIW currently has no plans to upgrade these connections. (iii) No significant upgrades have taken place within the last five years. (iv) At present, NIW has no plans to create new connections with the South, Scotland, England or Wales.

Reservoirs in Craigtlet Hills, North Down

Mr A Easton asked the Minister for Regional Development to detail any plans he has for the reservoirs in Craigtlet Hills, North Down.
(AQW 3372/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it currently owns the 6 impounding reservoirs in the Craigtlet Hills area (Church Road, Creighton's Green, Ballysallagh Upper and Lower, plus Conlig Upper and Lower Reservoirs). All 6 impounding reservoirs are currently out of service and NIW is in the process of formally declaring them as no longer required for future use. Any disposal will be in accordance with NIW's disposal strategy which will entail placing these reservoirs on the open market.

NI Water: Website

Mr P Weir asked the Minister for Regional Development why Holywood was not listed as an area with problems on NI Water's website for several days during the recent water shortage crisis.
(AQW 3376/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

Gritting of Roads or Footpaths

Mr P Weir asked the Minister for Regional Development what indemnification is available for councils that are assisting or carrying out the gritting of roads or footpaths.
(AQW 3377/11)

Minister for Regional Development: My Department's Roads Service has a power to take reasonable and practicable measures to prevent snow and ice from interfering with the safe public passage over the public highway. Under its current winter service policy and procedures and due in large part to financial considerations, Roads Service does not treat all roads and footways, but follows the well established practice of targeting the limited resources available for this service on the busier main through routes. In addition to this, we offer an agreement to Councils, under which Roads Service provides salt to them, for treating an agreed schedule of their busiest footways. Roads Service's indemnity relates to its treatment policy.

I can advise that 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.

Water and Sewerage Infrastructure at Slievemore Park, Derry

Mr P Callaghan asked the Minister for Regional Development for his assessment of the capacity of water and sewerage infrastructure at Slievemore Park, Derry; and to outline any planned upgrades.
(AQW 3385/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it is not aware of any significant problems with the water mains infrastructure within the Slievemore Park housing development. There are no records of burst mains in the area and a Mains Zonal Study carried out in the city did not identify any hydraulic or water quality issues. There are no capacity issues in this area and consequently no upgrades of the water main infrastructure are planned.

In response to a number of recent complaints from customers regarding blockages on the sewer network at Slievemore Park, NIW plans to carry out a CCTV survey of the local network to determine the source of the blockages and whether any repairs are needed to the fabric of the sewers. It is expected that the survey and the analysis of the results will be completed within the next three months.

Vandalism to Traffic Signs

Mr D Kinahan asked the Minister for Regional Development to detail the number of instances of vandalism to traffic signs that Roads Service has responded to in each of the last four years, broken down by the type of vandalism, such as, graffiti or alterations to town name signs.
(AQW 3392/11)

Minister for Regional Development: My Department's Roads Service has advised that it does not maintain details of the number of instances of vandalism to Roads Service traffic signs. I am therefore unable to provide the information requested by the Member.

NI Water: Performance

Mr G Savage asked the Minister for Regional Development for his assessment of NI Water's performance during the water shortage crisis in December 2010.
(AQW 3394/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive review of the response to the recent emergency, which will report at the end of February, will cover the types of issues you have raised.

Water Shortage Crisis

Mr G Savage asked the Minister for Regional Development on what date NI Water informed his Department of the water shortage crisis.
(AQW 3395/11)

Minister for Regional Development: The Executive has initiated a review of the response to the recent emergency. It will report at the end of February and will cover the details raised in your question.

NI Water: Staff

Mr G Savage asked the Minister for Regional Development how many NI Water staff have left the organisation under severance or redundancy arrangements in each of the last three years; and how many of these posts have not been filled to date.
(AQW 3397/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the number of employees that have left the organisation under severance or redundancy arrangements within each of the last 3 years is as detailed in the table below.

Year	Number of Employees
2007/08	32
2008/09	173
2009/10	77
Total	282

In each case where an employee was released under the terms of the Severance schemes there was a corresponding reduction in the number of employees within the company.

Ministerial Diary Commitments

Mr C McDevitt asked the Minister for Regional Development to provide details of his ministerial diary commitments from 1 December 2010 to 5 January 2011.

(AQW 3414/11)

Minister for Regional Development: I do not think it appropriate to provide details of my Ministerial diary commitments.

Grit Boxes

Mr P Weir asked the Minister for Regional Development to detail the number of grit boxes in each constituency.

(AQW 3415/11)

Minister for Regional Development: My Department's Roads Service has advised that it does not record the number of salt bins provided in each constituency. However, the table below details the number of salt bins within each Council Area:

NUMBER OF SALT BINS IN EACH COUNCIL AREA

Council Area	No of salt boxes
Belfast	251
Lisburn	282
Newtownabbey	204
Carrickfergus	78
North Down	167
Castlereagh	202
Ards	163
Banbridge	248
Newry & Mourne	273
Craigavon	75
Armagh	151
Down	312
Antrim	134
Ballymena	222
Larne	48

Council Area	No of salt boxes
Ballymoney	52
Moyle	53
Coleraine	252
Limavady	174
Londonderry	220
Dungannon	122
Omagh	148
Fermanagh	180
Cookstown	90
Magherafelt	110
Strabane	70
Total	4281

NI Water: Former CEO

Mr P McGlone asked the Minister for Regional Development to detail the professional bodies of which the former CEO of NI Water, Laurence MacKenzie, was a member; and what contact his Department had with these bodies (i) before; (ii) during; and (iii) after his appointment to NI Water.

(AQW 3423/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that its former CEO, Laurence MacKenzie was a member of the Institute of Chartered Accountants of Scotland. However as membership of this professional body was not a requirement for the role of Chief Executive, there was no requirement for NIW to make contact with this professional body, before, during or after Mr MacKenzie's period of employment with the company. Because the appointment process was handled by NIW, the Department would have had no contact (or reason to contact) this professional body.

NI Water: Former CEO

Mr P McGlone asked the Minister for Regional Development to detail (i) what declarations in relation to prior convictions, spent or otherwise, are required to be made on job application forms for his Department and its agencies; (ii) which spent convictions are required to be declared; (iii) what checks are carried out by his Department ; and (iv) whether these procedures were followed in relation to the appointment of the former CEO of NI Water, Laurence MacKenzie in July 2009.

(AQW 3425/11)

Minister for Regional Development: As far as posts in DRD and other Departments are concerned, the NICS-wide policy is that there is no requirement for information on convictions to be declared on job application forms. Only when candidates have been deemed suitable for appointment are they asked to complete a security form in order that appropriate security clearance can be carried out.

In the case of a post deemed to be of basic security level, only details of unspent convictions are obtained from suitable candidates. For a post of a higher security level, checks into both spent and unspent convictions are carried out, with security forms requiring suitable candidates for such posts to declare details of all convictions.

Security checks are arranged by HRConnect on behalf of all Departments.

NI Water was established as a government-owned company under the Water and Sewerage Services (NI) Order 2006 and therefore sits outside the NICS and my Department and operates its own HR and employment procedures. I have been advised by the company that pre-employment references were taken up in respect of Laurence MacKenzie, in line with the usual procedure for roles of this type, and that NI Water was not aware of any conviction.

Proposed South-West Distributor Road in Ballymena

Mr P Frew asked the Minister for Regional Development what consideration has been given to the proposed South West Distributor Road in Ballymena; and what information has been made available to him for consideration.

(AQW 3426/11)

Minister for Regional Development: The proposed Ballymena South West Distributor Road was included in the area plans dating as far back as 1966, and more recently, included in my Department's Sub-Regional Transport Plan 2015 for Ballymena, which I launched in 2007.

Following enquiries from a number of developers, my Department's Road Service undertook to carry out a scheme appraisal, to determine the most favourable alignment for the proposed road. This Assessment is ongoing and, at present, the land required for the scheme has been identified for the majority of the route.

Whilst a Ballymena South West Distributor Road would undoubtedly provide benefits, by serving as a local distributor and link road between the five arterial routes into Ballymena, funding is currently not available for the completion of this scheme. However, some sections of the route may be constructed earlier by prospective developers wishing to open up access to development land.

Water Shortage Crisis

Mr P Frew asked the Minister for Regional Development if there are any plans to introduce a compensation scheme for businesses that depend on water to operate and that suffered a loss of income due to the recent mains infrastructure failure.

(AQW 3427/11)

Minister for Regional Development: There is no statutory compensation scheme under which compensation may be paid to customers for interruption of their water supply.

In normal circumstances Northern Ireland Water (NIW) has a duty under the Water and Sewerage Services (NI) Order 2006 to supply water to premises. Supplies for non-domestic purposes are covered by Article 94 of the Order, which recognises that there will be circumstances where supply is interrupted.

In the recent emergency 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. The Direction overrides the supply and other duties.

NIW is responsible for handling claims in respect of its duties and if business owners feel that they still wish to pursue actions against NIW they should contact the company directly.

Water Reserves

Mr T Burns asked the Minister for Regional Development (i) what contingency plans are in place in the event of water reserves in all reservoirs and other sources fall below critical levels and water has to be imported; and (ii) whether he will make these plans available to MLAs.

(AQW 3429/11)

Minister for Regional Development: I have been advised by Northern Ireland Water [NIW] that it operates 25 impounding reservoirs with a total capacity of 56,923 million litres. Where there is a potential risk to security of supply NIW can implement its Drought Management Plan [DMP] which

is in place for all these reservoirs and which aims to deal with water resource issues and to ensure security of supply. In particular, it aims to provide a structured and flexible framework to manage droughts and their changing severity; and to set out a system of monitoring and reporting to identify and track the onset, progress of and recovery from droughts. At a high level the DMP comprises 2 elements - "Demand Side Options" covering issues such as escalated forecasting, enhanced leakage detection and the efficient use of water; "Supply Side Options" including supply balancing, rezoning and temporary abstractions.

The volume of water in store at impounding reservoirs is recorded and analysed on a regular basis throughout the year and Control Curves prepared for each site to monitor actual storage against typical storage level for the time of year. Integral to the overall DMP is a series of "triggers and actions" to protect sources from falling below critical levels, taking in to consideration factors such as normal or forecasted patterns of rainfall and anticipated consumer demand. For the month of December 2010 the total average storage across all impounding reservoirs was 93.98% and currently Silent Valley is at 98.74%

Article 73 of The Water and Sewerage Services [Northern Ireland] Order 2006 requires that a drought plan shall address, inter alia, measures required to restrain the demand for water within its area and measures required to obtain extra water from other sources. The nature and extent of such measures, covering as they do reference to specific strategic resources and assets are deemed to be confidential and not disclosable in the public domain.

Water Shortage Crisis

Mr T Burns asked the Minister for Regional Development what financial arrangements he intends to put in place to compensate households affected by (i) no water supply; and (ii) flooding during the recent adverse weather and water shortage crisis.

(AQW 3430/11)

Minister for Regional Development: There is no statutory compensation scheme under which compensation may be paid to customers for interruption of their water supply.

In normal circumstances Article 91 of the Water and Sewerage Services (NI) Order 2006 places a domestic water supply duty on Northern Ireland Water (NIW). It also recognises that supply may be interrupted in certain circumstances. If a person sustains loss or damage as a result of any unreasonable breach of the supply duty they are entitled to take legal action against NIW (under Article 93).

In the recent emergency 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. The Direction overrides the supply and other duties.

Where a householder sustains loss or damage as a result of out-of-sewer flooding they may be entitled to take legal action against NIW. These claims are dealt with by the company's legal team and internal claims unit. Where there is no indication that NIW was negligent or failed to carry out its statutory duties it will not accept liability.

Once the position on liability is confirmed the Executive could consider making exceptional payments to those affected by flooding.

Water Shortage Crisis

Mr T Burns asked the Minister for Regional Development what financial arrangements he intends to put in place to compensate businesses affected by the water shortage crisis.

(AQW 3432/11)

Minister for Regional Development: There is no statutory compensation scheme under which compensation may be paid to customers for interruption of their water supply.

In normal circumstances Northern Ireland Water (NIW) has a duty under the Water and Sewerage Services (NI) Order 2006 to supply water to premises. Supplies for non-domestic purposes are covered by Article 94 of the Order, which recognises that there will be circumstances where supply is interrupted.

In the recent emergency 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. The Direction overrides the supply and other duties.

NIW is responsible for handling claims in respect of its duties and if business owners feel that they still wish to pursue actions against NIW they should contact the company directly.

NI Water: Supply and Payment

Mr T Burns asked the Minister for Regional Development how many (i) households; and (ii) businesses NI Water currently supplies with water; and how many of these businesses pay for water.

(AQW 3434/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it currently supplies approximately 704,000 domestic properties and 111,000 non-domestic properties with water. Non-domestic customers include those engaged in industry, commerce, public services, charities, churches etc.

All occupied non-domestic properties are billed for water, either on the basis of meter readings (Measured) or on the Net Annual Valuation of the property (Unmeasured). However, because some of the billed customers, such as the health and education sectors, have multiple properties, the number of billed customers does not equate to the number of non-domestic properties supplied. There are approximately 82,500 non-domestic customers billed for water.

Grit Boxes for Housing Estates

Mr S Gardiner asked the Minister for Regional Development if he plans to provide grit boxes for housing estates which are not covered by the Roads Service gritting routes, given that it would cost his Department an additional £15 million to grit the roads not currently on gritting routes.

(AQW 3435/11)

Minister for Regional Development: The current policy operated by my Department's Roads Service provides for the provision of salt bins or grit piles for use by the public, on a self help basis, on public roads and footways which do not qualify for inclusion on the gritting schedule, provided the necessary criteria are met. With regard to housing estates, Roads Service will consider the provision of a salt bin when the following criteria are met:

the location in question must be on the publically 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 is no limit placed on the number of salt bins which may be provided, however, they will not normally be provided within 100 metres of another salt bin. New bins are not provided unless requested by a member of the public, who agrees to spread the salt provided.

Airports: Prolonged Cold Spells

Mr S Gardiner asked the Minister for Regional Development (i) what discussions he has had with representatives from the International and the George Best Belfast City Airports in relation to the arrangements in place to ensure that the airports are fully operational during prolonged cold spells;

and (ii) whether he intends to review these arrangements in light of events which occurred during the recent adverse weather.

(AQW 3436/11)

Minister for Regional Development: I do not intend to review the operational arrangements of Belfast International and George Best Belfast City Airports. Audit of their “snow plans” or winter operation plans is a matter for the Civil Aviation Authority under its responsibilities for the licensing of aerodromes. My officials have met the management of the three commercial airports in the North and have received assurances that their “snow plans” have been reviewed following the recent adverse weather and that necessary improvements have been identified and are being addressed.

DRD Performance During the Recent Adverse Weather

Mr S Gardiner asked the Minister for Regional Development for his assessment of his Department’s performance during the recent adverse weather; and what new procedures, if any, he intends to introduce.

(AQW 3437/11)

Minister for Regional Development:

Water and Sewerage

I updated the Assembly on Monday 17 January on the major interruption to water supplies arising from the recent severe weather. The Executive has initiated a review of the response to the recent emergency with regard to water and sewerage services. It will report at the end of February and the terms of reference will cover the types of issues you have raised.

Public Transport

During the recent severe weather conditions, Translink experienced major disruptions to all its services. Translink contracted its network to focus on its Goldline and inter-urban services and continued to operate on major routes while it was safe to do so.

In Belfast it was also able to maintain services on the main Metro corridors.

During this difficult period Translink worked closely with other agencies including Roads Service to make best use of limited resources.

Translink made extensive use of its web-site to provide information to its customers. The use of Twitter as a means of disseminating up-to-date information proved successful. The NITHC Board regularly consider Emergency Response Planning and Communications Strategy.

Roads Service

My Department’s Roads Service kept the strategic road network open during the recent unprecedented adverse weather. Roads Service’s winter service staff, at all grades, had to work very long hours to keep operations continuing around the clock in very dangerous conditions to help drivers cope with road conditions.

A key factor in keeping the strategic road network open was the pre-season preparation undertaken by Roads Service and its effective management of the resources available to it. During a normal winter, Roads Service’s winter gritting service is a massive logistical undertaking involving around 300 personnel on standby every night. Across the North approximately 7,000 kilometres of roads are treated with salt in just over three hours, at a cost of around £80,000 per treatment. As part of the pre-season preparations, salt barns, which are strategically placed in depots throughout the North, were filled to capacity and carried around 65,000 tonnes of salt – enough for a normal winter season, plus a level for contingences. In the past, Roads Service has on average used around 50,000 tonnes.

So far this year, Roads Service has used over 80,000 tonnes of salt and initiated over 85 full salting treatments, equating to almost 9200 individual salting treatments. Roads Service also directed

significant resources towards salting the rural road network. Almost 17% (14,000 tonnes) of the total amount of salt used to date was applied to local roads which that were not on the salted network to help alleviate conditions. Roads Service also utilised its contracts with farmers and contractors to help clear snow from local roads and committed significant resources to maintaining approximately 3,500 salt bins, and almost 40,000 grit piles, on roads not included in the salting schedule. Arrangements were in place to replenish salt stocks on a regular basis and sufficient stocks were available to deal with the extreme weather conditions in December 2010.

In the earlier part of 2010, Roads Service also introduced enhanced communication arrangements and priority “secondary” salting to a number of rural schools affected most by weather conditions. In addition, following proposals put forward by Roads Service, the majority of Councils are now proposing to work with Roads Service to salt the main footpaths in their respective areas.

New Procedures

The findings of the review of the response to the emergency will be taken into account across all of our functional areas. In addition, all areas will be examining the operational effectiveness of their responses to take on board any lessons learnt.

Climate Survey

Mr S Gardiner asked the Minister for Regional Development whether he has been in contact with the Secretary of State for Transport in relation to obtaining details of the Climate Survey that was recently commissioned, to address investment and decision-making on preparedness for prolonged periods of severe weather.

(AQW 3438/11)

Minister for Regional Development: My Department’s Roads Service has advised that as an active member of the UK Roads Liaisons Group, it will receive details of the Climate Survey that was recently commissioned by the Secretary of State for Transport.

Salt and Grit Reserves

Mr S Gardiner asked the Minister for Regional Development to detail the current levels of salt and grit reserves; and how much stock has been replenished since the severe weather in December 2010.

(AQW 3439/11)

Minister for Regional Development: My Department’s Roads Service has advised that it currently has salt reserves of approximately 17,000 tonnes. Roads Service has received approximately 19,000 tonnes of salt since the start of January 2011.

Proposed A5 Aughnacloy to Londonderry Road Development

Mr R Beggs asked the Minister for Regional Development whether the proposed A5 Aughnacloy to Londonderry road development justified a spend of £700 million.

(AQW 3449/11)

Minister for Regional Development: My Department’s Roads Service has advised that the Full Economic Appraisal for the A5 Western Transport Corridor will be finalised once the details of the scheme have been confirmed, following the consideration of issues arising from the Public Inquiry, which I anticipate will be held in May/June this year.

I can advise that the Preliminary Option and Preferred Option Reports have been produced as part of the scheme development process. These reports set out the economic position at each of these key decision points. At the Preferred Option Stage, the ratio of benefits to costs was 1.74.

Financial Allocation: DRD

Mr D McNarry asked the Minister for Regional Development, for each of the last six financial years, and this year to date, to detail (i) the total financial allocation to his Department; (ii) the amount received or deducted through in-year monitoring; and (iii) his Department's actual spend in each year. **(AQW 3458/11)**

Minister for Regional Development: The tables below sets out the total Departmental Expenditure Limit (DEL) allocations to my Department; the amounts received or deducted through in-year monitoring; and the actual spend in each of the last six financial years, and this year to date.

	2010-11 £m	2009-10 £m	2008-09 £m	2007-08 £m	2006-07 £m	2005-06 £m	2004-05 £m
Opening Baseline	1,073.5	780.9	1,122.6	811.8	785.7	858.9	753.3
Received / (Deducted) at in year monitoring	(47.7)	201.9	(89.3)	90.5	11.1	(29.5)	(1.2)
Closing Baseline	1,025.8	982.8	1,033.3	902.3	796.8	829.4	752.1
Actual Spend	665.4	977.1	1,051.7	893.5	789.5	785.5	734.5

Notes to Table

2004-05 to 2009-10 (last six financial years)

- Opening Baseline: This is the allocation at the start of each financial year;
- Received / (Deducted) at in year monitoring: This is the net movement arising from the outcome of all the monitoring rounds in each year;
- Closing Baseline: This is the budget position at the outcome of the February monitoring round; and
- Actual Spend: This is the Final Outturn position which reflects the actual expenditure at each year end.

2010-11 (this year to date)

- Opening Baseline: This is the allocation at the start of each financial year;
- Received / (Deducted) at in year monitoring: This is the net movement from the outcome of all the monitoring rounds up to the December monitoring round;
- Closing Baseline: This is the budget position at the outcome of the December monitoring round; and
- Actual Spend: This is the actual expenditure up to 30 November 2010

NI Water: Public Sector Controls

Mr G Savage asked the Minister for Regional Development, pursuant to AQW 59/11, to outline which public sector controls are currently absent within NI Water. **(AQW 3459/11)**

Minister for Regional Development: In my response to AQW 59/11, I confirmed that, if necessary, I would propose legislation to ensure that public sector controls were in place in the short-term. The Executive has agreed to the drafting of a Bill to give legislative effect to my proposals.

NI Water: Business Planning Process

Mr G Savage asked the Minister for Regional Development, pursuant to AQW 1536/11, when NI Water will begin its periodic business planning process.

(AQW 3461/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that its current business plan (PC10) for the price control period from 1 April 2010 to 31 March 2013 was submitted to the Utility Regulator in June 2009 and agreed in December 2010. The Utility Regulator has launched a consultation process to determine when the work on the business planning process, for the period post-March 2013, should commence. This consultation process is ongoing.

Households in Holywood Affected by the Recent Water Shortages

Mr P Weir asked the Minister for Regional Development how many households in Holywood were affected by the recent water shortages.

(AQW 3464/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

Grit used by Roads Service

Mr P McGlone asked the Minister for Regional Development to detail the total amount of grit used by Roads Service in this financial year to date.

(AQW 3474/11)

Minister for Regional Development: I assume that the Member is referring to the total amount of salt used by Roads Service. My Department's Roads Service has advised that, as at 9.00am on 25 January 2011, it had used approximately 84,000 tonnes of salt in this financial year.

Content and Materials used by Roads Service

Mr P Frew asked the Minister for Regional Development to detail the content and materials used by Roads Service to (i) repair pot-holes; (ii) resurface roads; and (iii) surface dress roads; and how these materials and contents compare to those used in England, Scotland and Wales.

(AQW 3479/11)

Minister for Regional Development: My Department's Roads Service has advised that all materials specified for road maintenance purposes are in accordance with the guidelines contained within the Design Manual for Roads & Bridges (DMRB), Volume 7, Pavement Design and Maintenance. The materials specified within the DMRB are in accordance with the appropriate UK and European standards.

The DMRB contains a large number of sub-sections, for example, HD31/94 Maintenance of bituminous roads and HD36/06 Surfacing materials for new and maintenance construction. Each sub-section is specific to the nature of work being carried out, that is, patching, surface dressing etc.

The DMRB is produced and updated by the Department for Transport and is the recognised industry standard which is used throughout the UK.

Content and Materials used by Roads Service

Mr P Frew asked the Minister for Regional Development (i) to detail the materials, and their make-up, used by Roads Service to grit the roads in anticipation of icy conditions; (ii) how this material compares to that which is used in England, Scotland and Wales; and (iii) what content and materials Roads

Service used to grit roads during the weeks commencing the 13th and 20th December at the height of the snowy weather.

(AQW 3480/11)

Minister for Regional Development: My Department's Roads Service has advised that, in general, the material used for treating roads in anticipation of icy conditions is primarily Rock Salt. This is produced to industry standards and is the same specification as that used in England, Wales and Scotland.

However, it is important to note that there are circumstances, such as when layers of ice or compacted snow are present, or when the temperature falls below -8 degrees Celsius, that salt is not effective. In those conditions, a salt/grit mix, or indeed grit on its own, is a more effective material. On these occasions, the type of grit used is normally an angular grit of between three and six millimetres in size.

I can confirm that Roads Service utilised both straight salt and salt/grit mixes, as conditions dictated, to treat the roads during weeks commencing the 13 and 20 December 2010.

Bottled Water: Distribution Centres

Mr G Campbell asked the Minister for Regional Development how many distribution centres were available and supplied bottled water to members of the public during the water supply disruption on 29 December 2010.

(AQW 3484/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

Bottled Water: Availability

Mr G Campbell asked the Minister for Regional Development what mechanism was used to advertise the availability of bottled drinking water to members of the public during the water supply disruption of December 2010.

(AQW 3485/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive review of the response to the recent emergency, which will report at the end of February, will cover the types of issues you have raised.

Bottled Water: Cost of Supply from Scotland

Mr G Campbell asked the Minister for Regional Development what cost, if any, was incurred in the supply of a large quantity of bottled water from Scotland during the recent water supply disruption.

(AQW 3486/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the Executive has initiated a review of the response to the recent emergency. It will report at the end of February and the terms of reference cover the issues you have raised.

NI Water: Telephone Helplines

Mr T Burns asked the Minister for Regional Development (i) how many telephone helplines NI Water currently has in operation; (ii) the purpose of each helpline; (iii) the rate at which calls are charged to each helpline; and (iv) the amount of income generated by each helpline in each of the last five years.

(AQW 3495/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the following telephone helplines are available:-

Telephone Line	Purpose	Call Charges
Waterline 08457 440088	To enable customers to report any water related issues or interruptions to their water supplies.	0845 local rate number
Leakline 0800 028 2011	To enable customers to report leaks from the public water mains	Free phone number, no call charges.
Billing Line 0845 877 0030	To enable customers to enquire about bills for water and sewerage services.	0845 local rate number
Collections Line 0845 877 0050	To enable customers to discuss issues related to the collection of debt.	0845 local rate number
New Connections Line 08457 440088	To enable customers and developers to request, or obtain an update on, a New Supply Connection application	0845 local rate number
Elected Representatives Line (Circulation of this number is restricted)	To enable direct access to the Customer Relations Centre for MP's, MLA's and Councillors.	0845 local rate number

Calls to 0845 numbers cost no more than 3 pence per minute from BT residential landlines. Charges from other networks may vary. Calls to 0845 numbers from mobile telephones are usually charged at the mobile network provider's standard rate.

Northern Ireland Water does not generate any income from customer calls made to telephone numbers beginning with 0845 and has received no income from any of these lines in the last 5 years.

Grit Boxes: Larne, Carrickfergus and Newtownabbey

Mr A Ross asked the Minister for Regional Development to detail the number and location of grit boxes in (i) Larne; (ii) Carrickfergus; and (iii) Newtownabbey.

(AQW 3499/11)

Minister for Regional Development: My Department's Roads Service has advised that there are 49 salt bins located within the Larne Borough Council area, 78 salt bins within the Carrickfergus Borough Council area and 204 salt bins within the Newtownabbey Borough Council area.

Locations of the salt bins in these Council areas are shown in the tables below:

LARNE BOROUGH COUNCIL AREA

Carmond Drive	Hunters Buoy - 2 No
Cuillin Heights	Ballyboley Road
Forest Lodge	Ballyhampton Road
Duniera Park	Graham Road
Knocklayde Crescent	Gleno Village
Parkmount Avenue	Gordonstown Meadows
Wilmuir Crescent	Portmuck
Dunboyne Park	Portmuck
Dunboyne Avenue	Churchlands

The Whins	Rinka
Bute Gardens	Woodlands
Argyle View	Woodlands
Blackcave North	Gransha
Croft Heights	Hillhead & School B'carry - 2 No
Croft Park	Springhill, Glenarm
Casements Brae - 2 No	Fire Station, Carnlough
Exchange Road Carpark	Croft Road, Carnlough
Whitlas Brae - 3 No	Lansdowne Crescent
Cairnbeg Crescent	Linden Crescent
Forthill, Bentra	Wheatfield Heights
InverbegCcourt	Mill Brae Fold
Inver Heights	
Invergarden Mews	

CARRICKFERGUS BOROUGH COUNCIL AREA

CARRICKFERGUS – LOCATIONS

Brackenridge Green	Milebush Park – 2 No
Bradford Heights	Minorca Place
Broadland Drive	New Line
Broadlands – 2 No	O'Rourkes Row
Broadlands Gardens	Paisley Road
Broadlands Park	Plantation Avenue
Cairn Road – 3 No	Prospect Grove
Carrick Depot	Prospect Link
Copperwood Close	Red Fort Park
Copperwood Drive	Rose Gardens
Coronation Road	Sandringham Green
Councillors Road – 2 No	Sunnylands Avenue
Dairylands Road	Tardree Heights
Gorman Close	Taylors Avenue
Hawthorne Grove	Tudor Park
Kingsland Park	Unity Street
Knockagh Road	Victoria Rise
Liberty Road – 4 No	Victoria Road – 2 No

Lisglass Road	Woodburn Avenue
Loughmourne Rd – 3 No	Woodburn Road – 2 No
Milebush Close	

GREENISLAND - LOCATIONS

Farmlodge Grove	Silverstream Banks
Farmlodge Road	Upper Station Road
Shorelands	Woodgrove
Silverstream	

WHITEHEAD – LOCATIONS

Alexandra Avenue	Hillside Rise
Balfour Avenue - 2 No	Kings Road
Brooklands Close	Prince Of Wales
Brooklands Crescent - 2 No	Rapael Road
Chester Avenue	Raw Brae Road – 3 No
Donegall Avenue - 2 No	Windsor Parade
Fairview Drive	

NEWTOWNABBEY BOROUGH COUNCIL AREA**BALLYCLARE – LOCATIONS**

Ballynashee Road	Marvista Avenue
Bellevue Street	Meadow Drive -2 No
Braepark Road -2 No	Merion Avenue
Charles Drive	Rashee Drive
Clare Heights -2 No	Rashee Park
Collinview	Rathmena Avenue
Collinview Drive	Riverdale Park -2 No
Doagh Road	Russell Court
Elizabeth Gardens	Sixmile Manor
George Avenue	The Square
Grange Drive	Thornhill Drive
Greenwood Avenue	Tildarg Road
Henryville Court	Tildarg Road South
Henryville Manor – 2 No	Victoria Close
Hillmount Avenue	Victoria Manor – 2 No

Knowehead Road	Victoria Road
Market Square	

BALLYEASTON – LOCATIONS

Main Street	
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BALLYNURE – LOCATIONS

Castle Road -3 No	Riverside
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BURNSIDE - LOCATIONS

Ballybracken Road	Drumadarragh Road
Breckenhill Road	Lower Rashee Road
Brookfield Heights	Old Ballybracken
Cogry Rise	Orpinsmill Road
Cogry Road	Springvale Road – 2No

NEWTOWNABBEY BOROUGH COUNCIL AREA**CARNMONEY – LOCATIONS**

Archvale Drive	Hillcrest Park
Ballyfore Parade – 2 No	Kimberly Drive
Beverley Gardens	Knockview Drive
Beverley Park	Knockview Park
Beverley Road	Knockview Road
Birch Dale	Manse Rise
Braeside Avenue	Manse Way
Cairnhill Avenue	Pembrook Court
Carnhill Road	Ravelston Drive
Carnvue Court	Ravelston Way – 2 No
Fairhill Crescent	Ravensdale
Fairhill Gardens	Richmond Road
Fairview Park – 2 No	Sharonmore
Forthill Gardens	Sharonmore Park
Glebe Gardens	The Brackens – 2 No
Glebe Road – 4 No	The Cairn
Glenkyle Crescent	Waverley Avenue
Glenkyle Park Avenue	Waverley Drive
Glenvarna Walk	Woodford Road – 2 No

Greenhill Road	
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DOAGH – LOCATIONS

Anderson Park	
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GLENGORMLEY – LOCATIONS

Ballyclare Road	Hollybrook Avenue – 2 No
Carwood Drive	Hightown Road
Cedar Hill	Hollybrook Crescent
Church Drive	Hollybrook Grove
Church Way	Hollybrook Heights – 2 No
Collinbridge Drive	Longlands Park
Collingbridge Gardens	Mayfield Avenue
Collinward Park	Mayfield Court
Elmfield Drive	Mayfield Dale
Elmwood Grove	Mayfield Drive
Glebe Road East	Mayfield Gardens

NEWTOWNABBEY BOROUGH COUNCIL AREA**GLENGORMLEY – LOCATIONS**

Glengormley Park	Mayfield Road
Glenvarna Drive	Mayfield Village
Glenwell Avenue	Queens Avenue – 2 No
Glenwell Gardens	Sherwood Avenue – 2 No
Glenwell Grove	Tobarcooran Avenue
Glenwell Park	Vaddegan Avenue
Glenwell Road	Vaddegan Road
Hightown Drive	
Hightown Rise	

JORDANSTOWN – LOCATIONS

Clonaslea	Old Manse Road
Glen Road	The Grange
Mount Pleasant Road	Woodfield

MALLUSK – LOCATIONS

Antrim Road	Lowtown Road
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Ballycraigy Road	Millbank Road
Boghill Road – 5 No	Millbank Road (Salt Pile)
Clarke Lodge Road	Sealstown Road – 2 No
Lower Rogan Manor	

MONKSTOWN – LOCATIONS

Bramble Road	Hillside View
Cherrylands	Knockagh Road – 2 No
Cullyburn Road – 2 No	Mulberry Crescent
Hillcrest Drive	Oaklands Drive

MOSSLEY – LOCATIONS

Mossbank	Uppertown Drive
Reahill Road – 2 No	

RATHCOOLE – LOCATIONS

Ardranney Drive	Grainion Way
Drumcree Place	

NEWTOWNABBEY BOROUGH COUNCIL AREA**STRAID – LOCATIONS**

Irish Hill Road – 3 No	Seskin Park
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WHITEABBEY – LOCATIONS

Abbots Cross	Lismara Court
Altnacreeve Park	Rathfern Way
Bleach Green	Station Road Link
Dillons Ave	Tulleevin Drive
Fernagh Road	Wood Grange
Kings Road – 2 No	Woodland Crescent

WHITEHOUSE – LOCATIONS

Merville Gardens – 2 No	
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NI Water: Public Sector Controls

Mr G Savage asked the Minister for Regional Development, pursuant to AQW 59/11, to clarify the meaning of 'public sector controls'.

(AQW 3522/11)

Minister for Regional Development: In my response to AQW 59/11 I confirmed that, if necessary, I would propose legislation to ensure that public sector controls were in place in the short-term. By 'public sector controls' I mean the requirements commonly placed on public sector bodies in their management of resources.

The Executive has agreed the drafting of a Bill to give effect to this.

Bus and Rail Services

Mr T Burns asked the Minister for Regional Development to detail the decrease in (i) passenger numbers; and (ii) revenue across bus and rail services as a result of the recent severe weather.

(AQW 3535/11)

Minister for Regional Development: Translink have provided the following details. Comparing December 2009/10 with December 2010/11, bus passenger numbers decreased by 5.9%, with revenue showing a 4.3% decrease.

For the same comparison period, rail passenger numbers experienced a 3.8% increase, with revenue showing a 12.4% increase.

Rail Services: Cancellations

Mr J Dallat asked the Minister for Regional Development to detail the number and routes of rail services cancelled in the last 12 months, as a result of (i) mechanical failure; and (ii) personnel difficulties.

(AQW 3582/11)

Minister for Regional Development: Translink have provided me with the following. The table shows that there were 431 cancellations in 2010 against 110,974 services operated. This equates to 99.61% reliability across all lines. The Passenger Charter target for reliability is 99.2%. Passenger Charter targets are agreed between my department, the Consumer Council and Translink.

ALL CANCELLATIONS BETWEEN 1 JANUARY 2010 & 31 DECEMBER 2010

Line	Mechanical Cancellations	Train Crew Cancellations	Total No. of Services Operated
Bangor	200	11	29,988
Portadown/Newry	56	3	30,492
Larne	116	15	23,211
Derry	2	0	8,691
Portrush	19	0	13,102
Dublin	9	0	5,490
Total:	402	29	110,974

Fraudulent Use of a Half Fare SmartPass

Mr G Robinson asked the Minister for Regional Development to detail the number of prosecutions for the fraudulent use of a Half Fare SmartPass since the return journey option was introduced in March 2009.

(AQW 3743/11)

Minister for Regional Development: Translink informs me that there have been no such prosecutions.

DRD: Budget

Mr D McKay asked the Minister for Regional Development for his assessment of the impact of his Department's draft Budget on roads, water and public transport services.

(AQO 884/11)

Minister for Regional Development: The Executive's priority in this Budget is to stimulate the economy, tackle disadvantage, protect the most vulnerable in our society and protect front line services. As historically the largest capital department, DRD has a lead role to improve the infrastructure to support this within the available funding.

However with a 40% reduction in the Executive's overall capital funding from Treasury over the budget period, this has had a significant impact on the draft budget available to DRD for infrastructure investment - and difficult choices have had to be considered as part of this process.

Nevertheless the DRD Draft Budget has allocated almost £2 billion to capital investment over the budget period. This includes over £1.1 billion for roads, around £185 million for public transport and over £665 million for water and sewerage services.

On roads, the allocations would allow the Department to continue development work on the A6 Dungiven to Derry scheme and begin construction of:

- the A32 in Enniskillen, improving access to the new acute hospital in Enniskillen;
- the 85km dual carriageway on the A5 between Derry and Aughnacloy; and
- the 14km dual carriageway on the A8 between Belfast and Larne.

Structural maintenance would on average be at current levels totalling around £280 million over the four year period. In the first year of the new draft budget, a record £94 million will be spent on structural maintenance - which should help to address the impact of recent severe winter weather on roads throughout the north. Roads Service will also continue to give priority to road safety when planning and carrying out its maintenance activities.

In relation to public transport the draft budget allocations would allow for the delivery of the 20 new trains and the necessary platform extensions and stabling facilities.

There would also be funding to commence the upgrade of the Coleraine to Derry track upgrade in 2014-15 and £11 million provision for bus replacement and bus service delivery.

My Department has protected the Concessionary Fares Scheme for the most vulnerable in our community in the draft Budget. It has restricted the savings required from NITHC to £9.5 million and also proposes to allocate around an additional £13 million to fund the railways public service obligation.

In relation to Sustainable Transport, the capital available in 2011-12 would cover the cost of implementing the "Belfast on the Move" proposals which were announced last September. There would also be funding in the draft budget for the continuation of the development of the pilot Rapid Transit network for Belfast.

On water, my Department has moved money from other programmes in the Draft Budget to bolster water and sewerage infrastructure investment to total over £665 million over the period.

DRD will have to produce additional savings of £15.7 million / £28.8 million / £56.4 million / £62 million over the four years of the Draft Budget period totalling almost £163 million and these reductions will be challenging to manage.

The Draft Budget proposes that most of the savings will be achieved in Roads Service. However the Winter Service provision has been protected and the proposals also include generating additional income by increasing car parking charges and parking fines.

On Ports, my Department will be working with the Belfast Harbour Commissioners to explore the options for generating the receipts set out in the draft budget. Any increased allocation from this exercise will allow the department to reconsider how quickly other capital projects can be taken forward over this budget period.

My Department's proposals represent a balanced way of dealing with difficult financial pressures we face.

A5 and A8 Road Projects: Funding

Mr B Armstrong asked the Minister for Regional Development when, exactly, his Department expects to receive the first payment pledged by the Irish Government to assist with the A5 and A8 road projects.
(AQO 885/11)

Minister for Regional Development: A schedule of the anticipated key milestones and related payments from the Irish Government has been agreed. The first payment, to the value of €9M, was made in November 2009 to the N.I Consolidated Fund.

It is anticipated that a further payment will be made this year.

Roads: Gritting

Mr A Bresland asked the Minister for Regional Development what action he intends to take to ensure that grit boxes are kept filled during any future cold spells.
(AQO 886/11)

Minister for Regional Development: My Department's Roads Service has advised that arrangements are already in place to maintain approximately 3,500 salt bins at pre-agreed strategic locations on public roads across the North. These boxes, which are filled with road salt for use on public roads and footways by the public on a self help basis, are subsequently monitored on a regular basis, including during the cyclical highway inspections.

During hazardous wintry weather conditions, the replenishment of salt boxes is given a high priority. Depending upon the prevailing weather conditions, and the quantity of salt used by the public, Roads Service will endeavour to maintain these boxes with salt supplies, and any requests for salt replenishment are duly actioned, as resources permit.

During the recent exceptional period of cold weather in December 2010, Roads Service deployed all of its available manpower to replenish salt boxes. Roads Service received a large number of requests to refill salt boxes during this period. Unfortunately after boxes had been refilled, in a number of instances all of the salt was subsequently removed, frequently on the same day and often by people for use in other areas. This made it very difficult for Roads Service staff to keep up with the demand for replenishment.

A5 Western Transport Corridor

Mr T Buchanan asked the Minister for Regional Development, given the savings required by his Department, whether it is feasible to continue with the proposed A5 Western Transport Corridor or whether the upgrading of the existing A5 would be a more cost effective option.
(AQO 887/11)

Minister for Regional Development: The A5 project will upgrade the Western Transport Corridor to dual carriageway standard from Derry to the South, and complements the Southern Government's plans to complete the dualling of the route to Dublin.

This project, which will facilitate economic growth, provides good value for money to the people of the North, particularly in view of the Irish Government's £400M contribution towards it and the A8 scheme.

It is my view that the A5 should remain as a high priority and this is reflected in the draft budget which was published on 13 January 2011.

The option of upgrading the existing A5 has been raised before however, it is not considered to be a more cost effective solution due primarily to the difficulties of widening through the urban areas, dealing with the junctions and accesses and the many properties adjacent to the existing A5.

In addition, the alignment of the existing road does not meet the standard necessary for a dual carriageway over most of its length. There would also be significant problems associated with the alteration of services, traffic delays and disruption and safety during construction.

Roads Maintenance Package

Mr T Lunn asked the Minister for Regional Development whether his Department plans to accelerate the roads maintenance package as a result of damage caused by the recent severe weather.

(AQO 888/11)

Minister for Regional Development: My Department's Roads Service has advised that following the coldest month for over 120 years, the repeated freezing and thawing cycles have caused many carriageways to split and potholes to form. This is especially prevalent on local rural roads which are more vulnerable to this type of damage.

I can advise that since October 2010, an additional £8.5 million has been allocated for road maintenance, which is particularly timely given the extreme weather we have recently experienced. In addition, it is hoped that Roads Service's structural maintenance budget will benefit from the redistribution of funds as a result of the December Monitoring Round. Any additional money will assist in dealing with the effects of the recent cold spell, including the purchase of salt to replenish stocks and progressing pre-determined programmes of work, which will target the worst affected roads.

I can advise that Roads Service will continue to make strong bids for additional funding for structural maintenance and make the best use of available resources to develop and maintain the road network.

Regional Development Strategy: Consultation

Ms M Anderson asked the Minister for Regional Development how the Regional Development Strategy consultation exercise will be carried out at a sub-regional level, including the North-West region.

(AQO 889/11)

Minister for Regional Development: The public consultation on the 10 Year Review of the Regional Development Strategy will run from 6 January until 31 March 2011. My Department is holding a total of 13 public consultation events across the region from 24 January to 3 February, one in each of the 9 Sub-Regional Centres proposed within the RDS consultation document.

In addition 2 events will be held in each of our principal cities. In Belfast these will take place on the afternoon and evening of 26 January in the Waterfront Hall and in Derry on the afternoon and evening of Monday 31 January at the Millennium Forum. The purpose of all these events is to provide information and clarification on the review and to encourage contributions to the consultation exercise.

In addition my Department will be offering to meet with key stakeholders such as local councils, regeneration groups, umbrella organisations and interest groups.

Details of all the public consultation events were advertised in the local press, the DRD website, the NI Direct Website and on the NI Direct Facebook Page.

I would encourage all my colleagues to participate in the consultation and to help shape the final document.

Price Control Agreement 2010

Mr D Bradley asked the Minister for Regional Development whether his current budget will enable his Department to meet the obligations set out in the Price Control 2010 Agreement between his Department, NI Water and the Utility Regulator.

(AQO 890/11)

Minister for Regional Development: Through its Final Determination (published in February 2010) the Utility Regulator determined NIW's revenue and investment requirements over the 2010-13 period.

For the first year of PC10, I can confirm that my Department's current budget provision for NIW (2010/11) is consistent with the Regulator's proposed PC10 funding requirements. The proposals allocated in the DRD draft budget will also allow PC10 to be met in 2011/12.

Unfortunately, the budget proposals put to me in December 2010 are lower than the Regulator's Determination of the water and sewerage investment levels needed in 2012/13 (year 3 of PC10; year 2 of the budget).

To partially address this I am proposing that additional funding is reallocated from within the Department's draft budget. My proposals would mean that over £665 million would be invested in our water and sewerage infrastructure during the budget period.

Transport Bill

Mr C Boylan asked the Minister for Regional Development when he expects the new arrangements provided in the Transport Bill to come into effect.

(AQO 891/11)

Minister for Regional Development: It is expected that the Transport Bill will complete its passage through the Assembly Stages and receive Royal Assent by spring 2011. Thereafter, the Act will come into effect in stages as it will be necessary for the Department to finalise policy development and make regulations by way of subordinate legislation to support the powers taken in the Act.

Clauses 35, 37, 41 and 47 will come into effect immediately on Royal Assent. The Department envisages that it will be a further 12 to 18 months before it will either require or be in a position to commence the remaining provisions of the Act. During this time the Department will work with stakeholders on the provisions of any necessary subordinate legislation.

Department for Social Development

Areas at Risk Programme: Funding

Mr M Storey asked the Minister for Social Development what action his Department will take to assist communities such as Harryville when funding from the Areas at Risk Programme comes to an end.

(AQO 715/11)

Minister for Social Development (Mr A Attwood): After it comes to an end, my department will continue to monitor future developments in the Harryville area and, where appropriate, make further interventions to help support the work of tackling disadvantage.

Additional Revenue by Accessing Housing Association Reserves

Ms A Lo asked the Minister for Social Development how he intends to realise the proposal in the draft budget to raise additional revenue by accessing Housing Association reserves, given that the Associations are independent organisations.

(AQW 3271/11)

Minister for Social Development: As I set out in the DSD Draft Budget, I do not accept the level of additional revenue which is available from Housing Association reserves. These reserves are a part of the Associations ability to fund major repairs, repay private finance and be in a position to cope with unexpected events.

While I believe there is scope to make better use of Housing Association reserves, it is important that any action we take does not jeopardise the Associations ability to access future borrowing which supplements the public grants provided as I believe that the Housing Association movement requires positive reform around internal costs, procurement and numbers.

However while I believe there are reserves that can be used for newbuild the £80 million over four years in the draft budget is arbitrary and produced without consultation I am working to identify what is the level of reserve that can be used and I will inform DFP of my conclusion.

Home Energy Conservation Report 2010

Mr R McCartney asked the Minister for Social Development how many of the houses outlined in the Home Energy Conservation Report 2010 as having (i) no loft insulation; (ii) no wall insulation; and (iii) no double glazing are in the Foyle constituency.

(AQW 3283/11)

Minister for Social Development: The information is not available in the format requested. The figures in the Home Energy Conservation Report are sourced from the 2009 House Condition Survey, which was based on a sample of approximately 3,000 properties across Northern Ireland. The sample only permits disaggregation to the 11 proposed new Council areas and a breakdown can only be provided to cover the Derry City and Strabane areas. The figures suggest that, in the Derry City and Strabane area, approximately 1,300 have no loft insulation, 9,500 have no wall insulation and 3,400 have no double glazing. As the House Condition Survey is a sample survey the figures provided are estimates.

Home Energy Conservation Report 2010

Mr R McCartney asked the Minister for Social Development whether any of the dwellings listed in the Home Energy Conservation Report 2010 as having a SAP rating of less than 20 are in the Foyle constituency.

(AQW 3284/11)

Minister for Social Development: The information is not available in the format requested. The figures in the Home Energy Conservation Report are sourced from the 2009 House Condition Survey, which was based on a sample of approximately 3,000 properties across Northern Ireland. The sample only permits disaggregation to the 11 proposed new Council areas and a breakdown can only be provided to cover the Derry City and Strabane areas. The figures suggest that, in the Derry City and Strabane area, approximately 600 properties had a SAP rating of less than 20. As the House Condition Survey is a sample survey the figures provided are estimates. Through the Housing Executive and the Warm Homes Scheme, progress is being made on improving energy efficiency. It is hoped to protect these budgets going forward. In addition, I have argued for Green New Deal and it has been agreed that my Department will lead on working up the proposal. All of this confirms my Department's commitment to energy efficiency and addresses Fuel Poverty.

Neighbourhood Renewal Scheme

Ms C Ní Chuilín asked the Minister for Social Development whether he has put a four year bid into his budget for the continuation of Neighbourhood Renewal from 2011-2015.

(AQW 3296/11)

Minister for Social Development: I have sought in the Budget 2010 process to secure the best deal possible to continue the existing worthwhile investment in neighbourhood renewal areas. My predecessor Margaret Ritchie made a £60m commitment for the 3 years to 2010-11 and I intended to replicate that level of resource funding by seeking to secure at least £80m of resource for the 4 years to 2014-15. In addition, I placed capital bids of approximately £44m over the 4 years in the budget to enhance physical facilities in neighbourhood renewal areas.

I have published my draft budget proposals for consultation and you will have seen that the allocation of the proposed Departmental budget reflects my commitment to maintain Neighbourhood Renewal at its current level, indeed a potential increase is being considered. As regards capital I have so far secured some £32 million for community investment over the next 4 years. More generally, I have made my position clear in these proposals that there should be no reduction in vital programmes which target the most vulnerable households, including revenue and capital programmes to address fuel poverty (Warm Homes), supported housing (Supporting People), new build housing, and disadvantaged communities (Neighbourhood Renewal).

There is no basis for past and current mischief making around the Department's commitment to Neighbourhood Renewal. The fact that my proposal for a £30 million plus per annum hardship fund has been reduced to £20 million and for 2011/12 only, whilst at the same time £80 million has been identified for a Social Investment Fund, around which there is all but no details, tells a story.

Social Security Benefit Fraud

Mr S Hamilton asked the Minister for Social Development how many foreign nationals have been prosecuted for Social Security benefit fraud in each of the last 5 years.

(AQW 3332/11)

Minister for Social Development: My Department does not routinely record the nationality of persons prosecuted for Social Security benefit fraud as nationality has no bearing on either the benefit fraud investigation or the overall determination as to whether a benefit fraud offence has occurred.

Disability Living Allowance

Lord Morrow asked the Minister for Social Development what was the total amount of Disability Living Allowance paid out to claimants in each of the last three years.

(AQW 3402/11)

Minister for Social Development: The total amount of Disability Living Allowance paid out to claimants in each of the last three years is detailed below.

Financial Year	£000
2007-08	£646,062
2008-09	£679,452
2009-10	£728,373

* The extracted figures show Disability Living Allowance expenditure for the last three full financial years.

Damage to Properties Caused by the Recent Cold Spell

Mr M Storey asked the Minister for Social Development to detail the number of Housing Executive tenants in the (i) Ballymoney; (ii) Moyle; and (iii) Ballymena Housing Districts who had to be temporarily re-housed, or given alternative provision, due to damage to their properties caused by the recent cold spell.
(AQW 3501/11)

Minister for Social Development: Five Housing Executive tenants in the Ballymena District Office area were provided with temporary accommodation due to damage to their properties caused by the recent cold spell; no Housing Executive tenants within the Ballymoney or Moyle District Office areas had to be temporarily re-housed.

Neighbourhood Renewal Scheme

Mr S Gardiner asked the Minister for Social Development which neighbourhoods in the Upper Bann constituency have benefited from the Neighbourhood Renewal Scheme in each of the last four years; and how much money was allocated to each project in each year.
(AQW 3528/11)

Minister for Social Development: There are 3 Neighbourhood Renewal Areas in Upper Bann – Lurgan, Brownlow and North West Portadown. Funding has been allocated to projects as follows:

LURGAN PROJECTS

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
CLAN NA GAEL GFC	Sports Development Officer	£50,266.28	£43,478.42	£45,398.38		£139,143.08
	Clan Na Gael Multi Use Games Area and pitch refurbishment			£315,072.00	£152,366.16	£152,366.16

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
NIHE	Kilwilkie Access Road	£16,500.00				£16,500.00
	Mourneview & Grey Estates community office			£71,500.00		£71,500.00
	Mourneview Community House furnishing				£8,454.50	£8,454.50
	Beaumont Square & Prospect Way		£35,000.00	£6,000.00		£41,000.00
	Taghnevan & The Willows Fencing		£34,000.00			£34,000.00
	Shankill Community Centre (demolition)		£10,000.00			£10,000.00
	Wakehurst Alleygating			£22,361.44	£3,569.50	£25,930.94
	Environmental Improvements - Kilwilkie / Lurgantarry			£5,500.00		£5,500.00
	Manor Park car parking				£6,000.00	£6,000.00
	Lurgantarry improvements				£29,500.00	£29,500.00
SHANKILL & WAKEHURST COMMUNITY DEV ASS	Community Office including refurbishment	£61,087.97	£8,381.18			£69,469.15
THE UNDERGROUND ECF LINKS	Provision of youth facility	£15,000.00	£420,963.75			£435,963.75
ALBERT STREET & LOUGH ROAD COMMUNITY ASSOCIATION	Community office running costs	£8,068.80	£7,012.00	£7,012.00	£2,004.00	£24,096.80

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
SHANKILL (LURGAN) COMMUNITY PROJECTS LTD	Equipment for Mount Zion - computers			£20,469.00		£20,469.00
	Zion's Den – covered playground	£35,804.26	£8,600.00			£44,404.26
TAGHNEVAN SPORTS LTD	Provision of sports facility			£423,700.00	£57,186.00	£480,886.00
CLANN EIREANN GFC	Provision of fencing		£26,585.08			£26,585.08
	External site improvements		£90,000.00	£50,389.70		£140,389.70
SPRINGWELL CENTRE	Site acquisition and new facilities		£51,893.00	£55,007.20		£106,900.20
SOUTHERN REGIONAL COLLEGE	Craigavon Industrial Development Organisation (CIDO) - Exploring Enterprise Programme			£6,757.50		£6,757.50
SOUTHERN EDUCATION AND LIBRARY BOARD	Education Other Than At School (EOTAS)				£15,025.00	£15,025.00
	Naiscoil Chois Locha			£52,689.67		£52,689.67
Total		£186,727.31	£735,913.43	£766,784.89	£274,105.16	£1,963,530.79

BROWNLOW PROJECTS 2008-2011

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
NIHE	Drumbeg physical improvements - fencing of gables		£33,200.00	£2,096.00		£35,296.00
	Meadowbrook additional car parking	£51,500.00				£51,500.00
	Brownlow additional car parking		£71,083.11	£81,214.96		£152,298.07
	Rosmoyle and Russell Drive fencing				£14,000.00	£14,000.00
	Brownlow Estates - entrance features		£12,780.00	£19,420.00		£32,200.00
BROWNLOW LTD	Parkmore beacon				£9,500.00	£9,500.00
	Bluestone Business Park		£101,675.00	£715,057.00	£12,470.00	£829,202.00
CRAIGAVON BOROUGH COUNCIL	Watersports - outdoors instructors	£25,000.00	£24,100.00	£1,000.00		£50,100.00
	Brownlow Estates - signage		£5,500.00			£5,500.00
	Drumbeg Community Arts Project			£85,000.00		£85,000.00
	Brownlow Linear Park Arts Project		£50,000.00			£50,000.00

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
DEPT FOR REGIONAL DEVELOPMENT	Brownlow - Footways improvements		£374,931.00			£374,931.00
	Brownlow - Drumgask 2 footways improvements 2			£50,000.00	£155,551.00	£205,551.00
	Brownlow - Parkmore roundabout		£15,000.00			£15,000.00
BUSINESS IN THE COMMUNITY	Brownlow - Adopt a School			£15,118.50	£5,039.50	£20,158.00
TOTAL		£76,500.00	£688,269.11	£968,906.46	£196,560.50	£1,930,236.07

NW PORTADOWN PROJECTS 2008 - 2011

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
DRUMCREE COMMUNITY TRUST	Learning through Play	£14,066.88	£11,278.80	£11,844.86		£37,190.54
	Physical enhancement of Drumcree Community Centre		£17,000.00	£16,867.05		£33,867.05
NIHE	Woodside access road			£49,500.00		£49,500.00
	Woodside Darby & Joan Club		£10,163.72			£10,163.72
MAYFAIR BUSINESS CENTRE LTD	Refurbishment of business units	£120,647.88	£45,437.10			£166,084.98
	Community learning facility		£13,259.70			£13,259.70
SOUTHERN EDUCATION AND LIBRARY BOARD	Naiscoil na Banna			£84,710.02		£84,710.02
ST VINCENT DE PAUL	Developing charitable enterprise		£12,277.74			£12,277.74

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
EDGARSTOWN RESIDENTS ASSOCIATION	Edgarstown youth & community complex	£0.00	£7,395.99	£2,765.00		£10,160.99
DEPARTMENT FOR REGIONAL DEVELOPMENT	Park Road/ Edgarstown Footbridge			£155,000.00		£155,000.00
CRAIGAVON BOROUGH COUNCIL	Arts development – Shared history of Garvagh				£15,000.00	£15,000.00
ST MARY'S YOUTH CENTRE	Boxing Club equipment				£6,290.70	£6,290.70
TOTAL		£134,714.76	£116,813.05	£320,686.93	£21,290.70	£593,505.44

CRAIGAVON PROJECTS 2008-2011 *

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
CRAIGAVON BOROUGH COUNCIL	Craigavon Partnerships Building the Capacity		£10,250.00	£4,750.00		£15,000.00
	Craigavon Technical Assistance 1		£19,350.00			£19,350.00
	Craigavon Neighbourhood Renewal Officer		£16,564.07	£80,647.59	£109,764.56	£206,976.22
	Craigavon Multi use games areas - Ardowen, Parkmore and Kilwilkie	£319,683.81	£65,896.19			£385,580.00
	Craigavon multi use games areas - Churchill Pk, Taghnevan and Clonmeen			£335,632.46		£335,632.46
	Craigavon community sport programme				£49,272.00	£49,272.00
	Craigavon - Graffiti removal				£29,000.00	£29,000.00
	Craigavon - Pest control				£24,413.33	£24,413.33
SOUTHERN REGIONAL COLLEGE	Education and social exclusion	£39,300.00	£158,520.00	£50,520.85	£29,569.15	£277,910.00
	Success to employment in the Health Trust				£44,491.27	£44,491.27
	Craigavon - Steering to success				£135,150.75	£135,150.75
SOUTHERN HEALTH AND SOCIAL CARE TRUST	Craigavon health and well-being programme	£0.00	£197,411.08	£13,242.82	£216,430.99	£427,084.89

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
SOUTHERN EDUCATION AND LIBRARY BOARD	Social renewal educational programme	£130,000.00	£142,614.20			£272,614.20
	Social renewal educational programme 2			£255,333.00	£227,210.00	£482,543.00
	Schools Capital Infrastructure		£308,154.12			£308,154.12
TOTAL		£488,983.81	£918,759.66	£740,126.72	£865,302.05	£3,013,172.24

* These are projects which, in the interests of efficiency, are developed and implemented across the 3 Neighbourhood Renewal Areas. The costs can be apportioned in accordance with the size of the 3 Neighbourhood Renewal Areas at an estimated ratio of Lurgan 51%, Brownlow 35% and NW Portadown 14%

Incapacity Benefit

Mr S Gardiner asked the Minister for Social Development how many people are currently in receipt of incapacity benefit in the (i) Upper Bann constituency; (ii) Craigavon council area; and (iii) Banbridge council area.

(AQW 3531/11)

Minister for Social Development: The information requested is set out in the table below*:

	Incapacity Benefit recipients	Incapacity Benefit credits only customers	Total Incapacity Benefit Customers
Upper Bann Assembly Area	4212	1891	6103
Craigavon Local Government District	3335	1531	4866
Banbridge Local Government District	1495	589	2084

*In producing this analysis, individual records were attributed to Assembly Area and Local Government District on the basis of their postcode. Not all records can be correctly allocated to an area using this method, and some cannot be allocated at all. Past investigation has demonstrated that mis-allocations and non-allocations do not necessarily occur randomly between areas. At present, it seems likely that a higher than average proportion of the records that cannot be attributed to an area are in Fermanagh District Council, Derry District Council and parts of Belfast City Council.

Urban Regeneration and Communities Development Policies

Ms A Lo asked the Minister for Social Development when the findings of the stocktake exercise on the Urban Regeneration and Communities Development policies will be published.

(AQW 3675/11)

Minister for Social Development: The stock take exercise was an informal piece of work intended to stimulate debate internally among policy makers and senior management within the Department. A brief summary of the findings, conclusions and recommendations was sent to the Social Development Committee by the Department on 02/06/09 (Ref. CSD/009/2008/JH). This brief summary is attached in the Appendix.

Appendix

Stock take of Urban Regeneration & Community Development Policies

In April 2008, the Urban Regeneration and Community Development Group in the Department for Social Development commissioned an internal stock take of its urban regeneration and community development policies.

This stock take was posited as the first stage in developing an urban regeneration framework which will determine how the Group will operate in the future. This framework will be particularly relevant in the context of the Review of Public Administration, which will see the operational aspects of many of the Group's policies devolved to local councils.

The key components of the internal stock take were:

- an inventory of the current suite of urban regeneration and community development policies and programmes (attached);
- a discussion of this inventory, intended to inform further debate; and
- consultation with the Directors of URCDG and, in some cases, their senior management teams.

These were supplemented by:

- an overview of the Group's financial position and resources; and
- an indication of the types of activities that are supported by the Group's programmes and initiatives.

The proposed methodology was as follows:

- to use a range of qualitative and quantitative sources of information;
- to review published sources and internal records; and
- to conduct structured interviews with staff from across all Directorates.

Findings

Qualitative research and discussions with both policy and operational staff resulted in a greater awareness of the broad range of areas in which the Group operates. They also suggested several key areas in need of urgent attention as URCDG works towards establishing a policy framework and the transfer of selected functions to local councils.

The initial focus of the exercise was on the policies and programmes; however, it soon became apparent that, whilst it was fairly straightforward to compile an inventory, examining and valuing the Group's policies and programmes was a task beyond the scope of the exercise. Evaluation at policy and programme level is an issue within URCDG. This inevitably made any comprehensive discussion and analysis unfeasible, as it would be limited, subjective and unsubstantiated. More time and additional resources would be required to facilitate this level of detailed investigation.

Conclusions

Three main conclusions can be drawn from the qualitative research and structured interviews with URCDG Directorates:

- 1 Policy making is not always evidence based
- 2 Strong monitoring and evaluation structures are absent from policy development
- 3 No strategic framework exists to determine the direction of the Group's policies and programmes

Recommendations

The following recommendations were put forward:

- that URCDG adopts a more thoroughly researched and evidenced-based approach to policy development as part of the ongoing process to establish an urban regeneration policy framework;
- that all urban regeneration and community development policies and programmes undergo evaluation as a matter of priority as part of the ongoing process to establish an urban regeneration policy framework;
- that the Urban Regeneration Policy Unit (URPU) be refocused and resourced to lead on the research, horizon-scanning and preliminary evaluation work that is necessary to drive forward the work of the Group, not just over the next three years but beyond RPA;
- that the opportunity and forum is provided for the discussion of the strategic issues that affect the Group;
- that a strategic vision and more corporate approach to planning is adopted and disseminated throughout the Group; and
- that networks be established to facilitate the sharing of knowledge and best practice across policy and operational areas within URCDG.

Policy	Programmes	Legislation
Urban Regeneration	Urban Regeneration	Urban Regeneration
<p>People and Place - A Strategy for Neighbourhood Renewal 2003</p> <p>The Heart of the City: Urban Design Strategy for Derry 2003</p> <p>Belfast City Centre Regeneration Policy Statement 2004</p> <p>People and Place: Reflections of a City – Public Realm Strategy for Belfast City Centre 2005</p>	<p>Environmental Improvement 1970s</p> <p>Comprehensive Development 1973</p> <p>Urban Development Grant 1982</p> <p>Strategic Regeneration Frameworks 2008</p>	<p>Social Need (Northern Ireland) Order 1986</p> <p>Planning (Northern Ireland) Order 1991</p> <p>Miscellaneous Transferred Excise Duties Act (NI) 1972</p> <p>Licensing (NI) Order 1996</p> <p>Registration of Clubs (NI) Order 1996</p> <p>Betting, Gaming, Lotteries and Amusements (NI) Order 1985</p> <p>Shops (Sunday Trading &c,) (NI) Order 1997</p> <p>Street Trading Act (NI) 2001</p> <p>Unauthorised Encampments (NI) Order 2005</p>
Community Development	Community Development	Community Development
<p>Compact between the Government and the Voluntary and Community Sector 1998</p> <p>Opening Doors: The Strategy for the Delivery of Voluntary Advice Services to the Community 2007</p> <p>Volunteering Strategy (Currently under development)</p> <p>Support Services Strategy (Currently under development)</p>	<p>Community Support Programme 1975</p> <p>Volunteer Bureau Initiative 1980s</p> <p>Community Volunteering Scheme 1980s</p> <p>Local Community Fund 2003</p> <p>Modernisation Fund 2005 (revenue) & 2007 (capital)</p> <p>Community Investment Fund 2006</p> <p>Areas at Risk Pilot Programme 2006</p> <p>Regional Infrastructure Programme 2006</p> <p>Community Capacity Building Programme (Revised) 2007</p>	<p>Charities (Northern Ireland) Order 2007 (Draft Order)</p>

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

Office of the First Minister and deputy First Minister

Commissioner's Office

In Bound Volume 59, page WA124, replace the answer to question (AQW 2817/11) asked by Mr T Lunn with:

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	£214,133	£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.

Environment

MOT Test

In Bound Volume 59, page WA173, replace the answer to question (AQW 2971/10) asked by Mr M Storey with:

The term 'advisers' is interpreted in this question as meaning 'external consultants' as defined by DFP guidance. Over the past three years, the related expenditure in the Health Service (including HSC Trusts, Boards, NDPBs and Special Agencies) was as follows:-

Year	£
2008/09	£787,747
2007/08	£663,143
2006/07	£1,476,919

The HSC uses external consultants for a wide variety of assignments e.g. to prepare Outline Business Cases in capital projects, to carry out independent reviews of service provision or needs assessments into health requirements, or to design and deliver various IT systems.

Health, Social Services and Public Safety

Hospital Infections: Closure of Wards and Beds

In Bound Volume 60, page WA162, replace the answer to question (AQW 3451/11) asked by Ms S Ramsey with:

On the 11th January 2011, there were no hospital wards or go hospitaln beds closed to visitors due to hospital infections which could cause vomiting and diarrhoea.

Indexes

MEMBERS' INDEX

Anderson, Ms Martina

- Adjournment
 - Mr Paul McCauley, 475–6, 476–7
- Committee Stages
 - Office of the First Minister and deputy First Minister
 - Armed Forces and Veterans Bill, CS6, CS9
- Ministerial Statements
 - Office of the First Minister and deputy First Minister
 - North/South Ministerial Council: Plenary Format, 286
- Oral Answers
 - Office of the First Minister and deputy First Minister
 - Equality Legislation, 164–5, 165
 - Regional Development
 - School Transport: Adverse Weather Conditions, 219
- Written Answers
 - Employment and Learning
 - Education Maintenance Allowance, WA14
 - Enterprise, Trade and Investment
 - Social Economy, WA17
 - Health, Social Services and Public Safety
 - Mental Health, WA169
 - Regional Development
 - Regional Development Strategy: Consultation, WA218

Anderson, Mr Sydney

- Committee Business
 - Employment and Learning
 - Report on the Inquiry into Young People (16–24) Who are Not in Education, Employment or Training, 110, 110–11
- Executive Committee Business
 - Licensing and Registration of Clubs (Amendment) Bill
 - Consideration Stage, 458, 459
- Ministerial Statements
 - Environment
 - Draft Planning Policy Statement 23 (Enabling Development) and Draft Planning Policy Statement 24 (Economic Considerations), 24
- Private Members' Business
 - Caravans Bill
 - Consideration Stage, 272–3, 273
- Written Answers
 - Enterprise, Trade and Investment
 - Local Small Businesses, WA127

Armstrong, Mr Billy

- Ministerial Statements
 - Regional Development
 - Water Supply: Severe Weather, 12
- Oral Answers
 - Agriculture and Rural Development
 - Pig Feed, 319
 - Culture, Arts and Leisure
 - Arts Funding: County Tyrone, 407
 - Enterprise, Trade and Investment
 - Research and Development, 39
 - Health, Social Services and Public Safety
 - Clinical Excellence Awards, 169
- Written Answers
 - Employment and Learning
 - World Skills 2012, WA13
 - Finance and Personnel
 - Government Procurement, WA21
 - Regional Development
 - A5 and A8 Road Projects: Funding, WA217

Attwood, Mr Alex (Minister for Social Development)

- Adjournment
 - Glengormley Town Centre Regeneration, 128–9, 129–30
- Executive Committee Business
 - Licensing and Registration of Clubs (Amendment) Bill
 - Consideration Stage, 433, 441–3, 444, 444–5, 446–7, 447–8, 448–50, 450–1, 451–2, 459, 459–60, 461–3, 470–1, 471–3
- Ministerial Statements
 - Social Development
 - Northern Ireland Housing Executive
 - Review of Governance, 185–9, 190–1, 191, 191–2, 192–3, 193, 194, 195, 195–6, 196–7, 197, 197–8, 198, 198–9, 199, 199–200, 200
- Oral Answers
 - Social Development
 - Boiler Replacement, 314, 314–15, 315
 - Housing Associations and Social Housing, 315–16, 316
 - Housing Executive: Weather Damage, 311, 311–12, 312, 312–13
 - Neighbourhood Renewable Partnerships, 313, 313–14, 314
- Private Members' Business
 - Caravans Bill
 - Consideration Stage, 244–7, 255–7, 257–8, 258–9, 264–6, 275

Written Answers

Social Development

Additional Revenue by Accessing Housing Association Reserves, WA220
Alley-Gating in West Belfast, WA32
Areas at Risk Programme: Funding, WA219
Charity Commission, WA32–3
Community and Voluntary Sector: Budgetary Cuts, WA34
Co-Ownership Scheme, WA35
Damage to Properties Caused by the Recent Cold Spell, WA222
Disability Living Allowance, WA221
Claimants, WA34
Draft Spending Plans for 2011-15, WA32
Economy 7 Heating, WA31
Expected Capital Receipts, WA33
Flats at West Green, Holywood, WA35
Gas and Oil Boilers in Housing Executive Properties, WA35
Green New Deal, WA34
Home Energy Conservation Report 2010, WA220
Housing Executive:
Phone Systems, WA33–4
Tenants: Arctic Conditions, WA32
Incapacity Benefit, WA230
Neighbourhood Renewal Scheme, WA221, WA222–9
Small Pockets of Deprivation Programme, WA29–31
Social Security Benefit Fraud, WA221
Urban Regeneration and Communities Development Policies, WA230–2

Written Ministerial Statements

Social Development

Adverse Weather Emergency Planning Update, WMS2–4
Welfare Reforms – Incapacity Benefit Reassessment, WMS1–2

Beggs, Mr Roy

Adjournment

Mr Paul McCauley, 478

Executive Committee Business

Dogs (Amendment) Bill
Consideration Stage, 72–3, 73–4, 80
Further Consideration Stage, 294

Welfare of Animals Bill

Consideration Stage, 390, 398, 399–400, 400, 400–1, 424–5, 429, 432

Ministerial Statements

Agriculture and Rural Development

EU Fisheries Council: 13-14 December 2010, 135

Regional Development

Water Supply: Severe Weather, 17

Oral Answers

Agriculture and Rural Development

Rural Poverty, 321

Regional Development

A2 Carrickfergus to Greenisland, 220

Social Development

Neighbourhood Renewal Partnerships, 314

Private Members' Business

Caravans Bill

Consideration Stage, 273, 273–4, 274, 274–5, 277

Post-Primary Transfer Advice, 160, 161

Written Answers

Agriculture and Rural Development

New Forest Walking Routes, WA6

Education

Funded Preschool Places, WA49

Employment and Learning

Budget 2011-15: DEL, WA12

Office of the First Minister and deputy First Minister

Presbyterian Mutual Society Savers, WA1

Regional Development

Carrickfergus Station Car Park, WA28

East Antrim Railway Line

Frequency of Service, WA28

Translink Trains, WA28

Proposed A5 Aghnacloy to Londonderry

Road Development, WA205

Social Development

Community and Voluntary Sector: Budgetary Cuts, WA34

Small Pockets of Deprivation Programme, WA29

Bell, Mr Jonathan

Committee Business

Assembly and Executive Review

Northern Ireland Act 1998: Review of Sections 16A to 16C, 348, 350, 350–1, 351

Finance and Personnel

Budget 2011-2015, 335, 335–6, 336, 337, 343

Executive Committee Business

Local Government Finance Bill

Consideration Stage, 226

Ministerial Statements

Agriculture and Rural Development

EU Fisheries Council: 13-14 December 2010, 136

Regional Development

Water Supply: Severe Weather, 19

Oral Answers
Education
School Facilities, 411
Employment and Learning
Student Fees, 31
Enterprise, Trade and Investment
Tourism, 36–7
Health, Social Services and Public Safety
Swine Flu, 172
Justice
Security: Terrorism, 214, 215
Regional Development
NI Water: Secretary of State, 217
Private Members' Business
Cyclists (Protective Headgear) Bill
Second Stage, 367–8, 368, 369, 369–70, 370, 371
Post-Primary Transfer Advice, 159, 159–60, 176
Written Answers
Employment and Learning
Further Education: Annual Plans, WA14
Finance and Personnel
Budget 2011-15, WA22
Health, Social Services and Public Safety
Swine Flu, WA164

Bell, Mr Jonathan (as Deputy Chairperson of the Committee for Employment and Learning)

Committee Business
Employment and Learning
Report on the Inquiry into Young People (16-24) Who are Not in Education, Employment or Training, 117–20

Boylan, Mr Cathal

Ministerial Statements
Regional Development
Water Supply: Severe Weather, 9
Private Members' Bill
Cyclists (Protective Headgear) Bill
Second Stage, 360, 360–1, 361
Written Answers
Regional Development
Transport Bill, WA219

Boylan, Mr Cathal (as Chairperson of the Committee for the Environment)

Committee Stages
Clean Neighbourhoods and Environment Bill, CS15, CS16
Executive Committee Business
Local Government Finance Bill
Consideration Stage, 203–4, 206–7, 229, 230–231, 231

Waste and Contaminated Land (Amendment) Bill
Final Stage, 233–4
Ministerial Statements
Environment
Draft Planning Policy Statement 23 (Enabling Development) and Draft Planning Policy Statement 24 (Economic Considerations), 21

Bradley, Mr Dominic

Committee Business
Finance and Personnel
Budget 2011-15, 342
Ministerial Statements
Regional Development
Water Supply: Severe Weather, 18
Social Development
Northern Ireland Housing Executive: Review of Governance, 200

Oral Answers
Culture, Arts and Leisure
Irish Language Strategy, 404
Education
End-Year Flexibility, 414
Employment and Learning
Higher Education: Access, 35
Justice
Security: Funding, 211
Private Members' Business
Cyclists (Protective Headgear) Bill
Second Stage, 369
Post-Primary Transfer Advice, 155
Written Answers
Regional Development
Price Control Agreement 2010, WA219

Bradley, Mrs Mary

Adjournment
Mr Paul McCauley, 479
Committee Business
Finance and Personnel
Budget 2011-15, 336, 336–7
Ministerial Statements
Social Development
Northern Ireland Housing Executive: Review of Governance, 192
Oral Answers
Culture, Arts and Leisure
Sport and Health, 406
Education
School Facilities, 411
Enterprise, Trade and Investment
Invest NI: North Down, 40

Private Members' Business

Caravans Bill

Consideration Stage, 271–2, 274, 277, 277–8

Bradley, Mr P J

Executive Committee Business

Dogs (Amendment) Bill

Further Consideration Stage, 294

Welfare of Animals Bill

Consideration Stage, 401, 402

Ministerial Statements

Agriculture and Rural Development

EU Fisheries Council: 13–14 December
2010, 137

Written Answers

Agriculture and Rural Development

European Task Force, WA42

Rural Development Programme: Axis 3, WA7

Single Farm Payments, WA6, WA7

Environment

Planning Applications, WA133

Office of the First Minister and deputy First
Minister

St Patrick's Day 2011 Celebrations in the
USA, WA38

Regional Development

Damaged Roads, WA184

Mains Water Supply

Shinn Road, Newry, WA183

Warrenpoint, Mayobridge and Rostrevor,
WA183

NI Water: Meetings, WA183

Shinn Road, Newry: Mains Water Supply,
WA183

Warrenpoint, Mayobridge and Rostrevor:

Mains Water Supply, WA183

Brady, Mr Mickey

Committee Stages

Health, Social Services and Public Safety

Autism Bill, CS19

Ministerial Statements

Social Development

Northern Ireland Housing Executive: Review
of Governance, 198

Oral Answers

Environment

Local Government Reform, 96

Health, Social Services and Public Safety

Royal Belfast Hospital for Sick Children, 171

Social Development

Boiler Replacement, 315

Private Members' Business

Caravans Bill

Consideration Stage, 275–6, 276, 276–7,
277, 278

Bresland, Mr Allan

Ministerial Statements

Environment

Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations), 24

Regional Development

Water Supply: Severe Weather, 15

Oral Answers

Environment

Vehicle Testing, 92, 93

Justice

Prison Service, 213

Office of the First Minister and deputy First
Minister

Presbyterian Mutual Society, 166

Written Answers

Health, Social Services and Public Safety

Care Responsibilities: Children and Young
People, WA168

Regional Development

Roads: Gritting, WA217

Browne, The Lord

Ministerial Statements

Office of the First Minister and deputy First
Minister

North/South Ministerial Council: Plenary
Format, 288

Oral Answers

Culture, Arts and Leisure

Sport and Health, 404, 405

Office of the First Minister and deputy First
Minister

Sustainable Development Commission, 162

Written Answers

Health, Social Services and Public Safety

Ambulance Service: Adverse Weather
Conditions, WA167

Buchanan, Mr Thomas

Ministerial Statements

Environment

Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations), 25

Justice

Hillsborough Castle Agreement: Policing and
Justice, 385

Written Answers

Regional Development
A5 Western Transport Corridor, WA217

Burns, Mr Thomas

Adjournment

Glengormley Town Centre Regeneration, 124

Executive Committee Business

Dogs (Amendment) Bill
Consideration Stage, 80–1

Oral Answers

Education

Budget 2011-15, 415

Enterprise, Trade and Investment

Petrol Prices, 39

Health, Social Services and Public Safety

Health and Social Care Trusts: Payments to
Craftsmen, 167

Written Answers

Agriculture and Rural Development

Nitrates Derogation, WA44

Environment

Knock Golf Club, Belfast, WA20

Polluting Sources of Drinking Water, WA133

Ulster Farm By-Products Factory: Ballyvannon
Road, Glenavy, WA135

Finance and Personnel

Rates Arrears: Pubs, Clubs and Other
Licensed Commercial Premises, WA140

Health, Social Services and Public Safety

Fire Stations Without Running Water, WA163

Hospitals Without Running Water, WA161

Justice

Prisoners Returning Late from Temporary
Release or Leave, WA173

Office of the First Minister and deputy First
Minister

Written Correspondence from Members of
the Public, WA1

Regional Development

Bottled Water

Dispensed to the Public, WA192–3

Sent to Northern Ireland, WA192

Bus and Rail Services, WA215

Mains Water Supply, WA197

NI Water

Bottled Water, WA191

Catering and Hospitality, WA192

Employment of Additional Staff, WA196

Supply and Payment, WA203

Telephone Helplines, WA208

Water Reserves, WA201

Water Shortage Crisis, WA202

Butler, Mr Paul

Committee Business

Employment and Learning

Report on the Inquiry into Young People (16-
24) Who are Not in Education, Employment
or Training, 109–10

Oral Answers

Enterprise, Trade and Investment

Tourism, 36

Callaghan, Mr Pól

Adjournment

Mr Paul McCauley, 479–80

Committee Business

Employment and Learning

Report on the Inquiry into Young People (16-
24) Who are Not in Education, Employment
or Training, 112

Committee Stages

Health, Social Services and Public Safety

Autism Bill, CS19

Ministerial Statements

Office of the First Minister and deputy First
Minister

North/South Ministerial Council: Plenary
Format, 290

Oral Answers

Education

Revenue, 413

Finance and Personnel

Rates: Lone Pensioner Allowance, 99

Health, Social Services and Public Safety

Royal Belfast Hospital for Sick Children, 171

Private Members' Business

Cyclists (Protective Headgear) Bill

Second Stage, 370

Question for Urgent Oral Answer

Swine Flu: Vaccination, 44–5, 45

Written Answers

Enterprise, Trade and Investment

Electricity Costs, WA16

Environment

Draft Spending Plans for 2011-15, WA132

Health, Social Services and Public Safety

Mains Water Interruption, WA144

Registered Childminders, WA160

Western Health and Social Care Trust:

Review, WA147

Regional Development

NI Water: Waterline Revenue, WA185

Water and Sewerage Infrastructure at
Slievemore Park, Derry, WA198

Campbell, Mr Gregory

- Ministerial Statements
 - Regional Development
 - Water Supply: Severe Weather, 14
 - Social Development
 - Northern Ireland Housing Executive: Review of Governance, 198
- Oral Answers
 - Agriculture and Rural Development
 - Rural Poverty, 321
 - Culture, Arts and Leisure
 - World Police and Fire Games, 408
 - Education
 - Schools: Newbuilds, 415
 - Employment and Learning
 - Higher Education: Access, 35
 - Enterprise, Trade and Investment
 - Petrol Prices, 39
 - Environment
 - Planning Decisions, 95
 - Health, Social Services and Public Safety
 - Western Health and Social Care Trust: Governance Review, 170
 - Justice
 - Prison Service: Governance, 210
 - Office of the First Minister and deputy First Minister
 - Equality Legislation, 164
- Written Answers
 - Health, Social Services and Public Safety
 - Average Number of Patients per GP, WA157
 - Dentists Offering NHS Treatment, WA158
 - Regional Development
 - Bottled Water
 - Availability, WA208
 - Cost of Supply from Scotland, WA208
 - Distribution Centres, WA208

Clarke, Mr Trevor

- Executive Committee Business
 - Welfare of Animals Bill
 - Consideration Stage, 395, 396, 397, 400, 402, 419–20
- Ministerial Statements
 - Office of the First Minister and deputy First Minister
 - North/South Ministerial Council: Plenary Format, 290
- Written Answers
 - Education
 - Schools in the South Antrim Area: Broken Pipes, WA9

- Employment and Learning
 - Education Maintenance Allowance, WA58
 - Student Fees, WA58
- Health, Social Services and Public Safety
 - Accident and Emergency Unit at Antrim Area Hospital, WA164
 - Draft Departmental Spending Plans for 2011-15, WA153
 - Hospitals: Burst Water Pipes, WA147
- Regional Development
 - Budget: DRD, WA195
 - Snow Ploughs Owned by Roads Service, WA190
- Social Development
 - Draft Spending Plans for 2011-15, WA32

Clarke, Mr Willie

- Committee Stages
 - Environment
 - Clean Neighbourhoods and Environment Bill, CS16
- Executive Committee Business
 - Dogs (Amendment) Bill
 - Consideration Stage, 72, 79–80
 - Further Consideration Stage, 294–5
 - Local Government Finance Bill
 - Consideration Stage, 205, 228
 - Welfare of Animals Bill
 - Consideration Stage, 417–420, 429, 430
- Ministerial Statements
 - Agriculture and Rural Development
 - EU Fisheries Council: 13-14 December 2010, 134
 - Environment
 - Draft Planning Policy Statement 23 (Enabling Development) and Draft Planning Policy Statement 24 (Economic Considerations), 23
- Oral Answers
 - Agriculture and Rural Development
 - Woodland, 318
 - Office of the First Minister and deputy First Minister
 - Budget Review Group, 165

Cobain, Mr Fred

- Assembly Business
 - Suspension of Standing Orders, 283

Cobain, Mr Fred (as Chairperson of the Ad Hoc Committee on the Assembly Members (Independent Financial Review and Standards) Bill)

- Committee Stages
 - Ad Hoc Committee
 - Assembly Members (Independent Financial Review and Standards) Bill, CS1, CS2, CS3

Cobain, Mr Fred (as Chairperson of the Committee for Regional Development)

Executive Committee Business
Regional Development
Transport Bill
Consideration Stage, 138–42, 148–9
Ministerial Statements
Regional Development
Water Supply: Severe Weather, 7–8, 8

Coulter, Rev Dr Robert

Committee Business
Allowances to Members of the Assembly
(Repeal) Bill
Accelerated Passage, 88–9
Second Stage, 90–1
Consideration Stage, 151
Further Consideration Stage, 243
Final Stage, 298
Oral Answers
Employment and Learning
Student Fees, 31
Written Answers
Health, Social Services and Public Safety
Capital Budget 2010-11: DHSSPS, WA168

Craig, Mr Jonathan

Executive Committee Business
Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 469, 470, 471
Ministerial Statements
Office of the First Minister and deputy First Minister
North/South Ministerial Council: Plenary Format, 287
Social Development
Northern Ireland Housing Executive: Review of Governance, 195
Oral Answers
Agriculture and Rural Development
Farm Modernisation Programme, 319, 319–20
Private Members' Business
Caravans Bill
Consideration Stage, 262, 267, 274, 276
Post-Primary Transfer Advice, 153–4, 156
Written Answers
Education
Cost of Repairing Damage to Heating and Water Supplies, WA8
School Repairs, WA9

Health, Social Services and Public Safety
Lagan Valley Hospital: Swine Flu/Seasonal Flu, WA146
Vaccines for Seasonal Flu and Swine Flu, WA146, WA163
Regional Development
Water and Sewerage Infrastructure: Upgrade, WA190
Social Development
Charity Commission, WA32

Craig, Mr Jonathan (as Chairperson of the Audit Committee)

Committee Business
Budget 2011-15, 331–2

Cree, Mr Leslie

Executive Committee Business
Energy Bill
Final Stage, 238
Oral Answers
Agriculture and Rural Development
Farm Modernisation Programme, 320
Employment and Learning
Higher Education: Access, 35
Enterprise, Trade and Investment
Invest NI: North Down, 40
Environment
Local Government Reform, 96
Justice
Domestic Violence: Access to Justice, 213
Regional Development
NI Water: Secretary of State, 217
Written Answers
Justice
Youth Justice System: Review, WA178

Dallat, Mr John

Ministerial Statements
Environment
Draft Planning Policy Statement 23 (Enabling Development) and Draft Planning Policy Statement 24 (Economic Considerations), 22
Regional Development
Water Supply: Severe Weather, 12
Oral Answers
Culture, Arts and Leisure
Arts Funding: County Tyrone, 406
Education
Schools: Budget Cuts, 412
Environment
Local Government Reform, 97
Finance and Personnel
Government Property, 99

Written Answers

Enterprise, Trade and Investment
Office of Tourism Ireland, Coleraine, WA126
Justice
Independent Tribunal Service, WA175
Regional Development
Rail Services: Cancellations, WA215

Dallat, Mr John (as Deputy Speaker)

Committee Business

Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 345, 351, 352
Employment and Learning
Report on the Inquiry into Young People (16-
24) Who are Not in Education, Employment
or Training, 105, 106, 107, 112, 113, 114,
120

Finance and Personnel
Budget 2011-15, 326, 328, 333, 335, 343

Executive Committee Business

Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 433
Welfare of Animals Bill
Consideration Stage, 423, 425, 426, 433

Oral Answers

Point of Order, 415

Deeny, Dr Kieran

Committee Stages

Health, Social Services and Public Safety
Autism Bill, CS20

Doherty, Mr Pat

Oral Answers

Agriculture and Rural Development
Rural Poverty, 320, 321
Environment
Planning Bill, 91

Easton, Mr Alex

Committee Stages

Health, Social Services and Public Safety
Autism Bill, CS17

Executive Committee Business

Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 457

Ministerial Statements

Social Development
Northern Ireland Housing Executive: Review
of Governance, 194

Oral Answers

Enterprise, Trade and Investment
Invest NI: North Down, 40

Private Members' Business

Caravans Bill
Consideration Stage, 252-3, 261-2

Written Answers

Culture, Arts and Leisure
Portavoe Reservoir, Groomsport, WA45
Finance and Personnel
Draft Health Budget, WA142
Health, Social Services and Public Safety
Annual Turnover of Staff, WA165
Draft Departmental Spending Plans for
2011-15, WA155
Electronic Cigarettes, WA155
Swine Flu, WA155
Regional Development
Grit Boxes in Bangor, WA187
Gritting: Housing Estates in Bangor, WA188
Reservoirs in Craigantlet Hills, North Down,
WA197
Salt and Grit Stock, WA187

Elliott, Mr Tom

Committee Business

Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 347, 351

Executive Committee Business

Welfare of Animals Bill
Consideration Stage, 398, 428, 429-30

Oral Answers

Employment and Learning
Budget 2011-15, 32, 33
Enterprise, Trade and Investment
Tourism, 36
Regional Development
Water Leaks: Business Premises, 218

Private Members' Business

Caravans Bill
Consideration Stage, 262, 263

Written Answers

Finance and Personnel
Section 3·47 of the Draft Budget 2010
Document, WA137
Regional Development
Concessions for Water Leakages, WA195

Elliott, Mr Tom (as Chairperson of the Committee for the Office of the First Minister and deputy First Minister)

Committee Business

Budget 2011-15, 302-3, 303, 304

Committee Stages

- Office of the First Minister and deputy First Minister
 - Armed Forces and Veterans Bill, CS5, CS6, CS7, CS8, CS9

Ministerial Statements

- Office of the First Minister and deputy First Minister
 - North/South Ministerial Council: Plenary Format, 285

Empey, The Lord (Formerly Sir Reg Empey)

Ministerial Statements

- Regional Development
 - Water Supply: Severe Weather, 14

Written Answers

- Employment and Learning
 - Tuition Fees, WA13
- Finance and Personnel
 - Government Office Estate, WA21

Farry, Dr Stephen

Committee Business

- Assembly and Executive Review
 - Northern Ireland Act 1998: Review of Sections 16A to 16C, 348, 348–9, 352
- Finance and Personnel
 - Budget 2011-15, 305–6, 306, 306–7, 310

Committee Stages

- Office of the First Minister and deputy First Minister
 - Armed Forces and Veterans Bill, CS5–6, CS6

Executive Committee Business

- Damages (Asbestos-Related Conditions) Bill
 - Second Stage, 58–9, 64
- Dogs (Amendment) Bill
 - Consideration Stage, 74–5, 81–2
 - Further Consideration Stage, 291–3, 296–7
- Licensing and Registration of Clubs (Amendment) Bill
 - Consideration Stage, 445
- Local Government Finance Bill
 - Consideration Stage, 205, 226–8

Ministerial Statements

- Finance and Personnel
 - Public Expenditure: December Monitoring 2010-11, 29
- Hillsborough Castle Agreement: Policing and Justice, 384
- Office of the First Minister and deputy First Minister
 - North/South Ministerial Council: Plenary Format, 287

Oral Answers

- Culture, Arts and Leisure
 - World Police and Fire Games, 407, 407–8
- Enterprise, Trade and Investment
 - Manufacturing, 38
- Finance and Personnel
 - Government Property, 99–100
- Justice
 - Prison Service, 214

Ford, Mr David

Adjournment

- Glengormley Town Centre Regeneration, 124–5
- Matters of the Day
 - Mrs Michaela McAreevey, 2–3

Ford, Mr David (as Minister of Justice)

Adjournment

- Mr Paul McCauley, 480–2

Ministerial Statements

- Justice
 - Hillsborough Castle Agreement: Policing and Justice, 379–82

Oral Answers

- Justice
 - Domestic Violence: Access to Justice, 212, 213
 - Police Training College, 208, 208–9, 209
 - Prison Service, 213, 213–14
 - Governance, 209–10, 210
 - Prisoner Ombudsman, 211, 212
- Security
 - Funding, 210–11, 211
 - Terrorism, 214–15, 215

Written Answers

- Justice
 - Arrests at Sports Stadiums, WA172–3, WA173
 - Banning Orders for Football, WA176
 - Cost of Art and Drama Teachers in Prison, WA25
- Court
 - Fines, WA26, WA172
 - Interpreters, WA180–1
- Court Service: Budget Allocation, WA178
- Court Service Case Number 10/111192, WA23–4
- Departmental Expenditure Limit, WA26
- Devidas Paliutis, WA172
- Domestic Violence: Convictions, WA177
- Drug-Dealing Offences, WA179
- Human Trafficking, WA176
- Independent Tribunal Service, WA175
- Justice Bill, WA173

Legal Aid: Reform, WA177–8
 Manufacture and Storage of Explosives, WA179
 Physical Abuse of Partners, WA179
 Police and Prison Officers: Suspension, WA181–2
 Prison Service Staff Costs, WA169
 Prison Weddings, WA175
 Prisoner(s)
 Assessment Unit, Belfast, WA169–70, WA171
 Education Provision, WA170
 Returning Late from Temporary Release or Leave, WA173–4
 Search Procedures, WA171
 Who Failed to Return to Custody, WA172
 Prisoner Ombudsman
 Budget, WA181
 Costs, WA171
 Recommendations, WA26
 Statutory Powers, WA176
 PSNI Staff Transferring to DOJ, WA180
 Public Prosecution Service, WA182–3
 Separated Prisoners, WA169
 Definition, WA24–5, WA175
 Meetings with the Prisoner Ombudsman, WA176
 Mini-Buses at Maghaberry Prison, WA24–5
 Population at Maghaberry Prison, WA25
 Staff
 Transferred from Access NI, WA180
 Transferred from the NIO, WA179
 Think First Course as Part of a Probation Order, WA175
 Youth Conferences, WA182
 Youth Justice System: Review, WA178

Written Ministerial Statements

Justice

Community Safety Strategy: Launch and Publication of 'Building Safer, Shared and Confident Communities', WMS1

Foster, Mrs Arlene (Minister of Enterprise, Trade and Investment)

Executive Committee Business

Energy Bill

Further Consideration Stage, 67
 Final Stage, 237–8, 238

Waste and Contaminated Land (Amendment) Bill
 Further Consideration Stage, 67

Oral Answers

Enterprise, Trade and Investment
 Corporation Tax, 41, 42

Invest NI: North Down, 40
 Manufacturing, 37, 37–8
 Petrol Prices, 39, 40
 Research and Development, 38, 39
 Tourism, 36, 37

Written Answers

Enterprise, Trade and Investment

Corporation Tax: Reduction, WA15

Electricity Costs, WA16

Employment, WA16

Financial Allocation: DETI, WA121–2

Foreign Direct Investment, WA59–61

Invest NI: Financial Assistance, WA62–120, WA123–6

Local Small Businesses, WA127

Matrix Report, WA16–17

Mourne Coastal Drive: Proposed Route, WA120

Office of Tourism Ireland, Coleraine, WA126

Private Debt and Finance Management

Companies, WA126–7

Small Businesses: Financial Support, WA17

Social Economy, WA17

Tourism: Strangford Lough, WA16

Water Crisis in December 2010, WA15

Frew, Mr Paul

Committee Business

Budget 2011-15, 303, 328, 328–9, 329, 330

Executive Committee Business

Damages (Asbestos-Related Conditions) Bill

Second Stage, 59–60

Oral Answers

Enterprise, Trade and Investment

Research and Development, 38–9

Health, Social Services and Public Safety

Royal Belfast Hospital for Sick Children, 171

Regional Development

School Transport: Adverse Weather
 Conditions, 219

Written Answers

Agriculture and Rural Development

Singvac Three-Year Vaccine, WA43

Education

Safety of Pupils Travelling to School, WA47

Regional Development

Content and Materials Used by Roads

Service, WA207, WA207–8

Proposed South-West Distributor Road in
 Ballymena, WA201

Water Shortage Crisis, WA201

Gallagher, Mr Tommy

Executive Committee Business
Safeguarding Board Bill
Final Stage, 241
Ministerial Statements
Office of the First Minister and deputy First Minister
North/South Ministerial Council: Plenary
Format, 287

Oral Answers

Agriculture and Rural Development
Farm Modernisation Scheme, 320
Environment
Planning Decisions, 95
Health, Social Services and Public Safety
Western Health and Social Care Trust:
Governance Review, 170

Written Answers

Health, Social Services and Public Safety
Computer Equipment Belonging to Belfast
Health and Social Care Trust, WA162–3

Gardiner, Mr Samuel

Ministerial Statements
Justice
Hillsborough Castle Agreement: Policing and
Justice, 386

Oral Answers

Employment and Learning
Student Fees, 34
Health, Social Services and Public Safety
Swine Flu: Vaccination, 168

Written Answers

Environment
Contamination to Water Supplies, WA17
Regional Development
Airports: Prolonged Cold Spells, WA203–4
Climate Survey, WA205
Damage to the Roads System, WA188
Grit Boxes for Housing Estates, WA203
NI Water: Constraints, WA189
Performance During the Recent Adverse
Weather, WA204
Road Maintenance and Repairs, WA189
Roads with Insufficient Lighting, WA189
Salt and Grit Reserves, WA205
Social Development
Co-Ownership Scheme, WA35
Incapacity Benefit, WA230
Neighbourhood Renewal Scheme, WA222–9

Gibson, Mr Simpson

Executive Committee Business
Dogs (Amendment) Bill
Consideration Stage, 82

Oral Answers

Office of the First Minister and deputy First Minister
HM Coastguard: Bangor, 163

Written Answers

Employment and Learning
Student Fees, WA12

Gildernew, Ms Michelle (Minister of Agriculture and Rural Development)**Executive Committee Business**

Dogs (Amendment) Bill
Consideration Stage, 69, 70, 75–6, 78,
78–9, 82–3
Further Consideration Stage, 291, 295–6
Welfare of Animals Bill
Consideration Stage, 388, 388–9, 390,
420–1, 423, 423–4, 425, 426, 426–7,
430–1, 431, 432

Ministerial Statements

EU Fisheries Council: 13–14 December 2010,
131–3, 133–4, 134–5, 135, 136, 136–7,
137, 137–8

Oral Answers

Agriculture and Rural Development
Bluetongue, 322, 323
Farm Modernisation Programme, 319, 320
Rural Poverty, 320, 320–1, 321, 321–2
Pig Feed, 318, 318–19, 319
Woodland, 317, 317–18, 318

Written Answers

Agriculture and Rural Development
Children and Young People's Action Plan,
WA44–5
Electric Shock Dog Collar Training Devices,
WA43
European Task Force, WA42
Financial Allocation: DARD, WA43–4
New Forest Walking Routes, WA6, WA8
Nitrates Derogation, WA44
Occupation: Farmer, WA39–42
Pedigree Limousin Cattle, WA45
Rural Development Programme: Axis 3, WA7
Rural White Paper, WA7
Single Farm Payments, WA6–7, WA7–8
Singvac Three-Year Vaccine, WA43

Girvan, Mr Paul**Adjournment**

Glengormley Town Centre Regeneration, 127–8,
128

Committee Stages

Health, Social Services and Public Safety
Autism Bill, CS18, CS19

Oral Answers

Agriculture and Rural Development
Farm Modernisation Programme, 319
Woodland, 317

Environment
Recycling, 92

Written Answers

Agriculture and Rural Development
Pedigree Limousin Cattle, WA45
Health, Social Services and Public Safety
Adult Day Services, WA148
Adult Services Management Structure, WA151
European Social Fund Funded Schemes,
WA149
Health, Social Services and Public Safety
Staff, WA150
Northern Health and Social Care Trust, WA150
Day Opportunities Programme, WA150,
WA151

Givan, Mr Paul

Committee Business

Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 351–2, 352

Finance and Personnel
Budget 2011-15, 336

Ministerial Statements

Justice
Hillsborough Castle Agreement: Policing and
Justice, 385

Oral Answers

Environment
Councils: Adverse Weather Conditions, 93, 94
Justice
Security: Funding, 210, 211

Private Members' Business

Post-Primary Transfer Advice, 157, 176, 176–7,
177

Hamilton, Mr Simon

Committee Business

Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 349, 349–50

Executive Committee Business

Damages (Asbestos-Related Conditions) Bill
Second Stage, 52, 52–3, 53, 53–4

Ministerial Statements

Finance and Personnel
Public Expenditure: December Monitoring
2010-11, 28
Rates: Lone Pensioner Allowance, 98

Office of the First Minister and deputy First
Minister

Budget Review Group, 166

Oral Answers

Social Development
Boiler Replacement, 314

Private Members' Business

Caravans Bill
Consideration Stage, 263

Written Answers

Enterprise, Trade and Investment
Mourne Coastal Drive: Proposed Route,
WA120
Tourism: Strangford Lough, WA16

Environment

External Legal Advice, WA18
Regional Development Strategy: Review
Consultation, WA19

Health, Social Services and Public Safety
Hospital Admissions: Adverse Weather
Conditions, WA169

Regional Development

Parking Tickets, WA193

Social Development

Social Security Benefit Fraud, WA221

Hamilton, Mr Simon (as Chairperson of the Committee for Social Development)

Committee Business

Budget 2011-15, 309–10, 310

Committee Stages

Social Development
Housing (Amendment) (No. 2) Bill, CS11,
CS12, CS13

Executive Committee Business

Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 436–8, 438–9, 440,
452–4, 454, 463–5, 465, 465–7, 467,
467–8, 468, 468–9

Ministerial Statements

Social Development
Northern Ireland Housing Executive: Review
of Governance, 189–90

Private Members' Bill

Caravans Bill
Consideration Stage, 247–52, 259–60, 261,
264, 267–8, 268, 268–71, 276, 277

Hilditch, Mr David

Oral Answers

Education
DE: Revenue, 413

Written Answers

Education

Nursery Enrolment Applications, WA56

Nursery Places, WA56

Environment

Glenarm Village: Regeneration Scheme,
WA135

Lafarge Project at the Magheramorne Quarry,
Larne, WA135

Humphrey, Mr William

Adjournment

Glengormley Town Centre Regeneration, 125–6,
129

Executive Committee Business

Licensing and Registration of Clubs
(Amendment) Bill

Consideration Stage, 451, 454, 458–9,
459, 465

Oral Answers

Culture, Arts and Leisure

Irish Language Strategy, 404

Environment

War Memorials, 94, 95

Social Development

Housing Executive: Adverse Weather
Conditions, 312

Irwin, Mr William

Executive Committee Business

Licensing and Registration of Clubs
(Amendment) Bill

Consideration Stage, 457–8

Welfare of Animals Bill

Consideration Stage, 416–17

Oral Answers

Culture, Arts and Leisure

Libraries, 408, 409

Written Answers

Health, Social Services and Public Safety

St Luke's Hospital Site in Armagh City, WA23

Kelly, Mrs Dolores

Committee Business

Budget 2011-15, 325, 327, 328, 330, 333, 335

Executive Committee Business

Licensing and Registration of Clubs
(Amendment) Bill

Consideration Stage, 450

Ministerial Statements

Office of the First Minister and deputy First
Minister

North/South Ministerial Council: Plenary
Format, 289

Oral Answers

Culture, Arts and Leisure

Libraries, 409

Finance and Personnel

Adverse Weather Conditions, 100

Health, Social Services and Public Safety

Swine Flu: Vaccination, 168

Written Answers

Finance and Personnel

Maze/Long Kesh Development: EU Funding,
WA140

Office of the First Minister and deputy First
Minister

Programme for Cohesion, Sharing and
Integration, WA37

Single Equality Bill, WA37

Kelly, Mrs Dolores (as Chairperson of the Committee for Employment and Learning)

Committee Business

Employment and Learning

Young People (16 to 24) Not in Education,
Employment or Training, 102–5, 105

Kelly, Mr Gerry

Adjournment

Glengormley Town Centre Regeneration, 126–7

Kennedy, Mr Danny

Matters of the Day

Mrs Michaela McAreavey, 2

Private Members' Business

Caravans Bill

Consideration Stage, 274

Kennedy, Mr Danny (as Minister for Employment and Learning)

Committee Business

Report on the Inquiry into Young People (16 to
24) who are Not in Education, Employment or
Training, 115–17

Executive Committee Business

Employment (No. 2) Bill

Consideration Stage, 67

Oral Answers

Employment and Learning

Budget 2011-15, 32–3, 33

Higher Education: Access, 34–5, 35, 35–6

Savings, 31–2, 32

Student Fees, 30, 31, 34

Written Answers

Employment and Learning

Apprenticeship Places in the Foyle
Constituency, WA57, WA58

Budget 2011-15: DEL, WA12
Education Maintenance Allowance, WA14,
WA58
Further Education
Annual Plans, WA14
Redundancies, WA14, WA15
Local Employment Intermediary Service
Project, WA57, WA58
Queen's University, Belfast and Stranmillis
University College, WA13
Student Fees, WA11, WA12, WA58
Tuition Fees, WA13-14
World Skills 2012, WA13

Kinahan, Mr Danny

Adjournment
Glengormley Town Centre Regeneration, 123-4,
124
Committee Stages
Environment
Clean Neighbourhoods and Environment Bill,
CS15, CS16
Executive Committee Business
Local Government Finance Bill
Consideration Stage, 205, 225, 226, 230
Waste and Contaminated Land (Amendment) Bill
Final Stage, 234-5
Ministerial Statements
Environment
Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations), 22
Oral Answers
Agriculture and Rural Development
Woodland, 317
Education
School Facilities, 411
Employment and Learning
DEL: Savings, 32
Enterprise, Trade and Investment
Corporation Tax, 41
Environment
Planning Bill, 91
Regional Development
School Transport: Adverse Weather
Conditions, 220
Private Members' Business
Cyclists (Protective Headgear) Bill
Second Stage, 365-6
Written Answers
Finance and Personnel
Section 3·47 of the Draft Budget 2010
Document, WA137

Regional Development
Vandalism to Traffic Signs, WA198

Leonard, Mr Billy

Executive Committee Business
Transport Bill
Consideration Stage, 142, 149
Ministerial Statements
Regional Development
Water Infrastructure, 216
Water Supply: Severe Weather, 11

Lo, Ms Anna

Executive Committee Business
Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 434-6, 445-6, 457, 460
Transport Bill
Consideration Stage, 143, 143-4
Ministerial Statements
Finance and Personnel
Public Expenditure: December Monitoring
2010-11, 47
Regional Development
Water Supply: Severe Weather, 10
Social Development
Northern Ireland Housing Executive: Review
of Governance, 193
Oral Answers
Environment
Planning Decisions, 96
Finance and Personnel
Adverse Weather Conditions, 100-1
Health, Social Services and Public Safety
Royal Belfast Hospital for Sick Children, 171
Social Development
Neighbourhood Renewal Partnerships, 314
Private Members' Business
Caravans Bill
Consideration Stage, 272, 273
Written Answers
Health, Social Services and Public Safety
Social Workers, WA155
Regional Development
NI Water: Board, WA195
Social Development
Additional Revenue by Accessing Housing
Association Reserves, WA220
Expected Capital Receipts, WA33
Urban Regeneration and Communities
Development Policies, WA230

Lunn, Mr Trevor

Executive Committee Business
Welfare of Animals Bill
Consideration Stage, 402–3, 425
Oral Answers
Education
Schools: Newbuilds, 415,
Health, Social Services and Public Safety
DHSSPS: Savings, 173
Social Development
Housing Associations and Social Housing,
315, 316
Private Members' Business
Cyclists (Protective Headgear) Bill
Second Stage, 366–7
Post-Primary Transfer Advice, 155–6, 156, 157
Revised Written Answers
Office of the First Minister and deputy First
Minister
Commissioner's Office, RWA1
Written Answers
Education
Draft Savings Delivery Plans, WA47
Regional Development
Roads Maintenance Package, WA218

Lyttle, Mr Chris

Committee Business
Employment and Learning
Report on the Inquiry into Young People
(16 to 24) who are Not in Education,
Employment or Training, 107–8
Ministerial Statements
Environment
Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations), 22
Justice
Hillsborough Castle Agreement: Policing and
Justice, 387
Regional Development
Water Supply: Severe Weather, 16
Oral Answers
Education
DE: Revenue, 412, 413
Employment and Learning
DEL: Budget 2011-15, 33
Enterprise, Trade and Investment
Petrol Prices, 39
Environment
Councils: Adverse Weather Conditions, 94
Justice
Police Training College, 209

Office of the First Minister and deputy First
Minister
Sustainable Development Commission, 161,
162
Regional Development
Water Infrastructure, 216
Question for Urgent Oral Answer
Health, Social Services and Public Safety
Swine Flu: Vaccination, 45
Written Answers
Agriculture and Rural Development
Electric Shock Dog Collar Training Devices,
WA43

McCallister, Mr John

Adjournment
Mr Paul McCauley, 476
Committee Business
Budget 2011-15, 323–4, 324
Committee Stages
Health, Social Services and Public Safety
Autism Bill, CS17, CS18, CS19
Executive Committee Business
Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 441, 454–5, 456,
469, 469–70
Safeguarding Board Bill
Final Stage, 240–1
Oral Answers
Social Development
Housing Associations and Social Housing,
315, 316
Private Members' Business
Caravans Bill
Consideration Stage, 244, 254–5, 262,
262–3, 263, 264, 275
Written Answers
Environment
Footpaths, WA19
Finance and Personnel
Banks: Business Support, WA22
Health, Social Services and Public Safety
Revenue Budget 2010-11: DHSSPS, WA167

McCann, Mr Fra

Executive Committee Business
Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 438, 439–40, 440, 441,
443–4, 448, 456, 461, 467, 468, 469
Ministerial Statements
Regional Development
Water Supply: Severe Weather, 13

Social Development
Northern Ireland Housing Executive: Review
of Governance, 194, 197

Oral Answers

Regional Development
A2 Carrickfergus to Greenisland, 221

Private Members' Business

Caravans Bill
Consideration Stage, 260–1, 263–4, 266,
266–7, 267, 268, 273

Written Answers

Justice
Youth Conferences, WA182
Social Development
Housing Executive
Phone Systems, WA33
Tenants: Arctic Conditions, WA32

McCann, Ms Jennifer

Written Answers

Enterprise, Trade and Investment
Private Debt and Finance Management
Companies, WA126

**McCann, Ms Jennifer (as Chairperson of the
Committee for Finance and Personnel)**

Committee Business

Allowances to Members of the Assembly
(Repeal) Bill
Accelerated Passage, 89–90

Executive Committee Business

Construction Contracts (Amendment) Bill
Final Stage, 86–7
Damages (Asbestos-Related Conditions) Bill
Second Stage, 50–2

Ministerial Statements

Finance and Personnel
Public Expenditure: December Monitoring
2010–11, 27–8

McCarthy, Mr Kieran

Executive Committee Business

Safeguarding Board Bill
Final Stage, 241
Transport Bill
Consideration Stage, 143, 145

Ministerial Statements

Agriculture and Rural
EU Fisheries Council: 13–14 December
2010, 135–667

Oral Answers

Agriculture and Rural Development
Rural Poverty, 322

Employment and Learning

DEL: Savings, 31, 32

Office of the First Minister and deputy First
Minister

Equality Legislation, 164

Written Answers

Health, Social Services and Public Safety
Shortage of Junior Epi-Pens, WA166

McCartney, Mr Raymond

Adjournment

Mr Paul McCauley, 478, 478–9

Committee Business

Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 346–7

Ministerial Statements

Regional Development
Water Supply: Severe Weather, 15

Oral Answers

Employment and Learning
Higher Education: Access, 34, 35
Justice
Prison Service: Governance, 210

Written Answers

Employment and Learning
Apprenticeship Places in the Foyle
Constituency, WA57
Justice
Human Trafficking, WA176
Social Development
Economy 7 Heating, WA31
Home Energy Conservation Report 2010,
WA220

**McCartney, Mr Raymond (as Deputy Chairperson of
the Committee for Justice)**

Ministerial Statement

Hillsborough Castle Agreement: Policing and
Justice, 383–4, 384

McCausland, Mr Nelson

Adjournment

Glengormley Town Centre Regeneration, 120–2

**McCausland, Mr Nelson (Minister of Culture, Arts
and Leisure)**

Oral Answers

Culture, Arts and Leisure
Arts Funding: County Tyrone, 407
Irish Language Strategy, 403, 403–4, 404
Libraries, 408, 409
Sport and Health, 405, 406

World Police and Fire Games, 408
Written Answers
Culture, Arts and Leisure
Funding Allocated for Ice Skating, WA47
Funding Granted for Football, Rugby and
Gaelic Games, WA45–6
Portavoe Reservoir, Groomsport, WA45
Sports Grounds, WA46–7

McClarty, Mr David (as Deputy Speaker)

Committee Business
Budget 2011-15, 299, 301, 302, 303, 306, 310
Executive Committee Business
Allowances to Members of the Assembly
(Repeal) Bill
Accelerated Passage, 90
Second Stage, 91
Dogs (Amendment) Bill
Consideration Stage, 69, 76, 83, 84, 85
Further Consideration Stage, 291, 298
Oral Answers
Culture, Arts and Leisure, 404, 406, 408
Education, 412, 415
Enterprise, Trade and Investment, 36, 37, 40, 41
Question for Urgent Oral Answer
Health, Social Services and Public Safety
Swine Flu Vaccination, 42, 45

McCrea, Mr Basil

Adjournment
Mr Paul McCauley, 480
Committee Business
Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 350, 352
Employment and Learning
Report on the Inquiry into Young People
(16 to 24) who are Not in Education,
Employment or Training, 111–12, 112
Finance and Personnel
Budget 2011-15, 332, 332–3, 333
Oral Answers
Education
DE: Revenue, 413
Private Members' Business
Post-Primary Transfer Advice, 177–8, 178

McCrea, Mr Ian

Ministerial Statements
Environment
Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations), 24

Regional Development
Water Supply: Severe Weather, 11
Oral Answers
Agriculture and Rural Development
Pig Feed, 318
Finance and Personnel
DRP: Staffing Reductions, 101–2
Regional Development
Water Leaks: Business Premises, 218
Written Answers
Justice
Manufacture and Storage of Explosives,
WA179

McDevitt, Conall

Committee Business
Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 347–8, 352
Executive Committee Business
Transport Bill
Consideration Stage, 142–3, 149–50
Ministerial Statements
Finance and Personnel
Public Expenditure: December Monitoring
2010–11, 46
Justice
Hillsborough Castle Agreement: Policing and
Justice, 386
Regional Development
Water Supply: Severe Weather, 9–10, 19
Oral Answers
Employment and Learning
Student Fees, 30, 30–1
Environment
Recycling, 92
Health, Social Services and Public Safety
Swine Flu, 173
Justice
Prisoner Ombudsman, 211
Regional Development
Water Leaks: Business Premises, 218–19
Social Development
Housing Executive: Weather Damage, 312
Private Members' Business
Cyclists (Protective Headgear) Bill
Second Stage, 371, 371–2
Written Answers
Enterprise, Trade and Investment
Matrix Report, WA16
Health, Social Services and Public Safety
Domestic Violence: Male Victims, WA154
Regional Development
Ministerial Diary Commitments, WA199

NI Water
Additional Contractors, WA185
Call-Handling Capacity, WA184
Emergency Meeting, WA185
Employees, WA185
Meetings with the Chair and/or CEO, WA27
Severance Package Paid to Former CEO,
WA29
Waterline Revenue, WA185
Website, WA185

McDonnell, Dr Alasdair

Ministerial Statements

Environment

Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations), 24

Oral Answers

Enterprise, Trade and Investment

Manufacturing, 37

Health, Social Services and Public Safety

Clinical Excellence Awards, 169

McElduff, Mr Barry

Ministerial Statements

Office of the First Minister and deputy First
Minister

North/South Ministerial Council: Plenary
Format, 288

Oral Answers

Office of the First Minister and deputy First
Minister

Sustainable Development Commission, 162

Social Development

Neighbourhood Renewal Partnerships, 313

McFarland, Mr Alan

Committee Business

Assembly and Executive Review

Northern Ireland Act 1998: Review of
Sections 16A to 16C, 353

McGill, Mrs Claire

Committee Business

Employment and Learning

Report on the Inquiry into Young People (16-
24) who are Not in Education, Employment
or Training, 113, 114

**McGimpsey, Mr Michael (Minister of Health, Social
Services and Public Safety)**

Executive Committee Business

Safeguarding Board Bill

Further Consideration Stage, 67

Final Stage, 239, 242–3

Oral Answers

Health, Social Services and Public Safety

Clinical Excellence Awards, 169, 169–70

DHSSPS: Savings, 173

Health and Social Care Trusts: Payments to
Craftsmen, 167, 167–8

Royal Belfast Hospital for Sick Children, 171

Swine Flu, 172, 173

Swine Flu Vaccination, 168

Western Health and Social Care Trust:

Governance Review, 170

Question for Urgent Oral Answer

Royal Belfast Hospital for Sick Children,
222–3, 223, 223–4, 224, 224–5

Swine Flu, 174, 174–5

Swine Flu: Vaccination, 42–3, 44, 45, 45–6

Revised Written Answers

Health, Social Services and Public Safety

Hospital Infections: Closure of Wards and
Beds, RWA2

Written Answers

Health, Social Services and Public Safety

A3A: Legal High, WA166–7

Accident and Emergency Unit

Antrim Area Hospital, WA162, WA164–5

Mater Hospital, WA165

Acute Hospitals: Elderly Patients, WA168

Adult Day Services, WA148–9

Adult Services Management Structure, WA151

Agency Nurses, WA165

Agenda for Change Payments, WA146

Ambulance Service: Adverse Weather
Conditions, WA167

Annual Turnover of Staff, WA165–6

Antrim Area Hospital Accident and
Emergency Unit, WA162, WA164–5

Average Number of Patients per GP, WA157–8

Bariatric Surgery, WA152–3, WA153

Brain Scan Waiting Times, WA162

Capital Budget 2010–11: DHSSPS, WA168

Care Responsibilities: Children and Young
People, WA168

Computer Equipment Belonging to Belfast
Health and Social Care Trust, WA162–3

Craigavon Area Hospital: Weather-Related
Falls, WA167–8

Cystic Fibrosis Children's Ward at Belfast
City Hospital, WA151, WA152

Delayed Admissions, WA156, WA157

Dentists Offering NHS Treatment, WA158–60

Domestic Violence: Male Victims, WA154

Draft Departmental Spending Plans for
2011–15, WA155

Electronic Cigarettes, WA155
 European Social Fund Funded Schemes, WA149–50
 Fire Stations without Running Water, WA163
 Foetal Alcohol Spectrum Disorders, WA153–4, WA154, WA156
 Genito Urinary Medicine Clinic at the Royal Victoria Hospital, WA156
 Health, Social Services and Public Safety Staff, WA150
 Holy Trinity Playgroup, West Belfast, WA164
 Hospital(s)
 Admissions: Adverse Weather Conditions, WA169
 Beds, WA612
 Burst Water Pipes, WA147–8
 Complaints, WA152
 Infections: Closure of Wards and Beds, WA162
 Without Running Water, WA161–2
 Lagan Valley Hospital: Swine Flu/Seasonal Flu, WA146
 Legal High: A3A, WA166–7
 Limavady Fire Station, WA154
 Mains Water Interruption, WA144–5
 Mater Hospital Accident and Emergency Unit, WA165
 Maternity Staff, WA154
 Mental Health, WA169
 Mobile Phone Usage: Departmental/Trust, WA157
 Multiple Sclerosis Respite Centre at Dalriada Hospital, Ballycastle, WA156
 Northern Health and Social Care Trust, WA150
 Day Opportunities Programme, WA150, WA151
 Registered Childminders, WA160–1
 Revenue Budget 2010-11: DHSSPS, WA167
 Shortage of Junior Epi-Pens, WA166
 Social Workers, WA155–6
 St Luke's Hospital Site in Armagh City, WA23
 Swine Flu, WA155, WA164
 Ulster Hospital: Swine Flu Admissions, WA157
 Vaccines for Seasonal Flu and Swine Flu: Cost, WA146, WA163–4
 Water Shortage, WA165
 Waterways Rescue and Recovery Training, WA146
 Western Health and Social Care Trust: Review, WA145–6, WA147

McGlone, Mr Patsy

Executive Committee Business
 Local Government Finance Bill
 Consideration Stage, 226

Waste and Contaminated Land (Amendment) Bill
 Final Stage, 235–6
 Oral Answers
 Environment
 Councils: Adverse Weather Conditions, 94
 Justice
 Police Training College, 208
 Private Members' Bill
 Cyclists (Protective Headgear) Bill
 Second Stage, 361
 Written Answers
 Enterprise, Trade and Investment
 Invest NI: Financial Assistance, WA123
 Environment
 Adverse Weather Conditions, WA136
 Assessment on Efficiency, WA127–8
 Planning Application H/2008/0089/F, WA18
 Finance and Personnel
 Civil Servant Media Contact, WA140
 Performance and Efficiency Delivery Unit, WA138
 Health, Social Services and Public Safety
 Accident and Emergency Unit at Antrim Area Hospital, WA162
 Acute Hospitals: Elderly Patients, WA168
 Justice
 Court Fines, WA26
 Office of the First Minister and deputy First Minister
 NI Water: Sir John Shortridge's Report, WA5
 Permanent Secretary of the Department for Regional Development, WA2, WA39
 Regional Development
 Grit Used by Roads Service, WA207
 NI Water
 Board, WA191
 Procurement Breaches, WA191
 Public Accounts Committee Inquiry, WA28
 Permanent Secretary, WA26

McGuinness, Mr Martin (deputy First Minister)

Ministerial Statements
 Office of the First Minister and deputy First Minister
 North/South Ministerial Council: Plenary Format, 283–5, 285–6, 286, 287, 287–8, 288–9, 289, 289–90, 290
 Revised Written Answers
 Office of the First Minister and deputy First Minister
 Commissioner's Office, RWA1
 Written Answers
 Office of the First Minister and deputy First Minister
 Civil Contingencies Group, WA2-4, WA4-5

Investment Strategy, WA39
NI Water: Sir Jon Shortridge's Report, WA5
Permanent Secretary of the Department for
Regional Development, WA2, WA39
Presbyterian Mutual Society Savers, WA1
Programme for Cohesion, Sharing and
Integration, WA37
Programme for Government, WA2
Revenue-Raising Measures, WA39
Review of Arm's-Length Bodies, WA37
Royal Mail, WA1
Single Equality Bill, WA37
St Patrick's Day 2011 Celebrations in the
USA, WA38-9
Strategic Investment Board
Capital Funding, WA38
Chief Executive, WA38
Review, WA38
Written Correspondence from Members of
the Public, WA1-2

McHugh, Mr Gerry

Oral Answers
Enterprise, Trade and Investment
Tourism, 37

McIlveen, Miss Michelle

Committee Business
Employment and Learning
Report on the Inquiry into Young People (16-
24) who are Not in Education, Employment
or Training, 114-15
Ministerial Statements
Regional Development
Water Supply: Severe Weather, 8
Oral Answers
Education
DE: Job Losses, 410
Enterprise, Trade and Investment
Corporation Tax, 40, 41
Private Members' Business
Post-Primary Transfer Advice, 181
Written Answers
Education
Flooding in Schools, WA10

**McIlveen, Miss Michelle (as Deputy Chairperson of
the Committee for Regional Development)**

Executive Committee Business
Transport Bill
Consideration Stage, 145-6

McKay, Mr Daithí

Committee Stages
Ad Hoc Committee – REST OF NAME NEEDED
Assembly Members (Independent Financial
Review and Standards) Bill, CS2
Oral Answers
Office of the First Minister and deputy First
Minister
HM Coastguard: Bangor, 163
Private Members' Business
Single Use Plastic Bags Bill
Second Stage, 152
Written Answers
Health, Social Services and Public Safety
Cystic Fibrosis Children's Ward at Belfast
City Hospital, WA151, WA152
Water Shortage, WA165
Regional Development
DRD: Budget, WA216
Junction of Bog Road and Woodside Road,
Broughshane, WA29

**McKay, Mr Daithí (as Chairperson of the Committee
for Finance and Personnel)**

Committee Business
Finance and Personnel
Budget 2011-15, 299-301

McLaughlin, Mr Mitchel

Adjournment
Glengormley Town Centre Regeneration, 122-3
Committee Business
Finance and Personnel
Budget 2011-15, 308-9, 328, 340
Executive Committee Business
Damages (Asbestos-Related Conditions) Bill
Second Stage, 52, 53
Ministerial Statements
Finance and Personnel
Public Expenditure: December 2010-11, 47
Written Answers
Justice
Public Prosecution Service, WA182

McNarry, Mr David

Committee Stages
Office of the First Minister and deputy First
Minister
Armed Forces and Veterans Bill, CS5, CS6
Ministerial Statements
Finance and Personnel
Public Expenditure: December Monitoring
2010-11, 28

Oral Answers

Justice

Security: Terrorism, 214

Written Answers

Agriculture and Rural Development

Financial Allocation: DARD, WA43–4

Occupation: Farmer, WA39

Enterprise, Trade and Investment

Financial Allocation: DETI, WA121–2

Environment

Environment Agency Staff, WA131

Financial Allocation: DOE, WA132–3

New Departmental Staff, WA128

Planning Applications, WA131

Trade Unions: Talks, WA19

Finance and Personnel

Financial Allocation: DFP, WA139–40

Justice

Departmental Expenditure Limit, WA26

Regional Development

Financial Allocation: DRD, WA206

McNarry, Mr David (as Deputy Chairperson of the Committee for Finance and Personnel)

Committee Business

Finance and Personnel

Budget 2011-15, 342–3, 343–4

McQuillan, Mr Adrian

Oral Answers

Education

Schools: Budget Cuts, 412

Maginness, Mr Alban

Adjournment

Glengormley Town Centre Regeneration, 128

Committee Business

Assembly and Executive Review

Northern Ireland Act 1998: Review of
Sections 16A to 16C, 354

Finance and Personnel

Budget 2011-15, 329

Executive Committee Business

Damages (Asbestos-Related Conditions) Bill
Second Stage, 60–2

Matters of the Day

Mrs Michaela McAreevey, 2

Ministerial Statements

Environment

Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations), 23

Justice

Hillsborough Castle Agreement: Policing and
Justice, 384

Social Development

Northern Ireland Housing Executive: Review
of Governance, 196

Oral Answers

Enterprise, Trade and Investment

Corporation Tax, 41

Finance and Personnel

VAT, 98

Justice

Prison Service, 214

Office of the First Minister and deputy First
Minister

Presbyterian Mutual Society, 167

Regional Development

Water Infrastructure, 216

Private Members' Business

Cyclists (Protective Headgear) Bill

Second Stage, 360, 362, 368, 369

Written Answers

Health, Social Services and Public Safety

Bariatric Surgery, WA152, WA153

Justice

Drug-Dealing Offences, WA179

Maginness, Mr Alban (as Chairperson of the Committee for Enterprise, Trade and Investment)

Executive Committee Business

Energy Bill

Final Stage, 238

Maskey, Mr Alex

Written Answers

Education

Capital Spend: South Belfast, WA56

Maskey, Mr Alex (as Deputy Chairperson of the Assembly and Executive Review Committee)

Committee Business

Assembly and Executive Review

Northern Ireland Act 1998: Review of
Sections 16A to 16C, 352–3, 354, 354–5

Maskey, Mr Paul

Ministerial Statements

Regional Development

Water Supply: Severe Weather, 13

Social Development

Northern Ireland Housing Executive: Review
of Governance, 197, 199, 200

Oral Answers
Education
DE: End-Year Flexibility, 413, 414
Employment and Learning
Student Fees, 34
Environment
Vehicle Testing, 93
Written Answers
Social Development
Gas and Oil Boilers in Housing Executive
Properties, WA35
Green New Deal, WA34

Molloy, Mr Francie

Committee Stages
Office of the First Minister and deputy First
Minister
Armed Forces and Veterans Bill, CS6
Executive Committee Business
Dogs (Amendment) Bill
Consideration Stage, 73
Further Consideration Stage, 293–4
Welfare of Animals Bill
Consideration Stage, 396, 397, 397–8,
398, 398–9, 400, 401–2, 424, 428, 429
Matters of the Day
Mrs Michaela McAreevey, 1–2
Ministerial Statements
Office of the First Minister and deputy First
Minister
North/South Ministerial Council: Plenary
Format, 289
Regional Development
Water Supply: Severe Weather, 17–18, 18

Molloy, Mr Francie (as Deputy Speaker)

Adjournment
Glengormley Town Centre Regeneration, 122,
124, 128
Mr Paul McCauley, 475, 478
Committee Business
Autism Bill: Extension of Committee Stage, 68
Executive Committee Business
Allowances to Members of the Assembly
(Repeal) Bill
Consideration Stage, 151
Further Consideration Stage, 243
Commissioner for Older People Bill
Royal Assent, 237
Damages (Asbestos-related Conditions) Bill
Second Stage, 66
Employment (No 2) Bill
Consideration Stage, 67

Energy Bill
Further Consideration Stage, 67
Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 440, 440–1, 446,
460, 461
Local Government Finance Bill
Consideration Stage, 226, 230, 231, 232
Safeguarding Board Bill
Further Consideration Stage, 67
Final Stage, 240
Student Loans (Amendment) Bill
Royal Assent, 237
Tourism (Amendment) Bill
Royal Assent, 237
Transport Bill
Consideration Stage, 138, 146, 150
Further Consideration Stage, 474
Waste and Contaminated Land (Amendment) Bill
Further Consideration Stage, 67
Oral Answers
Justice, 215
Private Members' Business
Caravans Bill
Consideration Stage, 244, 280, 281
Post-Primary Transfer Advice, 153, 155, 177,
178, 182
Single Use Plastic Bags Bill
Second Stage, 152
Question for Urgent Oral Answer
Royal Belfast Hospital for Sick Children, 224

Morrow, The Lord

Ministerial Statements
Finance and Personnel
Public Expenditure: December Monitoring
2010–11, 47
Regional Development
Water Supply: Severe Weather, 16
Social Development
Northern Ireland Housing Executive: Review
of Governance, 199
Oral Answers
Enterprise, Trade and Investment
Manufacturing, 37
Justice
Police Training College, 209
Regional Development
Water Infrastructure, 215, 215–16
Written Answers
Employment and Learning
Student Fees, WA11

Health, Social Services and Public Safety
Mobile Phone Usage: Departmental/Trust,
WA157
Western Health and Social Care Trust:
Review, WA145

Justice

Cost of Art and Drama Teachers in Prisons,
WA25
Court Interpreters, WA180–1
Court Service Case Number 10/111192,
WA23
Devidas Paliutis, WA172
Domestic Violence: Convictions, WA177
Prison Service Staff Costs, WA169
Prison Weddings, WA175
Prisoner(s)
Assessment Unit, Belfast, WA169, WA171
Education Provision, WA170
Search Procedures, WA170
Who Failed to Return to Custody, WA172
Prisoner Ombudsman
Budget, WA181
Costs, WA171
Recommendations, WA26
Separated Prisoners, WA169
Definition, WA24, WA175
Meetings with the Prisoner Ombudsman,
WA176
Mini-Buses at Maghaberry Prison, WA24
Population at Maghaberry Prison, WA25
Think First Course as Part of a Probation
Order, WA174–5
Social Development
Disability Living Allowance, WA221
Claimants, WA34

Morrow, The Lord (as Chairperson of the Committee for Justice)

Ministerial Statements
Justice
Hillsborough Castle Agreement: Policing and
Justice, 382–3

Moutray, Mr Stephen

Oral Answers
Finance and Personnel
VAT, 97, 98
Written Answers
Health, Social Services and Public Safety
Craigavon Area Hospital: Weather-Related
Falls, WA167

Moutray, Mr Stephen (as Chairperson of the Committee for Agriculture and Rural Development)

Committee Business
Finance and Personnel
Budget 2011-15, 307–8
Executive Committee Business
Dogs (Amendment) Bill
Consideration Stage, 71–2, 79
Further Consideration Stage, 293
Welfare of Animals Bill
Consideration Stage, 389–90, 390–1, 392–5,
395–6, 421–2, 424, 427–8, 432
Ministerial Statement
Agriculture and Rural Development
EU Fisheries Council 13-14 December 2010,
133

Murphy, Mr Conor (Minister for Regional Development)

Assembly Business
Suspension of Standing Orders, 3
Executive Committee Business
Transport Bill
Consideration Stage, 138, 144–5, 145,
146, 147–8, 150
Further Consideration Stage, 474
Ministerial Statements
Regional Development
Water Supply: Severe Weather, 4–7, 8, 8–9, 9,
10, 10–11, 11, 11–12, 12, 12–13, 13, 13–
14, 14, 15, 15–16, 16, 16–17, 17, 18, 19
Oral Answers
Regional Development
A2 Carrickfergus to Greenisland, 220, 220–1,
221
NI Water: Secretary of State, 217, 217–18
School Transport: Adverse Weather
Conditions, 219, 219–20, 220
Water Infrastructure, 215, 216
Water Leaks
Business Premises, 218, 219
Powers of Entry, 221, 221–2
Written Answers
Regional Development
A5 and A8 Road Projects: Funding, WA217
A5 Western Transport Corridor, WA217–18
Airports: Prolonged Cold Spells, WA203–4
Allocated Budget for Roads Maintenance,
WA196
Bottled Water
Availability, WA208
Cost of Supply from Scotland, WA208
Dispensed to the Public, WA192

Distribution Centres, WA208
Sent to Northern Ireland, WA192–3
Budget: DRD, WA195
Bus and Rail Services, WA215
Carrickfergus Station Car Park, WA28
Climate Survey, WA205
Concessions for Water Leakages, WA195
Content and Materials Used by Roads Service, WA207, WA207–8
Damage to the Roads System, WA188–9
Damage to Vehicles from Potholes, WA29
Damaged Roads, WA184
DRD: Budget, WA216–17
East Antrim Railway Line
Frequency of Service, WA28
Translink Trains, WA28
Financial Allocation: DRD, WA206
Fraudulent Use of a Half-Fare SmartPass, WA216
Grit Boxes, WA199–200
Bangor, WA187–8
Housing Estates, WA203
Larne, Carrickfergus and Newtownabbey, WA209–14
Grit Used by Roads Service, WA207
Gritting
Housing Estates in Bangor WA188
Policy in Rural Areas, WA186
Roads or Footpaths, WA197
Households in Holywood Affected by the Recent Water Shortages, WA207
Junction of Bog Road and Woodside Road, Broughshane, WA29
Mains Water Supply, WA197
Shinn Road, WA183
Warrenpoint, Mayobridge and Rostrevor, WA183
Ministerial Diary Commitments, WA199
NI Water
Additional Contractors, WA185
Awareness of Long Range Weather Forecast, WA184
Board, WA191, WA195–6
Bottled Water, WA191, WA191–2
Business Planning Process, WA207
Call-Handling Capacity, WA184–5
Catering and Hospitality, WA192
CEO, WA26
Constraints, WA189
December 2010 Thaw, WA184
Emergency Meeting, WA185
Employees, WA185
Employment of Additional Staff, WA196

Former CEO, WA200, WA200–1
Mains Water Supply: Shinn Road, Newry, WA183
Mains Water Supply: Warrenpoint, Mayobridge and Rostrevor, WA183
Major Incident Response Plan, WA193–4, WA194
Meetings, WA183
Meetings with the Chair and/or CEO, WA27
Performance, WA198
Procurement Breaches, WA191
Public Accounts Committee Inquiry, WA27
Public Sector Controls, WA206, WA215
Severance Package Paid to Former CEO, WA29
Shinn Road, Newry: Mains Water Supply, WA183
Staff, WA198–9
Supply and Payment, WA203
Telephone Helplines, WA208–9
Warrenpoint, Mayobridge and Rostrevor: Mains Water Supply, WA183
Waterline Revenue, WA185–6, WA195
Website, WA185, WA197
Parking Tickets, WA193
Performance During the Recent Adverse Weather, WA204–5
Permanent Secretary, WA26
Price Control Agreement 2010, WA219
Proposed A5 Aughnacloy to Londonderry Road Development, WA205
Proposed South-West Distributor Road in Ballymena, WA201
Rail Services: Cancellations, WA215
Rail Services on the Larne Line, WA26–7
Regional Development Strategy: Consultation, WA218–19
Reservoirs in Craigantlet Hills, North Down, WA197
Road Maintenance and Repairs, WA189
Roads: Gritting, WA217
Roads Infrastructure, WA186–7
Roads Maintenance Package, WA218
Roads with Insufficient Lighting, WA189–90
Salt and Grit Reserves, WA205
Salt and Grit Stock, WA187
Snow Ploughs Owned by Roads Service, WA190–1
Tannoy System at Stations on the Larne Line, WA27
Transport Bill, WA219
Under-Road Water Network, WA193
Vandalism to Traffic Signs, WA198

Water and Sewerage Infrastructure
Slievemore Park, Derry, WA198
Upgrade, WA190
Water Reserves, WA201–2
Water Shortage Crisis, WA194–5, WA195,
WA198, WA201, WA202, WA202–3

Neeson, Mr Sean

Committee Business
Finance and Personnel
Budget 2011-15, 306
Oral Answers
Enterprise, Trade and Investment
Corporation Tax, 42
Written Answers
Finance and Personnel
Budget 2011-15, WA22

Newton, Mr Robin

Committee Business
Report on the Inquiry into Young People (16-24)
Who are Not in Education, Employment or
Training, 108–9

**Newton, Mr Robin (as junior Minister in the Office
of the First Minister and deputy First Minister)**

Oral Answers
Office of the First Minister and deputy First
Minister
Equality Legislation, 164, 165
Sustainable Development Commission,
161–2, 162, 162–3

Ní Chuilín, Ms Carál

Committee Stages
Social Development
Housing (Amendment) (No. 2) Bill, CS11, CS12
Ministerial Statements
Justice
Hillsborough Castle Agreement: Policing and
Justice, 385
Social Development
Northern Ireland Housing Executive: Review
of Governance, 191
Oral Answers
Justice
Prisoner Ombudsman, 212
Written Answers
Health, Social Services and Public Safety
Mater Hospital Accident and Emergency
Unit, WA165
Justice
Physical Abuse of Partners, WA179

Prisoner Ombudsman: Statutory Powers,
WA176
Social Development
Neighbourhood Renewal Scheme, WA221

O'Dowd, Mr John

Committee Business
Finance and Personnel
Budget 2011-15, 326, 326–7, 327, 327–8
Ministerial Statements
Justice
Hillsborough Castle Agreement: Policing and
Justice, 386
Oral Answers
Education
DE: Job Losses, 410
Justice
Prisoner Ombudsman, 212
Private Members' Business
Post-Primary Transfer Advice, 154–5, 156, 157,
159, 176, 181–2
Written Answers
Health, Social Services and Public Safety
Agenda for Change Payments, WA146
Waterways Rescue and Recovery Training,
WA146

O'Loan, Mr Declan

Committee Business
Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 351
Finance and Personnel
Budget 2011-15, 324–5, 325–6, 326, 327
Executive Committee Business
Construction Contracts (Amendment) Bill
Final Stage, 87
Damages (Asbestos-Related Conditions) Bill
Second Stage, 54–7, 57, 65
Ministerial Statements
Finance and Personnel
Public Expenditure: December Monitoring
2010-11, 28–9
Justice
Hillsborough Castle Agreement: Policing and
Justice, 387
Regional Development
Water Supply: Severe Weather, 14
Oral Answers
Agriculture and Rural Development
Woodland, 317
Culture, Arts and Leisure
World Police and Fire Games, 408

Employment and Learning
DEL: Budget 2011-15, 33
Environment
Development: Protected Areas, 97
Vehicle Testing, 93
Finance and Personnel
DFP: Staffing Reductions, 101
Justice
Prison Service: Governance, 209, 210
Office of the First Minister and deputy First Minister
Budget Review Group, 166
Regional Development
NI Water: Secretary of State, 217
Social Development
Boiler Replacement, 315

O'Neill, Mrs Michelle

Committee Business
Finance and Personnel
Budget 2011-15, 324, 329-30, 330, 330-1, 332
Oral Answers
Culture, Arts and Leisure
Arts Funding: County Tyrone, 406
Education
Schools: Budget Cuts, 412
Private Members' Business
Post-Primary Transfer Advice, 158, 158-9
Written Answers
Employment and Learning
Further Education: Redundancies, WA15
Finance and Personnel
Monitoring Rounds, WA142
Health, Social Services and Public Safety
Legal High: A3A, WA166-7
Multiple Sclerosis Respite Centre at Dalriada Hospital, Ballycastle, WA156
Office of the First Minister and deputy First Minister
Revenue-Raising Measures, WA39

O'Neill, Mrs Michelle (as Deputy Chairperson of the Committee for Health, Social Services and Public Safety)

Executive Committee Business
Health, Social Services and Public Safety
Safeguarding Board Bill
Final Stage, 239-40
Question for Urgent Oral Answer
Royal Belfast Hospital for Sick Children, 224

Poots, Mr Edwin (Minister of the Environment)

Executive Committee Business
Local Government Finance Bill
Consideration Stage, 201, 202-3, 205-6, 228-9, 229-30, 231
Waste and Contaminated Land (Amendment) Bill
Final Stage, 233, 236
Ministerial Statements
Environment
Draft Planning Policy Statement 23 (Enabling Development) and Draft Planning Policy Statement 24 (Economic Considerations), 20-1, 21, 21-2, 22, 22-3, 23, 24, 24-5, 25
Oral Answers
Environment
Councils: Adverse Weather Conditions, 93-4
Local Government Reform, 96, 96-7, 97
Planning Bill, 91, 91-2
Planning Decisions, 95-6
Recycling, 92
Vehicle Testing, 93
War Memorials, 94-5
Private Members' Business
Cyclists (Protective Headgear) Bill
Second Stage, 372-4
Revised Written Answers
Environment
MOT Test, RWA2
Written Answers
Environment
Adverse Weather Conditions, WA136
Advertising Budget for Road Safety, WA134-5
Assessment on Efficiency, WA127-8
Belfast Metropolitan Area Plan, WA136-7
Contamination to Water Supplies, WA17-18
Draft Spending Plans for 2011-15, WA132
Environment Agency Staff, WA131
External Legal Advice, WA18-19
Financial Allocation: DOE, WA132-3
Footpaths, WA19-20
Glenarm Village: Regeneration Scheme, WA135-6
Knock Golf Club, Belfast, WA20
Lafarge Project at the Magheramorne Quarry, Larne, WA135
Landfill Sites, WA20
New Departmental Staff, WA128-31
Planning Application H/2008/0089/F, WA18
Planning Applications, WA131, WA133
Planning Decisions, WA19
Polluting Sources of Drinking Water, WA133-4
Regional Development Strategy: Review Consultation, WA19

Road Deaths, WA20–1
Trade Unions: Talks, WA19
Ulster Farm By-Products Factory, Ballyvannon
Road, Glenavy, WA135

Purvis, Ms Dawn

Written Answers

Health, Social Services and Public Safety
Genito Urinary Medicine Clinic at the Royal
Victoria Hospital, WA156

Ramsey, Mr Pat

Adjournment

Mr Paul McCauley, 477, 478

Committee Business

Employment and Learning

Report on the Inquiry into Young People (16–
24) Who are Not in Education, Employment
or Training, 112, 112–13, 113

Finance and Personnel

Budget 2011-15, 333–4, 334–5, 335, 340

Licensing and Registration of Clubs
(Amendment) Bill

Consideration Stage, 455–6, 456

Oral Answers

Agriculture and Rural Development

Bluetongue, 322, 322–3

Employment and Learning

DEL: Savings, 32

Enterprise, Trade and Investment

Research and Development, 38

Justice

Domestic Violence: Access to Justice, 213

Private Members' Business

Cyclists (Protective Headgear) Bill

Second Stage, 355–60, 374–5, 375, 376–7

Written Answers

Environment

Landfill Sites, WA20

Health, Social Services and Public Safety

Agency Nurses, WA165

Ramsey, Ms Sue

Committee Business

Employment and Learning

Report on the Inquiry into Young People (16–
24) Who are Not in Education, Employment
or Training, 106–7, 107, 110

Finance and Personnel

Budget 2011-15, 336, 337, 337–8

Committee Stages

Health, Social Services and Public Safety

Autism Bill, CS19

Executive Committee Business

Safeguarding Board Bill

Final Stage, 241–2

Oral Answers

Culture, Arts and Leisure

Sport and Health, 405–6

Health, Social Services and Public Safety

Western Health and Social Care Trust:

Governance Review, 170

Justice

Domestic Violence: Access to Justice, 212–13

Social Development

Housing Executive: Weather Damage, 311

Question for Urgent Oral Answer

Health, Social Services and Public Safety

Royal Belfast Hospital for Sick Children,
222, 223, 224

Swine Flu, 174

Vaccination, 42, 43

Revised Written Answers

Health, Social Services and Public Safety

Hospital Infections: Closure of Wards and
Beds, RWA2

Written Answers

Employment and Learning

Local Employment Intermediary Service
Project, WA57, WA58

Enterprise, Trade and Investment

Employment, WA16

Health, Social Services and Public Safety

Brain Scan Waiting Times, WA162

Delayed Admissions, WA156, WA157

Holy Trinity Playgroup, West Belfast, WA164

Hospital

Beds, WA162

Complaints, WA152

Infections: Closure of Wards and Beds,
WA162

Office of the First Minister and deputy First
Minister

Review of Arm's-Length Bodies, WA37

Social Development

Alley-Gating in West Belfast, WA32

Ritchie, Ms Margaret

Committee Business

Finance and Personnel

Budget 2011-15, 304–5

Ministerial Statements

Agriculture and Rural Development

EU Fisheries Council: 13-14 December
2010, 135

Oral Answers

Education

DE: Job Losses, 409, 410

Office of the First Minister and deputy First Minister

HM Coastguard: Bangor, 163

Written Answers

Agriculture and Rural Development

Rural White Paper, WA7

Enterprise, Trade and Investment

Corporation Tax: Reduction, WA15

Foreign Direct Investment, WA59–61

Environment

Planning Decisions, WA19

Office of the First Minister and deputy First Minister

Programme for Government, WA2

Regional Development

Allocated Budget for Roads Maintenance, WA196

Gritting Policy in Rural Areas, WA186

Roads Infrastructure, WA186–7

Robinson, Mr George

Executive Committee Business

Licensing and Registration of Clubs (Amendment) Bill

Consideration Stage, 456

Transport Bill

Consideration Stage, 142

Ministerial Statements

Regional Development

Water Supply: Severe Weather, 11

Oral Answers

Regional Development

Water Leaks: Powers of Entry, 221

Written Answers

Agriculture and Rural Development

Children and Young People's Action Plan, WA44–5

Health, Social Services and Public Safety

Foetal Alcohol Spectrum Disorders, WA153, WA154, WA156

Limavady Fire Station, WA154

Maternity Staff, WA154

Regional Development

Fraudulent Use of a Half-Fare SmartPass, WA216

Robinson, Mr Ken

Oral Answers

Culture, Arts and Leisure

Sport and Health, 405

Education

DE: Job Losses, 410

Health, Social Services and Public Safety

Swine Flu, 172

Justice

Security: Funding, 211

Office of the First Minister and deputy First Minister

Budget Review Group, 165

Regional Development

A2 Carrickfergus to Greenisland, 221

Social Development

Housing Executive: Weather Damage, 311, 312

Question for Urgent Oral Answer

Health, Social Services and Public Safety

Swine Flu: Vaccination, 44

Written Answers

Culture, Arts and Leisure

Funding Granted to Football, Rugby and Gaelic Games, WA45

Sports Grounds, WA46

Education

Nursery Units in Larne, Carrickfergus and Newtownabbey, WA11

Publication of the Open Enrolment Booklets, WA48

Employment and Learning

Queen's University, Belfast and Stranmillis University College, WA13

Justice

Arrests at Sports Stadiums, WA172, WA173

Banning Orders for Football, WA176

Justice Bill, WA173

Robinson, Mr Peter (First Minister)

Matters of the Day

Mrs Michaela McAreavey, 1

Oral Answers

Office of the First Minister and deputy First Minister

Budget Review Group, 165, 165–6, 166

HM Coastguard: Bangor, 163, 163–4

Presbyterian Mutual Society, 166, 166–7, 167

Sustainable Development Commission, 161

Revised Written Answers

Office of the First Minister and deputy First Minister

Commissioner's Office, RWA1

Written Answers

Office of the First Minister and deputy First Minister

Civil Contingencies Group, WA2-4, WA4-5

Investment Strategy, WA39
 Programme for Government, WA2
 NI Water: Sir Jon Shortridge's Report, WA5
 Permanent Secretary of the Department for
 Regional Development, WA2, WA39
 Presbyterian Mutual Society Savers, WA1
 Programme for Cohesion, Sharing and
 Integration, WA37
 Revenue-Raising Measures, WA39
 Review of Arm's-Length Bodies, WA37
 Royal Mail, WA1
 Single Equality Bill, WA37
 St Patrick's Day 2011 Celebrations in the
 USA, WA38-9
 Strategic Investment Board
 Capital Funding, WA38
 Chief Executive, WA38
 Review, WA38
 Written Correspondence from Members of
 the Public, WA1-2

Ross, Mr Alastair

Ministerial Statements

Environment

Draft Planning Policy Statement 23 (Enabling
 Development) and Draft Planning Policy
 Statement 24 (Economic Considerations), 23

Regional Development

Water Supply: Severe Weather, 13

Oral Answers

Culture, Arts and Leisure

Arts Funding: County Tyrone, 407

Education

DE: End-Year Flexibility, 414

Environment

Local Government Reform, 96

Health, Social Services and Public Safety

Swine Flu, 168

Private Members' Business

Cyclists (Protective Headgear) Bill

Second Stage, 361-2, 362-5, 368, 369,
 370-1, 371, 375, 375-6

Written Answers

Enterprise, Trade and Investment

Small Businesses: Financial Support, WA17

Finance and Personnel

Lone Pensioner Allowance: Larne,
 Carrickfergus and Newtownabbey, WA143
 Capital Funding Surrendered by NI Water, WA142

Justice

Police and Prison Officers: Suspension, WA181

Regional Development

Grit Boxes: Larne, Carrickfergus and
 Newtownabbey, WA209

Rail Services on the Larne Line, WA26
 Tannoy System at Stations on the Larne
 Line, WA27

Ruane, Ms Caitriona (Minister of Education)

Oral Answers

Education

DE

Budget 2011-15, 415

End-Year Flexibility, 414

Job Losses, 409-10, 410, 410-11

Revenue, 413

School Facilities, 411, 411-12

Schools

Budget Cuts, 412

Newbuilds, 415

Private Members' Business

Post-Primary Transfer Advice, 178, 178-81

Written Answers

Education

Bangor Grammar School: Proposed Capital
 Build, WA11

Capital Spend: South Belfast, WA56-7

Cost of Repairing Damage to Heating and
 Water Supplies, WA8-9

Draft Savings Delivery Plans, WA47

Employment Support Allowance, WA9-10

Flooding in Schools, WA10-11

Funded Preschool Places, WA49-56

Nursery Enrolment Applications, WA56

Nursery Places, WA56

Nursery Units in Larne, Carrickfergus and
 Newtownabbey, WA11

Proposed Multi-Schools Capital Build Project
 for Hollywood, WA48-9

Publication of the Open Enrolment Booklets,
 WA48

Safety of Pupils Travelling to School, WA47-8

Schools in the North Down Area: Disrupted
 by Burst Pipes, WA10

Schools in the South Antrim Area: Broken
 Pipes, WA9

School Repairs, WA9

Written Ministerial Statements

Education

Chemistry A Level Marking Investigation,
 WMS5-8

Savage, Mr George

Committee Stages

Environment

Clean Neighbourhoods and Environment Bill,
 CS16

Ministerial Statements

Agriculture and Rural Development
EU Fisheries Council: 13-14 December
2010, 137

Oral Answers

Social Development
Housing Associations and Social Housing, 315

Written Answers

Enterprise, Trade and Investment
Water Crisis in December 2010, WA15
Environment
Belfast Metropolitan Area Plan, WA136
Finance and Personnel
Capital Projects, WA142
Office of the First Minister and deputy First
Minister
Civil Contingencies Group, WA2, WA4
Investment Strategy, WA39
NI Water: Sir Jon Shortridge's Report, WA5
Strategic Investment Board
Capital Funding, WA38
Chief Executive, WA38
Review, WA38

Regional Development

Damage to Vehicles from Potholes, WA29
NI Water
Awareness of Long Range Weather
Forecast, WA184
Business Planning Process, WA207
CEO, WA26
December 2010 Thaw, WA184
Major Incident Response Plan, WA193,
WA194
Performance, WA198
Public Sector Controls, WA206, WA215
Staff, WA198
Under-Road Water Network, WA193
Water Shortage Crisis, WA194, WA195,
WA198

Sheehan, Mr Pat

Oral Answers

Culture, Arts and Leisure
Irish Language Strategy, 403
Health, Social Services and Public Safety
Swine Flu, 172

Speaker (Mr William Hay)

Assembly Business

Committee for Finance and Personnel:
Chairperson, 131
Suspension of Standing Orders, 3, 283

Committee Business

Employment and Learning
Report on the Inquiry into Young People (16-
24) Who are Not in Education, Employment
or Training, 102

Executive Committee Business

Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 470, 473, 474
Local Government Finance Bill
Consideration Stage, 201, 205, 206, 207–8
Welfare of Animals Bill
Consideration Stage, 388, 390, 403

Matters of the Day

Mrs Michaela McAreevey, 1

Ministerial Statements

Agriculture and Rural Development
EU Fisheries Council: 13-14 December
2010, 131, 136

Environment

Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations),
20, 25

Justice

Hillsborough Castle Agreement: Policing and
Justice, 379, 384

Office of the First Minister and deputy First Minister

North/South Ministerial Council: Plenary
Format, 283

Regional Development

Water Supply: Severe Weather, 4, 8, 12, 16,
18, 19

Social Development

Northern Ireland Housing Executive: Review
of Governance, 185, 191, 193–4, 194, 195,
197, 200

Oral Answers

Agriculture and Rural Development, 322

Environment

Councils: Adverse Weather Conditions, 94
Planning Bill, 92
Vehicle Testing, 93

Finance and Personnel, 97, 102

VAT, 98

Office of the First Minister and deputy First Minister

Equality Legislation, 164, 165
Social Development, 311, 312, 316

Private Members' Business

Caravans Bill

Consideration Stage, 257, 266, 267, 277,
278, 279

Petition of Concern, 185
Post-Primary Transfer Advice, 156, 157, 158,
159, 161

Spratt, Mr Jimmy

Adjournment
Mr Paul McCauley, 477–8
Executive Committee Business
Licensing and Registration of Clubs
(Amendment) Bill
Consideration Stage, 444
Ministerial Statements
Justice
Hillsborough Castle Agreement: Policing and
Justice, 386
Office of the First Minister and deputy First
Minister
North/South Ministerial Council: Plenary
Format, 286
Regional Development
Water Supply: Severe Weather, 18–19
Written Answers
Employment and Learning
Further Education: Redundancies, WA14
Enterprise, Trade and Investment
Invest NI: Financial Assistance, WA62

**Spratt, Mr Jimmy (as Chairperson of the Assembly
and Executive Review Committee)**

Committee Business
Assembly and Executive Review
Northern Ireland Act 1998: Review of
Sections 16A to 16C, 345–6, 351

Storey, Mr Mervyn

Private Members' Business
Post-Primary Transfer Advice, 157, 158, 177
Revised Written Answers
Environment
MOT Test, RWA2
Written Answers
Social Development
Areas at Risk Programme: Funding, WA219
Damage to Properties Caused by the Recent
Cold Spell, WA222

**Storey, Mr Mervyn (as Chairperson of the
Committee for Education)**

Committee Business
Finance and Personnel
Budget 2011-15, 301–2, 302, 327, 328

Weir, Mr Peter

Committee Business
Employment and Learning
Report on the Inquiry into Young People (16-
24) Who are Not in Education, Employment
or Training, 105–6, 106
Executive Committee Business
Local Government Finance Bill
Consideration Stage, 207
Ministerial Statements
Environment
Draft Planning Policy Statement 23 (Enabling
Development) and Draft Planning Policy
Statement 24 (Economic Considerations), 21
Oral Answers
Health, Social Services and Public Safety
Clinical Excellence Awards, 169
Written Answers
Agriculture and Rural Development
New Forest Walking Routes, WA8
Culture, Arts and Leisure
Funding Allocated to Ice Skating, WA47
Education
Bangor Grammar School: Proposed Capital
Build, WA11
Employment Support Allowance, WA9
Proposed Multi-Schools Capital Build Project
for Hollywood, WA48
Schools in the North Down Area: Disrupted
by Burst Pipes, WA10
Employment and Learning
Apprenticeship Places in the Foyle
Constituency, WA58
Environment
Advertising Budget for Road Safety, WA134
Finance and Personnel
Draft Spending Plans for 2011-15, WA138
Health, Social Services and Public Safety
Ulster Hospital: Swine Flu Admissions, WA157
Justice
Court Fines, WA172
Court Service: Budget Allocation, WA178
PSNI Staff Transferring to DOJ, WA180
Legal Aid: Reform, WA177
Staff
Transferred from Access NI, WA180
Transferred from the NIO, WA179
Office of the First Minister and deputy First
Minister
Royal Mail, WA1
Regional Development
Grit Boxes, WA199
Gritting of Roads or Footpaths, WA197

Households in Hollywood Affected by the
Recent Water Shortages, WA207
NI Water: Website, WA197
Social Development
Flats at West Green, Hollywood, WA35

Wells, Mr Jim

Committee Business
Finance and Personnel
Budget 2011-15, 334
Oral Answers
Health, Social Services and Public Safety
Health and Social Care Trusts: Payment to
Craftsmen, 167
Written Answers
Environment
Road Deaths, WA20

**Wells, Mr Jim (as Chairperson of the Committee for
Health, Social Services and Public Safety)**

Committee Stages
Health, Social Services and Public Safety
Autism Bill, CS17, CS18, CS19, CS20
Executive Committee Business
Autism Bill
Extension of Committee Stage, 152
Question for Urgent Oral Answer
Health, Social Services and Public Safety
Swine Flu, 175
Vaccination, 43–4

**Wilson, Mr Sammy (Minister of Finance and
Personnel)**

Committee Business
Finance and Personnel
Budget 2011-15, 303, 304, 324, 326, 332,
333, 338–40, 340–1, 342
Executive Committee Business
Construction Contracts (Amendment) Bill
Final Stage, 86, 87–8
Damages (Asbestos-Related Conditions) Bill
Second Stage, 48–50, 53, 57, 62–4, 64–5,
65–6
Ministerial Statements
Finance and Personnel
Public Expenditure: December Monitoring
2010-11, 25–7, 28, 29, 29–30, 46–7, 47
Oral Answers
Finance and Personnel
Adverse Weather Conditions, 100, 101
DFP: Staffing Reductions, 101, 102
Government Property, 99, 100
Rates: Lone Pensioner Allowance, 98, 98–9, 99

VAT, 97, 98
Written Answers
Finance and Personnel
Banks: Business Support, WA22–3
Budget 2011-15, WA22
Capital Projects, WA142
Civil Servant Media Contact, WA140
Draft Health Budget, WA142
Draft Spending Plans for 2011-15, WA138–9
Financial Allocation: DFP, WA139–40
Government Office Estate, WA21
Government Procurement, WA21–2
Lone Pensioner Allowance: Larne,
Carrickfergus and Newtownabbey, WA143–4
Maze/Long Kesh Development: EU Funding,
WA140
Monitoring Rounds, WA142
Capital Funding Surrendered by NI Water, WA142
Performance and Efficiency Delivery Unit,
WA138
Rates Arrears: Pubs, Clubs and Other
Licensed Premises, WA140–1
Section 3·47 of the Draft Budget 2010
Document, WA137, WA137–8

STRANGERS' INDEX

Baird, Mr Stephen (Department for Social Development)

Committee Stage
Committee for Social Development
Housing (Amendment) (No 2) Bill [NIA 32/09],
CS12

Campbell, Mr Alastair (Department for Social Development)

Committee Stage
Committee for Social Development
Housing (Amendment) (No 2) Bill [NIA 32/09],
CS11, CS13

Caul, Ms Tara (Northern Ireland Assembly)

Committee Stage
Ad Hoc Committee
Assembly Members (Independent Financial
Review and Standards) Bill [NIA 3/10], CS2

Clarke, Ms Angela (Department for Social Development)

Committee Stage
Committee for Social Development
Housing (Amendment) (No 2) Bill [NIA 32/09],
CS11, CS12

Committee Clerk

Committee Stage
Committee for the Environment
Clean Neighbourhoods and Environment Bill
[NIA 21/09], CS15, CS15–16, CS16
Committee for Social Development
Housing (Amendment) (No 2) Bill [NIA 32/09],
CS12

Gill, Mr Paul (Northern Ireland Assembly)

Committee Stage
Ad Hoc Committee
Assembly Members (Independent Financial
Review and Standards) Bill [NIA 3/10], CS1

