



Northern Ireland  
Assembly

# OFFICIAL REPORT

(Hansard)

## Volume 61

(4 February 2011 to 17 February 2011)



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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)  
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Farry, Dr Stephen (North Down)  
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Foster, Mrs Arlene (Fermanagh and South Tyrone)  
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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)  
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Lo, Ms Anna (South Belfast)  
Lunn, Trevor (Lagan Valley)  
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Sheehan, Pat (West Belfast)  
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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

Speaker.....	Mr William Hay MLA
Deputy Speakers.....	Mr John Dallat MLA Mr David McClarty MLA Mr Francie Molloy MLA
Clerk to the Assembly/Director-General.....	Mr Trevor Reaney
Director of Clerking and Reporting .....	Mr John Stewart
Director of Engagement .....	Dr Gareth McGrath
Director of Facilities/Keeper of the House.....	Mr Stephen Welch
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Director of Resources .....	Mr Richard Stewart
Examiner of Statutory Rules .....	Mr Gordon Nabney
Clerk Assistants.....	Ms Nuala Dunwoody Mr Damien Martin
Editor of Debates .....	Mr Simon Burrowes
Clerk to the Assembly Commission.....	Mr Tony Logue



# 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



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# Northern Ireland Assembly

Monday 7 February 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 P Ramsey:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 7 February 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 7 February 2011.*

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

## Ministerial Statements

### North/South Ministerial Council: Education

**Mr Speaker:** I have received notice from the Minister of Education that she wishes to make a statement to the House.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a Cheann Comhairle. Le do chead, is mian liom ráiteas a thabhairt maidir le cruinniú de chuid na Comhairle Aireachta Thuaidh/Theas i bhformáid rannach oideachais. Is in oifigí comhrúnaireachta an NSMC in Ard Mhacha a bhí an cruinniú seo ar 21 Eanáir 2011.

With your permission, Mr Speaker, I wish to make a statement regarding a meeting of the North/South Ministerial Council (NSMC) in education sectoral format. The meeting was held in the NSMC joint secretariat offices in Armagh on 21 January 2011. I represented the Executive as Minister of Education along with the Minister for Employment and Learning, Danny Kennedy MLA. The Irish Government were represented by Mary Coughlan TD, Tánaiste and Minister for Education and Skills. This statement has been agreed with Danny Kennedy and is made on behalf of us both.

Déanfaidh mé achoimre anois ar na príomhphointí ón gcruinniú. Clúdaíonn siad gach réimse comhaontaithe de chomhoibriú oideachais.

I will now summarise the main points from the meeting, ranging across all the agreed areas of education co-operation.

I dtaca le cáilíochtaí múinteora agus aoisliúntas na múinteoirí de, ghabh an Chomhairle a buíochas le TJ Ó Ceallaigh ón tSeirbhís um Fhorbairt Ghairmiúil do Mhúinteoirí agus le Seán Mac Corraidh ón tseirbhís chomhairleach don churaclam as a gcur i láthair comhpháirteach

faoin gclár oibre Thuaidh/Theas trí Ghaeilge i réimse oiliúint múinteoirí agus fáiltíodh roimh na réimsí a aibhsíodh le haghaidh comhghnímh in 2010-2011.

In respect of teacher qualifications and superannuation, the Council thanked TJ O'Ceallaigh from the Professional Development Service for Teachers and Séan MacCorraidh from the Curriculum Advisory and Support Service for their joint presentation on the North/South Irish-medium work programme in the area of teacher education and welcomed the areas highlighted for joint action in 2010-11.

Ministers noted the recent progress made by the joint working group on teacher qualifications, including the special focus on Irish-medium education and the ongoing liaison between the two teaching councils about issues relating to the professional recognition and registration of teachers in both jurisdictions. We also noted the ongoing contribution of exchanges between the inspectorates of both Education Departments to support the continuing development of inspection practice in both jurisdictions, including the particular focus of the 2009-2010 exchanges on the themes of good practice in literacy and numeracy education and early childhood education.

We welcomed the very positive report on the eighth SCoTENS annual conference, which took place in Belfast on 28 and 29 October 2010, under the title "Teacher Education for Inclusion".

I dtaca le tearcghnóthachtáil oideachasúil de, chuir na hAirí fáilte roimh an obair chomhoibríoch atá á tabhairt chun cinn ag an dá Roinn ar litearthacht agus ar uimhearthacht lena n-áirítear: tacaíocht do sheachtain matamaitice na hÉireann 2010, sraith imeachtaí, a eagraíodh idir 9 agus 16 Deireadh Fómhair, a raibh sé mar aidhm aici feasacht, ómós agus tuiscint i dtaobh na matamaitice a chruthú go gach duine; an clár leabhar do pháistí a eagraíodh le linn mhí Dheireadh Fómhair 2010. Tá pleanáil idir lámha anois le haghaidh comhdhála i mí Feabhra 2011 leis an teideal oibre 'Cur Chun Cinn Litearthachta laistigh agus lasmuigh de Scoileanna'; tá treoirthionscadal Am le Léamh á bhunú sa Deisceart le linn 2010/11; agus foilsíodh comhthuaisce leis an gCigireacht Oideachais agus Oiliúna agus leis an gCigireacht Oideachais agus Scileanna ar 'Conas Litearthacht agus Uimhearthacht a Chur Chun Cinn inár Scoileanna' ar 15 Nollaig 2010.

Ministers welcomed the collaborative work on literacy and numeracy being taken forward by both Departments, including support for maths week Ireland 2010. A series of events was held between 9 and 16 October aimed at promoting awareness, appreciation and understanding of mathematics for all, and the children's book programme took place during October 2010. Planning is now under way for a conference in February 2011, with the working title "Promoting Literacy within and beyond Schools". A Time to Read pilot project is being established in the South during 2010-11, and a joint report by the Education and Training Inspectorate and the Department of Education and Skills inspectorate on how to promote literacy and numeracy in our schools was published on 15 December 2010.

The Council noted that officials will explore the potential to hold a peer learning event on school attendance in spring 2011, with a focus on post-primary pupils. The Department of Education is planning to commission research to establish the underlying causes of and influences on the non-attendance of looked-after children at post-primary level and to identify effective approaches and actions to tackle the issue. The work of the task force on Traveller education is nearing completion, and the Department of Education hopes to receive the task force's final report by the end of March.

The Council also welcomed the collaborative work under way to develop a toolkit for diversity, to support the professional development of middle management in schools.

I dtaca le riachtanais speisialta oideachais de, chuir an Chomhairle fáilte roimh an dul chun cinn leantach atá déanta ag Lárionad Uathachais an Bhaile Láir, go háirithe maidir lena sheachadadh oiliúna agus le caidrimh chomhpháirtíochta a thógáil le gníomhaireachtaí bainteacha i réimse an taighde. Tá na hAirí ag tacú fós le hiarrachtaí an lárionaid agus na Ranna Oideachais araon chun plean ilbhliantúil a fhorbairt d'fhorbairt thodhchaíoch an lárionaid.

The Council welcomed the continuing progress being made by the Middletown Centre for Autism, particularly its delivery of training and the building of partnership relationships with relevant agencies in the area of research. Ministers continue to support the efforts of the centre and the two education Departments to develop a multiannual plan for the centre's future development.

I dtaca le malartuithe scoile don óige agus do mhúinteoirí de, thug an Chomhairle dá haire gur críochnaíodh cleachtadh scóipe ar leibhéil reatha agus úrnua comhoibrithe oideachais agus teagmhálacha le cúnamh an Lárionaid um Staidéar Trasteorann agus an Chuibhreannais Malartuithe Thuaidh/Theas; gur críochnaíodh measúnú den chéad bhliain den tsraith phíolótach fiontair den chlár ag díscáileadh teorainneacha agus go rabhthas ag dréim le comhthuaisc a fháil ón dá chigireacht ar chríochnú a measúnaithe fhoirmiúil den chlár; agus na díospóireachtaí leanúnacha ar chomhoibriú amach anseo maidir le formhuiniú cáilíochtaí obair óige chun tacú le dea-chleachtas agus é a chinntiú agus soghluaisteacht agus malartú proifisiúnta a éascú ar bhonn thuaidh/theas agus thoir/thiar.

The Council noted the completion of a scoping exercise on current and recent levels of educational co-operation and exchanges with the assistance of the Centre for Cross Border Studies and the North South Exchange Consortium. It noted that an evaluation of the first year of the pilot enterprise strand of the dissolving boundaries programme has been completed. It looks forward to receiving a joint report from both inspectorates upon completion of their formal evaluation of the programme and ongoing discussions on future co-operation and endorsement of youth work qualifications to ensure and support best practice and facilitate professional mobility in exchange both on a North/South and east-west basis.

We also noted that the Causeway programme, which strengthens and improves relationships between young people in England, Scotland, Wales and the island of Ireland, has supported the activities of more than 5,500 young people and youth workers since its commencement in 1999 and that a celebration event for the programme is planned for March 2011. Ministers welcomed proposals for the 2010-11 North/South student teacher exchange project.

Mar fhocal scoir, d'aontaíomar gur chóir go gcasfadh Comhairle Aireachta Thuaidh/Theas i bhformáid rannach oideachais in earrach na bliana 2011.

In closing, we agreed that the North/South Ministerial Council should meet again in education sectoral format in spring 2011.

**The Chairperson of the Committee for Education (Mr Storey):** At least there was

one beneficial outcome of the meeting on 21 January, which was the agreement between the Minister and the Minister of Finance on EYF, as opposed to the lack of substance in her report to the House. Given that her report mentions that there was discussion on good practice and collaborative working in numeracy and literacy, will the Minister tell the House why the House still has not been informed of the numeracy and literacy policy for the children of Northern Ireland? I remind the Minister that 31 months ago the House was told that there would be a policy. While she wastes her time with promises, aspirations, conferences and discussions, there has been no product or delivery. That is the Minister's legacy. On the basis of her report, I am glad that it will be the last that she delivers to the House.

**The Minister of Education:** First, Mr Storey keeps banging on the drum about EYF. *[Interruption.]* It is not even relevant to the North/South conference on literacy and numeracy. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Education:** Given that he raised the issue, however, one would think that he is disappointed that the Minister of Finance and I reached agreement on an issue that is so important to schools. I respectfully suggest to the Chairperson of the Committee for Education that, instead of trying to berate the Minister of Finance and me for reaching that agreement, he would be better to support our work in that regard.

Secondly, the Member makes a presumption about whether the statement is the last on the North/South Ministerial Council that I will give to the House in this term. If he would be so kind as to listen to me and stop trying to interrupt, I will draw his attention to the final comment that I made in my statement, which is that there will be a North/South meeting in spring 2011. Therefore, I do not think that he should presume to know the work of the Assembly or, indeed, the North/South Ministerial Council.

## 12.15 pm

On literacy and numeracy issues, the Member — indeed, the entire House — will be aware that I have made it an absolute priority to tackle underachievement and promote the raising of standards and equality in all our schools. We have huge challenges to face, and I have done everything that I can to ensure that we face

those challenges. We have removed selection and the 11-plus, about which I am very pleased, as there is no selection in the South of Ireland, which is one of the areas from which we can learn a lot.

I am also pleased that we are making some progress with literacy and numeracy, and standards are improving. In 2006, more than 12,000 young people left school without having achieved five or more good GCSEs including English and maths. In 2009, from when the most recent data are available, that number fell to around 9,500. I am pleased with the improvement, but the number is still far too high, and we have to do everything that we can to deal with that.

I am putting in place a range of policies aimed at raising standards for every child and tackling underachievement. The policies include the school improvement policy; Every School a Good School; transfer 2010; the revised curriculum and entitlement framework; the literacy and numeracy strategy; the early years strategy; support for newcomer pupils and Traveller education; the extended and full-service programmes; and the Achieving Belfast and Achieving Derry programmes.

If we were to listen to the party of the Member opposite, it would tell us that we have a world-class education system. It is caught on a little bit of a hook, because, on the one hand, it is saying that we have a world-class education system, yet, on the other hand, it is talking about the need to deal with literacy and numeracy. I believe that we have moved forward. I will publish the revised literacy and numeracy strategy in the coming weeks, and I look forward to Members' support for that important document. Members will be interested to learn that the South has also published a draft literacy and numeracy plan for consultation. We also have a North/South literacy conference on 23 February in the Cavan Crystal Hotel, and I hope that the Chairperson of the Committee for Education will join us at that event.

**Mr O'Dowd:** Whatever the future holds, I hope that whoever is the next Chairperson of the Education Committee behaves in a more respectful manner not only to the House but to the Minister and to his fellow Committee members. It is embarrassing at times when we have to listen to our Committee Chairperson behave in the way that he does.

In the light of her statement and the work of the North/South Ministerial Council on removing barriers and obstacles to mobility, will the Minister outline what work is being done to address access to transport and education services in both jurisdictions for children living along the border?

**The Minister of Education:** Go raibh maith agat, as an cheist sin. I thank the Member for his question, which is an important one. Members will be aware that we have people from all communities living on different sides of the border who are finding it difficult under our current arrangements to access transport and education, whether they be from the Protestant community, the Catholic community or, indeed, neither. I remain very keen to address the obstacles to mobility that affect the lives of pupils living in border areas, and I know that my Executive colleagues share that keenness. Removing obstacles to mobility is one of the issues that has been brought before the North/South Ministerial Council when it meets in full format.

It is my desire to remove legislation that restricts transport assistance across the border and requires Northern schools to give priority to Northern residents in school admissions. I am considering the legality of the issues to establish whether they are in breach of EU law. I will continue to explore how best we can support movement and remove obstacles to mobility. The Department of Education and the Department of Education and Skills have been working on a proposal to permit pupils to travel across the border where a school in the other jurisdiction is the nearest school to the parental home or where parents wish their child to be educated in that jurisdiction. The proposal requires an amendment to transport legislation, which currently permits transport assistance to be provided to grant-aided schools in the North. The policy of the Department of Education is to remove obstacles to mobility. DE and DES agree that all the issues that the joint research raised should be examined in the controlled environment of a pilot exercise. The residency issue has been raised with the Attorney General, and we await his advice on the legality of the existing legislation under EU law.

There are issues with Irish-medium transport that are related to matters in the North. Discussions continue with CnaG about revising the enhanced parental allowance for parents who live some distance from a public transport route.



**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht an ráitis a thug sí dúinn inniu. Ach tugaim faoi deara nach raibh aon tagairt ina ráiteas do mhalartuithe oideachasúla. Ba mhaith liom a fhiafraí den Aire an aontódh sí liom go ndearna an chomhchoiste um malartuithe oideachasúla Thuaidh/Theas an-chuid dea-oibre. An bhféadfadh an tAire a insint domh cad chuige nár ligeadh don chomhchoiste sin leanúint ar aghaidh agus a chuid moltaí a chur i bhfeidhm? Cad chuige ar scoir sí an comhchoiste?

Thank you very much, Mr Speaker. I noticed that there is no reference in the statement to North/South educational exchanges. Does the Minister agree that the North/South exchange consortium did excellent work? Why was that group not allowed to implement its findings, and why did she stand it down?

**The Minister of Education:** My Department continues to work with the Department of Education and Skills on the study of North/South co-operation in the education sector. Part 1 of the study has been completed and is with both Departments for consideration. The North/South exchange consortium worked with the Centre for Cross Border Studies from January to June 2010 on part 1 of the study. I appreciate both its work and the contribution that it made to that study.

I, along with my ministerial colleague in the South, decided to cease funding the NSEC from July 2010. It is for both Departments to commence part 2 of the study and to make recommendations on the way forward for North/South co-operation. The study may incorporate a two- to three-year action plan. I look forward to receiving a copy of the report.

**Mr Lunn:** I noticed the reference to the Middletown Centre for Autism. Can the Minister update us on the progress that has been made on the centre to date? In particular, can she tell us when it might come into full operation?

**The Minister of Education:** The joint communiqué of the North/South Ministerial Council plenary session at Limavady on 14 December 2009 outlined the lifting of the Southern Government's pause on giving additional capital funding for the Middletown Centre for Autism. The communiqué also announced the preparation of an updated and phased multiannual plan for the development of the centre.

The centre continues to operate two of its four planned services. Since opening, it has trained over 5,000 education professionals and parents. It is worth highlighting that the feedback on its delivery of second-tier training has been overwhelmingly positive. I take this opportunity to commend the centre's staff for their continuing efforts. The centre recently published a further research bulletin covering educational assessment.

I welcome the fact that both Departments have completed the mapping of the development of autism services. Officials from the Department of Education and the Department of Education and Skills have met to discuss the joint development of the phased multiannual plan for the further development of the centre. They also agreed a framework of meetings that will include engagement with stakeholders in the field of autism.

The continued success and development of the Middletown project can best be taken forward by the two Departments working closely to ensure that the centre reaches its full potential to deliver a first-class service directly to the children who need it. The Middletown centre already provides a training and advisory service for parents and a research and information service. It is planned that it will provide two further services: an educational assessment service and a learning support service.

**Miss McIlveen:** I note that the Department is planning to commission research on the non-attendance at school of looked-after children at post-primary level. Will the Minister inform the House about the extent of that problem and about discussions she had with the Health Minister on it?

**The Minister of Education:** Statistics show that, as of September 2009, 1,653 children and young people in the North of Ireland had been looked after continuously for 12 months. The statistics also tell us that a significant number of looked-after children in the North have poor school attendance and low educational achievement.

In the current financial year, my Department has provided £372,000 to the education and library boards' looked-after children teams for additional education welfare posts, tutoring support and a youth worker to support looked-after children. In addition, funding totalling £117,000 for work such as mentoring, coaching and literacy and numeracy support has been allocated.

As the Member said, my Department has commissioned research into improving the school attendance of looked-after children at post-primary level. The aim of that research, which is to be completed by the end of March, is to provide us with information that will inform policy and practice in improving the attendance of looked-after children. It is hoped that improved school attendance will lead to improved attainment. The link with health is obviously one of the issues that this research will focus on. The Minister of Health, Social Services and Public Safety and I will work together on all aspects of early years.

**Mr P Maskey:** Go raibh maith agat, a Cheann Comhairle agus a Aire. It is good to hear Mervyn Storey agreeing that some good work is being done on the North/South Ministerial Council, so fair play to him for his movement on that. Will the Minister give us further detail of the Irish-medium sector's collaborative work programme?

**The Minister of Education:** Go raibh maith agat. In 2010-11, a key focus has been on Irish-medium education. An Irish-medium subgroup has developed a comprehensive and collaborative programme of work, focusing on the early and continuing professional development of Irish-medium teachers throughout Ireland.

The programme incorporates a Gaelscoileanna conference, which incorporates school visits. The Gaelscoileanna Teo conference in Tullamore on 19 November 2010 was attended by 10 Irish-medium teachers from Gaelscoileanna in the North. A one-day conference was also organised for that cohort of 10 teachers on 18 November in Kildare Education Centre. Representatives from 10 participating schools in the South also attended the event.

On professional development services for teachers, there will be workshops at the conference of Comhairle na Gaelscolaíochta, which, as Members will be aware, is the equivalent organisation in the North. We have professional development workshops based on the identified needs of Irish-medium schools in the North, which will take place in March 2011.

We have a blended learning project on language and literacy development with a specific focus on oral language and writing development. That project involves 12 Irish-medium schools — six from the North and six from the South — and commenced in October 2010. It incorporates the development of interactive online course discussion and a support forum. The representatives from

the 12 participating schools are leading the project in their own schools.

The project also has an Irish-medium community of practice. It will provide an opportunity for Irish-medium schools throughout the island, particularly those in proximity to border communities, to meet after school to discuss and analyse needs and to develop action plans to satisfy those needs.

Delivery of that programme of work is well under way. A presentation outlining the various elements of the programme and an update on progress was provided at the meeting in Armagh on 21 January.

**Mr McCallister:** Further to Mr Lunn's question about the autism centre at Middletown, does the Minister continue to think that the project is value for money? Does she continue to think that providing two out of the four services this far into the regime up there is value for money? Does she not agree with me that the centre is competing with some of the community and voluntary services that are offered in Northern Ireland and is damaging some of them? Does she also agree that there is no buy-in from parents and service users? Why is she persisting with something that does not have the support of those whom it is meant to help?

**The Minister of Education:** It was easy to anticipate the Member's question; I had the relevant page in my notes open before he asked it. It is disappointing to hear a member of the Ulster Unionist Party — *[Interruption.]*

**Mr Speaker:** Order. Allow the Minister to continue.

**The Minister of Education:** It is disappointing to hear a member of the Ulster Unionist Party attacking a project that is doing work for some of our most vulnerable young people. Members of this House — *[Interruption.]*

I did not interrupt the Chairperson of the Committee for Education or Mr McCallister, and I do not know why they persist in trying to interrupt me when I am speaking.

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

## 12.30 pm

There is a contradictory approach. On the one hand, the parties opposite claim to support children with autism, while on the other hand, they spend

their time attacking a project that is doing everything that it can to support children with autism.

**Mrs M Bradley:** What further action has the Minister taken to ensure that students from Northern Ireland are not disadvantaged due to the introduction of A\* grades at A level?

**The Minister of Education:** That is an important issue, and I am pleased that the Member raised it. The Member will be aware that following earlier correspondence with the Minister for Education and Skills, I reiterated my concern that the admission arrangements adopted by universities in the South of Ireland in response to the introduction of the A\* grade at A level are disadvantaging those students from the North who apply to southern universities. That is simply not good enough. For many years, the attitude towards A levels by southern universities ensured that strong relationships were forged between young people from the North and the South, and building those relationships is more important than ever if we are to drive forward an all-island economy. I understand that admission arrangements are a complex and sensitive issue, but those issues need to be resolved.

I have sought support from the Minister in the South, with the aim of achieving a mutually beneficial solution that delivers equality for all students across this island. With my agreement, officials from CCEA met the Irish Universities Association at the end of last month. Further work on the matter is being carried out and a follow-up meeting is being planned.

**Mr Storey:** On a point of order, Mr Deputy Speaker. During her statement, the Minister of Education told the House that the work of the taskforce on Traveller education is nearing completion and that its final report would be completed by the "end of March". That is different to the report of the North/South Ministerial Council in education sectoral format, which says that the final report of the taskforce will be ready "early next year". Will the Speaker find out from the Minister what the accurate position is? Perhaps that was yet another slip from the Minister.

**Mr Deputy Speaker:** The Hansard report will be studied.

## **North/South Ministerial Council: Special EU Programmes**

**Mr Deputy Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement on the meeting of the North/South Ministerial Council in special EU programmes sectoral format.

**The Minister of Finance and Personnel (Mr S Wilson):** The North/South Ministerial Council met in special EU programmes sectoral format in Belfast on 13 January 2011. It was the first NSMC meeting in that format since February 2010. I chaired the meeting and represented Northern Ireland, and I was accompanied by the Minister for Social Development, Alex Attwood. The Government of the Republic of Ireland were represented by the Minister for Finance, Brian Lenihan. It was a particularly difficult day for him, as it was the day on which the news that eventually led to the election being called in the Republic of Ireland broke. That disrupted matters a little.

Mr Pat Colgan, chief executive of the Special EU Programmes Body (SEUPB), updated the Council on how the work of the SEUPB had progressed since February 2010. Mr Colgan advised that the closure of the Peace II and INTERREG IIIa programmes from the previous round of EU funding is in its final stages, and that the SEUPB submitted its final closure report to the European Commission by the agreed deadline of 30 September 2010. Mr Colgan went on to advise the Council on the current Peace III and INTERREG IVa programmes. The assessment and approval of project applications has continued under both programmes, and, between them, they have approved 175 projects, worth around £325 million. As regards actual project expenditure, Peace III spent £250 million and INTERREG IVa spent around £35 million by the end of 2010. Expenditure on both programmes is, therefore, significantly above their respective cumulative EU spending targets for 2010. That means that the budget for either project will not be deducted by Brussels.

The Council also noted progress on a number of other issues relating to the two programmes. Mr Colgan advised that five local authority-based groups involved in the INTERREG programme have had 18 projects approved to date, worth approximately £17 million. Some of the group projects are still under assessment and could add £10 million to that total. The Council

is aware of the concerns that groups have raised regarding their role under the INTERREG IVa programme. However, Ministers were encouraged by the progress that was made during 2010 and noted SEUPB's confidence that the five would secure the full amount of the programme budget set aside at the planning stage for locally based cross-border actions worth around £55 million.

The Council also noted that the Peace III programme continued to address the needs of the victims and survivors of the Troubles. The Peace III theme of acknowledging and dealing with the past has a particular focus on the needs of that key sector and has a total budget of approximately £45 million. Around half of that has been allocated, with more than 50 projects approved. The theme reopened for further applications in November, and those will be assessed from March onwards.

The Council agreed that it was essential for both main communities in Northern Ireland to participate fully in the Peace III programme. Mr Colgan advised on the work that SEUPB has been doing by way of outreach to under-represented groups and communities, encouraging them to apply for Peace funding. In addition, he reported that the SEUPB had commissioned the Northern Ireland Statistics and Research Agency (NISRA) to produce an estimate of the community uptake of Peace III funding. The findings of that research will be available shortly.

The Council noted that SEUPB continues to facilitate North/South participation in the transnational and interregional strands of INTERREG. That funding is allocated competitively, project by project, on the basis of quality. To date, 42 projects with Northern Ireland partners have been funded. That compares favourably with the previous programme period when there were just 17 projects with local partners.

The Council agreed to meet again in this sectoral format in early summer.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. At its meeting in December last year, the Committee was told that out of 61 applications to the INTERREG IVa programme, only 18 had been approved, which is a success rate of just under one

third, although eight projects were still under assessment at that stage. Will the Minister advise the Assembly on what grounds the remaining 35 projects were rejected or withdrawn and what work is being done to improve the approval rate?

**The Minister of Finance and Personnel:** The Chairman raised an important point, and it is one that has concerned me. I had a number of meetings with the local authority-based groups that were concerned that the £55 million that had been allocated might not be spent because the rejection rate among projects was so high. There are a number of reasons for that. First, in the past, rather than seeing the projects through, local authority groups were project facilitators. There has been a step change in the involvement that they have had to have, and that created a difficulty. Secondly, in the past, many of the projects dealt with small amounts of money. Now, of course, there are much larger projects and perhaps the complexities around what is required for the assessment was something that the groups had to get their head around. Thirdly, there are cross-border projects and there has to be a strong cross-border element, which has not always been possible with some of the local authority groups, especially those that do not have an interface along the border.

I am sure that we have done all that we can to facilitate the groups. We have made available to them their administrative funding right up to 2013. That is a vote of confidence, in that we believe that they can keep on working through the programme period and have the ability, because they have the administrative funds available, to bring forward projects. We have also sought in the assessments of the projects to show where difficulties lie. We have tried to help the local authority groups with that.

There are now some very good quality projects coming through. There is one in my constituency with which I am particularly pleased. Some £5.5 million or €5.5 million — I cannot remember which — was made available for the Gobbins path project. That will be a massive tourist facility, and one that will be as important as the Giant's Causeway in promoting tourism along the north coast. The Chairman may take issue with me on that. Nevertheless, each will complement the other and should benefit both our areas by attracting tourists.



Those are the reasons, and that is the work being done. I now monitor the matter, because Members have raised with me the issue of the time being taken. The situation is being monitored monthly to try to ensure that pressure is kept on that particular aspect of INTERREG IVa and to ensure that the money is spent.

**Mr Frew:** The Minister said that the Council noted that Peace III programme was continuing to address the needs of the victims and survivors of the Troubles. Is he confident that that funding will be shared throughout the community in a fair way to ensure that the victims and survivors in most need can avail themselves of it? We know from other funding programmes that there are people who have not been able to avail themselves of the money. Is the Minister confident that this money will reach the most needy?

**The Minister of Finance and Personnel:** That issue has been raised since I became Minister, and I think that it was raised before then as well. Indeed, the issue of community balance in those funds has been raised at all the meetings that I have had. I must say that, to his credit, the Minister for Finance in the Republic has been as enthusiastic as I have been in ensuring and demanding that programmes are seen to distribute money right across the board. As a result, SEUPB has put considerable effort into contacting under-represented groups and helping with applications. I can already see the impact that that has had in my constituency. We will not know the final picture until we see the NISRA report early in the spring. The report will, of course, be shared with the Committee and the Assembly.

All the evidence to date makes me hopeful. I hear from under-represented groups, whether in rural areas or among the unionist community, that SEUPB has at least made the effort to try to ensure that there is a much more equitable distribution of peace money, even though there is no requirement in the terms of Peace III to have an even balance. Nevertheless, it is recognised that there is no point in having money for this purpose if one community feels that it does not have the same opportunity to access it as another.

**Mr McNarry:** I thank the Minister for his statement. He will recall that, last December, the Committee was given a table that showed that some local authorities were doing better

than others. The Irish central border area network (ICBAN) had three times the project approval rate of the councils of the metropolitan area (COMET). Can the Minister explain that discrepancy and outline the support that can still be made available to groups for applications?

**The Minister of Finance and Personnel:** I thank the Member for his question. He is quite right, and I understand the interest that he has, because COMET covers his North Down constituency — sorry, his Strangford constituency.

**Mr McNarry:** Just repeat that.

**The Minister of Finance and Personnel:** I meant to say Strangford constituency — I just want to get that on the record. COMET has not been as successful.

The Member is quite right. There is a discrepancy between the moneys received by the likes of ICBAN and the east border region committee, which received £4 million and £3.7 million respectively, and the moneys received by COMET.

## 12.45 pm

I do not know whether the situation is improving. All that I can say is that no COMET projects are under assessment. There was one submission, but it provided too little information to proceed and was withdrawn. There is an issue with COMET, which I understand, because COMET does not have an interface with the border with the Republic. Projects must have a cross-border element to enable them to access funding. Perhaps that has been more difficult for COMET than for ICBAN or for projects in the north-east region.

All we can do is continue to work with them. We cannot make it easier for one area to get projects ahead of any others. There are certain criteria to be met, and I am sure that the Member appreciates that. I will be more than happy to meet representatives of COMET if they feel that certain issues need to be addressed or assistance is available that would help them to have more projects accepted. In my answer to Mr Frew, I said that I did not want discrepancies between communities; neither do I want there to be discrepancies between areas in Northern Ireland.

**Mr O'Loan:** I apologise for being a minute or two late at the start of the Minister's statement. Overall, we can be reassured by the quality of

the management of the special EU programmes. The theme of the Peace III programme is acknowledging and dealing with the past. Since we are drawing down a substantial sum of EU money under that heading, does the Minister agree that that puts a further onus on us to ensure that our policies on and resources for acknowledging and dealing with the past are fully consonant with that objective? Furthermore, does he agree that there is, perhaps, a lack in what we are doing in that regard?

**The Minister of Finance and Personnel:** I am not quite sure what the Member is getting at or whether he means that spending by Departments generally in Northern Ireland is not reflecting that objective. Perhaps there is another aspect to his question. We have a budget of £45 million for that theme; we have allocated approximately half that money and will continue to allocate it. If the Member feels that there is more that Departments can do, other Ministers need to address that matter.

**Mr Girvan:** I thank the Minister for his statement. Part of the question that I wanted to ask has been answered. I wanted to know whether the Minister had discussions about under-represented groups and whether those groups had been identified. What communities are being under-represented when it comes to funding? What measures are being taken by SEUPB to address the lack of successful applications from certain areas? David McNarry said that COMET projects did not have the same success as those in other areas. It is my belief that projects in the unionist community are not submitting proper applications.

**The Minister of Finance and Personnel:** As I said, the evidence from the Peace I and Peace II programmes is that the unionist or Protestant community was under-represented. That was put down to the fact that there appeared to be fewer applications from the Protestant community. Some rural communities also felt left out.

What work has been done? We want to ascertain the nature and scale of the issue and to try to ensure that the measures that have been put in place are working. That is why the Northern Ireland Statistics and Research Agency is undertaking the assessment of the applications that have been processed to date and the distribution of those. As far as working with communities is concerned, there has been outreach activity. We have also

publicised the programmes to all communities and have done significant work with specific groups. The Orange Order, for example, has appreciated the work that SEUPB has done with it to access funding for some of its projects and programmes.

I want to emphasise that Sinn Féin was represented at one of the meetings that I had with the Foreign Minister and the SDLP was represented at another. At those meetings, there has been no dissent from the view that we have to ensure that the funds are evenly distributed right across the board.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle. Can the Minister provide the House with an update on investigations into alleged irregularities in the use of moneys by Families Acting for Innocent Relatives (FAIR) and South/North Armagh Victims Encouraging Recognition (SAVER/NAVER)?

**The Minister of Finance and Personnel:** Irregularities in procurement were identified and investigated by SEUPB. Investigations are being conducted, and some of those have been passed onto the PSNI. I am sure that the Member will appreciate that, as there is a police investigation, it would probably not be appropriate for me to comment any further other than to say that, when the allegations were made, they were investigated. When the investigation turned up an apparent irregularity, SEUPB referred it to the PSNI, which is where the investigation lies at present.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. My question follows on from that of Mr Callaghan and relates to the need for proper governance of public moneys. It is about getting the balance right. A Peace III project in my area, which is worth several million pounds, has been through assessment, through independent assessment, sent to the Department, assessed by the Department and has now been sent back to the SEUPB for further assessment. We certainly need governance of our money; I am not arguing that we do not. However, is there a danger that we are putting together a system that ensures that money does not get to the front line where it is needed?

**The Minister of Finance and Personnel:** I am sure that the Member appreciates the importance of ensuring that public money is well spent. However, there is another reason for the level of assessment and investigation into how

EU money is spent. On occasions, I have been criticised in the House for announcing that, as a result of EU assessments into funding that it has provided, we have had to pay money back at the end of programmes. That is sometimes due to the least, little infringement, such as a document not being in the right place or not being available. We can lose millions of pounds to the EU, because it has that clawback mechanism.

Sometimes the assessment is overly rigorous. When I ask why we have incurred a particular fine or penalty and I am given the reasons, I ask myself: can the EU really expect that we have that degree of rigour? Sometimes it is as little as the absence of a signature from a document. Given that level of scrutiny, it is important that we do not leave ourselves open to being hit with millions of pounds being clawed back from the public purse after a programme is over. That is why many of the projects are open to that assessment and, afterwards, to that scrutiny. Without that, we could jeopardise Northern Ireland's public purse in the longer term.

## **Regional Oral Medicine Service**

**Mr Deputy Speaker:** I have received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I welcome this opportunity to provide an update on an issue that has emerged about the regional oral medicine service. In November 2009, the Belfast Health and Social Care Trust became aware that six people who had been referred for surgery following a diagnosis of oral cancer could potentially have been referred at an earlier stage of their illness.

I should explain that patients will attend oral medicine clinics if they suffer from any of the following symptoms: persistent mouth ulcers; unusual changes to gum, roof of mouth, and so on; white patches, or lesions or abnormalities in the mouth; teeth grinding; facial pain; or complications of radiotherapy to head and neck. A small number of people attending the service may have cancer. There are about 160 cases of oral cancer in Northern Ireland each year. The course of disease in oral cancer cannot be predicted, and suspicious abnormalities or ulcers in the mouth may be totally innocent or harmless whereas others may progress to cancer. At the time when the Belfast Trust became aware of the issue, all six patients were being appropriately managed and receiving the treatment that they required.

In December 2009, the Belfast Trust took action to review and carry out a look-back exercise into the issue. That was an extremely time-consuming and complex process that involved looking at some 3,000 clinical charts, lab reports and radiological investigations of every patient who had attended the service during 2009. It was the judgement of clinical experts undertaking the review that the vast majority of the 3,000 patients considered had been appropriately managed and treated. However, during the time that that intensive work was being completed, it became clear that there were problems with the management of a number of patients. That raised major concerns that the clinical experts determined needed to be addressed as a matter of urgency.

The issue that emerged was that 18 people were identified where concerns existed about the quality of care. All 18 of those people were

being actively managed by specialists in the Health Service at the time that the concerns were identified. Following further investigations, it is now known that there is a total of 22 people for whom there are serious concerns, that 15 cancer patients have been identified and that four cancer patients have since died, three of whom died from oral cancer and one from other causes. I would like to take this opportunity to express my deepest sympathies to the families of those patients on the loss of their loved ones.

As I already said, we now know that 15 patients who were diagnosed with oral cancer may have had some delay in their diagnosis. As regards the six people identified initially, I have been informed that they have all had the opportunity to discuss their condition with their clinician and are aware of the potential delays in treatment. At this stage, I understand that not every patient will have been told that there was a potential delay in their diagnosis. That is partly to do with the fact that some are complex cases, and many of the patients had a range of other conditions that were being treated. I want to assure patients and the House that the Belfast Trust will inform individuals of any potential delays.

I also want to take this opportunity to apologise to all patients who may have had delays in their diagnosis. The public must have confidence that their treatment will be responsive, rapid and of the highest quality. For the vast majority of people, their experiences will reflect high-quality care. However, when that care falls short, every possible step must be taken to ensure that patients are informed and that any failings are addressed quickly to avoid any unnecessary pain and distress. With this situation, it is important to remember that all the patients about whom there were major concerns were already being managed by other experts at the time that the concerns were identified. The trust has advised me that it is not the case that those patients were waiting to be called back as part of that review; rather, they were being actively treated by other specialists.

### **1.00pm**

The term “oral cancers” covers a number of cancers. Patients with cancer have a range of very different types of tumour, all with different clinical features, some of which will progress at different rates.

Clinicians have also advised me that the review has focused on patients seen in 2009. On the advice of senior clinicians, it was not considered necessary for people who attended the oral medicine clinic prior to 2009 to have their clinical notes reviewed. The trust has been advised by experts in Northern Ireland and Great Britain that they would expect any patients seen prior to 2009 and who developed oral cancer would have already presented with symptoms. People who attended the oral medicine clinic in 2007 or 2008 should not have cause for concern. However, if they have any questions, they can contact the helpline or speak to their dentist or GP.

Following an announcement made by the Belfast Trust on Friday, there were intermediate concerns about a number of individuals, as most Members are aware. As a result, 117 people are being invited to attend a review clinic. Letters have been issued, and all patients affected should have received them at this stage. Although most of those 117 individuals will not have conditions that require action, it is important that they are seen. Also, many of those 117 people will be under the care of their own dentist, who is trained and skilled at identifying the signs of oral cancer.

I want to apologise to all patients who have suffered any anxiety or concern as a result of this recall. The steps being taken are a precautionary measure, but they are necessary because of our commitment to patient safety and the need to provide those patients with the necessary assurances around their health.

The Belfast Trust has set up a number of clinics starting from today, with two sessions on most days; morning and afternoon. Those clinics are for the 117 patients who have been recalled. As of yesterday, around 50 appointments have been made for clinics over the coming days. Further clinics will follow in the days and weeks ahead. I am hopeful that the vast majority of patients who need to be reviewed will be seen during this week. The Belfast Trust also set up a helpline on Friday, which can be reached on freephone number 0800 9801100. As of yesterday, that helpline had received around 60 calls.

In relation to the dentist at the centre of the matter, the Belfast Trust took the decision to supervise the individual's work in December 2009. The trust considered that that was a



proportionate way to ensure patient safety while the investigation was ongoing. Restrictions were placed on the practice of the dentist concerned in January 2010, and as part of that process, the individual was referred to the National Clinic Assessment Service (NCAS). That is a national service that advises trusts on the handling of concerns about the practice of doctors, dentists and pharmacists. During December 2009 and early January 2010, the trust also referred the individual to the General Medical Council and the General Dental Council.

General dental practitioners across Northern Ireland were advised of concerns regarding this individual's work in December 2010. The dentist was removed from clinical practice by the Belfast Trust. My first priority is to ensure that all patients who have been recalled are dealt with appropriately and quickly. Once that process has been completed, I will expect an urgent update on the outcome of these clinics.

I understand that this issue will cause considerable public anxiety, not least for those directly affected. I share the shock and concern that the public will rightly feel about this matter. I am very unhappy about the distress caused to patients and the handling of this matter.

I was first made aware that concerns had been expressed about the timeliness of referral for the treatment of six cases in December 2009. I was assured at that time that all six patients were being appropriately managed and were receiving the treatment they required. However, I am deeply concerned that I only received further detail on 31 January 2011, and a full briefing, at my request, was provided to me on 1 February. When I was made aware, I immediately decided that I must make a statement to the House. Unfortunately, the issue was leaked to the media last Friday, which left the trust with no option but to release a statement. That meant that the trust was not in a position to ensure that all patients received their letters inviting them to clinics before the matter was made public.

I regret to say that, in this case, there was a breakdown of communication in the health and social care service and in my Department. Therefore, I will initiate an urgent independent inquiry into these matters. I expect that the inquiry will be rigorous and independent. It will examine the quality of care to patients, the circumstances surrounding the issue and its subsequent handling. I will advise Members

of further details of the inquiry as soon as possible.

The communication of information on such an important matter will be a key focus in my upcoming review of the issue. It will include an investigation of all actions taken by my Department, the trust and the board. Once the review is concluded, I will decide what further actions need to be taken to ensure that lessons are learned and that measures are put in place to avoid any similar incident in future.

In conclusion, I apologise once again to everyone who has been affected by this matter. I have been deeply disturbed by the issues that have emerged. As a health and social care service, we care for many thousands of people every day. However, I have a duty to ensure that problems are addressed quickly. I assure the House and the public that, where this issue is concerned, I will take every action necessary to ensure that that happens.

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

I welcome the tone of the Minister's statement. I also welcome his announcement of the inquiry. However, I remind him of a meeting of the Health Committee that occurred on 27 January 2011. At that meeting were the permanent secretary of the Department and the chief executive of the Belfast Health and Social Care Trust. At the end of the meeting, when we looked at the issue of the X-rays at Altnagelvin and the children's hospital, I asked whether there were any other issues out there that the Committee needed to know about but that it had not been told about. Clearly, somebody in that meeting knew about this issue, because it has been ongoing for 13 months, but the Committee was not told about it. Will the Minister give us a categorical assurance that there are indeed no other issues out there that the Assembly or Committee need to know about that have not been revealed?

Secondly, there are a lot of worried families — at least 117 — in Northern Ireland who are having their diagnoses today and tomorrow. Can the Minister give the Assembly a categorical assurance that the results of those tests will be given to the patients as quickly as possible so that further delay and alarm can be avoided?

**The Minister of Health, Social Services and Public Safety:**

I stress that the cases of the 117 patients who have been called back will be

reviewed. In the review that was carried out, they did not appear to have serious conditions, but, in the interests of best practice, they have been called back. I assure the Member that those results will be given as quickly as possible. I am advised that some results can be provided on the same day that the patient attends the clinic. If others need a further test, the results may take up to week. I sought and got an assurance that, given the anxiety that has gone with the contact that they have had with the Belfast Trust, that will be done as quickly as is humanly possible.

As far as the meeting on 27 January 2011 with the permanent secretary and the chief executive is concerned, the permanent secretary advised me that he was not aware of further reviews. I am not clear on the chief executive's position, but I will certainly make it my business to find out whether he was aware of such reviews at that time. I believe that he would have been. The Member asked whether there were any other issues. I will undertake to furnish him with details. If I were to say to the Member that there was nothing more, but something then emerged, he would quite rightly question my integrity. So I have asked exactly that question, and I will furnish him with that information this week.

**Mr Deputy Speaker:** Before calling the next Member to speak, I ask Members to please check their mobile phones. There is a lot of interference on the system, which makes life difficult, if not impossible, for Hansard staff.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. In recent weeks, we have had a number of debacles, especially around the A&E unit in Antrim Area Hospital, swine flu, the situation at the Royal Belfast Hospital for Sick Children and the X-ray issue at Altnagelvin Area Hospital, all of which have had a negative impact on the Health Service. What is the Minister with responsibility for the Health Service doing to restore public confidence, given that people perceive there to be shortcomings in the service? What is he doing to restore the confidence of Health Service staff, who look to him for management, because it is not good enough that the Minister and the permanent secretary do not know about a major review ongoing in one of their trusts?

Furthermore, what is the current status of the consultant at the centre of the investigation? Is he practising? Is he still being paid? Is he being

paid bonuses? Will the Minister give us more details on those matters?

**The Minister of Health, Social Services and Public Safety:** I could go through each of the issues that Mrs O'Neill talked about: Antrim Hospital A&E; the children's hospital; and so on. Indeed, I have given assurances about the safety of all those services and about how hard staff are working to ensure that they are maintained properly. As far as swine flu is concerned, there was a great deal of alarm and fear about an issue that, as far as any expert could see, was very much well in hand. Furthermore, we did not run out of vaccines; a different virus was not circulating; large numbers of healthy people were not dying; and information was not being kept from the public.

I accept and agree with the Member that the situation at Altnagelvin Hospital is unacceptable. As far as the Belfast Trust issue is concerned, when she says that it is not good enough for the permanent secretary to tell me that he did not know about it and that it is not good enough that I was not told about the nature of the problem until a week ago, I have to agree. It is not good enough, and I will not accept that from my Department, the trusts, the boards or anyone else. I am taking the steps that the Member would expect me to take to ensure that the matter is dealt with properly. As far as the consultant is concerned, he is an employee of the trust and, as far as I understand, he is no longer practising in the trust. I am not au fait with the details of his contract, but let me assure the Member that I have asked specifically whether the trust will continue to employ a consultant who, following an extensive review, is still being provided with a salary, even though he is not working. That is a matter of public interest, as it is to Members and me. I am discussing the matter directly with the trust and dealing with it.

**Mr Gallagher:** I note the Minister's statement, and I thank him for it. The latest incident is much more serious than last week's story about X-rays, because it is clear that people knew that conditions had been diagnosed in patients, yet a delay occurred. The Minister said that he learned about the full scale of the problem only recently. Is it the case that the Belfast Health and Social Care Trust knew but did not tell his Department the full story or did the trust tell his Department the full story but he did not know about it, thus failing patients and frightening the

public much more than last week's story did? Will the Minister address and clarify that issue?

**The Minister of Health, Social Services and Public Safety:** That is why I am putting in place an independent inquiry. The Member's questions are legitimate. The public and I are asking them as well, and we are entitled to answers. As far as the process is concerned, it has been suggested that some patients' referrals took longer than they should have done. The first query concerned six patients to whom I referred a year ago. When consultants examined that year's records, they unearthed a further 18 cases.

That is the situation, and we are following those up. Every one of them, when looked at, was, I understand, getting appropriate treatment. However, a slow referral is not acceptable. I rely on expert opinion to tell me when those referrals should have been made. That is why I will have a proper, independent investigation — an independent inquiry into this issue — to properly and definitively answer the questions that the Member asked, the public are asking and I am asking.

**1.15 pm**

**Mr McCarthy:** This is the most horrendous statement that I have heard or witnessed since I joined the Assembly in 1998. People's lives have been put in danger. It is horrendous, to say the least, and I fully support the Chairperson of the Health Committee. I witnessed the inquisition when he asked the Minister whether there was any other important information that he and the Committee were entitled to know. Yet, here we are again today and last week, with information that came to light only because of very observant reporting, without which we may never have heard of this. It is scandalous, it is shameful and I cannot understand how it happened.

**Mr Deputy Speaker:** May we have the question, please?

**Mr McCarthy:** My question is: how much is this costing the taxpayer? The Deputy Chairperson mentioned it; the Minister did not respond. The public are entitled to know how much this will cost the taxpayer. The individual involved has been removed. We want to know how much that will cost. How long will the inquiry, which the Minister is about to set up, take? In the meantime, what will happen to patients who were to use that service? Will someone be

employed to do the work of the person who has been removed?

**Mr Deputy Speaker:** Sorry, you have asked at least two questions. I now ask the Minister to answer.

**Mr McCarthy:** I hope that I get an answer, Mr Deputy Speaker.

**The Minister of Health, Social Services and Public Safety:** Thank you, Mr Deputy Speaker. Without being flippant, I will try to give the Member more than one answer, because he asked more than one question.

I cannot estimate the cost at the moment. However, I see the cost not in financial but in human terms, and that is what I am focusing on. The anxiety, stress and the possibility of harm that patients have endured or may have come to is my focus. Since it interests him, I will certainly get Mr McCarthy a pounds-and-pence answer, in due course. However, as I said, this is about making sure that patients are put first and that they are dealt with and so on.

I assure you that the inquiry will take no longer than absolutely necessary. I am looking at a very short, sharp inquiry. The Member said that he cannot understand how this was allowed to happen and so on. The reality is that, as I understand it, this is an area where there are not a number of specialists. In fact, I understand that there is one specialist in the area that we are talking about. I understand, or now know, that Queen's University has undertaken a review of the Belfast dental hospital because it is also a teaching hospital. The number of staff employed there does not begin to meet the need. Then again, as I keep explaining to the House, throughout the Health Service there is stretch. Part of the answer to Altnagelvin, or at least something that created anxiety there, was that, disgracefully, we had seven radiologists when we needed 13. That was part of the problem there, and the backlog built up. In the Belfast dental hospital, our complement is 20 consultants. We currently have 10, as I understand it. Those are the sorts of issues that I also have to grapple with. However, when I am able to, I will report back on those other issues immediately.

**Mr Easton:** Minister, what we have heard today is just totally unacceptable. I demand from you, and the House demands from you that you get on top of your Department and get this issue

solved, because it is totally ridiculous that people who have cancer have to be called back, and there have possibly been deaths from this.

Only as recently as last Thursday, Mr Compton, the chief executive of the Health and Social Care Board, told the Committee that no more issues would come out that would be a source of upset to patients. Will the Minister tell the House whether Mr Compton knew about the issue last Thursday? If so, he misled the Health Committee.

The Minister knew about the six patients in 2009. At that stage, given that it was a serious issue, does he not think that he should have come to the House? Furthermore, he obviously did not know about other elements until 2011. Does the Minister agree that it is totally unacceptable that members of his Department or the trust failed to keep him informed? What will he do about those members of staff?

In conclusion, I have a final question. Is the consultant who was involved still working in any capacity —

**Mr Deputy Speaker:** Order, please. The Member will know that I reminded Mr McCarthy that Members should really ask one question. You have now asked three.

**Mr Easton:** Thank you, Mr Deputy Speaker. I will finish my question, and that will do. Will the Minister inform us if that consultant is working in any capacity and whether he received a consultant bonus for working during those two years?

**The Minister of Health, Social Services and Public Safety:** I make that about six questions, and I will try to go through them as best I can. I am not sure what John Compton knew and did not know, but the Member will have an opportunity to ask him that question at the Committee meeting this Thursday. I agree completely that it is totally unacceptable that I was not informed and, therefore, was not able to keep the House informed on such an important issue. I assure the Member that I will deal with that. That will happen partly through the inquiry, but the inquiry will not simply be about the trust. It will also look at the board, the Department and issues around that.

On 21 December 2009, I was told that six patients appeared to have been subjected to delayed referral. All six patients are now

receiving the necessary care, and the Belfast Trust is investigating the matter. The information was given to me as a routine take-note submission, and, therefore, I believed at that point that the trust would come back to me when it had the results of its investigation. Therefore, even on this day last week, I was not aware of the scale of the problem. If I am not aware of it, the House is not aware of it. In all cases, I am accountable to the House, which represents the people whom we all represent. They are our employers and pay for the Health Service. Therefore, I take it, as Members will take it, very seriously indeed that I was not informed.

As I say, we will take the matter further with investigations. It is a serious issue, and patients have paid the price through the anxiety of having to be called back when they believed that they had cleared a hurdle. They do not appear to have serious conditions, but, in the interests of best practice, we are recalling them. The other issue is speed of referral, which is a clinical judgement. However, I assure the House that all those individuals, when they were contacted, were receiving the appropriate treatment at the time that they were identified

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I have two specific questions and a comment for the Minister. It is interesting that his colleagues are not asking questions on the issue.

In fairness, I appreciate the fact that the Minister has made a statement on the Floor of the House because it is useful to get the information into the public domain as quickly as possible. There is a lack of information, and a lot of patients are being recalled. Will the Minister tell the House whether that will have an impact on other appointments in other departments or on other X-rays in the Royal? I e-mailed the trust this morning about the fact that appointments for some patients who are being seen for bowel cancer have been put back for 10 days or two weeks. I am just concerned that, if we are looking at recalling patients again, additional staff will be there so that it does not have a negative knock-on effect.

The Minister might not be aware of this, but information came to my attention just 20 minutes ago that there possibly was another serious adverse incident at the Royal on Sunday. If the Minister has any information, I would



appreciate him sharing it with us; if not, can he give us the information when he receives it?

**The Minister of Health, Social Services and Public Safety:** I am not aware of an SAI at the Royal at the weekend. However, Members will appreciate that around five or six SAIs are reported every month. They are not as unusual as you might expect. However, I will ask the questions and I will communicate with the Member. As for the clinics, extra sessions have been arranged. They are very much focused on oral cancer and do not affect bowel cancer, which is a different discipline in a different area.

**Mr McCallister:** I apologise to the House for missing the start of the statement. I can reassure Ms Ramsey: of course members of this party are going to ask questions.

Does the Minister agree that both the tone of his statement and the setting up of the inquiry are vital components in restoring public confidence, which is the key factor that we have to address? In an earlier answer, he mentioned the report on dentistry late last year. Were there recommendations in that, and when will some of those be implemented?

**The Minister of Health, Social Services and Public Safety:** As I understand it, the report on dentistry was produced by Queen's; we are talking about a teaching hospital. There are issues about funding the teaching hospital; Queen's is historically required to fund 50% of the salaries, and I am not clear that that is happening. There is an issue for us to address about the funding of our clinicians in the dental hospital. As for the inquiry, the key thing is to ensure that we have public confidence by being open and transparent, with a full declaration about the situation. That always has to be the way as far as the Health Service is concerned, and it is the best way to maintain public confidence.

**Mr Callaghan:** I thank the Minister for his statement and I welcome its tenor. The community will be reassured if there is to be a robust and firm appraisal of what is going on in our Health Service. I want to establish a bit more clarity about some of the numbers involved. Maybe I am the only person who is a little bamboozled, but there was a lot in the statement. Can the Minister clarify whether the 22 patients about whom serious concerns were raised in the initial look-back review are separate to or included in the 117 people who

are being recalled as part of the intermediate concern batch? Where exactly did the four patients who have tragically died and the 15 people who have been diagnosed with cancer fall in that spectrum of numbers? I just want a sense of some of the quanta involved.

Given that this is a regional facility, can the Minister also provide a breakdown of the trusts that the various patients come from? Furthermore, given that, in December 2009, the Belfast Trust decided to supervise the work of this individual in order to ensure patient safety, and that he was referred to the GDC and the GMC —

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

**Mr Callaghan:** I am coming to the question, Mr Deputy Speaker.

**Mr Deputy Speaker:** Very quickly.

**Mr Callaghan:** When were dentists informed of those concerns, and why did it take a full year from the trust putting this person under supervision, and 11 months from referring him to the GMC and GDC, to remove him from clinical practice?

**The Minister of Health, Social Services and Public Safety:** Mr Callaghan asked a number of questions. The patients involved in the look-back review would have been assessed in various categories, so none of the 117 would have been involved as far as the 22 patients are concerned.

As I indicated, they do not appear to have serious conditions, but, in the interests of best practice, they will be recalled, and that process is under way.

### 1.30 pm

The 22 people with the serious conditions to whom the Member referred include the six initial patients and 18 others. Not all those patients had oral cancer. Four have died, three from oral cancer and one from other causes. I do not have the information on the home trusts. The Member rightly said that it is a regional hospital that treats patients as they come in. I am interested in knowing about that, and we will look to find that information.

**Mr Deputy Speaker:** Earlier, I asked Members to switch off their mobile phones. Since then, not only have some Members not switched them off but two Members have been using

them openly in the Chamber. Please respect the work of Hansard, which is very important to this Assembly, and put those machines off.

**Ms M Anderson:** Go raibh míle maith agat. I share the Minister's shock and concern, and I agree that there has been a breakdown in communication. However, I am further concerned that we are not getting the full information today, and I am concerned that patients are not getting the information that they are entitled to.

In the Minister's statement, he referred to 15 patients who were diagnosed as having oral cancer, and he went on to say that not every patient has been told that there was a potential delay and that some are complex cases. We know that the late processing of 18,500 X-rays in the north-west resulted in actual, not potential, delays for four patients. In the context of the breakdown in communication that the Minister talked about, is he aware that two of those four patients received information that there was a delay in their diagnosis only on Thursday 3 February? That was the very day that the board and the trust came in front of the Health Committee. Two of the four patients received that information only on that day. Could I ask —

**Mr Deputy Speaker:** Come to a question, please.

**Ms M Anderson:** Given that the board and the trust met the north-west MLAs and that John Compton was in front of the Committee, is the Minister concerned that his Department, the board and the trust are operating a need-to-know policy?

**The Minister of Health, Social Services and Public Safety:** I have said already that I look for openness and transparency. That is the only way that we can keep confidence among our patients and the general population. I am not aware of the example that the Member gave about the X-rays, and I would be shocked if that were the case. I will look at that, and I will determine why the situation arose. It is not acceptable. I referred to the situation at Altnagelvin and this one as being two examples in which the Health Service clearly has to do an awful lot better. The full independent inquiry will provide a number of answers to the questions and confirmation of the answers that I am giving.

I am advised that, through the look back, in the interests of best practice, all 117 of the patients have been or are being contacted. That will have begun at the weekend. All the other patients with more serious conditions, when identified, were already in the system and were being looked after by the appropriate clinicians. I repeat that I am dismayed about where I find myself on the flow of information, and I am determined to deal with this.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. The Minister informed us that he only found out about this important issue in December 2010. He then told us that he felt that he should have been told earlier. He informed us that his permanent secretary told him that he was not aware of it, and I assume that he feels that the permanent secretary should have been told earlier. He also informed us that he was not sure whether the chief executive of the trust knew about it. In the Minister's opinion, when should he have been told? When should the permanent secretary and the chief executive have been told? If those timelines were not made, who will be held responsible for not fulfilling their public duty?

**The Minister of Health, Social Services and Public Safety:** I should be told about serious incidents, but I cannot be told about everything in the Health Service because thousands of issues arise every day. However, that is why I have professionals around me. It is for officials to advise me of what is serious and what I need to know and should be told. I meet my permanent secretary once a week, and he tells me what is important as we move forward. I share my priorities with him. Therefore, you can see clearly how we lay out our priorities for action and our overarching strategies, but, in the end, it all boils down to looking after patients. That is what is important. Each patient is entitled to get the very best care that we can provide, and, where that is not happening, that is a serious issue that I need to know about.

The permanent secretary told me that he did not know about the issue until he informed me. That is an issue for the full, independent inquiry. I need short, sharp answers to those questions to ensure a proper flow of information to me as Minister and thus to the Committee and the Assembly.

**Dr McDonnell:** I thank the Minister for his statement and his openness. I was concerned when he said that there were 10 consultants when there should be 20. Of those 10, only one specialises in oral cancer, which raises concerns. Although we have to investigate what went on, what are we doing going forward? Will we make alternative arrangements? Will we retrain, reorganise and restructure to ensure that one of the existing consultants picks up the workload? To my mind, it is bad enough that there is a problem that we need to investigate, but we have to restore confidence and we have to take exceptional measures to ensure that it is restored quickly. Can you give me some reassurance on that?

**The Minister of Health, Social Services and Public Safety:** We look at the problem and then we determine what the actions are and how the issues require to be addressed. It is a matter for the trust to satisfy me and the board, which commissions the service, to ensure that we are delivering the care that we are required to deliver. However, I repeat: the complement should be around 20, but it is around half that number. Therefore, there is an obvious issue around resources. I am not going to get into resources today, but there are obvious issues around that.

As I understand it, the specialism that we are talking about is rare and not easy to replicate, not least in a country the size of Northern Ireland. That is uppermost in my mind and, therefore, will be on the minds of the board and the trust.

**Mr Deputy Speaker:** That concludes questions to the Minister of Health, Social Services and Public Safety on his statement.

**Mr Wells:** On a point of order, Mr Deputy Speaker. I will take your guidance as to whether you feel that it is appropriate to raise an issue now or slightly later on the next item of business, which is the Wildlife and Natural Environment Bill.

**Mr Deputy Speaker:** We are not at that stage, but you can raise whatever issue you have when we come to that item of business.

**Mr Wells:** OK. Thank you.

## Executive Committee Business

### **Employment (No.2) Bill: Further Consideration Stage**

**Mr Deputy Speaker:** The next item on the Order Paper is the Further Consideration Stage of the Employment (No.2) Bill. The Minister for Employment and Learning has notified me that he is unable to attend the House to move this Stage of the Bill. I call the Minister of Health, Social Services and Public Safety to move the Further Consideration Stage on his behalf.

*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 Employment (No.2) 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.

### **Local Government Finance Bill: Further Consideration Stage**

**Mr Deputy Speaker:** The next item in the Order Paper is the Further Consideration Stage of the Local Government Finance Bill. I call the Minister of the Environment.

*Moved. — [The Minister of the Environment (Mr Poots).]*

**Mr Deputy Speaker:** As no amendments have been tabled, there is no opportunity to discuss the Local Government Finance 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.

## Wildlife and Natural Environment Bill: Further Consideration Stage

**Mr Deputy Speaker:** Mr Wells, you indicated that you wanted to raise a point of order with regard to the Further Consideration Stage of the Wildlife and Natural Environment Bill. You may do so now.

**Mr Wells:** Thank you, Mr Deputy Speaker. I am grateful for your advice as to when the matter should be raised. On 22 June 2010, the Assembly debated at length an amendment to the Wildlife and Natural Environment Bill tabled by the Member for East Antrim Mr Beggs. A lengthy debate on park hare coursing ensued. As a result of that debate, when all Members, including Mr Molloy, had an opportunity to raise points, the Assembly voted by a significant majority to make park hare coursing permanently illegal in Northern Ireland.

I am, therefore, somewhat surprised that Mr Molloy the Member for Mid Ulster has tabled an amendment that attempts to negate that decision and overturn the vote that was taken at Consideration Stage. I believe that that is a blatant attempt to negate the purpose of the Bill as it now stands. I question whether it was appropriate to accept that amendment and put it on the Marshalled List. I would like an explanation of why Mr Molloy's amendment is before the House. Does it mean that Members must rehearse all the arguments that they made in June 2010 on park hare coursing, which many find totally unacceptable?

**Mr Deputy Speaker:** Selection of amendments is a complex matter. The Speaker gives it very careful consideration. The Member will be aware that the inclusion of amendment No 10 on the Marshalled List indicates that the Speaker is content that it is in order.

I call the Minister of the Environment to move the Further Consideration Stage of the Wildlife and Natural Environment Bill.

*Moved.* — [The Minister of the Environment (Mr Poots).]

**Mr Deputy Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are 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, which deal with wildlife and biodiversity. The second debate will be on amendment Nos 8 to 10 and amendment Nos 13 to 15, which deal with hare coursing. The third debate will be on amendment Nos 11 and 12, which deal with protection of the Irish hare.

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. If that is clear, we shall proceed.

### Clause 1 (Duty to conserve biodiversity)

**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. The amendments deal with the biodiversity duty, the protection of birds, pesticides and areas of special scientific interest.

1.45 pm

**The Minister of the Environment (Mr Poots):** I beg to move amendment No 1: In page 1, line 4, leave out "further the conservation of" and insert

*"have regard to the purpose of conserving".*

*The following amendments stood on the Marshalled List:*

No 2: In page 1, leave out line 17. — [The Minister of the Environment (Mr Poots).]

No 3: In clause 7, page 4, line 13, at end insert

*"(1) In Article 4 of the Wildlife Order (protection of wild birds, their nests and eggs) for paragraph (4) substitute—*

*'(4) In paragraph (3) "the relevant provisions" means the provisions of—*

*(a) this Part and of orders made under it,*

*(b) the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts,*

*(c) any other legislation which implements either of the Wild Birds Directives and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976, and*



(d) the law of any member State (other than the United Kingdom) implementing either of the Wild Birds Directives.

(4A) For the purposes of paragraph (4) “the Wild Birds Directives” are—

(a) Council Directive 79/409/EEC on the conservation of wild birds; and

(b) Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.’.” — [The Minister of the Environment (Mr Poots).]

No 4: After clause 14, insert the following new clause:

**“Possession of pesticides harmful to wildlife**

14A. After Article 15A of the Wildlife Order (inserted by section 14) insert—

**‘Possession of pesticides harmful to wildlife**

15B.—(1) A person who is in possession of a pesticide containing a prescribed ingredient shall be guilty of an offence.

(2) A prescribed ingredient is one which is prescribed for the purposes of this Article by an order made by the Department; but the Department may not make an order under this Article unless it is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.

(3) A person shall not be guilty of an offence under this Article if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

(a) regulations made under section 16(2) of the Food and Environment Protection Act 1985;

(b) provision made by or under the Poisons (Northern Ireland) Order 1976;

(c) the Biocidal Products Regulations (Northern Ireland) 2001 or any regulations amending or replacing those regulations; or

(d) the Plant Protection Products Regulations (Northern Ireland) 2005 or any regulations amending or replacing those regulations.

(4) In this Article “pesticide” means—

(a) a pesticide as defined by section 16(15) of the Food and Environment Protection Act 1985; and

(b) anything to which Part 3 of that Act applies, by virtue of section 16(16) of that Act, as if it were a pesticide.’.” — [The Minister of the Environment (Mr Poots).]

No 5: In clause 23, page 15, line 13, at end insert “(aa) Article 15B,”. — [The Minister of the Environment (Mr Poots).]

No 6: In clause 28, page 16, line 31, leave out from “34” to end of line 36 and insert

“43(1) of the Environment Order (agreements concerning land adjacent to an ASSI) for ‘adjacent to’ substitute ‘which is not within’.” — [The Minister of the Environment (Mr Poots).]

No 7: After clause 28, insert the following new clause:

**“Public body: duties in relation to authorising operations**

28A.—(1) Article 40 of the Environment Order (public bodies: duties in relation to authorising operations) is amended as follows.

(2) In paragraph (6) before sub-paragraph (a) insert—

‘(aa) shall, in granting permission, impose conditions sufficient to ensure that the requirements set out in paragraph (6A) are complied with;’.

(3) After paragraph (6) insert—

‘(6A) The requirements are—

(a) that the operations are carried out in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest; and

(b) that the site will be restored to its former condition, so far as is reasonably practicable, if any such damage does occur.’.” — [The Minister of the Environment (Mr Poots).]

**The Minister of the Environment:** I have tabled several amendments for debate. They relate to the biodiversity duty on public bodies, possession of illegally taken wild birds, possession of certain pesticides and areas of special scientific interest.

Amendment Nos 1 and 2 concern the biodiversity duty in the current draft of the Bill. I have been reconsidering the extent of the biodiversity duty, which was agreed by the Executive and the Assembly at Consideration Stage. The current wording is:

“It is the duty of every public body, in exercising any functions, to further the conservation of

*biodiversity so far as is consistent with the proper exercise of those functions."*

Having received advice from the Attorney General, I am concerned that the form of duty may create unnecessary impediments to development and associated economic activity. As a result, I am proposing an amendment that will provide an alternative wording for the biodiversity duty similar to that which exists in England and Wales, so that it will say:

*"It is the duty of every public body, in exercising any functions, to have regard to the purpose of conserving biodiversity so far as is consistent with the proper exercise of those functions."*

I believe that that change will provide greater flexibility and will be more relevant to Northern Ireland's needs. It strengthens our position on biodiversity, and public bodies will be required to take account of biodiversity needs in their policy and programme decision-making processes. I also feel that it does not leave an open goal for those who wish to engage in perhaps spurious judicial reviews and have particular interests in what other people are doing, not for environmental reasons but for financial reasons. It would not be in the public interest to allow that to be the case. That is why we are going down that particular route.

I am also proposing an amendment to clause 1(5) to omit the reference to:

*"a department of the government of the United Kingdom".*

This is due to the issue of vires reference to GB bodies in that regard. The amendment will resolve that legal issue. From a policy perspective, that should have a minimal impact on Northern Ireland's biodiversity. All GB Departments already operate under a biodiversity duty under their national legislation.

Amendment No 3 is concerned with the possession of wild birds. It will give the authorities powers to prosecute anyone who is in possession of protected wild birds or eggs of protected wild birds which that person may have taken unlawfully from another EU country. The amendment will ensure compliance with EU wild bird directives.

Amendment No 4 and the consequential amendment No 5 regarding pesticides aim to close a legal loophole. The amendments aim to prohibit the possession of certain highly toxic

chemicals for which there is no legitimate use and which may be used to commit a poisoning offence against wildlife. That is considered important, as there has been an increase in cases involving the poisoning of raptors in Northern Ireland. The amendment will allow my Department to prescribe by order the forms of pesticide that no one should legitimately possess. A similar offence was introduced in Scotland through the Nature Conservation (Scotland) Act 2004 and in England and Wales through the Natural Environment and Rural Communities Act 2006. It is important to note that the amendment will not impact on those who use lawfully approved pesticides for legitimate purposes, for example, for agricultural purposes.

Amendment Nos 6 and 7 are concerned with areas of special scientific interest. Amendment No 6 relates to clause 28, as amended at Consideration Stage. That was a later Back-Bench amendment agreed at Consideration Stage, the aim of which was to give the Department power to enter into voluntary agreements with owners of land outside an ASSI to manage that land in a manner that would help conserve the ASSI. Subsequent legal scrutiny showed that the clause inserted in the Bill was defective due to important differences between management agreements under article 34 of the Environment (Northern Ireland) Order 2002 and other agreements under article 43 of that Order and powers that apply to each type of agreement. The amendment I have tabled will resolve the technical problems while achieving the original policy aim.

Amendment No 7 relates to a Back-Bench amendment tabled at Consideration Stage but not moved on the day. That was due to opposition to another amendment related to ASSIs that would have given my Department wide-ranging powers to prohibit by means of by-laws normally lawful activities such as shooting and fishing.

The amendments that were subject to previous opposition have been dropped and have not been pursued. However, the amendment that I propose was not subject to opposition and is considered important for the protection of our nationally important sites. The amendment will place requirements on anyone undertaking an operation on or near an ASSI that has been authorised by a competent authority to minimise potential damage to the ASSI. Individuals will

be required to take reasonable steps to restore the ASSI to its former condition. That condition already applies to competent authorities that directly carry out such operations. Therefore, it is appropriate to apply the same conditions to activities that they authorise.

The amendments have been considered by the Committee for the Environment, which indicated that it was content with them. I thank the Committee for its considerations. That concludes my explanation of my amendments in group 1.

**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 will go through the seven amendments in this group and indicate the Committee's position. As some time has passed since Committee Stage, that may not be always possible. However, I thank the Minister for keeping the Committee informed of the changes that he expected to make to the Bill at Further Consideration Stage.

Amendment No 1 will, as the Minister told us, change the obligations of public bodies with regard to biodiversity. This is an interesting amendment from the Committee's perspective. During Committee Stage, members questioned the Department about the original wording of the clause, which would have required bodies to "further the conservation of biodiversity". Members were concerned that that could place an obligation on public bodies that, through no fault on their part, could end up being difficult to meet from a technological perspective and/or financially crippling.

The Committee considered the scenario of climate change altering the nature of biodiversity in an area over time in a way that simply could not be avoided without massive costs. Maybe that will seem a hypothetical threat to some, but we already know of a low-lying freshwater habitat in Wales that is on the verge of being radically altered by contamination by seawater as sea levels steadily rise. That site has been designated for protection under European law, and the authorities are already trying to work out with officials in Brussels how they will continue to meet their obligation to protect the site in future years without bankrupting the local authority.

In response to the Committee's question, the Department did not appear to have any concerns about the clause at Committee Stage.

However, it now appears that the Minister has recognised the risk. He advised the Committee in December 2010 of his intention to change the clause and indicated that new wording would provide greater flexibility while still requiring public bodies to take account of biodiversity needs.

Whether or not we believe in climate change, nature is constantly fluctuating. It is right that we place an obligation on public bodies to take account of biodiversity, but we need to take care that we do not shackle them with fighting the normal fluctuations of the natural world. The Committee recognised that and supports amendment No 1.

I move now to amendment No 2. At the same time as the Minister advised the Committee of his proposed amendment to the wording of the biodiversity duty, he indicated that he would make a further change to clause 1 that would ensure that the biodiversity duty applied only to public bodies in the North. The Committee saw that that was appropriate and agreed to support amendment No 2 also.

The Committee also considered amendment No 3. After Consideration Stage, the Department wrote to the Committee advising that an amendment might be tabled at Further Consideration Stage that would allow for anyone in possession of protected wild birds taken illegally elsewhere in Europe to be prosecuted. The Department advised that the amendment would ensure correct compliance with the EU wild birds directive and that a similar loophole had already been recognised and closed in English and Welsh legislation. The Committee sought opinion on the proposed amendment from all the organisations that had submitted written evidence on the Bill during Committee Stage. None of those that responded had any concerns about the proposal, and the Committee agreed to support the amendment, if tabled at Further Consideration Stage. On behalf of the Committee, therefore, I support amendment No 3.

Similarly, amendment No 4, which would insert a new clause into the Bill, was sent to the Committee after Consideration Stage, to be tabled by the Department at Further Consideration Stage.

The Committee was advised that that amendment would also close a legal loophole that lets someone possess highly toxic chemicals and pesticides for which there is no legitimate use

and which may be used to commit a poisoning offence. Again, the Committee sought feedback from interested parties and, although most were content with the proposal, the farmers' union was concerned that it would impose further regulations on farmers and landowners. The union argued that farmers were already obliged to comply with the Wildlife Order 1985 through cross-compliance, and the more complex it becomes, the greater the risk of farmers breaching it inadvertently and subsequently losing their single farm payment.

The Committee recognised farmers' misgivings but felt that it was important to close that loophole. Members stressed that they did not believe that the amendment was aimed particularly at the farming community and suggested that existing cross-compliance requirements should help to prevent farmers from inadvertently breaching the clause. The Committee suggested that the Department might wish to look at adjusting the wording of the amendment to ensure that the legislation targets poisoning offences effectively, without impacting inadvertently on legitimate users of toxic chemicals.

Since the Committee saw the proposed amendment, an additional subsection has been introduced, which will require the Department to be specific about the ingredients to which the clause refers and require it to be satisfied that it is in the interests of protecting wild birds or wild animals from harm. The Committee has not had an opportunity to consider that addition to the amendment, but I hope that I speak for members in welcoming it. The extra control that it brings to the clause to protect legitimate users of pesticides, while still protecting wildlife from being poisoned, is in keeping with the Committee's recommendation. Therefore, on behalf of the Committee, I support amendment No 4.

Amendment No 5 is less clear-cut from the Committee's perspective. It adds the offence that would be committed as a result of the previous amendment to the list of offences punishable by imprisonment of no more than six months or a fine not exceeding level 5. The Committee was not afforded the opportunity to discuss the punishment that might be associated with cases where the offence or possession of pesticides is harmful to wildlife. Therefore, the Committee has no position on amendment No 5.

Amendment No 6 makes changes to the amendment that was agreed at Consideration Stage. The Department subsequently advised the Committee that that amendment would give it the power to enter into agreements with owners of land outside an area of special scientific interest for the purpose of managing that land in order to protect the ASSI.

The Committee was also advised by the Department that an amendment would be required to the clause that was added at Consideration Stage in order for it to link to the legislation to which it refers. The Committee sought feedback from individuals and organisations that had submitted written evidence to the Committee during Committee Stage. Although most who replied were content with that clause and the Department's proposed amendment to it, the farmers' union indicated that it had concerns about the potential impact on farmers and called for more information.

The Committee agreed to support the policy principles of the amendment but strongly recommended that the Department should produce information and guidance on the potential implications for farm owners and landowners. On behalf of the Committee, therefore, I support amendment No 6 but ask the Minister to reassure the House that appropriate information and guidance will be provided.

The Department also sent amendment No 7 to the Committee for scrutiny after Consideration Stage. The Committee was told that the amendment would place a requirement on anyone undertaking an operation authorised by a competent authority to minimise damage to an ASSI and to take reasonable steps to restore that ASSI to its former condition. The Department indicated that that condition already applied to competent authorities that carry out such operations directly. So, it would seem appropriate to apply the same conditions to activities that they authorise. Once again, the Committee sought the views of those who had commented on the Bill during Committee Stage. All those who responded were content for the changes to be made to the Bill, and the Committee agreed to support amendment No 7.

That concludes the Committee's position on the amendments in group 1.

**Mr Kinahan:** Thank you very much. I welcome the opportunity to speak on this subject. I will



go straight to addressing the amendments with no preamble. Amendment No 1 wants to change the requirement to “further the conservation of” biodiversity to “have regard to”.

We are told that the amendment is necessary following the Attorney General's advice and that it will give greater flexibility and allow for further development and improvement in the economy. Having listened to those guidelines in the Committee, I thought it sensible to support amendment No 1. However, I have had time to think more on the subject; and we have a choice. We are the Committee for the Environment, we must lead on behalf of the environment, and I am uncomfortable with amendment No 1. We have a duty to carry out, as best we can, the protection, restoration and improvement of our biodiversity while finding a balance with the cuts and the poor state of the economy. We also have a duty on sustainability.

## 2.00 pm

About a year and a half ago, I spoke at a biodiversity meeting at Mossley Mill. In those days, only three councils had biodiversity officers and seven had officers who had a biodiversity role as part of their normal duties. Today, 17 of the 26 councils are represented on the local biodiversity officer's forum and are involved in trying to protect, promote and restore the biodiversity of Northern Ireland. The Environment Committee is currently scrutinising the Planning Bill, which will see a move towards spatial planning, and will include the need for well-being, sustainability and the inclusion of the community and its views in future planning applications. Therefore, it seems strange to remove some of the onus on conserving the biodiversity of Northern Ireland.

The RSPB feels that amendment No 1 waters down what we should be doing, and a little bit of me wonders whether the amendment represents the previous Minister's style of protecting the environment or whether the Department is behind the watering down. We must be stronger. Therefore, amendment No 1 is not right and sends out the wrong signal. It may fit England and Wales and it may seem sensible, but if the Bill is to be in place for many years, we do not want to water down our biodiversity duties. It would be helpful if the original wording remained in place. It would also be helpful if we had guidelines to show how we could stay with the wording we have and yet allow a little flexibility,

so that if councils cannot take up the duty in hard times, they can put it off until a later date.

The Northern Ireland Biodiversity Group said that we are failing in our progress on biodiversity. Its report also commented that we need to improve our biodiversity and not simply concentrate on the status quo or on restoring it. Biodiversity should not be seen as a cost. It is every bit as important as health, education and jobs. Therefore, I oppose amendment No 1.

Amendment No 2 is technical. I support it.

Amendment No 3 will make it illegal to possess wild birds caught illegally elsewhere in Europe. We were told that that complies with the EU's wild birds' directive. I support amendment No 3.

Amendment No 4 will make it an offence for a person to possess highly toxic chemicals that could be used for polluting, and we are told that that will close a legal loophole. The Committee met with farmers who were concerned that more guidance is needed, so that those who do not know what is on their farms are not punished. Guidance should be given to farmers and landowners about the toxic materials that they may have used in the past and that are now illegal. They will then be fully aware of what they need to get rid of.

Most farmers and landowners obey and follow requirements and look after the ground extremely well. However, two years ago one farmer near the Ballymartin river had an oil tank gently leaking on to the ground to clean it out. He also had a hose pipe quietly turned on further up the hill to wash the oil in to the river. It could have been two mistakes to have had them both running at the same time. It seemed to be wrong. Some landowners out there are not obeying, and we need that loophole to be closed. However, it is not just aimed at landowners. There has just been a pollution incident in the Sixmilewater. That may be down to another body, and we wait to hear about that. We need to close the loopholes to stop pollution.

Amendment No 5, as with amendment No 4, details an offence. What level of fine does the Minister seek? Does it fit with the level of fine that exists under waste and contamination legislation, which could be as high as £30,000, or is it smaller?

Amendment No 6 would give powers to the Department to allow it to enter into agreements

with landowners next to ASSIs. That is to be welcomed, as long as it is not carried out clumsily. Again, I feel that guidelines are needed. We need to know the potential implications for farmers. I await the Minister's reply.

Amendment No 7 also deals with ASSIs and would place a requirement on anyone undertaking an operation authorised by a competent authority to minimise potential damage to an ASSI. That would be an extremely good measure to put in place, and I support it. However, it raises the question of whether we should monitor the contractors when they come in. We should look at not just their plans for whatever they are doing but at their plans for restoration, so that the Department is doing the monitoring just as much as the contractor has to follow what the amendment proposes. Again, I await the Minister's response.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Before discussing the issue, it is important that we look at the Bill. Clause 1(1), to which amendments have been tabled, states:

*"It is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions."*

One of the Minister's proposed amendments to clause 1 refers to having:

*"regard to the purpose of conserving".*

Like Mr Kinahan, I listened to the debates and discussions on this matter in the Committee. On reflection, and having learned as much I have, I do not believe that I could support that amendment. First, its actual wording leads to a weakening of resolve and purpose in promoting biodiversity. That is the first major concern of those of us who have an interest in nature, wildlife and reinstating old abandoned quarries, or whatever it might be, to their former glory so that that glory can be enhanced. It is very important that a duty is placed on public bodies to do that.

Secondly, the argument has been presented, and it is in some of the documents that we have today, that such a duty exists already in that shape and form in England and Wales. I have just learned that, following its inquiry into biodiversity, the Sustainability Committee in the National Assembly for Wales has decided to recommend to the Welsh Assembly Government

that there be a duty to support and promote biodiversity so that they can build on their existing duty to have regard to biodiversity.

Finally, I would hope to draw experience and expertise from biodiversity officers, that is, the people who know the issues on the ground and whose daily duty is to go out and ensure that biodiversity is promoted and the environment enhanced. Indeed, some such officers prepared a document that has been sent to every MLA. They say that they have a major concern with the proposed amendment, in that it would weaken the duty and change the role of public bodies from a proactive to a passive one. That comes from a representative group of biodiversity officers. Looking down the list I see that, oddly enough, it includes the Northern Ireland Environment Agency's biodiversity unit, which the Minister may or may not have consulted on this.

That brings me to my final point on what is proposed in this amendment. When a representative group of biodiversity officers, from a wide range of public bodies, government and local government, from right across the North, says that it has not been consulted about it, it gives me great concern. If the practitioners have not been consulted on the likely impact of an amendment to the duty and role of public bodies, it gives me cause for concern. I ask that the Minister considers the fact that consultation has not taken place on what could turn out to be a very significant and major duty for public bodies.

With regard the other amendments, a lot of ground has been covered already on guidance to farmers on the use of toxins. All those things came up in the Committee. I will remain consistent with my position taken in Committee: my party will support amendment Nos 2 to 7.

**Dr Farry:** I have the opportunity, or the loss, of not being a member of the Environment Committee, so I may be able to speak slightly more freely.

My party is comfortable with amendment Nos 3 to 7. I have some reservations on amendment No 2, and, like the two members who spoke before me, I am opposed to amendment No 1, as proposed by the Minister.

I will focus most of my remarks on amendment No 1. We favour the original wording of the Bill. We regard amendment No 1 as a dilution of the duty, which moves from a position where

public bodies have a responsibility for furthering conservation to one where they:

*“have regard to the purpose of conserving”.*

My party regards that as a reversal of biodiversity duty. We are moving to a situation where public bodies are being asked to be reactive to situations rather than proactive in biodiversity. We regard it as sending out not just an indicative signal to society as regards our responsibilities to biodiversity as a whole, but something that will see the historic erosion of our biodiversity not reversed. We should be looking to enhance and restore biodiversity, because as a society we have lost an awful lot of it over many generations. A situation where legislation asks public bodies to defend an already poor and deficient status quo is not sufficient.

To our minds, the original wording is not open-ended and is already qualified, in so far as it says that the duty is:

*“to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.”*

That is, the functions of the public body. The Minister intends to roll that forward. To us, that is the qualification that seeks to balance a responsibility to develop biodiversity with realities, social or economic, that public bodies may confront. Simply diluting the biodiversity duties is not the way to better find that balance. All that we will do is lose an opportunity to restore things.

The enhanced risk of litigation that was set out by the Minister is entirely speculative at this stage. If that is the case, we can go back and look at the legislation again. It often frustrates me that we come to the Assembly with reasons why we should not be doing things to move forward and address long-running problems in society, rather than striking out and doing what we think is appropriate and sending out the right signals.

## 2.15 pm

The only other point that I want to make concerns the alleged economic costs. We should turn this on its head and recognise that there are economic benefits to be derived from biodiversity and conservation in society. Doing something about biodiversity should not be seen as an economic drain, a waste of resources or something that we have to put up with

reluctantly. Public bodies should see it as an opportunity. The original wording in amendment No 1 is more consistent with that view. Indeed, we have the support of biodiversity officers in maintaining the original wording. We share their concern about the lack of consultation on what is quite a significant change in the duty being introduced at the eleventh hour.

This may be a small matter, but I am concerned about amendment No 2's removing the reference to Northern Ireland Departments. There may not be that many working here, but they are an aspect of the situation, and it is important that we try to ensure that we are all working in the same direction. Our main concern at this stage lies with the dilution that will be caused by amendment No 1, and we will oppose that amendment.

**Mr O'Loan:** I am glad to have the opportunity to speak briefly, but nonetheless firmly, on one point to do with amendment No 1 in the first group of amendments. I am content with the other amendments. I want to endorse what Danny Kinahan, Patsy McGlone and Stephen Farry said about amendment No 1. I am somewhat surprised that the Minister of the Environment felt strongly enough about that amendment to table it. It does not add to the Bill; in fact, it does the opposite and weakens it.

As other Members said, to replace a duty on every public body to “further the conservation of biodiversity” and replace it with merely a statement that would make a public body:

*“have regard to the purpose of conserving biodiversity”,*

weakens significantly the duty on public bodies. I note that there was a reference to the Attorney General's advice. It is a significant occasion when we get advice from the Attorney General on Bills, because on other occasions we do not get it. That was the only argument that I saw, and I did not take in the full content of the Attorney General's advice. It does not seem to be good policy advice, however. It advises that, if an unanticipated situation occurs in future, the clause as it is worded currently would put a totally disproportionate burden on a Department or any public body and would require any such body to skew its resources towards furthering the conservation of biodiversity in a way that would cause grave damage to its ability to carry out its full functions.

That is not the case. As Stephen Farry and perhaps other Members have stated, there is a clear qualification in the existing wording. Indeed, some of us may think that it allows too much of a let-out for public bodies, because it says that, in exercising any functions, those bodies have only to go:

*“so far as is consistent with the proper exercise of those functions.”*

The public interest and due proportion are fully and adequately protected by those words.

I do not know whether it is possible for the Minister, having heard the debate, not to proceed with amendment No 1, but it is clear, from those who have spoken so far, that the will of the Assembly is not consistent with that amendment.

**Mr B Wilson:** The Green Party opposes amendment No 1. Like previous contributors to the debate, I believe that the proposed amendment would seriously weaken the Bill. It would change the duty of every public body:

*“to further the conservation of biodiversity”,*

to:

*“to have regard to the purpose of conserving biodiversity”.*

In effect, the amendment removes a statutory duty and replaces it with a recommendation, which will give the public bodies a licence to ignore that duty. Instead of putting a duty on councils to enhance biodiversity, it requires them not to make decisions that would cause a loss of biodiversity. A proactive role is replaced by a passive role, as biodiversity officers have pointed out.

As the Royal Society for the Protection of Birds (RSPB) points out, the EU biodiversity targets for 2020 require us to restore biodiversity, not simply halt its loss. The clause as drafted would help to ensure that Northern Ireland does what is required to meet our obligation under that directive. The clause as drafted would also help us to meet the requirements of the birds directive. The UK is already under scrutiny and could face fines further down the line.

It appears that the change is driven by economics and may be related to the transfer of planning powers to councils. If the clause is amended, there would be significantly less protection for biodiversity in planning decisions.

Indeed, a recent global study on the economics of biodiversity shows that sustaining biodiversity is less expensive than the consequences of biodiversity loss. That report estimates that, by 2050, the loss of biodiversity will cost 7% of global GDP. We must be proactive rather than reactive. In fact, I believe that Europe will eventually impose such an obligation on us.

There is widespread support for the clause in its original form, including that of the biodiversity officers forum, most councils, many environmental groups and the Northern Ireland Environment Agency. It is not clear where support for the change comes from. However, if such an important change is to be made, there should be full public consultation. We should follow the example of the Welsh Assembly Government, which opted to take a proactive approach. Why are we always the poor cousins of devolution when it comes to environmental protection? The Green Party strongly supports amendment Nos 3, 4, 5, 6 and 7.

**Mr Molloy:** Go raibh maith agat. I oppose the amendment that has been proposed by the Minister. The existing legislation and what the Committee has been presented with represents a stronger position than what is proposed now. As other Members said, the issues are better protected by the existing legislation and proposals than by the amendment, which weakens the position to some extent. It is important that we have the clear direction that is required to ensure the protection that is envisaged in the first part of the Bill and to give meaning to the Bill's intent.

**Mr Deputy Speaker:** As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the next Member to speak will be the Minister of the Environment.

*The debate stood suspended.*



2.30 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Speaker:** Before Question Time begins, I warn Members who would get up and try to ask multiple supplementary questions that that will not be allowed. I know that supplementary questions can sometimes take legs. I understand that, but with the time limit on Ministers in answering questions, there must be one enquiry to a question. Standing Orders are also clear on that. There will not be multiple supplementary questions. I warn the whole House on that issue.

### Sustainable Development Strategy

1. **Mr McGlone** asked the First Minister and deputy First Minister to outline progress in relation to the sustainable development strategy. (AQO 949/11)

**The deputy First Minister (Mr M McGuinness):** With your permission, Mr Speaker, I will ask junior Minister Gerry Kelly to answer question 1.

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly):** Go raibh maith agat, a Cheann Comhairle. The Executive formally adopted the sustainable development strategy on 27 May 2010. There is a commitment in that strategy for us to produce an implementation plan that sets out in detail how Departments and others would take forward delivery of the strategies, commitments and strategic objectives.

The consultation exercise on the strategy implementation plan ran from 26 July to 5 November 2010. The findings from that process have been passed to the Committee for the Office of the First Minister and deputy First Minister for consideration, and we are in the process of finalising an implementation plan for approval by the Executive.

The draft implementation plan contains commitments to action on behalf of each Department to deliver the objectives of

the strategy and to monitor and report on progress. In fulfilment of our commitment to deliver the strategy in partnership with the wider public, private, and community and voluntary sectors, the draft plan also contains commitments to action on behalf of partners beyond government. It also makes provision for arrangements to ensure continued positive engagement with other sectors as we move into the implementation phase of the strategy.

**Mr McGlone:** Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for that response. Does he agree that, without the facility and resource of the Sustainable Development Commission (SDC) within OFMDFM, these matters and their implementation and monitoring could be more difficult?

**The junior Minister (Mr G Kelly):** I suppose that that is a matter of debate. The fact is that a decision was made to do away with the Sustainable Development Commission. We put our strategy together, not on the basis of its existence but on the basis of needing to have a strategy, and we will move forward with that strategy. It may be more difficult in terms of substance, but our sponsorship of the SDC cost around £120,000 a year; we may be able to put our strategy forward for a bit less than that.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Is the Office of the First Minister and deputy First Minister any closer to finalising appropriate arrangements and structures to carry on the work of the Sustainable Development Commission, the life of which is coming to an end?

**The junior Minister (Mr G Kelly):** In developing a new structure to support the delivery of our ambitions for sustainable development, we have sought to identify arrangements that will work effectively alongside the existing structures of government. This refers to the previous question as well. To do so, the principles we have applied are to make use of the knowledge and abilities already at our disposal across government; to bring in external resource and an independent voice, where that adds value to the process; and to secure maximum efficiency and value for money by building flexible structures that are responsive to need. By applying those principles, we have developed a structure that will deliver significant savings compared with the current arrangements and that is optimised to meet our needs. The detail of our proposals will go before

Executive colleagues and the Committee for OFMDFM as soon as is practicable.

**Dr Farry:** The junior Minister will be aware that the Committee was very unimpressed by the draft strategy that it saw recently. Will he give an assurance that there will be real and meaningful targets as part of the final strategy, and that all Departments, their agencies and other bodies will be fully signed up to it?

**The junior Minister (Mr G Kelly):** The easy answer is that we certainly intend to make sure that all Departments are signed up to it. It is a cross-cutting issue, which is why it is centred in OFMDFM. We will have monitoring and reporting facilities to bring that forward. We will not just have a strategy; we will watch the strategy as it progresses.

**Mr Kinahan:** I thank the Minister for his reply. I echo what has just been said. In the interim report last week no replies were given to the question about which Departments were not answering, and the deadline is 25 March. What action is the Minister taking to ensure that such vital but lofty strategies actually mean something, have time frames and become achievable?

**The junior Minister (Mr G Kelly):** We have given a series of commitments in the sustainable development strategy on reporting, accountability and, as I said to the previous Member, on sustainable development, including: sustainability scans as part of the impact assessment process; integrating sustainable development into the Programme for Government; setting specific, measurable, achievable, realistic and timely (SMART) targets; identifying lead Departments in relation to our strategic objectives; the development of indicators and reporting on Departments' sustainable development performance. The detail of the implementation of each of those commitments is set out in our draft implementation plan.

## OFMDFM: Efficiencies

2. **Mr Ross** asked the First Minister and the deputy First Minister what actions their Department is taking to ensure continued efficiency and to reduce departmental administrative costs. (AQO 950/11)

**The deputy First Minister:** Our Department has a unique role in the Civil Service. It provides advice and support to the First Minister and

me and to the Executive and other Ministers and their Departments concerning participation in the institutions of government. It also develops a wide range of cross-cutting policy and provides many advisory functions, for example, on issues of economic policy, the Programme for Government and the investment strategy, tackling poverty and social exclusion, equality of opportunity, human rights, good relations, children and young people, victims and survivors, sustainable development and civil contingencies. OFMDFM also sponsors and oversees the work of a number of arm's-length bodies.

It is worth remembering that in 2004 there were 460 staff in post in the Department. That had reduced to 427 in April 2007, and, in 2010, the Department carried out a restructuring exercise that further reduced staffing levels. At present, we have 351 staff in the Department. On top of that, we plan additional efficiencies to be put in place during the Budget 2011-15 period to achieve a 12% reduction in departmental operating by March 2015. That will include a further reduction in staffing numbers, which we aim to achieve through a combination of natural wastage and redeployment to other Departments.

The Department will work closely with the trade union side throughout the planning and implementation stages and will ensure that our staff and their representatives will be kept fully informed throughout the process. The reductions will not impact on the delivery of programmes or our commitments in the Programme for Government. All areas of the Department, including its arm's-length bodies, will continue to be subject to review to ensure maximum efficiency and effectiveness.

**Mr Ross:** I thank the deputy First Minister for his answer and welcome the continued commitment to reducing administrative costs. The deputy First Minister mentioned the reduction in staff numbers, certainly compared to the last Administration. Will he give any detail on the total administrative costs during the last Administration and how that compares to today's figures?

**The deputy First Minister:** It is obvious from the answer that we have seen a reduction of some 109 personnel over that period. I do not have to hand the savings that that brings to our Department, but they are substantial. We will

write to the Member with the exact figures in due course.

**Mr O'Loan:** Do the deputy First Minister and the First Minister have any plans to reduce the number of special advisers in their Department?

**The deputy First Minister:** Everybody in the House is aware that there will be an election in the next couple of months, so making changes to those who advise us at this stage would not make sense. Whatever new Administration is elected after the Assembly elections, and whoever is the First Minister and the deputy First Minister and the other Ministers in the Department, will have to decide who their advisers are and what their numbers will be. We are content to wait for the Assembly election and its outcome.

**Ms M Anderson:** Go raibh míle maith agat. Will the Minister give an assurance that efficiency in the Department will in no way affect the delivery of front line services?

**The deputy First Minister:** In taking forward planning for savings throughout the Budget 2011-15 period, senior management teams in OFMDFM are carrying out analyses that will identify options for reductions alongside an assessment of the impact of those reductions. The focus of that work, which will include our arm's-length bodies, will be on back-office functions and will allow us to continue to deliver on our key objectives, which are driving investment and sustainable development; tackling disadvantage and promoting equality of opportunity; operating effectively the institutions of government; and delivering an agreed Programme for Government. Our aim is to ensure that the delivery of front line services is not adversely affected by the savings plan.

**Mr K Robinson:** Will the deputy First Minister inform the House about the policy innovation unit's input on the construction of the draft manifesto?

**The deputy First Minister:** As we go forward, support units in the Department are involved in every aspect of our work. We all understand that as a result of what I described last week when the First Minister and I met Treasury officials and Deputy Prime Minister Nick Clegg, the draconian cuts that have been inflicted on us as a result of decisions taken by the Tory-led Administration — we are all very conscious of the Ulster Unionist Party's support to the

Tories during the election campaign — mean that it is obvious that the Administration have to deal with the fallout from that. From our perspective, in what is a very difficult time for our Administration, we have to focus on our key aims, one of which is to ensure that the development of our economy is front and centre of the Programme for Government. In addition, we must ensure that front line services are protected and that those people who are most disadvantaged in our society are assisted by processes and programmes that recognise that, in a time of austerity, they are, indeed, the most vulnerable section of our community.

### OFMDFM: Brussels Visit

3. **Mr F McCann** asked the First Minister and deputy First Minister how their Department intends to build on the goodwill generated by the recent ministerial visit to Brussels including the potential to secure funding for a Peace IV programme. (AQO 951/11)

**The deputy First Minister:** Our recent visit to Brussels was highly successful in renewing the unique relationship with the European institutions that we have enjoyed and benefited from in recent years. That was most evident in President Barroso's reaffirmation during our visit of his personal commitment to assist our Administration and to the continuation of the task force. Goodwill was equally evident during other meetings with the President of the European Parliament, Jerzy Buzek, Commissioners Marie Geoghegan-Quinn and Johannes Hahn, and Danuta Hübner, the Chairperson of the European Parliament's Committee on Regional Development.

Recently, our junior Ministers chaired a meeting of the Barroso task force working group to prepare for an inward visit by Commission officials that is anticipated for March. They emphasised the need for a step change in our engagement with European funding programmes, policies and networks. A framework for discussion with European officials was agreed, and it seeks to allow regional objectives with EU priorities for 2011 and with Europe 2020, the EU strategy for smart, sustainable and inclusive growth. That approach will help us to identify further opportunities to access EU funding programmes. A key purpose of the task force's visit will be to identify tangible opportunities in the EU programmes to help the Executive to increase by 20% the

amount of funding accessed from Europe on a competitive basis.

During our visit to Brussels, we raised the issue of a Peace IV programme at the highest levels. We were encouraged by the positive remarks made by senior figures in the Commission and the Parliament, and I know that we have a great deal of support in EU institutions for another Peace programme.

**Mr F McCann:** On that note, will the Minister provide an assessment of the possibility of a Peace IV programme?

**The deputy First Minister:** Members will be aware that the First Minister and I have reported on that in the past. They will also be aware that we discussed the issue with President Barroso, European Parliament President Jerzy Buzek and, indeed, the Irish Government, all of whom recognised the importance and success of previous Peace programmes in supporting peace-building work. Already, the British Government, in their response to the public consultation on future cohesion policy, have included a commitment to support further European funding in support of the peace and reconciliation process. We would, of course, welcome further European funding and will continue to lobby for it. We are also all very conscious that there is an ongoing debate and negotiation in Europe vis-à-vis individual member states' contributions to the process, going forward. Until that is settled, it is hard to predict the outcome.

**2.45 pm**

**Mr Campbell:** Goodwill can be generated when those who hold the purse strings in Brussels are aware of the knowledge and professionalism of the Assembly over the past four years. Does the deputy First Minister know how impressed they were with his colleague the Baron of Northstead, when he talked about a warm homes scheme?

**The deputy First Minister:** Well, I think that, you know — *[Laughter.]*

In all our visits to Brussels, we have been conscious of who we are and who we represent. I am not going to answer a question that plainly misrepresents what happened in relation the resignation of my party leader as MP for West Belfast.

**Mr A Maginness:** I thank the Minister for his replies. Does he agree with the Member who represents Northern Ireland on the Committee of the Regions Mr Francie Molloy that the Barroso process is a flop? He stated that at a recent meeting of the Committee for the Office of the First Minister and deputy First Minister.

**The deputy First Minister:** I think, and I know that the First Minister agrees, that the Barroso task force is very important and is the embodiment of the goodwill that clearly exists at the highest level in the EU for the peace process here. President Barroso created a group of Commission staff who benchmarked our participation in EU matters against that of other regions and made suggestions about policies and funding that may be of interest to us. The task force remains available to provide advice and guidance on EU policies and their application to our circumstances. That help is vital, because it opens doors for Ministers and officials in any of their dealings with the EU and makes for better and more effective engagement.

If the First Minister and I learned anything from our most recent visit to the European Parliament and to the European Commission, it is that we can do more, that we need to up our game and that all our Departments, without exception, need to get to know the workings of the European Commission and the European Parliament and about the availability of resources for their Departments. As I said in my initial answer, we hope to increase what we gain from Europe by 20%. Therefore, we are very conscious that the support that we receive from Europe is critical. The access that we have as a region is incredible compared to that of many other regions throughout western Europe. With the opening of our new office and with the experienced staff there, we intend to continue to encourage all of our Departments, in a cohesive and joined-up way, to avail themselves of the considerable resources there, which I do not doubt will come our way if we can increase our activity in that area.

### **Programme for Cohesion, Sharing and Integration**

4. **Mrs D Kelly** asked the First Minister and deputy First Minister when their Department



will publish its response to the consultation on the draft programme for cohesion, sharing and integration. (AQO 952/11)

**The deputy First Minister:** The draft cohesion, sharing and integration (CSI) programme is continuing to be developed following the consultation process, which closed on 29 October 2010. The public consultation afforded everyone the opportunity to comment on the range of issues covered in the draft CSI programme. Although the consultation formally closed on 29 October, officials granted one more week to allow for late returns to be included in the analysis of the findings. The consultation attracted 290 written responses and included the wealth of views in material gathered from 11 public meetings and 15 targeted sectoral meetings that were held in a range of locations during September and October 2010.

The draft report on the analysis of the consultation responses was completed in early January 2011. Officials are considering the findings, and proposals for the ongoing development of the programme for cohesion, sharing and integration will be passed to the First Minister and me shortly for our deliberation. We were heartened by the interest, effort and engagement of all those who took part in the consultation, and we want to give the views of all those people due consideration as we look at how we build on and strengthen the document. We intend to publish all the responses on the website in due course, along with the results of the analysis.

**Mrs D Kelly:** I am very disappointed that we have no time frame. I think the answers were “issued shortly” and “in due course”. According to OFMDFM’s recent publication on good relation indicators, sectarianism is on the rise and the number of peace walls has increased considerably since the ceasefires in 1998. Therefore, does the deputy First Minister not agree that there is an urgency to publish the strategy to deal with sectarianism and other forms of hate crime? When exactly might we see the launch of the final strategy —

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

**Mrs D Kelly:** — given the amount of adverse comment that there was on it?

**The deputy First Minister:** I was part of an Administration that existed on and off from December 1999 through to October 2002 and that was led by the Ulster Unionist Party and the SDLP. During that period, they failed miserably to come forward with any cohesion and integration strategy. We have come forward with an agreed approach, and it has been out for consultation. There has been a lot of debate and commentary on it and, in my answer, I outlined the number of responses that we received. We are encouraged and heartened by all of that. I indicated in my answer that our minds are open and that we are looking to strengthen our approach, listen very carefully to what is being said and see how we can move forward in a way that clearly shows that, at long last, we are capable of devising strategies that will bear down on racism and sectarianism. From our perspective, it is absolutely vital to do that.

The next steps centre around the work of the officials, who are considering the analysis of the consultation and are developing proposals for the next steps on a range of issues on the CSI programme, including the further development of the programme for cohesion, sharing and integration; the implementation of the ministerial panel for the CSI; the future of the provision of funding to groups and advice to government; and plans for the transition from current arrangements for the delivery of good relations funding and services to new arrangements. The First Minister and I will begin to receive detailed advice on those issues in February.

So, we are not under any illusions about the importance of the issue. As we go forward, it is absolutely vital that we recognise that there has been a transformation in our society in so far as the overwhelming majority of the people who vote for all the parties in the Assembly want us to move forward together and to build a better future for them and their children. That is what we are trying to do, and some of us are trying to lead by example. It is not easy. There are people out there who are opposed to peace and who appear to thrive on trying to ferment strife, sectarianism and racism. However, those people are very much a minority in our society. I am absolutely of the view that, as we go forward and work together, we can bear down on those people and let them see that the best way forward is to join the rest of us in building a better future.

**Mr Bell:** Does the deputy First Minister agree that all parties, including the SDLP and the Alliance Party, should start to act constructively in the process, including by bringing forward their proposals for the Departments over which they have responsibility?

**The deputy First Minister:** All Departments have a responsibility to do just that. I know that we will soon be discussing the Budget, but I am conscious of the fact that we went through a situation at the beginning of this Administration in which the former Minister for Social Development voted for a Budget and the SDLP voted against it in the House. That was not very cohesive from an SDLP point of view. That former Minister, who now is the leader of the SDLP, also said in her party conference speech that she wanted to, effectively, cosy up to the Ulster Unionist Party, which is a party that hooked itself up to the Conservatives, who imposed swingeing cuts on our Administration and effectively withdrew £4 billion from our Budget over the next number of years. So, there is a responsibility on those who call for more cohesion to be more cohesive themselves.

**Ms Purvis:** I welcome the deputy First Minister's remarks. It would indeed be a good legacy for this Executive and this Assembly if a cohesion, sharing and integration strategy was published, along with a vision for Northern Ireland and an action plan to achieve it. Can the deputy First Minister give an assurance that that programme will actually be published before the end of this Assembly?

**The deputy First Minister:** We would like to be in a position to do that. It will depend on the work that is ongoing, which officials are involved in, and the forwarding of that to the First Minister and me. We will endeavour to do that. At the same time, we are very conscious of the fact that we are facing Assembly elections and that there will be different Ministers involved in the participation of different Departments in the ensuing period. It is hard to know whether it would be more sensible to publish at this stage or to wait for the new Administration to take it forward. After all, it is now only a few months away. This is vital work.

The Member has just visited northern Iraq, where she took the experiences that we have been through to another region of the world that has suffered enormously in recent years. That was very important work, and I congratulate her.

I too, along with other Members of the House from unionist parties, have been to Iraq and understand that people there pay great attention to what is happening here. Well done to the Member; there is no doubt whatsoever that, as we go forward, the outcome of our CSI strategy and how we deal with it will be of interest not just to ourselves but to many other regions of the world that have endured conflict.

### Arm's-length Bodies

5. **Mr Butler** asked the First Minister and deputy First Minister for an update on the review of arm's-length bodies being carried out by the Budget review group. (AQO 953/11)

6. **Mr Irwin** asked the First Minister and deputy First Minister whether they have any plans to review the role of their Department's arm's-length bodies, with a focus on the greater sharing of key services currently being delivered by the various commissions. (AQO 954/11)

**The deputy First Minister:** With your permission, Mr Speaker, I will answer questions 5 and 6 together.

The Executive will shortly consider criteria to be applied by the Budget review group in reviewing arm's-length bodies. The Budget review group will bring recommendations to the Executive that will inform final decisions and lay the basis for legislation early in the term of the next Assembly. Our officials will provide support to the group in its work.

OFMDFM has responsibility for a number of arm's-length bodies, including the Equality Commission and the specific commissioners for victims, children and young people, and, when recent legislation is implemented, older people. These will, of course, fall within the scope of the Budget review group's remit. The potential to deliver savings through the rationalisation of the structure and functions of OFMDFM's arm's-length bodies will be examined, focusing on greater sharing of back-office functions across bodies, including the various commissions sponsored by the Department. Our officials have been in discussion with these organisations about reducing costs. Meetings are continuing, with the aim of proactively identifying scope for savings and efficiencies through closer collaboration.

**Mr Butler:** Go raibh maith agat. I thank the deputy First Minister for his answer. Does he



agree that, given the huge amounts of public money being spent on a lot of these arm's-length bodies, which some people describe as quangos, the outcome of this review should see many of them being axed and their responsibilities and roles being incorporated into various Departments?

**The deputy First Minister:** I do not want to pre-empt the outcome of the ongoing review. However, we all know and understand that, at a time of great financial difficulty for our Administration, there is a huge responsibility on us to look at what more can be done to ensure the proper monitoring and dispensation of very scarce resources. Without pre-empting the review, it is fair to say that a very critical examination of all the arm's-length bodies is taking place, with a view to ensuring far greater efficiency.

**Mr Irwin:** I thank the Minister for his reply. Recent figures have demonstrated a considerably higher spend per child in Northern Ireland than anywhere else in the United Kingdom — by the Children's Commissioner, for example. Can the deputy First Minister confirm that bodies must become as efficient as possible and offer value for money?

**3.00 pm**

**The deputy First Minister:** Yes. All the arm's-length bodies understand that things are different now and resources are scarce, so there is a huge responsibility on them and on us to ensure that we are bearing down on all the arm's-length bodies to ensure that we get the service that we desire and require for the people we represent at the least possible cost.

## Justice

### Security: Dissident Republicans

1. **Mr B McCrea** asked the Minister of Justice to outline the current level of threat posed by dissident republicans. (AQO 964/11)

11. **Mr Storey** asked the Minister of Justice what is the current position on the request by the Chief Constable for additional funding of £200 million to combat the dissident republican threat. (AQO 974/11)

**The Minister of Justice (Mr Ford):** Mr Speaker, with permission, I will answer questions 1 and

11 together. The level of threat in Northern Ireland remains severe. That was illustrated by the attempted terrorist attack on the Antrim Road in Belfast the week before last. There is no doubt of the callousness and irresponsibility of the individuals who abandoned two devices in a highly populated residential and commercial area while hundreds of people continued to go about their daily business. I am thankful that no one was killed or injured, but let me be clear: the intent was to cause death and serious injury. There was a significant risk to anyone passing had the devices detonated. I pay tribute to the professionalism and bravery of police officers and to the Army technical team in dealing with the incident. I acknowledge their continued determination to carry out their duties against the backdrop of the threat. I highlight also the tremendous display of community spirit, with churches and others stepping in to assist those who were moved from their home.

I am still pressing the Government to meet the request that the Chief Constable and I made for £200 million of funding from the Treasury reserve for the police budget. The agreement that was reached on the devolution of policing and justice recognised that access to the reserve would be possible for such exceptional security pressures. I have spoken to the Secretary of State a number of times in recent days, including this morning, to impress on him the importance of the request and the need for a positive outcome. The issue is being considered at the highest level of government. I have made it clear that my ability to accept my draft budget is conditional on the Government meeting their obligations, and I have been supported by the Committee for Justice on that.

It is important, however, to recognise that there needs to be a wider response to terrorism beyond that which policing can offer, and that was shown by political and community leaders over the past week. It is clear that we must continue to work together to make progress on behalf of all the people of Northern Ireland to promote a shared, positive and peaceful society.

**Mr B McCrea:** Can the Minister tell the Assembly whether it is he or the Secretary of State who has the power to revoke the licence of people released under the Good Friday Agreement? If it is the Minister, can he tell us, following reports in the newspapers over the weekend, whether there are names of people

who are known to him and whether he is considering that action?

**The Minister of Justice:** I thank the Member for the question, which he answered himself. Responsibility for such matters rests with the Secretary of State. It is no part of the responsibility of the Department of Justice.

**Mr Bell:** Has the Minister information that up to 100 terrorists are planning to form another terrorist grouping? Can he assure the House that, if he has the appropriate evidence, those people will be rounded up and incarcerated?

**The Minister of Justice:** I can only refer the Member to what I have just said. I have no evidence, and, if there were evidence, I would have no such responsibility. However, I have no doubt that, if there were evidence, it would be presented by the Police Service to the Secretary of State in a way that would enable him to take any appropriate decisions.

**Mr Speaker:** Mr Storey, I apologise. Your question was grouped, and you should have been called before Mr Bell.

**Mr Storey:** I accept the Minister's comments that a severe threat remains. If we were unable to secure the additional funding, what would be the impact on the continuation of the delivery of effective and good policing in Northern Ireland?

**The Minister of Justice:** Mr Storey raises an extremely important point. I have been assured by the Secretary of State that discussions are ongoing at the highest level of government. If the £200 million that, together with the £45 million provided from Executive funds, we believe to be required to meet the additional security funding were not made available, the entire budget for the Department of Justice would be in major jeopardy. Frankly, that would be an indication of serious difficulty for the entire process of the devolution of justice, based as it was on the letter to the First Minister and the deputy First Minister by the previous Prime Minister last year.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle, agus Gabhaim buíochas leis an Aire as a fhreagra.

I thank the Minister for his answer. Does he agree that the PSNI's efforts to deal with the dissident threat would be much more effective if primacy for intelligence rested with the PSNI and not with MI5, as is currently the case?

**The Minister of Justice:** Although I thank Mr Bradley for his question, I do not agree with him. In line with entire UK policy, MI5 has had full operational responsibility for all national security matters since November 2007. The issue is the relationship in intelligence gathering between the Chief Constable of the PSNI, MI5 and the Garda Síochána. The Chief Constable has assured me that he has full access to all the intelligence that he requires. Indeed, much of the work on the ground is being provided by police officers, rather than by MI5, so I do not believe that there is any need to change the arrangements at the moment. The important issue is that there is the fullest possible co-operation between all the agencies on this island and throughout the United Kingdom.

**Dr Farry:** Does the Minister agree that the actions of the PSNI in countering the terrorist threat are of benefit not merely to Northern Ireland but to an area that extends well beyond our shores?

**The Minister of Justice:** The simple answer is yes. It is clear that some people, if they had the capacity, would wish to carry their terrorism to Great Britain and possibly further afield. There is absolutely no doubt that the front line work that community police officers and those involved in intelligence matters in the PSNI are doing, in conjunction with their colleagues in the gardaí, other police services across the UK and MI5, is helping to stop that happen. However, there is no doubt that the work that is done every day on the front line in Northern Ireland is a key part of the anti-terrorism strategy for the United Kingdom as a whole.

## Paramilitary Funerals: John Brady

2. **Mr Bresland** asked the Minister of Justice how many people have been questioned, charged, prosecuted or sentenced in relation to the paramilitary funeral of John Brady in Strabane in October 2009. (AQO 965/11)

**The Minister of Justice:** To date, four people have been arrested in connection with that matter. One person has been charged with offences under the Terrorism Act 2000 and the Firearms (Northern Ireland) Order 2004. A report has been sent to the Public Prosecution Service about a further individual. As charges have been brought and the police investigation into the matter is ongoing, it is not appropriate to comment further.

**Mr Bresland:** I thank the Minister for his answer. Is he aware of growing concerns in the unionist community that the PSNI seems to be going soft on republicans? In the light of the dissident threat, will he ensure that the PSNI will make every effort to bring dissidents to justice?

**The Minister of Justice:** Statistics for last year show that 80 people were charged with terrorist offences. The fact that the PSNI is taking resolute action against terrorist threats, from whatever quarter they emerge, is a clear indication of the work that is being done. I believe that any perceptions that the PSNI is not pursuing terrorists are completely misplaced.

**Mr Armstrong:** At the funeral in question, four men fired a volley of shots over the coffin. There was a guard of honour of 50 men, and four stood vigil over the coffin overnight. Can the Minister explain how tolerance of that blatant display of illegality, which turned a funeral into a political stunt, can do anything but undermine the rule of law?

**The Minister of Justice:** If that were the case, I would agree that it could undermine the rule of law. However, there is no evidence that anything other than a robust police operation is in place. Given that that operation is ongoing, I shall not comment further.

**Mr Callaghan:** Members will be well aware of the concerns that were raised about the tragic death of John Brady while in custody. Can the Minister provide an update on the steps that have been taken to ensure that such a tragedy does not recur?

**The Minister of Justice:** I thank Mr Callaghan for that question. I understand that, following a full investigation by the Police Ombudsman's office into the incident, a file has been forwarded to the PSNI's professional standards department, and misconduct proceedings are ongoing. Therefore, again, it is not appropriate to comment any further until that process is concluded.

### Prisoners: Reoffending

3. **Mr McQuillan** asked the Minister of Justice what processes he has put in place to reduce the reoffending rates for prisoners and the associated annual cost of £80 million. (AQO 966/11)

**The Minister of Justice:** I have commissioned important work to develop a new,

comprehensive strategy for reducing offending. It aims to reshape fundamentally our approach to tackling the factors that lead people into criminal behaviour and the obstacles that hinder them moving away from it. That will require a joined-up and co-ordinated approach across Departments, the justice system and the voluntary and community sector.

Successful rehabilitation of those who are convicted of crimes is a key responsibility of the justice system. If we are to achieve effective rehabilitation and resettlement of offenders, whether they are in custody or under supervision in the community, a joined-up approach needs to be adopted that deals with a range of factors that can contribute to an individual's offending. They include poor mental and physical health; drug and alcohol rehabilitation; educational deficits; lack of employment; and poor or inadequate housing. Research indicates that those social factors, which are generally known as pathways, are often precursors to offending behaviour. They are addressed in the Prison Service through the pathways model. That adopts a multi-agency approach to ensure that those who have offended or are at risk of offending can be helped to access mainstream and specific services most effectively.

The pathways model identifies a total of nine key pathways, which, if effectively addressed, will contribute to a reduction in offending behaviour and the successful rehabilitation of offenders. The consultation process for the draft pathways strategy for the resettlement of offenders in Northern Ireland will commence this month.

**Mr McQuillan:** I thank the Minister for his answer. Will he inform the House of the timescale in which he expects the pathways strategy to kick in and when we can expect to see a difference in levels of reoffending?

**The Minister of Justice:** As I said, consultation on the pathways strategy will start this month. It is part of the wide-ranging review under the strategic efficiency and effectiveness programme by the Prison Service and the ongoing work to reform the Prison Service overall. By the end of the month, I also expect to make a statement on the Owers review on the oversight and management of prisons. I believe that it will further inform the work of the pathways project.

**Mr McDevitt:** The Minister will, of course, be aware that 70% of prisoners suffer from either mental illness or a personality disorder and that the state, by and large, fails them. They go on to reoffend. What assurances will the Minister offer the House that new measures are being taken to ensure that prisoners who suffer from personality disorder or mental illness are, when released, actually able to get the resources that they need so that they do not end up back in prison?

**The Minister of Justice:** The Member identifies a key point about the rehabilitation process that is needed. However, a key issue is that that cannot be provided by the Department of Justice alone. As Members will be aware, health services in the prison estate are now provided by the South Eastern Health and Social Care Trust. There is a need to develop those services further and for wider liaison with a range of voluntary organisations that help with rehabilitation, particularly NIACRO and Barnardo's. Work needs to be done to liaise with the Housing Executive and housing associations to assist on matters in that area. Clearly, training for employment would also help. All those factors run together, and the Prison Service is seeking to address them. However, we are all well aware of the Prison Service's problems in dealing with its history and seeking to move forward.

**Mr McCarthy:** I listened to what the Minister just said about co-operation. Is he satisfied that all other Departments co-operate enough to allow us to get on top of that programme once and for all?

**The Minister of Justice:** I will resist the temptation to start enumerating exactly what co-operation may be needed. The simple answer is that society has failed to recognise the need to work together on the rehabilitation of offenders. It has been seen as an issue for justice agencies and not, as I explained in my original answer, as part of the pathways process to look at the range of issues around employment, housing, social welfare and so on. The Member's question rightly highlights the need to improve joined-up working. Certainly, the Department of Justice is keen to work co-operatively. We will continue to build our links with other Departments to ensure that those services are provided.

## Magilligan Prison: Governor

4. **Ms S Ramsey** asked the Minister of Justice what discussions he has had with the director of the Prison Service regarding the appointment of the new governor of Magilligan prison. (AQO 967/11)

**The Minister of Justice:** The appointment and deployment of governor grades in the Northern Ireland Prison Service is an operational decision for the director general. Prior to the announcement being made, I had discussions with Mr McConnell about the appointment of governors, including the robust performance management arrangements he is putting in place whereby the governors of the three prisons will be set clear priorities and required to report directly to him. That is a positive development that will ensure that appropriate responsibility is devolved while ensuring a strong accountability mechanism.

### 3.15 pm

**Ms S Ramsey:** Go raibh maith agat. I thank the Minister for his answer. Is he satisfied that, with respect to any new or recent appointments, people are au fait with the recommendations of the ombudsman's report into the death of Colin Bell, so that we ensure that lessons are learned from previous incidents and can move forward?

**The Minister of Justice:** Sue Ramsey raises a valid point, but I can only quote back to her what was said by the Prisoner Ombudsman on the making of those new governors' appointments. She pointed out that we are now more than two years on since the death of Colin Bell and referred to the appointment of the new director general who, she said, is evidently fully committed to the delivery of widespread reform. She said that she believes that Alan Longwell can now play an important role in taking the service forward. We have to work with the position that we are in and ensure that we get the most robust and strong management structures in place, but I am reassured by the statement from the Prisoner Ombudsman as to how she now sees things.

**Lord Morrow:** I draw the attention of the Minister again to the latest report on our prisons; that is, the Criminal Justice Inspection (CJI) report, which came out in December. In that report it was indicated that we have now had 20 reports on our prisons since 2005. The CJI's report makes that 21, and we are now



waiting for Dame Anne Owers's report, which will make it 22. Is it reasonable to assume that, after 22 reports over the past five years, we now have enough information to allow some decisions to be made in relation to our prisons, or does the Minister intend to have another round of reports?

**The Minister of Justice:** I assure Lord Morrow that I do not intend to have another round of reports. A great number of the reports that he refers to were commissioned in respect of individual incidents or small aspects of the working of the Prison Service. The point of the overall review, which is currently being led by Dame Anne Owers, is to draw together the lessons of the past reports, as well as doing its own work from first principles. As I said, that report is likely to be published in its initial form by the end of this month, and I think it will show the ability to draw together some of those strands, as, indeed, the work being done by the strategic efficiency and effectiveness programme is drawing together some of the operational responsibilities in the Prison Service. I am determined that we use those reports as a way of leading the change that is needed in the Prison Service in order to promote the rehabilitation of prisoners and a reduction in offending.

**Mr A Maginness:** The appointment of at least one of those governors was a fairly sensitive matter. I accept that it was an operational matter for the director of prisons, but nonetheless, was there any discussion between the Minister and the director of prisons in relation to what was a very sensitive appointment? Would it not have been prudent for such a discussion to have taken place prior to that appointment being made?

**The Minister of Justice:** I agree with Mr Maginness that it was a sensitive issue, and I have said that there was discussion with the director general. However, it is clearly an operational issue and not one in which I should have been interfering as the Minister, as opposed to the director general. The structures that the director general has put in place for direct reporting and accountability by the three governors to himself have shown that we will have a robust management system that will ensure the full accountability of all three institutions to headquarters. Progress has to be made on that basis, because it is the director

general's responsibility to deal with those operational issues.

## Magilligan Prison

5. **Dr McDonnell** asked the Minister of Justice to outline his plans for the rebuilding of Magilligan prison. (AQO 968/11)

**The Minister of Justice:** The Prison Service is presently completing the outline business case, which will address the redevelopment of Magilligan Prison. The outline business case will include the analysis of a number of options and will advise on the Prison Service's preferred option. I hope to receive a copy of the business case later this month.

**Dr McDonnell:** I thank the Minister for his answer. I put it to him that I am deeply concerned. Given the need to replace Magilligan, will he reassure the Assembly that public funding will be available to do so? Not only do we need to rebuild Magilligan, we need to rebuild a women's prison in some shape or form, and that is an even bigger demand. In the present financial circumstances, that is worrying. Will he inform us where we are or what we might have to do to ensure that those prisons can be built?

**The Minister of Justice:** I agree with Dr McConnell — sorry, McDonnell; I was confusing him with the director general of the Prison Service — that there are difficult issues that must be addressed. The reality is that priority for the Department's capital spending has initially to go to Desertcreat college, which is, of course, also meeting the needs of the Prison Service, and to forensic science facilities. However, there is capital allocation to be directed at the needs of the Prison Service. That is why it is so important to see the detail of the outline business case and to see in what way it is possible to fund the urgent necessity to provide fit-for-purpose accommodation to replace the outdated accommodation at Magilligan and, most importantly, to provide an appropriately sized and properly resourced facility for women prisoners to replace the operation at Hydebank Wood. Both are essential; neither will be easily funded in the current proposals. However, both remain on the list of matters that need to be addressed.

**Mr Campbell:** The Minister will be aware of the continuing deterioration of the fabric of

the estate at Magilligan, thus the need for the newbuild. Will he ensure that as much pressure and persuasion as possible is applied to ensure that that funding is in place so that the very good work that is done, particularly by prisoners out in the community before they are released, can continue under a much better regime?

**The Minister of Justice:** Yes, I will certainly continue to seek to secure those funds, and any assistance that Mr Campbell can give in pressurising his colleague the Finance Minister will be much appreciated. He rightly makes the point that Magilligan most recently underwent an inspection that showed it scoring three out of four in each of the four categories under which national inspections are carried out. The fabric of the building is what lets down the extremely good work that is done by the staff at Magilligan, in particular the good rehabilitation work being done in the Foyleview unit.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's answers. Will the Minister take appropriate steps to ensure that, whatever newbuild is established at Magilligan, it will be designed in such a way that it does away with waste? As we know from poor design in the past, the staff-to-prisoners ratio is far too high. We even have some prison staff getting up to an hour's extra pay a day to get on and off post, which is obviously a waste of public money.

**The Minister of Justice:** Mr McCartney makes an extremely valid point, although I fear that it goes slightly beyond the direct issue of the replacement of Magilligan. However, there is no doubt that part of the hampering of the prisons estate is the inappropriate builds at Magilligan and Maghaberry. There is a real need to ensure that we have buildings that are fit for purpose, provide proper facilities for rehabilitating prisoners and allow for proper supervision by prison officers without requiring excessive numbers of staff compared with other institutions on these islands.

## Probation Board

6. **Mr Gallagher** asked the Minister of Justice what steps he will take to safeguard the work currently carried out by the Probation Board, given that it might have to make 60 staff redundant. (AQO 969/11)

**The Minister of Justice:** All public services are facing pressures over the next four years. Inevitably, I have had to make very difficult decisions to prioritise spending to remain within the Department of Justice draft Budget allocation. The Probation Board has an important role in our justice system, and I value the expertise and focus that it brings to managing offenders and protecting the public.

I share the Member's concern that the proposed reductions could impact on front line staff. My officials are meeting the board to work through the budget proposals, particularly the phasing of its proposed savings. I also have limited scope to ease the Probation Board's financial position through rebalancing allocations in the wider criminal justice budget. I expect that that combined approach will lessen the impact of funding pressures on the Probation Board and significantly reduce the threat of possible redundancies.

**Mr Gallagher:** Does the Minister agree that the Probation Board provides good value for money and has been doing very useful work, particularly in reducing reoffending, and that, if up to 60 jobs were to go, much of that good work will be at risk?

**The Minister of Justice:** I certainly agree with Mr Gallagher about the good work that is done by the Probation Board, which is seen, as is our Youth Justice Agency, as a leading light in these islands compared with some other aspects of the justice system, such as prisons. He repeated the figure of a suggestion of a potential 60 job losses. I am making it clear that the work that we seek to do is very significantly seeking to reduce any threat to redundancies on anything like that scale. However, it is clear that, in our difficult financial circumstances, every part of the Department of Justice has to bear a share of the cuts.

**Mr O'Dowd:** Go raibh maith agat, a Cheann Comhairle. In some ways, the Minister has answered my question. However, it is worth pointing out that question 3 from Mr McQuillan states that the cost of reoffending is somewhere in the region of £80 million. Given the role of the Probation Board in reducing the number of people who reoffend and ensuring the rehabilitation of prisoners, surely investment in it will save the Department of Justice money in the long run.



**The Minister of Justice:** I make the point again that we are in difficult financial times and no part of the Department can be freed entirely from cuts. As we have looked at the budget allocation, we have sought to ensure that there is protection of front-line services as far as possible. The largest cuts in the Department are in back office services within the core of the Department, and we have sought to protect the budgets that apply both to grants from NGOs and to front-line services that are directly run by the Department and its agencies. That has not been an easy decision, and there have had to be cuts. We are seeking to reduce the effect, as is suggested by the Probation Board, of those cuts, and we are doing so successfully.

**Mr Kinahan:** The Minister has as good as answered my question, but I want to congratulate the Probation Board on its good work. Has he compared the cost of the likely increase in offending rates against the actual savings? He hinted at that, but has he actually compared the figures?

**The Minister of Justice:** Mr Kinahan is asking me to go further than is realistic at this stage. I am fully aware of the good work that is done by the probation service. As someone whose professional background is in social work, of course I would say that. However, that does not mean that, as Minister of Justice, I can automatically give the Probation Board or any other section of the Department a blank cheque.

## Community Safety Strategy

7. **Ms Lo** asked the Minister of Justice for his assessment of his Department's draft community safety strategy, 'Building Safer, Shared and Confident Communities'. (AQO 970/11)

**The Minister of Justice:** As Members will be aware, I launched the public consultation on a new community safety strategy on Thursday 20 January. The consultation paper sets out proposals that 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 antisocial behaviour and to build communities that feel safe. I intend to build on what already works with evidence-based solutions that are tailored to the needs of local communities. I particularly want to use this opportunity to

start a conversation on how to reduce crime, address antisocial behaviour and ensure that Northern Ireland remains a safe place to live, work and play for everyone. Members will have seen advertisements in the local press for public consultation events across Northern Ireland. The first one takes place tonight in Craigavon. I take this opportunity to ask Members to encourage their constituents to go along to those events and to take part in that important debate.

I have no doubt that addressing community safety matters will involve working in partnership at all levels to provide local solutions to local problems. That partnership approach will be central to building safer, shared and confident communities. Underpinning all of that will be a focus on building a shared future, because I firmly believe that shared communities are safer communities. I hope that the consultation will enable the development of a strategy that will meet the safety needs of that community.

**Ms Lo:** I thank the Minister for his comprehensive answer. I am sure that he is aware of the risk that such a strategy could be seen as something for his Department to deliver alone. How does he intend to involve other Departments and agencies in the task of making our communities a safer place to live?

**The Minister of Justice:** That is an extremely valid point, which needs to be taken on board. As part of the process that led to the publication of the consultation paper, there was a wide range of discussions with interested groups, including NGOs, Departments and public agencies.

We have sought to ensure that there is full consultation across government. I certainly hope that some of the work that is done by the Department of Justice, for example in partnership with the Department of Health, Social Services and Public Safety or the Department for Social Development on disaffected young people, early intervention and hard-to-reach areas, can be carried forward into the community safety strategy generally, because there is no doubt that the Justice Department cannot solve the needs of a shared future and safer communities on its own.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. When does the Minister expect the consultation to conclude? Will the proposed amalgamation of the district policing

partnerships and community safety partnerships assist in building safer, shared and confident communities?

**The Minister of Justice:** A standard length of time for consultation will be taken, which means that we will run into or very close to the election period.

In answer to the Member's second question, there is a real need to ensure that we build the new local safety partnerships and involve the existing work of the DPPs with that of the community safety partnerships. That will bring together those local people who have been discussing similar things in different formats over the years and will help to shape a wider community safety strategy by maximising partnership opportunities.

**3.30 pm**

**Mr Burns:** Does the Minister agree that effective localised community policing is the best way of ensuring a shared and confident future?

**The Minister of Justice:** I agree with Mr Burns that local community policing and the good work that is being led by the Chief Constable is a key part of the shared future. However, as I said earlier, we need to look to much wider partnerships, and not just to the Police Service, if we are to see the maximum benefits of a community safety strategy.

**Mr Speaker:** That ends Question Time. I ask the House to take its ease for a few moments while we move to the next item of business.

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

## Executive Committee Business

### Wildlife and Natural Environment Bill: Further Consideration Stage

#### Clause 1 (Duty to conserve biodiversity)

*Debate resumed on amendment Nos 1, 2, 3, 4, 5, 6 and 7, which amendments were:*

No 1: In page 1, line 4, leave out "further the conservation of" and insert

*"have regard to the purpose of conserving". — [The Minister of the Environment (Mr Poots).]*

No 2: In page 1, leave out line 17. — *[The Minister of the Environment (Mr Poots).]*

No 3: In clause 7, page 4, line 13, at end insert

*"(1) In Article 4 of the Wildlife Order (protection of wild birds, their nests and eggs) for paragraph (4) substitute—*

*'(4) In paragraph (3) "the relevant provisions" means the provisions of—*

*(a) this Part and of orders made under it,*

*(b) the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts,*

*(c) any other legislation which implements either of the Wild Birds Directives and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976, and*

*(d) the law of any member State (other than the United Kingdom) implementing either of the Wild Birds Directives.*

*(4A) For the purposes of paragraph (4) "the Wild Birds Directives" are—*

*(a) Council Directive 79/409/EEC on the conservation of wild birds; and*

*(b) Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.:" — [The Minister of the Environment (Mr Poots).]*

No 4: After clause 14, insert the following new clause:

***“Possession of pesticides harmful to wildlife***

14A. After Article 15A of the Wildlife Order (inserted by section 14) insert—

***‘Possession of pesticides harmful to wildlife***

15B.—(1) A person who is in possession of a pesticide containing a prescribed ingredient shall be guilty of an offence.

(2) A prescribed ingredient is one which is prescribed for the purposes of this Article by an order made by the Department; but the Department may not make an order under this Article unless it is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.

(3) A person shall not be guilty of an offence under this Article if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

(a) regulations made under section 16(2) of the Food and Environment Protection Act 1985;

(b) provision made by or under the Poisons (Northern Ireland) Order 1976;

(c) the Biocidal Products Regulations (Northern Ireland) 2001 or any regulations amending or replacing those regulations; or

(d) the Plant Protection Products Regulations (Northern Ireland) 2005 or any regulations amending or replacing those regulations.

(4) In this Article “pesticide” means—

(a) a pesticide as defined by section 16(15) of the Food and Environment Protection Act 1985; and

(b) anything to which Part 3 of that Act applies, by virtue of section 16(16) of that Act, as if it were a pesticide.’ — [The Minister of the Environment (Mr Poots).]

No 5: In clause 23, page 15, line 13, at end insert “(aa) Article 15B.”. — [The Minister of the Environment (Mr Poots).]

No 6: In clause 28, page 16, line 31, leave out from “34” to end of line 36 and insert

“43(1) of the Environment Order (agreements concerning land adjacent to an ASSI) for ‘adjacent to’ substitute ‘which is not within’.” — [The Minister of the Environment (Mr Poots).]

No 7: After clause 28, insert the following new clause:

***“Public body: duties in relation to authorising operations***

28A.—(1) Article 40 of the Environment Order (public bodies: duties in relation to authorising operations) is amended as follows.

(2) In paragraph (6) before sub-paragraph (a) insert—

‘(aa) shall, in granting permission, impose conditions sufficient to ensure that the requirements set out in paragraph (6A) are complied with;’.

(3) After paragraph (6) insert—

‘(6A) The requirements are—

(a) that the operations are carried out in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest; and

(b) that the site will be restored to its former condition, so far as is reasonably practicable, if any such damage does occur.’ — [The Minister of the Environment (Mr Poots).]

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

I want to respond to a number of issues. The Chairman of the Committee for the Environment, Mr Boylan, raised the issue of guidance for the Ulster Farmers’ Union, and the Department will provide suitable guidance for the Ulster Framers’ Union on the voluntary agreements that are contained in amendment No 6. Mr Kinahan raised the issue of the penalties associated with offences, and I can confirm that those are a maximum of £5,000, a six months’ custodial sentence or both. I trust that that deals with that issue.

The main issue of debate was the biodiversity duty. I encourage Members to maintain rationality when we enter these discussions. This is about producing good-quality legislation for the people of Northern Ireland; it is not about trying to get one over on another political party or anything else. In the first instance, this is a significant improvement on what we have, and we should acknowledge that. It is a substantial step forward for biodiversity in Northern Ireland, and we need to recognise that. We also need to recognise that when we get qualitative advice, we should listen to it.

During the debate, a number of Members quoted from the letter from the biodiversity officers. If the full biodiversity duty were imposed, biodiversity officers would benefit significantly, because it might lead to a requirement for more biodiversity officers. Therefore, with the greatest of respect to the individuals involved, they would say that. If a full biodiversity duty were introduced, the job prospects for biodiversity officers would increase.

I received clear and explicit advice from the Attorney General on the potential for litigation that is not brought about by any desire to save the environment. For example, in the past three years, quite a number of cases have been taken against planning decisions. In fact, there was litigation against Invest Northern Ireland, which wished to open up new job opportunities in Strabane.

I caution the House that Members can go down a particular route and think that they will be very popular with people in various conservation groups and categories. However, they may not enhance biodiversity one iota and may seriously damage the prospect of more jobs coming to Northern Ireland as a result. I caution Members to think seriously before they go into the Lobby to vote against the amendment.

Opposition was not raised in Committee when those issues could have been dealt with and explained. The Committee made its views known at the time. Each of the parties is represented on the Executive, and none of the parties opposed the amendment. Members should be careful that this is not just about trying to give a Minister from another party a bloody nose, because it might not be me who has the bloody nose at the end of the day. It might be the people of Northern Ireland or Members' constituents.

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

**The Minister of the Environment:** I will indeed, but it might be Members' constituents who get the bloody nose and, as a consequence, it will be an assault on Members, not an assault on me.

**Mr McGlone:** I thank the Minister, and I am seeking a point of information from him. I do not dispute the fact that the Minister has received advice from the Attorney General. I do not know whether that advice was sought or given as a consequence of consultation, nor do I know what the actual advice was — nor, I presume,

does any Member in the Chamber. We are heavily reliant on the Minister's interpretation of what that advice was, the question sought and whether it was sought. Also, I do not know, and perhaps the Minister will share the information with us, whether that advice was shared with other parties at an Executive meeting when the legislation was brought forward.

**The Minister of the Environment:** I thank the Member for his very valid points. Now that we have our own Attorney General, legislation is washed through the Attorney General's office for his advice. When we go down that route and receive specific advice, the Executive may take a decision not to proceed on the basis of that advice, although that would be more unusual than the common practice. In this instance, the advice that I was given, and which is available to all on the Executive, was that this could create the opportunity for vexatious litigation. I do not want to take Northern Ireland down that route. I want to improve and to increase biodiversity, and the Department has sought to improve that at all times. We are doing that through the Bill. However, I am concerned that we go a step further than is required, which is where the Department was going until it received the advice to draw back a little because of the problem that I spoke about.

That is the issue at stake. It is not in any shape or form designed to weaken or undermine the biodiversity duty. It is about having something that is sustainable for biodiversity and is also sustainable for sustainable development. That is where the crux of the issue lies.

Councils will also be given guidance on biodiversity issues. It will not only be about what is being dealt with today. There will be follow-up work with councils.

I have made my case, and I trust that the Assembly will heed it. If it is found that the legislation is not good enough and it does not work, there will be a fallback position. The DOE is planning to introduce other legislation in the next Assembly term, and there is other legislation that the issue will fall into.

It would require primary legislation to change it, but there are other legislative procedures in the next Assembly term that, if we find that the significant step that we have taken on biodiversity is not large enough and is not taken, will provide fall-back position. However, I do not believe that to be the case. If we go



down the other route and find that we face a lot of litigation, there will be no fall-back position other than to go back and change the legislation completely.

I offer my views to the House. I trust that they will be taken on board. There is nothing cynical about what we are doing. We are acting on the best advice available to the Northern Ireland Executive. Thank you very much.

*Question put, That amendment No 1 be made.*

*The Assembly divided: Ayes 30; Noes 51.*

## AYES

Mr S Anderson, Mr Bell, Mr Bresland, Lord Browne, Mr Campbell, Mr T Clarke, Mr Craig, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, 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 Ayes: Mr Bresland and Mr Ross.*

## NOES

Ms M Anderson, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Doherty, Dr Farry, Mr Gallagher, Mrs D Kelly, Mr Kinahan, 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, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Neeson, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr K Robinson, Mr Savage, Mr Sheehan, Mr B Wilson.

*Tellers for the Noes: Mr Burns and Mr Molloy.*

*Question accordingly negatived.*

*Amendment No 2 made: In page 1, leave out line 17. — [The Minister of the Environment (Mr Poots).]*

## Clause 7 (Defences in relation to offences under Article 4)

*Amendment No 3 made: In page 4, line 13, at end insert*

*“(1) In Article 4 of the Wildlife Order (protection of wild birds, their nests and eggs) for paragraph (4) substitute—*

*‘(4) In paragraph (3) “the relevant provisions” means the provisions of—*

*(a) this Part and of orders made under it,*

*(b) the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts,*

*(c) any other legislation which implements either of the Wild Birds Directives and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976, and*

*(d) the law of any member State (other than the United Kingdom) implementing either of the Wild Birds Directives.*

*(4A) For the purposes of paragraph (4) “the Wild Birds Directives” are—*

*(a) Council Directive 79/409/EEC on the conservation of wild birds; and*

*(b) Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.” — [The Minister of the Environment (Mr Poots).]*

## New Clause

*Amendment No 4 made: After clause 14, insert the following new clause:*

### **“Possession of pesticides harmful to wildlife**

*14A. After Article 15A of the Wildlife Order (inserted by section 14) insert—*

### **‘Possession of pesticides harmful to wildlife**

*15B.—(1) A person who is in possession of a pesticide containing a prescribed ingredient shall be guilty of an offence.*

*(2) A prescribed ingredient is one which is prescribed for the purposes of this Article by an order made by the Department; but the Department may not make an order under this Article unless it is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.*

(3) A person shall not be guilty of an offence under this Article if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

(a) regulations made under section 16(2) of the Food and Environment Protection Act 1985;

(b) provision made by or under the Poisons (Northern Ireland) Order 1976;

(c) the Biocidal Products Regulations (Northern Ireland) 2001 or any regulations amending or replacing those regulations; or

(d) the Plant Protection Products Regulations (Northern Ireland) 2005 or any regulations amending or replacing those regulations.

(4) In this Article “pesticide” means—

(a) a pesticide as defined by section 16(15) of the Food and Environment Protection Act 1985; and

(b) anything to which Part 3 of that Act applies, by virtue of section 16(16) of that Act, as if it were a pesticide.’ — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

### Clause 23 (Penalties)

**Mr Deputy Speaker:** Amendment No 5 is consequential to amendment No 4.

Amendment No 5 made: In page 15, line 13, at end insert

“(aa) Article 15B,” — [The Minister of the Environment (Mr Poots).]

### Clause 28 (Management agreements)

Amendment No 6 made: In page 16, line 31, leave out from “34” to end of line 36 and insert

“43(1) of the Environment Order (agreements concerning land adjacent to an ASSI) for ‘adjacent to’ substitute ‘which is not within’.” — [The Minister of the Environment (Mr Poots).]

### New Clause

Amendment No 7 made: After clause 28, insert the following new clause:

#### “Public body: duties in relation to authorising operations

28A.—(1) Article 40 of the Environment Order (public bodies: duties in relation to authorising operations) is amended as follows.

(2) In paragraph (6) before sub-paragraph (a) insert—

‘(aa) shall, in granting permission, impose conditions sufficient to ensure that the requirements set out in paragraph (6A) are complied with;’.

(3) After paragraph (6) insert—

‘(6A) The requirements are—

(a) that the operations are carried out in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest; and

(b) that the site will be restored to its former condition, so far as is reasonably practicable, if any such damage does occur.’ — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

### Clause 36 (Hare coursing)

**Mr Deputy Speaker:** We now come to the second group of amendments for debate. With amendment No 8, it will be convenient to debate amendment Nos 9, 10 and 13 to 15. These amendments deal with the licensing of hare coursing, additional offences associated with coursing and some repeals due to the insertion of clause 36 at Consideration Stage.

4.00 pm

**Mr Molloy:** A LeasCheann Comhairle, I beg to move amendment No 8: In page 20, line 38, at beginning insert “Subject to section 36A,”.

The following amendments stood on the Marshalled List:

No 9: In page 21, line 2, at end insert

“(e) nets hares for the purpose of a hare coursing event,

(f) transports hares for the purpose of a hare coursing event, or

(g) holds hares for the purpose of a hare coursing event.” — [Mr Weir.]

No 10: After clause 36, insert the following new clause:

#### “Licensing of hare coursing events



36A.—(1) Section 36 does not apply to a hare coursing event arranged under and in accordance with a licence granted by the Department.

(2) A licence under subsection (1)—

(a) may be granted only to a particular person; and

(b) shall be subject to compliance with a code of practice published by the Department.

(3) The Department shall not license any more than two events in any calendar year.

(4) The Department may charge for the licence such reasonable sum (if any) as it may determine.

(5) The Department shall publish a code of practice in connection with hare coursing events.

(6) The code of practice under subsection (5) shall include—

(a) a requirement that every hare coursing event be attended by a licensed veterinary surgeon; and

(b) requirements as to standards to be observed in the practice of hare husbandry.

(7) Applications for a licence must include such information as the Department may require.” —  
[Mr Molloy.]

No 13: In schedule 2, page 28, line 28, leave out “7A(1) and 7D(4)” and insert “and 7A(1)”. — [The Minister of the Environment (Mr Poots).]

No 14: In schedule 3, page 32, line 22, at end insert

### **“PART 3**

#### **HARE COURSING**

Short Title	Extent of repeal
<i>The Game Preservation Act (Northern Ireland) 1928 (c. 25)</i>	<i>In section 7(2) paragraph (b) and the word ‘or’ immediately before it.</i>
<i>The Control of Greyhounds etc. Act (Northern Ireland) 1950 (c. 13)</i>	<i>Section 7D(4). Section 5(2).</i>
<i>The Wildlife (Northern Ireland) Order 1985 (NI 2)</i>	<i>In Schedule 12, paragraph 3.</i>

Short Title	Extent of repeal
<i>The Game Preservation Act (Northern Ireland) 1928 (c. 25)</i>	<i>In section 7(2) paragraph (b) and the word ‘or’ immediately before it.</i>
<i>The Control of Greyhounds etc. Act (Northern Ireland) 1950 (c. 13)</i>	<i>Section 7D(4). Section 5(2).</i>
<i>The Wildlife (Northern Ireland) Order 1985 (NI 2)</i>	<i>In Schedule 12, paragraph 3.</i>
<i>The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)</i>	<i>In Article 2(2), in the definition of ‘bookmaker’s licence’, the words “or coursing”.</i>
<i>The Game Preservation (Amendment) Act (Northern Ireland) 2002 (c. 2)</i>	<i>Section 1(4).”</i>

— [The Minister of the Environment (Mr Poots).]

No 15: In the long title, leave out “and amend” and insert

“; to prohibit hare coursing events; to amend”. —  
[The Minister of the Environment (Mr Poots).]

**Mr Molloy:** I support amendment Nos 8 and 10 and oppose the other amendments in the group. The purpose of the amendments is to regulate hare coursing. Although a total ban on hare coursing was proposed during the last stage of the Bill, we know that that will not happen. Across the water in England, Scotland and Wales, the number of illegal activities has increased since the ban came into operation. It was counterproductive. My proposed amendment would ensure that proper regulation is in place so that two events could be held each year that would be licensed by the Department and with its agreement. A licence would be drawn up that would include strict regulations on how the events would operate. Having two regulated events in a year is better than having any number of unregulated events across the countryside.

I also wish to point out the effects that the issue has had on the hare population. There has been all kind of scaremongering about the hare population, but a source at Queen’s University has indicated that we have a greater number of hares now than we have had since 2002, when the partial ban came into operation. The basis of the argument that some groups

have maintained, which is that there is currently a very small number of hares, flies in the face of the proposals that have been made about the protection of hares in a different way.

**Dr Farry:** As interesting as the Member's point about the number of hares may be, does he accept that it is utterly irrelevant to the issue, which is essentially one of cruelty to hares? It is a sport that serves no purpose whatsoever and which is rejected by a vast number of people. The issue of the number of hares is utterly irrelevant to what most people think.

**Mr Molloy:** I do not accept that, because I do not know where this vast majority of people that the Member mentioned comes from. That has not been reflected in the information that I have picked up. A small number of people use the issue of cruelty as a target. We saw how the hunting issue was dealt with very effectively by this Assembly, and there is also the issue of hare coursing.

To go back to the nature of hunting; we have very casual hare hunts across rural areas. The hounds pick up a scent and wander about wherever the hare may take them. The hare is a very clever animal in that regard. It is not along the lines of going in for the kill, as has often been described. What actually happens is more of a leisurely stroll than anything else.

The coursing events that we are talking about should be licensed events. The Queen's University study clearly identified that more hares were killed around the airport and during farming activities. If we look at the ratio and the numbers, we can see that the bad weather has had more of an effect on the hare population than nearly anything else. That is because the late cutting of silage has meant that the hare population has survived and been able to develop and grow in rural areas. That is maybe an area that we should look at, but, no, Dr Farry does not consider it at all cruel to wipe out an entire hare population by cutting silage earlier, because that benefits the farmer. We have to consider what we are talking about.

There is no cruelty in the coursing events that I am talking about because the course is set, the dogs are muzzled and there is an escape route for the hare. Despite what some people suggest, the hare is not trapped and is not savaged and killed by dogs. That may have been the image of coursing that was put across 20

or 30 years ago, but in the modern version of coursing the hare is protected.

The coursing event at Clonmel is probably one of the best in the South of Ireland. It brings in the region of £16 million to £20 million to that area. The people who attend that event and coursing events in general come from all walks of life and backgrounds, and they have a particular interest in that campaign. Regulation and control in this country could lead to a legal and regulated event like Clonmel that encourages people to come here.

The coursing clubs are very much involved in the protection, rearing and immunisation of hares. They want a very lively and healthy hare, and they want to be able to provide a course for the greyhounds to run after it. There is very clear protection of the hare. The coursing clubs that have been involved over the years have developed that protection.

Although it has been said that it is irrelevant, it is interesting to note that the hare population in the areas in which coursing takes place is 18 times greater than in areas in which there is no coursing because the local people who are involved in the coursing events look after hares and protect them from predators. They design the events so that they control the welfare of the animal, whereas, at the moment, and as has been the case over the past number of years here, there is no reason why people who are involved in coursing should talk to the local farmer about why he should not cut a crop of silage. Nevertheless, they point out that there are a number of hares in the area and that he should watch out for them, protect them, identify them and leave them space to grow up. There are various ways in which the coursing clubs have been involved in the protection of hares, including the development of a strategy so that the hares can be protected.

Socio-economic benefits are partially what we are talking about, but illegal activity is another issue. As I said, that has been operating across England, Scotland and Wales. Activity has been unregulated, so everyone does what they want to, which has had a detrimental effect on the hare population. Poaching is one of the biggest animal welfare crimes in England, Scotland and Wales over the past number of years, and we need to see the possibilities and dangers that are attached to an outright ban of this type of coursing. Small-scale criminals may be involved

in coursing for personal gratification if it is not regulated, and large-scale groups of individuals could be involved in financial gains from the gambling around it. We want to see regulation and control to make sure that coursing is managed properly.

A proposed ban was thrown in at the last minute the last time. If the Bill proposes to ban coursing completely, it will go unregulated. In addition, nothing will be put in place to ensure the protection or growth of the hare population. The Departments will not be able to do anything. The Department of Agriculture and Rural Development or some other Department will have to take on that role.

Therefore, instead of coursing bringing money into the North, putting in place a system of protection to deal with the hare population is likely to cost the Department of Agriculture and Rural Development in the region of £10 million. The people involved in coursing could do it instead. Coursing clubs have created an environment in which a controlled mechanism ensures that there is a healthy hare population to benefit the clubs.

Some will say that clubs rear hares merely to course them. However, it is interesting to note that only 1% of hares coursed at an event, which might take place over a whole weekend, die as a result of being coursed, and that is a lot fewer than the number that die as a result of problems arising from farming methods and as a result of normal things that happen in the animal population. The events organised by coursing clubs actually conserve hare populations. At the moment, nothing in the Bill details how wildlife will be protected, other than by people looking after it, which is what happens in coursing. Coursing, therefore, is a means by which to create the environment and conditions in which to rear and protect hares so that they can be coursed at an event. Indeed, should amendment No 8 be made, the Department would have control over that, because there would be a maximum of two events a year. It would be up to the Department to decide how many events there are, because legislation would be in place to control and manage coursing.

With my amendment, I am trying not to have a blanket ban introduced, because it would not work, and illegal coursing would continue to thrive and develop. In addition, the economy would not lose all the benefits derived from

coursing events. If coursing were to be banned here, the events would simply be moved across the border. Consequently, resources and funding would benefit the Southern economy. As a republican, I have no problem with the Southern economy benefiting. However, in an all-Ireland context, the economy here could also benefit.

**Mr Wells:** I am not sure how much of what the Member for Mid Ulster is saying is his true opinion. Am I right to think that he has been heavily whipped on this matter by a certain TD from Kerry, who has made it very clear that his party must, at his volition, demand the retention of hare coursing? It is important that, throughout his contribution, the Member remember exactly what he is purporting to support. I do not know whether he genuinely does support it. He is suggesting that it is right in a civilised society for people to watch and place bets on the fate of a hare being ripped to pieces or killed by greyhounds wearing muzzles in an enclosed space.

A clear decision was taken on the issue the last time that it was debated, in June 2010, when the Assembly voted overwhelmingly to consign this barbaric practice to the annals of history. I take it extremely ill that, having taken that decision, the Member is attempting to thwart the Assembly's view in a free vote by bringing in his amendment. It does not matter how he fashions it or tries to sanitise what he doing — he is saying that it is right for people to enjoy publicly the fate of a defenceless animal.

Furthermore, this has nothing to do with the defence of field sports. There is a world of difference between what he is supporting and bona fide field sports, because the animals in question are, in effect, in captivity. They have no escape and are caught for the sole purpose of being coursed. I have been to Crebilly to see exactly what happens, and I have to tell him that the screams of the hare that was being ripped to pieces that Boxing Day will stay with me for the rest of my life. This is not a battle between respectable field sports and others; it is a battle to retain something that should have been banned centuries ago. It is only an accident of history, owing to various Assemblies and Parliaments falling, that it has not been banned already. The Member cannot be allowed to thwart the decision already taken. We do not want that sport in Northern Ireland, either now or in the future.

**Mr Molloy:** I thank the Member for his intervention. I was wondering how long it would take to draw him out on that one. At least he got to the chase. First, there is no evidence of hares being slaughtered. Dogs are muzzled, and it is a long time — 29 years — since those events took place at Crebilly.

I would join you in condemning that type of activity, if it were happening, but you then brought in self-control —

**4.15 pm**

**Mr Deputy Speaker:** Order. The Member should well know that the only “you” in the Chamber is the Speaker or the Deputy Speakers. Would the Member please refer all his remarks through the Chair?

**Mr Molloy:** My apologies, a LeasCheann Comhairle, I should have known. Mr Wells approached me in a personal way, so I responded in a personal way. However, there is no evidence, Mr Deputy Speaker, that hares are slaughtered in that way. For one, the hare could not be slaughtered in that way because the dogs are muzzled. Let us throw away the idea brought up by the League Against Cruel Sports and the rest of them of hares being thrown around, dragged apart and all the rest of it. In reality, that does not happen.

Were the Member to visit Clonmel more recently, and I am sure that someone associated with coursing there will bring him down to show him what —

**Mr Wells:** First, I have no intention of going abroad to watch any sporting match anywhere in the Republic of Ireland. I have seen enough of it on television and read enough about it in various Irish press reports to know exactly what is going on.

However, through the Deputy Speaker, I ask the Member a personal question: does he believe a word of what he is saying, or is he being whipped by a Mr Ferris from Kerry? Will he also tell me the views of the Minister of Agriculture and his colleague Mr Mitchel McLaughlin on this issue? I understand that they have deep personal reservations about what Mr Molloy is suggesting. They do not want the amendment, but such is the power of that TD in that foreign country that he is able to crack the whip and all of the MLAs up here jump into line and support him. I do not believe that he has even the

majority of his party behind him on this issue, because they know that the reality is that hares are killed at coursing events, even when dogs are muzzled. There have been many examples of that happening. Hares are battered to death by the greyhounds, and they have no way of escaping. It is not a field sport such as fox hunting or stag hunting. The hares are not in their natural habitat and they are coursed purely for public enjoyment and betting.

**Mr Molloy:** A LeasCheann Comhairle, I again thank the Member for his intervention. However, if he had allowed me a little more time, I was coming to his previous point about the whip. There is no whip long enough from Kerry to here, or even a shorter one, to whip me into place on this issue. There is no problem about my credentials on this matter. I support coursing. I support rural sports in their various forms, and I think that the Member has been misled and misguided by television documentaries and other evidence. I advise him that he should not be led by the nose by the media, because sometimes they will lead him the wrong way. There is no question whatsoever: this is my motion on hare coursing on behalf of the party. It has party support. It has gone through our own ard fheis, so it has party support across the island of Ireland. There is no question mark over its origin.

The Member repeated the accusation that hares are slaughtered and savaged. If a muzzled greyhound can do that, it is a more powerful animal than I thought. The reality is that that does not happen. It is a myth, created through scaremongering over the years. The Clonmel event is not in a foreign country; it is just across the border, in the South of Ireland. The Member is free to travel there without any problem. I would willingly accompany him.

The issue here is the Irish Government and the regulations in the South. The Green Party thought that they would tamper with this in the South of Ireland. Thankfully, the Green Party is over and it has been completely sidestepped, so that legislation will not come about there. TDs in the South of Ireland spoke out on behalf of the community in various ways, one of which was in regard to rural sports and the enjoyment people get from them. We could look at horse racing or any event whatsoever, and ask what right any human being has to use an animal to the point of exhaustion. If we look at the winner of the Grand National, or the race itself and the



number of horses that are killed in it; do we next ban the Grand National? Look at the exhaustion and the sweat that pours off the horse that wins the Grand National. We could say that that is an example of human beings using an animal for their satisfaction.

We can take this to whatever limit the Member wants. I know that the Member's thinking is that, if he can get hare coursing and hunting banned, his next line will be to ban fishing because fish are killed. Where would it stop? Could we kill mice? Could we kill rats? If the Member really believes in the line that he is taking, he would ban everything through which animals may be killed. Maybe that is the sort of route that he wants to go down.

He said that the previous motion had the support of the House. I do not think that it had. The machinery that night was that a lot of Members had gone home, and a lot of issues had been debated during a very long debate. Unfortunately, no one moved, as Lord Morrow did during the Hunting Bill debate, to kill the debate off, and so it went on until most Members had left and a small number remained in the Chamber. Any of us who have hung about Committees, any and all and different meetings over the years will realise that one way to get a motion through is to drag it out as long as possible so that you get what you want.

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

**Mr Molloy:** I will give way to you.

**Mr Ross:** The logic of the Member's argument is that he is bringing forward the amendments because the vote was not fair on the previous occasion. Is he saying that he is bringing forward the amendments today because his party colleagues could not be bothered to stay about for a vote?

**Mr Molloy:** I do not know. It was not only my party colleagues. A number of parties were small in numbers that night by the time it came to the vote. However, that is not the reason —

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

**Mr Molloy:** No; I will not.

**Mr Wells:** It will be the last time.

**Mr Molloy:** OK.

**Mr Wells:** Never believe a politician. Some of Mr Molloy's party's members briefed the media to

say that they did not stay behind because they could not stomach being asked to do what he was asking them to do in June, namely support a barbaric practice. Let us use the analogy of fishing. The correct analogy is putting fish into a fish tank and fishing out of a very small controlled and enclosed area, not in the natural environment. We are not talking about hunting in open countryside; we are talking about the Irish version of park hare coursing, which is done in an enclosed space. That is the difference. They do not have their natural habitat in which to escape, and that is why that sport is utterly indefensible.

**Mr Molloy:** I am glad that the Member came back to that; I had forgotten to raise that issue again. The Member said previously that the hare was confined and had no escape. The reality of coursing is that the hare has an escape route that only it can get through. The hare is around that course so many times in training and other situations that it probably knows the quickest way out. There is very clearly an escape route for the hare. So, it is protected in that way, and the course is not, as the Member described it, a pen where there is no escape for the hare and where it eventually has to be caught and killed. That is not the reality. In fact, the hare puts a scent around the course, the greyhounds follow it, and the hare escapes and goes on ahead. The hare has been protected and vaccinated, and, as the coursing fraternity wants, all the different processes enable the hare to be healthier and to live a long life.

Let us correct the different myths that the Member raised. He said that the hare cannot escape; that is not reality. He said that the hare will be savaged; that is not reality. The Member needs to learn about the new techniques, and that is one of them. Furthermore, the hare is vaccinated, protected and grown in that way, and the main issue is that the hare population in the areas where coursing takes place is larger, healthier and protected. So, the myth that the Member has tried to put across is not reality. That is where we are at the present time, and no matter how long I talk, I will not change that Member's point of view.

The Member said that members of my party briefed journalists about the vote on the previous debate. If they were not here to vote, they were not here to brief the press either. So, that is another myth that he throws up as a scare tactic to suggest that nobody is

behind the amendment. However, we will find out when it comes to the vote, because that is when Members have the opportunity to decide. I hope that all Members, particularly those from rural communities, will protect the rural way of life and rural sports and will give people the opportunity to develop tourism and the economy.

**Mr McGlone:** Can the Member clarify for me the actual regulation by the Department of his two proposed licensed events? Presumably that regulation would cover issues such as control of animal welfare and the like, as well.

**Mr Molloy:** Yes, by all means. It is part and parcel of, and is actually mentioned in, the proposed amendment. Part of the whole thing would be the welfare of the animals and the design of the course itself in a way that protects the hare and gives it an escape route. If we start to develop that, instead of allowing a pile of illegal activities to happen without any control mechanism, then that will be where it will actually go.

We have an opportunity here to regulate, to control and to manage. We have an opportunity to build the rural economy, allowing the tourism business to bring in the people who actually want to come to these events, instead of them only being available in the South of Ireland. We have the possibility of hares being poached here to take to events in other places. The legislation might say no; Mr Weir's proposal is that we ban the collecting and transporting of hares. That may be in the legislation, on this bit of paper. However, we all know that regulation does not control activities in that particular way. We want to have realistic legislation that allows it to happen and develop and manages it.

The economy of the North of Ireland can benefit in a great way if we can develop the economy of the rural community as an opportunity for people to come into this country to enjoy rural sports, to develop them and build an economy around them, and also to give protection to the hares and other animals and wildlife. Go raibh maith agat.

**Mr Weir:** I will deal with the six amendments in this group, because there is a linkage between the various amendments. Obviously, there is a danger that we rerun the debate that we had some time ago at Consideration Stage on the general issue of hare coursing. Clearly, the procedures of the Assembly are such that

once a decision has been taken, it cannot be overturned at Further Consideration Stage. However — this may be the only compliment that I throw to him — the Member opposite has been extremely inventive in getting around that. Clearly, Mr Molloy and others are strongly in favour of hare coursing. That is their position. He has found a legitimate mechanism to try and reopen the debate, to have a second line of defence on the issue.

I will come to the substance of some of the things that Mr Molloy said in a minute or two. I gather that Alastair Campbell is in Belfast today to launch his new book; in terms of some of the spin that Mr Molloy has put on things, Mr Campbell might have been better to come to the Public Gallery, because some of the lessons in spin would have put New Labour to shame. I commend Mr Molloy on his inventiveness in that regard.

The amendments are interlinked in many ways. My amendment — No 9 — and those of the Minister — Nos 13, 14 and 15 — have a similar direction of travel. Mine supplements and adds to what was put in place in relation to the proposed ban on hare coursing that went through at Consideration Stage and seeks simply to tighten it up further and ensure that there are no loopholes. There is an argument that some of the proposals are things that are, to a certain extent, already covered, but this will help to clarify the situation and tighten it. Similarly, the Minister's amendments, which he will speak to himself, are largely consequential amendments on the issue of hare coursing. On the flip side of the coin, it seems clear that a diametrically opposite position is being put forward. Mr Molloy's amendment Nos 8 and 10 clearly try to widen the loophole and allow a regulated practice, as he would put it, of two meetings a year. They are two sides of the one coin.

I should like to deal with some of the things that have been said by Mr Molloy. The idea that this is about promoting conservation, and that there is no cruelty involved, I find slightly preposterous.

At Consideration Stage, I used Mr Boylan and Mr Bell as the example, and I will again use a cross-community example so that I do not offend anyone. We are told that hare coursing is not cruel, but what if, in the Chamber, hounds were released on Mr Molloy, the proposer of the amendment, and on my good friend Mr Bell, who takes a somewhat divergent line on the issue,



and they were told not to worry because there was an escape route as we were leaving one of the Doors open for them?

**4.30 pm**

**Dr Farry:** Will the Member give way?

**Mr Weir:** I will give way in a second. As the large dogs were chasing down Mr Molloy and Mr Bell, they could be assured that not only was there an escape route but that the two of them should not worry because it was for their own conservation, and we were simply looking after their best interests. Indeed, Mr Molloy indicated that the hare is an intelligent creature. Perhaps, from birth, it aspires to be part of some sort of hare Olympic team. It must think that, if only it could get onto the hare course, its chances of surviving into the future would be better and that it would have a much better life. Again, that is a degree of spin.

**Dr Farry:** I am almost apologetic for interrupting the Member's flow of puns. Given that the DUP has attacked Sinn Féin for its clear whipping on the issue and given Mr Bell's forthcoming views, does the party have a view on the matter or will it have a free vote?

**Mr Weir:** Unlike the party opposite, we have some conscience on the issue. We are not setting the Rottweilers after our Members, so if Mr Bell wishes to go into the opposite Lobby, he is more than welcome to do so. We will not force people into the Lobbies against their will on this issue. During the previous debate on hare coursing, we found that, of the DUP Members who voted, two — Mr Bell and the late lamented Mr Shannon — supported hare coursing and the rest of the DUP Members who voted were against it. There is no Whip on the issue, so a Martin Ferris character is not lurking in the background of the DUP to tell us what to do. We will leave it to the common sense of our Members.

**Dr Farry:** I am greatly relieved that there is a free vote in the DUP and, more importantly, that the DUP has a conscience.

**Mr Weir:** I am glad that I have been able to satisfy the Member on both points.

I will deal with some of the other issues. Mr Molloy is right on one point: the issue has very little to do with hare numbers. Whether or not there is a ban will not make a massively significant difference. It may deal with it in a

different sphere. The Department's approach led to the increase to the healthy numbers of hares, particularly the use of special protection orders.

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

**Mr Weir:** I will give way in a minute or two.

Consequently, we have a healthy hare population, so the issue is not about the effect on hare numbers but about what we believe to be right for our society.

**Mr Bell:** The Member raised the issues of hare numbers and the health of the population. It is important that we concentrate our minds on the facts. The issue of animal cruelty was raised, and we heard of hares being torn apart. All the evidence shows comprehensively that, in 99% of cases, dogs are muzzled and that only on rare and exceptional occasions can a greyhound damage a hare by knocking it with a muzzle. We are not talking about animal cruelty, and that issue needs to be looked at.

Secondly, research by Quercus at Queen's University shows that, in the Irish Republic, where there was clear monitoring of the health and vitality of the hare, the population was healthier by some 18% than the population here, the animals would always be provided with a means of escape and that means of escape also mandated those who were undertaking activity to ensure that the hare was rehabilitated back into the countryside and could go on to live the rest of its natural life.

People may take views on whether some countryside sports should be allowed, but they should take them on the basis of evidence. The evidence is that the health of the animal is protected by some 18%. The evidence base for that comes from Quercus research, which shows that dogs are muzzled and that the hare population is healthier in the Republic of Ireland, where those activities are allowed.

**Mr Weir:** I thank the Member for his remarks, but I do not necessarily accept some of them. I do not think that there is a great deal of concrete evidence for some of them. A number of years ago, hare levels were quite low in Northern Ireland. That is why successive Ministers have taken special protection measures over the last few years, which have led to a large increase in the numbers of hares.

Hares have an escape route in the South. They can come to the blue skies of Ulster rather

than the grey skies of the Republic of Ireland. If another jurisdiction wants to engage in barbarism, they are more than welcome to, but let us not impose barbarism here. The argument that this is not barbaric or cruel does not hold water. If the Member is happy for me to set the hounds after him, muzzled or not, let us see his reaction. If the Member does not regard that as being cruel, he may have a slightly warped sense of logic.

The thinking behind Mr Molloy's amendment is that there will be illegal activities without it. People will simply flout the law, and criminals will come in. I do not know which areas Mr Molloy is referring to, but I hope that such activities will not take place in any of the areas that I represent. However, his logic is that there is a vast empire of criminals who will exploit the situation but who will be perfectly happy to abide by the law if two events are organised for them. These are people who are going to flout the law and hold illegal meetings, presumably principally for the purposes of gambling. Let us face it, hare coursing is not about the aesthetic beauty of the dog chasing the hare; it is about gambling. That is really what is at the heart of it. When Members vote, it will be interesting to see whether they bear that in mind.

However, the idea that criminal behaviour will in some way —

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

**Mr Weir:** No, I think that I have heard enough from you for the moment. *[Laughter.]* The idea that there will be an explosion in criminal behaviour if hare coursing is made illegal but that the same criminal elements will be perfectly satisfied with two regulated events beggars belief. The Member told us that, if we ban hare coursing totally, the principal problem will be illegal activity that will be unregulated. Quite frankly, that can be applied to the logic of the legalisation of heroin, crack cocaine, prostitution, dogfighting and bear-baiting. The idea that something illegal will happen if something is not regulated and made legal —

**Mr Molloy:** Will the Member accept that an alternative can be put in place to regulate the situation? We talked about the 2,000 incidents of wildlife crime and poaching of the hare population in England, Scotland and Wales. That is the greatest increase in crime since the banning of coursing in England, Scotland and Wales, and it is steadily increasing. If

it is possible to protect us from that and to stop such crime happening here, is it not part of the Minister of the Environment's role to put measures in place to try to control the situation?

**Mr Weir:** It is a somewhat facile argument to say that we will cut down the crime figures by making everything legal. That is the logic of your position. The idea that any illegal activity would suddenly stop if there were two regulated events a year beggars belief.

Finally, I turn to the argument about tourism. I often meet people coming off the aircraft at Belfast City Airport and at Aldergrove, but I have yet to hear someone say that they are coming to Northern Ireland for the hare coursing and to see the dogs chasing the hares. A work of fiction is being produced in connection with the issue. There is this idea that Northern Ireland will become some kind of Mecca. Why not have gladiators fighting in the ring? I am sure that we could draw in the crowds. We could fill our football stadiums. Does that necessarily make it right? No, it does not.

The Assembly took a decision —

**The Minister of the Environment:** Will the Member give way?

**Mr Weir:** I am happy to give way to the Minister.

**The Minister of the Environment:** It has been argued that hare coursing would be of major benefit to the Irish economy. Had Brian Lenihan known that, he would not have had to make cuts — their economy would have been so much stronger as a result of the hare coursing events that are going to take place there because of a decision of this Assembly.

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

**Mr Weir:** No. I need to respond to the Minister's point. It has to be said that, clearly, the Republic of Ireland missed a trick. Had they embraced hare coursing a great deal more, an international loan to bolster the Irish economy would simply not have been necessary.

The legislation has not been enacted. Therefore, even at this late stage, if there is a major boost to be had to the Southern Irish economy from hare coursing, let them have it down South. Let us be generous and give them that present. At least, by fully banning hare coursing, we will have made our contribution to the economy

down South as other parts of Europe have done. Let us make our contribution to bolster the Republic of Ireland's economy. Let us give them that gift. If people want to indulge in barbarism and animal cruelty down South, they should feel free. However, it should not apply up here.

Mr Molloy's amendments and, on the flipside, the corresponding amendments in group 2, clarify the position in either direction. I urge Members to support amendment Nos 9, 13, 14 and 15. I will give way to Mr Bell if he wishes to make one final comment.

**Mr Bell:** I appreciate that. I did not intend to speak because I issued most of the questions. You posed some serious questions. One related to gambling, to which I have a strong aversion. I cannot let that go unchallenged. You asked the question, so I will answer it. I have never so much as bought a lottery ticket —

**Mr Deputy Speaker:** Order. Please refer all your remarks through me.

**Mr Bell:** Through you, Mr Deputy Speaker: I was asked whether I would take gambling into consideration. I have never gambled in my life. I have never so much as bought a lottery ticket or participated in any form of gambling. I do not suppose that some Members who pose that question would ask it to themselves.

The second issue relates to barbarism. It is interesting that people will argue that it is entirely permissible and not barbaric to stick a hook into a fish's mouth that will trap it and prevent it from getting free no matter how hard it struggles. That is actually a greater argument for barbarism than what is being proposed.

I do not want to go back to fantasies about the coliseum, Roman gladiators, and hares, dogs and people being chased. However, central questions that must be asked are: are all the dogs muzzled? Is there an escape route for the hare? Is there a welfare programme in place for the hare? Does the evidence show that the hare population increases when that welfare is provided? There seems to be a deficiency of available research. The only research that I have obtained is from Quercus. It states that the welfare of the hare was not only protected but the population was enhanced as a result of what had occurred.

Will I gamble on hare coursing? No. I never will. However, will I ban people from fishing, shooting

and participating in what are legitimate, non-cruel countryside sports? No, I will not.

**Mr Weir:** No one is accusing Mr Bell of gambling. I have no desire to knock his halo off. I simply make the point that the principal purpose of hare coursing is, effectively, as a form of organised gambling. Therefore, I simply say that all those Members who support the creation of those two events are, by inference, supporting the furtherance of gambling activity. That may well not be the intention of Mr Bell or other Members of the House. However, I simply point out that that will be a consequence.

Is every hare coursing event of the nature that Mr Bell described? I suspect not. Is it cruel? I believe that it is. A facile argument has been put forward about angling and other sports of that nature. No one in the House suggests that angling be banned. Let us not take the argument to an absurd level.

A range of things have been banned down the years because they are felt to be cruel to animals. We do not have dogs fighting, as happened many years ago when it was organised. At least, we certainly do not have that legally, and where it has happened, pressure has been put on as it is illegal. Therefore, we do draw a distinction between some things that are cruel to animals and other legitimate activities.

No one is suggesting that angling will be banned; using angling is a false argument. When the Member for North Down Mr Wilson brought forward the Hunting Bill, there was not even the support to take it to a Division. I do not believe that the idea that in some way it is the thin end of the wedge holds water.

#### 4.45 pm

At best, this would make very little difference one way or the other to the numbers. What is relevant to the numbers are the conservation regimes that are put in place by the Department. The increase in hare numbers has not had anything to do with the activity of hare coursing in one way or the other, or, indeed, with any activities of hare coursers. It is to do with the measures that have been put in place. We have seen a substantial increase in the hare numbers.

**Dr Farry:** I am grateful to the Member for giving way. I made the point that the number of hares

is ultimately irrelevant to what is a simple issue of cruelty. However, does the Member accept that there is some dispute over the pattern of numbers? In 2002, the figure was around 14,000; today, the figure is around 20,000. That may suggest that there has been a rise, but there is also a counter-argument that the 2002 figure is not robust and that the 2004 starting point, which was around 70,000, actually shows a significant decline of some 60% over the past five or six years, from about 70,000 to just over 20,000.

**Mr Weir:** I agree with the Member that the numbers is not an overly relevant argument to hare coursing; I think that has been accepted by most people. Are the numbers that have been bandied about by both sides watertight? I suspect they are probably not. Is there a certain amount of evidence that there has been a reasonable increase in the hare population in recent years? Yes, there does appear to be. I am not sure whether that is quantified perfectly. The hares do not take part in the census every 10 years and fill out the little forms. Indeed, one doubts if many of the Irish hare would claim to speak Irish on the hare census. Therefore, can the numbers be watertight in absolute terms? No, they cannot, but we have seen a trend that has been growing in Northern Ireland because of the actions of the Department.

I suspect there may be an ulterior motive in what the Member is putting forward, as it may possibly relate to a different group of amendments. I believe that there has been a healthy increase in the numbers. From that point of view, I do not believe that the Irish hare is as threatened a species as it was a number of years ago. I think it is in a much healthier position and a better position of protection.

Those who are trying to use the evidence of numbers — whether they are supposedly strong or supposedly weak — are not necessarily in the strongest position. It is about the Assembly following through on a decision it has already taken.

**The Chairperson of the Committee for the Environment (Mr Boylan):** I thank the Member for giving way. I would like some clarification. The Member talked about the work of the Department, but will he not admit that some of the coursing clubs and the Countryside Alliance have worked to try to increase the numbers

and protect the species? It is not just about the Department.

**Mr Weir:** Clearly it goes beyond that. I think the action that has had the single biggest effect was taken by the Department. Many in the countryside have worked hard to boost numbers across the board. There may well be a feeling of solidarity for those who are involved in legitimate country sports and pursuits. I think that their name is inadvertently besmirched by the linkage with the barbaric activity of hare coursing. There are plenty of activities, such as angling, that are legitimate country pursuits. I think that a lot of the people involved in those will see a distinction between what they do and hare coursing.

We took the decision some time ago on hare coursing. Let us take the logical step of following that through. Let us ensure that what we have is watertight, and let us not have hare coursing by the back door, as Mr Molloy and some of his colleagues wish to see.

**Mr Beggs:** I oppose amendment Nos 8 and 10, and support amendment No 9 and consequential amendment Nos 13, 14 and 15. Amendment Nos 8 and 10 are simply an ingenious means by which the Member for Mid Ulster has attempted to bring hare coursing back to the table after the Assembly supported my amendment to ban it. He has simply used a technical method to try to get that issue on the table again. That is unfortunate.

He gave a rather rose-tinted view of hare coursing. What is hare coursing? Let us remember its various stages. First, there is the catching of the wild animal. Then there is the holding of the wild animal in an unnatural environment until the event occurs: a second stressful event. Then it is released in a restricted, unnatural enclosure — a space created by man with one exit point — purely for the purpose of man to race his dogs and to bet. When you add all those factors together, hare coursing is unnecessary and a type of sport that I would not wish to continue in our jurisdiction.

**Mr Molloy:** Does the Member, based on his arguments, also propose to ban horse racing? That is carried out in an enclosure, is done for gambling, and gives enjoyment to people from seeing horses compete. Therefore, the enclosure issue is the same, and there is an escape route for the horses, just as there is for the hare. Surely he is comparing the two and



telling us that this is the thin edge of the wedge and that the next thing is to ban horse racing.

**Mr Beggs:** The Member is attempting to make a very unfortunate comparison. He might have a point if there were a lion chasing the horse around the track. It is also important to remember that the horse is a domesticated animal, and anyone who knows horses knows that they enjoy exercise and running, jumping and racing. You have made a very poor comparison.

**Mr Wells:** Following on from the Member for Mid Ulster's analogy, it is noticeable that when a rider falls off during a horse race, the horse continues because it is quite clear that the horse enjoys the sport of horse racing. It does not feel terrorised or intimidated. I am absolutely certain that the hare that is being coursed does not come back for more. That animal is totally terrorised by the experience because it thinks that it is about to be killed. It is a totally different situation.

**Mr Beggs:** Hare coursing is an unnatural chase manufactured for a wild animal in an unnatural environment. Therefore, it is inappropriate.

**Mr Molloy:** The Member said that the horse was domesticated. Domesticated by whom? Domesticated by man. The horse is as wild an animal as the hare, but has been domesticated over the years by man. The hare is not something different. All have been controlled, put into and raised in the present situation. However, if you let the horse go wild, it is as wild an animal as the hare.

**Mr Beggs:** If the Member wishes to ban horse racing for that reason, he is entitled to do so. I do not. Another Member made an argument about potentially being cruel to fish through fishing. I do not believe that that is cruel. If he believes that that is cruel, he is entitled to that opinion.

What is wrong, however, is people using extreme comparisons to try to win an argument. The argument over hare coursing should be on its own rights and merits. When I take everything into judgement, hare coursing is not appropriate, which is why I am not supportive of it. I will continue to oppose hare coursing and amendment Nos 8 and 10.

The Member made other arguments. He spoke about hares being killed because of cold weather. That is outside our control. He also spoke about

hares being killed because of the airport. You can stop that by shutting down the airport.

Those are examples of people trying to use issues that are beyond our control to win their argument. That is very shallow. Hare coursing should be judged purely on how it involves catching a wild animal, storing it in an enclosure and an unnatural situation and manufacturing a chase. Based on those factors, hare coursing is entirely wrong. Therefore, I oppose amendment Nos 8 and 10.

Amendment No 9 will strengthen our ban on hare coursing, so I support it. If amendment No 9 were successful and if, for some strange reason, the Assembly agreed amendment Nos 8 and 10, we would have created the perfect defence for someone who engages in hare coursing and catching wild hares. Those people would say that they were catching the hares for a licensed event taking place in two months' time or whatever. So if for some strange reason, that is the decision of the Assembly, we will have put in a defence for those who wish to continue the sport.

For those who wish to enjoy watching their dogs run and race, the greyhound track is the best place to do that, because they can enjoy the race and those who wish to bet can continue to do so. We do not need to bring a wild animal into the situation and to stress it unnecessarily. For that reason, I oppose amendment Nos 8 and 10 and support amendment No 9 and the other consequential amendments in the group.

**Dr Farry:** The Alliance Party will also oppose amendment Nos 8 and 10 and will support amendment No 9 and the others in the group.

We share the frustration that many expressed that we are back discussing an issue that we felt was closed. Back in June, the Assembly took a decision that was, in many respects, long overdue and brought us into the twentieth century, let alone the twenty-first century, in our attitude towards animals and wildlife.

For us, the issue is extremely simple: it is about cruelty and barbarity. People are either for cruelty and barbarity, which seems to be the implication of what Mr Molloy and his colleagues who will support him later are saying, or they are against them. Quite clearly, the vast majority of people in this society are very much opposed to hare coursing and quite rightly regard it as being abhorrent.



It is important that we are clear on what we are talking about and do not start to blur boundaries. I accept the fact that people will want to rear animals for food. That is natural because humans are omnivores, and we have to accept some of the realities around that. Equally, in our attitudes towards the farming and hunting of wild animals, we need to make sure that we have our own standards that we uphold with regard to what is, and is not, permissible.

Hare coursing has been described as a sport. I reject that notion because I am not quite sure when the contest comes in. It is not a contest into which the hare freely enters or has any expectation of winning. It is a one-directional activity.

Many other activities throughout history were defended. Over time, those activities have quite rightly been described as cruel and have been banned, whether that is bear baiting, which happened in the past, or, more recently, bull fighting, which is becoming increasingly less tolerated, even in Spain. Some Spanish provinces banned bull fighting recently, which illustrates the global direction on those types of activities that serve no purpose other than providing entertainment for some misguided individuals who seem to get kicks and thrills from seeing an animal in torment or blood being spilled. I regard such activities as utterly disgusting, as do most other people.

I referred to the issue of hare numbers in several interventions, and I will say a lot more about that when we debate the third group of amendments.

However, it is suffice to say that that issue is irrelevant to the debate. This issue is black or white — one is either for or against cruelty. That said, there is clear evidence that the number of hares has fallen in recent years, and the taking of hares for hare coursing, although not the only reason, is a contributing factor. The notion that hare coursing preserves hare numbers has, therefore, been quite rightly ridiculed.

### 5.00 pm

Another argument is that hare coursing is no longer cruel because the dogs used are muzzled. However, that also misses the mark fundamentally, because there is cruelty to the hare before, during and after the coursing. There is cruelty in the netting, captivity and transportation of the hare before the coursing

event — if one can call it that. There is cruelty during the coursing, as the animal is tormented by the chase and is in fear of its life. Even if a dog is muzzled, it will still hit the hare, which, in itself, can cause damage. That damage and its consequences may not be immediate, but they exist. Hares can also suffer from psychological trauma and heart failure as a consequence of the sheer fear and torment that they are put through. Finally, if a hare survives the coursing and is released, there is a danger to it from the trauma that it has suffered and an impact on hare numbers as a result.

Hare coursing fails on all counts. I urge the House to stick by its brave decision in June and I urge that Members strongly resist —

**The Chairperson of the Committee for the Environment:** Will the Member give way?

**Dr Farry:** Yes; go ahead.

**The Chairperson of the Committee for the Environment:** Does the Member realise that hares face fear and great stress in the open countryside on a daily basis? I am aware that he thinks that that occurs because of this activity, but does he realise that it happens anyway?

**Dr Farry:** The fear and distress that occurs elsewhere is part and parcel of what happens in nature or is a rather unfortunate by-product of other legitimate activities that mankind conducts. However, I draw a major distinction between those and an activity in which man deliberately instils fear in a hare for no other reason than his own enjoyment. No purpose is served by hare coursing, other than so-called entertainment for individuals with a misguided set of values. To put it mildly, I am alarmed that Mr Boylan and others seek to defend hare coursing on the grounds that they have.

**The Chairperson of the Committee for the Environment:** I want to say a few words as the Chairperson of the Committee for the Environment, and I will then speak as a Sinn Féin representative for Newry and Armagh.

The Committee for the Environment has not had the opportunity to see or to comment on the amendments in this group, and it did not discuss hare coursing during the Bill's Committee Stage. Therefore, the Committee has no position on the issue.

I commend my colleague Francie Molloy for tabling amendment Nos 8 and 10. The main

concerns about hare coursing are based on conservation and welfare. During the Bill's Consideration Stage last June, the amendment was bounced by the Chamber. I was surprised at some Members, who are not in Chamber now, but who spoke in opposition to hare coursing during that debate. Those Members normally hear both sides of the story. We have spent many hours debating this issue, but, despite that, it seems that Members have not taken on board the views from the countryside, the coursing clubs and the rural community. I want to make some points on their behalf.

I do not want to repeat what my colleague said, but he made a strong argument. Mr Wells spoke about going to an event in Ballymena 28 or 29 years ago. However, hare coursing, including the type of event that Mr Wells attended and the events that are carried out in the South of Ireland, has substantially changed since then.

**Mr Wells:** I take it that the Member is speaking as the MLA for Newry and Armagh and not as the Chairperson of the Environment Committee. He did not necessarily make the distinction. He seemed to move seamlessly from one to the other, and that is important.

**The Chairperson of the Committee for the Environment:** I clarify that the Committee had no position, but I —

**Mr Wells:** I would not be that kind to the Member. I have been to hare coursing events in the past, and very few people in the Chamber can say that. Along with the then honourable Member for East Belfast, the First Minister, I remember attending Crebilly. My understanding is that the only substantive difference between hare coursing as practised in Crebilly in the 1980s and the present form is that the dogs are muzzled. It still occurs in an enclosed space. There is an escape route as such. However, it is not an escape route into open countryside but to where the hare can be caught and coursed again. That is hardly any escape for the animal concerned. Hares are still killed at the event. The hare is still as terrified, whether it is being coursed by a dog with or without a muzzle. It still perceives itself as about to be killed, and it is still absolutely terrorised.

If he had not been whipped by his TD from Kerry in the Republic —

**Mr Deputy Speaker:** Order. The Member will make all remarks through the Chair.

**Mr Wells:** Sorry, Mr Deputy Speaker. I am sure that you would never allow yourself to be whipped by a TD from Kerry. I accept that.

If the honourable member for Newry and Armagh had not been whipped by a TD from Kerry, would he be making any of these comments? It is absolutely hypocritical to oppose snaring, which I do, but support hare coursing.

**The Chairperson of the Committee for the Environment:** I thank the Member for his intervention. The Member is well aware that I gave an opinion on that during the previous debate, and I do not propose to go down that route again. My colleague has answered the case with regard to the Whip, and he is correct. There is not a whip long enough to reach from Kerry to here to control us. The issue went to a democratic vote at the ard fheis and also in the Dáil. I am not going to get into that debate. I will, however, highlight issues relating to hare coursing clubs.

I have been presented with material. Members are entitled to ask for an intervention, and I will allow it. I will start with conservation. It has been systematically proven by several sources of recent independent research that organised hare coursing is inextricably linked with the conservation of the Irish hare. It has been found that hare population density is 18 times higher in coursing club preserves than in the wider countryside. We will get into the debate about figures later on, but the recent figure for hares has now risen to 4.76 for each square kilometre.

The Irish Coursing Club actively promotes hare husbandry and offers an annual hare husbandry seminar for all coursing club members free of charge.

**Dr Farry:** Does the Member agree that the first amendment passed today, and bravely supported by the Member in question, would have a much bigger impact on the conservation of all animals, including the Irish hare, than the so-called argument that he is putting out about hare coursing as a means of conservation?

**The Chairperson of the Committee for the Environment:** I thank the Member for his intervention. He may be correct in one way. However, if we are to go down the route of picking out single issues, we will be here all day.

I am only trying to highlight the ongoing work. In all the arguments in the Chamber, not too many people, bar my colleague, have tried to outline exactly what the coursing groups are trying to do. That brings me back to when the Committee received evidence when it was going through the Bill. When we asked how the Department ascertained figures for hare populations, we were told that people stood up on the bonnet of a car or went lamping at night just to try to find out the figures, and that was quite funny at the time. Hare coursing clubs, the Countryside Alliance and everybody else, including a significant number of people in my constituency, know the number of hares and where they are.

I want to highlight some other points. In recent years, hare mortality during coursing events has been lower than 0.1%, as my colleague has said. I ask Members whether that type of activity and hunting itself are the real threats to hare populations. I would not have thought so. The number of healthy hares returned to the wild has steadily and markedly increased over time. In the past 20 years, it has increased from 82.7% to 98.7%, between the 1990-91 and 2009-2010 coursing seasons.

The two coursing clubs that have existed in the North kept excellent records for the percentage of captured hares returned to the wild from the 1994-95 season until their closure in 2002-03. That was 95.4% in total, and 91.5% and 96.9% for the Ballymena and Dungannon clubs respectively.

Let me reiterate, my colleague's proposed amendment is to include provisions on conditions and regulations. They would be imposed on those two clubs. I will not get into figures and the economy and everything else, because those aspects have been clearly highlighted. I just want to make that point on behalf of the hare coursing clubs.

This is a key point. According to DEFRA, since the banning of hare coursing in England, hare poaching is the most prolific wildlife crime, accounting for 36% of all reported crime and undertaken by those already engaged in other crimes. DEFRA also reports a decrease in local hare populations. That is a valid point. The Minister is well aware of that. Whatever Bill we talk about, we always talk about enforcement and resources. Members need not bother denying the fact that if the complete ban is imposed, there will not be the resources to protect hares.

It is time that we looked to people who know what is happening in the countryside and in the clubs. They have changed their ways and we need to take a serious look at that.

I come to welfare. Mr Farry is right, and Mr Wells also mentioned this point. It is a black-and-white issue. Members opposite and those beside us argue that hare coursing is cruel and not even a sport. However, clubs have come a long way and changed their practices to try to look after the welfare of the animal and to try to retain coursing as a sport.

After injury from dogs during a coursing event, the next complaint made is about the welfare of the hare and the distress of the animal in adverse circumstances. A review of the fundamental facts addresses those concerns. The incidence of injuries to hares during coursing events has been brought to an unprecedented low in the entire history of coursing, as reported above. Besides the fact that greyhounds have been muzzled since 1993, the Irish Coursing Club's hare husbandry programme promotes the development of a more robust hare, partly to reduce further incidence of injury. Mr Wells may not be aware of this, but personnel are now placed in the coursing field to immediately retrieve any hares that become pinned or incapacitated by the greyhounds.

Claims of knowledge about the stress levels of coursed hares are not based on fact, as there are no studies on stress in coursed hares. Over time, hares have adapted to become prey animals with the capacity for short sprints at high speed to evade capture by predators. They are well-equipped physically and their central nervous systems can cope with being chased. In relation to Mr Farry's point, hares are under that threat in the open countryside all the time. People think that coursed hares suffer high stress levels, but there does not seem to have been any research carried out on that. I fear that no resources will be put into such research whatever way the vote goes.

The people in the countryside who take part in coursing and who look after the countryside and country sports are the people who will look after the hare numbers and protect the Irish hare. It is not in their interests as huntsmen to see hare populations decline.

**5.15 pm**

The average length of time in which a hare is coursed is approximately 35 seconds, in a range of between 50 seconds and 90 seconds. As I said, practices have changed. I support amendment Nos 8 and 10 and oppose amendment Nos 9, 13, 14 and 15.

**Mr B Wilson:** I was surprised and disappointed to see this amendment on the agenda. I thought that we had finally resolved that long-standing issue last June.

**Mr Weir:** There are six amendments in the second group. I presume that the Member is referring to Mr Molloy's amendments.

**Mr B Wilson:** I am sorry. That is correct; they are Mr Molloy's amendments. I thought that we had finally resolved that long-standing issue last June, when the Assembly voted in favour of banning park hare coursing.

It was 40 years ago when my former colleague the late MP for Bangor Bertie McConnell first introduced such a Bill to the old Northern Ireland Parliament. Although it was passed by the Commons, it was delayed by the Senate and fell when the Parliament was abolished in 1972. My North Down Alliance Party colleague Lord Dunleath introduced a similar Bill in the 1973 Assembly. However, that Assembly was abolished some years later and the Bill made no progress. He tried again in 1983, and although that Assembly supported the proposal, it fell before the legislation could be enacted.

Banning hare coursing is a long-standing issue, and it is time that it was finally resolved. I have a long-standing interest in the issue. Like Mr Wells, I used to spend my Boxing Days in the 1970s and early 1980s protesting in the freezing cold at Crebilly.

**Mr Campbell:** The Member has outlined the number of times that Bills such as this have been introduced in the past only to be aborted because of the subsequent fall of the legislatures. Does that mean that if the Bill is passed tonight, we should all look out for the future of this Assembly in the forthcoming months?

**Mr B Wilson:** I should certainly hope not. I think that this Assembly is stable enough to withstand any such shock.

We protested outside at Crebilly, while the course hares inside were torn apart by hounds.

It was sickening to hear the screams of the hares and the shouting of the spectators. In 1980, I even wrote to the then Secretary of State, Jim Prior, asking him to reintroduce the legislation that had been passed by the Assembly before it was prorogued.

The Assembly vote in June 2010 to ban hare coursing was historic. I had hoped that the barbaric sport of hare coursing would follow cockfighting and badger-baiting into the annals of history. Hare coursing and other blood sports have no place in the twenty-first century. The ban on hare coursing has received cross-party support, and the Bill's Further Consideration Stage should not be used to reverse decisions made at previous stages. We should be looking at strengthening the provisions that we have already agreed, not reversing them.

I am particularly dismayed that, once again, Sinn Féin is supporting activities that involve animal cruelty. I accept that hare coursing has changed significantly since the 1980s. Although the dogs are now muzzled and hares may not be killed during a coursing event, the fact is that, as Dr Farry pointed out, the hares do suffer trauma. A 2004 report accepted that hares were significantly stressed, which led to a compromise of their immune systems, often resulting in death. That was confirmed by a study carried out in Wexford in 2003, which found that, of 83 hares that had been netted and coursed by muzzled dogs, 40 had died.

I welcome amendment No 9, which would strengthen the ban on hare coursing, essentially allowing the PSNI to prevent hare coursing rather than simply prosecuting those who take part in it. I welcome the amendment as it allows the PSNI to prosecute for the netting of hares. It will, therefore, prevent future animal cruelty.

I will vote against amendment Nos 8 and 10 and support amendment No 9. We should vote against amendment Nos 8 and 10 because, after 40 years, it is time that we put an end to this barbaric practice once and for all.

**The Minister of the Environment:** Back-Bench amendment Nos 8 and 10 seek to allow hare coursing under licence by my Department. I have always maintained that hare coursing is not primarily a conservation-related issue. I believe that the decision taken by the Assembly at Consideration Stage to ban hare coursing was taken on social and ethical grounds and based on the premise that such a sport is no



longer appropriate in the twenty-first century. I consider that those amendments would be a fundamental reversal of the Assembly's decision to ban hare coursing altogether. On that basis, I propose to reject amendment Nos 8 and 10.

Amendment No 9, in essence, seeks to strengthen the Assembly's decision to ban hare coursing by prohibiting the taking of hares through netting. Under article 12 of the Wildlife (Northern Ireland) Order 1985, it is already an offence to use nets to catch hares. Therefore, in effect, netting is prevented by that course of action. The transportation element is already technically banned, but the proposal would add further teeth to existing legislation.

I have several technical amendments that are required as a consequence of the vote at Consideration Stage to outlaw hare coursing. Those amendments will delete references to coursing in a number of separate statutes. An amendment to the Long Title of the Bill — amendment No 15 — is also required for that reason. That concludes my discussion on the second group of amendments.

**Mr Molloy:** Go raibh maith agat. I thank the Minister for his reply. There is no point in me making a lengthy winding-up speech.

**Some Members:** Hear, hear.

**Mr Molloy:** I do not think that we will change many people's minds. Although some Members may not be whipped, the Whip is with them.

A lot of myths have been thrown up. Mr Wilson repeated an earlier one by scaremongering about hares being savagely torn apart and about squealing and v different things. However, at the end of his contribution, he admitted that that did not happen today. Therefore, I do not know why he had to take the usual course and tell us about it. If Mr Wilson or other Members think that hare coursing, cockfighting and all the other issues that they want to talk about no longer happen, they are more naive than I thought the Green Party was in the first place. The reality is entirely different.

The Green Party in the South of Ireland had to retreat very quickly, although not quickly enough given the way that it got out of government. The Green Party could not get this legislation through in the South of Ireland. Despite the dismissals of Mr Weir and others, the economy in the South of Ireland benefits from coursing

events to the tune of about €60 million a year. Clonmel alone, a small rural community, benefits to the tune of €16 million a year.

We missed Jim Shannon in the debate. Mr Shannon advocated, many times, that we should try to engage in a number of different rural sports to attract tourists and to develop the economy. Unfortunately, he has passed on to another place and is no longer with us. We need some sort of vision of what we do here rather than simply burying our heads in the sand. If Members look back over the past 30 or 40 years, they should realise that banning things did not achieve an awful lot.

Many of us were banned in various ways, as were many political parties and marches, but those bans did not work. In fact, if Members were to look back through political history, they would see that banning just does not work. Unfortunately, it will not work in this case either.

Professor Montgomery, co-author of the Queen's University, Belfast report, said:

*"Without legal, well-organised and regulated coursing, much of the costs of conservation will fall exclusively on government."*

Whenever the Department talks about present-day budgets, it should take into account how much money the Government will have to spend on conservation and how that money could be used instead, not only to achieve benefits for the economy, but to deal with conservation.

Members have been very selective with the surveys that they do and do not like. We heard about several surveys today. For example, we heard about different versions of the Queen's University report. One version said that hare numbers are dropping and, indeed, that hares are disappearing completely, while another said that hare numbers are increasing, which is the reality of the situation. I listened to Brian Wilson's history of different Bills and thought that — I know that this is not a party position — maybe we should bring back the Senate, if that is a way to dismiss some of these issues.

After listening to some of the contributions, I am amazed at just how many Members can understand the mindsets of horses, hares and hounds. All of them can imagine the suffering, trauma and tension that those animals go through. Given their great imaginations about



what animals endure, I often wonder what those Members do as a side job.

We have had a good enough debate on the issue. I do not think that many Members' minds have been changed, but that is more to do with the reality of closed minds than with anything else. We have to look at the reality of whether we want well-organised, regulated and managed hare coursing or whether we want to throw it open and allow uncontrolled, illegal activity to continue. I ask Members to support the amendment.

**Mr Deputy Speaker:** Amendment No 8 is a paving amendment for amendment No 10.

*Question put, That amendment No 8 be made.*

*The Assembly divided: Ayes 33; Noes 53*

## AYES

Ms M Anderson, Mr Armstrong, Mr Bell, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Butler, Mr W Clarke, Mrs Foster, Mr Gallagher, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr I McCreá, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Lord Morrow, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Ms Ruane, Mr Sheehan.

*Tellers for the Ayes: Mr Boylan and Mr Brady.*

## NOES

Mr S Anderson, Mr Attwood, Mr Beggs, Mr P J Bradley, Mr Bresland, Lord Browne, Mr Burns, Mr Callaghan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCreá, Mr McDevitt, Dr McDonnell, Mr McFarland, Miss McIlveen, Mr McQuillan, Mr Moutray, Mr Neeson, Mr Newton, Mr O'Loan, Mr Poots, Ms Ritchie, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.

*Tellers for the Noes: Mr Lyttle and Mr Ross.*

*The following Member voted in both Lobbies and is therefore not counted in the result: Mr P Ramsey.*

*Question accordingly negatived.*

**Amendment No 9 made:** In page 21, line 2, at end insert

*"(e) nets hares for the purpose of a hare coursing event,*

*(f) transports hares for the purpose of a hare coursing event, or*

*(g) holds hares for the purpose of a hare coursing event." — [Mr Weir.]*

## New Clause

**Amendment No 10 proposed:** After clause 36, insert the following new clause:

### **"Licensing of hare coursing events**

36A.—(1) Section 36 does not apply to a hare coursing event arranged under and in accordance with a licence granted by the Department.

(2) A licence under subsection (1)—

(a) may be granted only to a particular person; and

(b) shall be subject to compliance with a code of practice published by the Department.

(3) The Department shall not license any more than two events in any calendar year.

(4) The Department may charge for the licence such reasonable sum (if any) as it may determine.

(5) The Department shall publish a code of practice in connection with hare coursing events.

(6) The code of practice under subsection (5) shall include—

(a) a requirement that every hare coursing event be attended by a licensed veterinary surgeon; and

(b) requirements as to standards to be observed in the practice of hare husbandry.

(7) Applications for a licence must include such information as the Department may require." — [Mr Molloy.]

*Question put and negatived.*

## **Schedule 1 (Amendments to Schedules to the Wildlife Order)**

**Mr Deputy Speaker:** We now come to the third group of amendments for debate. With amendment No 11, it will be convenient to debate amendment No 12. The amendments deal with the protection of the Irish hare.

**Dr Farry:** I beg to move amendment No 11: In page 23, line 35, at end insert

“Hare, Irish	Lepus timidus hibernicus”
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*The following amendment stood on the Marshalled List:*

No 12: In page 24, line 35, at end insert

“Hare, Irish	Lepus timidus hibernicus”
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— [Dr Farry.]

**Dr Farry:** The purpose of amendment No 11 is to add the Irish hare to schedule 5 —

**Mr Deputy Speaker:** Order. Members, please, if you are going to have conversations, have them outside the Chamber.

**Some Members:** Hear, hear.

**Dr Farry:** I repeat: the purpose of amendment No 11 is to add the Irish hare to schedule 5 to the Wildlife (Northern Ireland) Order 1985 and, therefore, give full protection to the Irish hare. Amendment No 12 would add the Irish hare to schedule 7 of the 1985 Order, thereby banning the buying and selling of the Irish hare whether alive or dead.

It is important to acknowledge the background to the amendments. The Irish hare is a distinct species of hare unique to Ireland. Its proper Latin name is *Lepus timidus hibernicus*, and its history on the island of Ireland stretches back 60,000 years. Indeed, it is regarded as an iconic animal and very much part of Irish folklore. It is distinguished by the black tips on its ears and its long back legs.

So far, we have had some interesting discussions on the numbers of Irish hares, particularly on what has happened to those numbers in recent years. It is important to acknowledge that, in itself, that debate is very small and self-contained. It is more relevant to look at long-term trends and, first, to acknowledge that, before the turn of the twentieth century, let alone the twenty-first century, there were several hundred thousand Irish hares on the island of Ireland. We are now talking about a figure of, at best, the mid-twenty thousands. Indeed, the most recent accurate survey, carried out in June 2009, indicates a figure of 27,400. We have seen a decline in numbers owing to the onset of modern farming techniques and habitat loss. More recently, we

have seen a further decline in hare numbers. Between 2004 and 2009, we saw a 60% decline in the number of Irish hares.

Huge confusion around the number of Irish hares was caused by the 2002 survey, which is often cited as the baseline by departmental officials and officials in the Northern Ireland Environment Agency. However, it is also challenged as not being robust in its methodology. If we look to the 2004 figure, which is seen as much more reliable, we are talking, at that time, about a figure of around 72,000 Irish hares. If we are to believe the 2002 figure, we would have had a massive rise, from 14,000 to 72,000, over a two-year period. However, if we look at the figure for 2009, we see a figure of around 27,000. Therefore, during the period 2004-09, there was a 60% decline in the number of Irish hares. We must ask ourselves whether the temporary special measures that we put in place have been effective in protecting the Irish hare. I think not.

#### 5.45 pm

It is also important to consider the local perspective. Indeed, localised problems may not be captured in a much bigger census of Irish hares. Compared to other mammals, the Irish hare demonstrates a limited range and dispersal. Essentially, a hare will live close to where it was born and will not easily migrate to new territory. Ultimately, in respect of numbers, we have to err on the side of caution. Why should we take a risk with such an iconic, indigenous Irish mammal, when we are so uncertain of its present situation? Indeed it is important that we employ what is termed the precautionary principle, which states that, where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing action.

What are the consequences of being wrong about the current plight of the Irish hare and finding that it is abundant? Will we harm society by introducing protection for the Irish hare? The Irish hare is not a predator. It does not necessarily destroy or interfere with agriculture, and its habitat is often different from agricultural land. Neither is it a threat to woodland. Indeed, when the House passed the Forestry Act (Northern Ireland) 2010, the Irish hare was not cited as a species that threatened woodland.

**The Chairperson of the Committee for the Environment:** Will the Member clarify — maybe

he will not be able to — the figures for 2010? He gave us the figures for 2004; I think that he said 72,000. He then referred to 2009. However, will he clarify whether he has any figures for 2010? I have those figures.

**Dr Farry:** Share them if you want to.

**The Chairperson of the Committee for the**

**Environment:** The figure is 67,400 in the latest survey. There were five hares per sq km in 2004, which is a year to which the Member made significant reference. In 2010, there were 4.76 hares per sq km. During Committee Stage, we sought information, and there has been good research done on this. The figures are well up again. The Member may not be aware of those figures.

**Dr Farry:** I am grateful to the Member for clarifying those figures. I cited the 2009 figure of 27,000. The point about statistics is that it is important that Members are careful about how they look at figures. It is possible to get outliers from statistical trends. There is concern about the accuracy of the 2002 figure, and the subsequent figure for 2004 and other years tend to confirm that the 2002 figure was inaccurate.

If the Member is suggesting that we had a figure of around 67,000 in 2010, that presupposes that there has been a massive increase, more than doubling the Irish hare population in one calendar year from the figure that I quoted of 27,000 in 2009 to more than 60,000 in 2010. I suggest that the figure that the Member cited is a statistical outlier, if, indeed, it was accurate in the first place. It is more relevant to look to the trend of figures between 2004 and 2009. I referred to a 60% decline in the number of Irish hares in that six-year period. There is no doubt that we could discuss figures all night, but that is the basis on which I tabled the amendments, and I sincerely believe that we have a sufficient body of evidence, particularly from Queen's University, to illustrate that there is a long-term decline in the Irish hare population. That decline has not been arrested in the first decade of this century; if anything, it has continued.

As things stand, the Irish hare is under threat. It is classified as a quarry species. It can be shot, hunted, but, thankfully, given that we rejected the previous group of amendments, it is no longer subject to being coursed. However, we need to look for solutions to protect the Irish hare. Again, I stress the importance of the precautionary principle. Even if we have a

situation where there is a dispute about the figures, let us err on the side of caution. No harm is caused to society by giving the Irish hare full protection. However, if we are wrong and we fail to give the Irish hare protection, we could see irreversible damage to one of the iconic species of this island.

Clearly, there are steps that we can take. There is the important step of trying not only to protect habitats but to restore them. Hopefully, we have taken some steps in that direction already today through a strong biodiversity strategy. It is also important that we give full protection to the hare. The ban on hare coursing that we have passed today is absolutely welcome. However, there are circumstances other than hare coursing that may well threaten the Irish hare. It is important to caution Members that the fact that we have reinforced the ban on hare coursing today does not mean that our job of protecting the Irish hare is done. Going for full protection will cover all possible angles from which the Irish hare is threatened.

There have been temporary special protection orders for the Irish hare in recent years. The evidence suggests that they have not been that successful in protecting numbers. Furthermore, they do not provide a constant regime and do not provide a degree of certainty. Indeed, they rely on the good nature of progressive Ministers, such as the current one, to renew them on a regular basis. That may not always be the case. However, full protection is just that. Greater clarity will be given to the police on what is and is not an offence. That would make prosecutions easier without the need to bring in, for example, landowners, because the law will be clarified in a much more black-and-white way.

There is also some very strong evidence of support for the full protection of the Irish hare in this society. Organisations such as the League Against Cruel Sports, Northern Ireland Environment Link, the Hare Preservation Trust, the Irish Hare Initiative, the Animal Welfare Federation, the Northern Ireland Badger Group and Lecale Conservation and a host of private individuals support it. Indeed, opinion polls suggest that well over 70% of the population of Northern Ireland want full protection to be given to what is an iconic species. The argument about the cost of full protection is a red herring. Full protection will be more cost-effective than temporary protection, and we have already

taken the step, through earlier amendments, to address costs incurred through biodiversity.

I urge the House to support amendment Nos 11 and 12. That is the final and cleanest way to put an end to the long-running dispute over the situation of the Irish hare. Through granting it full protection, we will remove any ambiguities and address any loopholes, and we can finally put the issue to rest, enjoy a key part of our heritage and have a greater degree of confidence that it will be there for future generations to enjoy.

**The Chairperson of the Committee for the Environment:**

Go raibh maith agat, a LeasCheann Comhairle. I propose to speak as Chairperson first and then say a few words as a Newry and Armagh MLA.

As we have heard, amendment No 11 will add the Irish hare to schedule 5 to the Wildlife Order 1985, which affords protection to animals at all times. Unlike hare coursing, protection of the Irish hare was considered at some length by the Committee during Committee Stage. The Bill was silent on the Irish hare, but those who submitted written evidence to the Committee were not. The Committee and its members were lobbied considerably on that issue from both sides of the argument. The Committee considered the evidence put before it, which ranged from those who were adamant that the Irish hare should be afforded greater protection to those who provided scientific evidence to show that Irish hare populations are thriving best in regions where sporting activities involving the Irish hare are traditional.

The Committee sought more information from the Department and was told that the greatest threat to the Irish hare was loss of habitat and that an Irish hare species action plan to address that had doubled the population over recent years. That said, it was noted that obtaining accurate consistent data on the Irish hare was not easy. The Department advised the Committee that, for the past several years, it has used special protection orders to protect the Irish hare when populations have become critical. It argued that that had worked well and that numbers had doubled in recent years. However, it noted that the mechanism is not cheap. The protection order requires a regular assessment of hare numbers in order to justify it.

Incidentally, it was noted by some respondents to the Committee that ongoing population

counts might be more beneficial to the species than being placed on a permanent protection list with no monitoring requirement, especially if the predominant threat to the species comes not from sport or hunting but from habitat loss.

Having heard the various arguments, the Committee eventually concluded that retaining the status quo would be in the best long-term interests of the Irish hare. It therefore does not support amendment No 11.

Amendment No 12 would place the Irish hare on the list of species that may not be sold, alive or dead. The inclusion of the Irish hare on that list was not considered by the Committee, which therefore has no position on amendment No 12. That concludes my summary of the Environment Committee's position.

I would like to make a few remarks as a Member for Newry and Armagh. Representing a large rural constituency, I am lobbied a great deal on the issue. On behalf of my party, I cannot support amendment No 11. I am disappointed that the Member who moved the amendment has not come up with any conservation ideas. He talked about full protection of the Irish hare, and his figures may be right. However, I am going on the figures that I have been provided with, as the Member is going on figures that he has. The figures are open to discussion. Has the Member not outlined the biggest threat to population growth and density? Moreover, I think that the Member means a ban on hunting by default, which I certainly would not support. The Member will have a chance to respond. I would like to hear how he would deal with conservation and enforcement if Members were to support the amendment. I am strongly opposed to it.

We have talked about the figures already. The figures that I have show that the population has increased. There has been a protection order. I went back to the previous amendment, and I think that the Countryside Alliance, hare coursing groups and others have worked together in rural communities to increase the population. There has been a great deal of hard work. If we decide to go down the line of protecting the Irish hare, who will enforce that? It will just be opened up again to bad practices. That is not the right approach.

The economic impact of what is proposed — I am specifically talking about hunting, because putting the hare on schedule 5 and protecting



it will lead to a hunting ban, and all the beagle hounds and —

**Mr Wells:** The Member has got it totally wrong: putting the Irish hare on the schedule will not stop anything. It will just mean that if someone wishes to do it they can apply to the DOE for a licence and get permission. All species that are protected, be they schedule 1 species of birds or whatever, are protected in the sense that one cannot just go out and shoot them. However, if there is a need to kill an animal or if the conservation argument is such that an occasional licence can be granted, people can apply to DOE or the NIEA for permission. It is not a blanket ban, and the Member needs to understand that.

**The Chairperson of the Committee for the Environment:** I totally agree, and I take that on board. However, Mr Wells should know this about legislation: you put something in place that is very easy and then regulate it and amend it to suit. I agree with you in that respect, but it is coincidental that you are talking about regulation and applying to DOE for a licence; yet, on the previous argument, when we wanted to regulate hare coursing, you were against it. I will not go into that.

**Mr Deputy Speaker:** Please make your remarks through the Chair.

**The Chairperson of the Committee for the Environment:** Sorry, Mr Deputy Speaker. I take the Member's point on board, but I fear making people apply for a licence. He is correct, but it opens up a void on the issue. I am not prepared to support that element.

Therefore, we must protect those rural sports and activities.

**6.00 pm**

I want to touch on another point to do with the social element. A number of people get together right across the divide to take part in those activities. On numerous occasions in this Chamber, we have heard about the health benefits and about trying to promote health, and here we have a perfectly good activity where people go out walking in fields on a Sunday. Beagle hounds are not a serious threat to the Irish hare population. On the point that Mr Wells made, my only fear is that, if the amendments are adopted, other subordinate legislation will

flow from it. On behalf of my party, I oppose amendment Nos 11 and 12.

**Mr Kinahan:** I am pleased to speak to the Bill again, but I echo Mr Wells's comments that we should not be coming back to the issue of hare coursing, given that it was voted down the last time it came up in the summer. Country sports and lobby groups are hearing from the Alliance Party that awful line, "They have not gone away, you know", and that party is willing to keep pushing and fighting when the majority here do not wish the amendments to go through.

I will not go into all of the statistics, and I will not speak for long, but we have heard that the hare population is everything from 25,000 to — according to the statistics that I got sent today for 2010, which are more up to date than the 2009 statistics — anything between 53,000 and 85,000 hares. To me, that seems to be an awful lot of hares. I am not sure whether they breed like rabbits, but, if they do, there will be many more of them much quicker.

The key point is that, if the Irish hare is added to the schedule, all that it will do is ban hunting or beagling, and that is only for the hunts that hunt hares, because they do not all do so. In a year, those hunts or beagles probably kill only 20 or 30 hares and, therefore, this is all a bit of a sideshow and, possibly, just an election ploy.

I will clarify one or two points. One person gave evidence to the Committee that the Irish hare interbreeds with the brown hare and, therefore, asked: what is an Irish hare as time goes on? That person also said that the Irish hare migrates, and we have been told today that they do not migrate. When it came to the predator argument, we heard that they do not destroy the habitat, yet one person who gave evidence to the Committee told us the story of how they hop over the fence, go into new woodland and happily snap every small sapling there, not to eat it but just because that is what they can do.

A lot of misinformation is going around today. We have already had the hunting debate, when we threw out the chance of a ban on hunting. I will not take you through a day on hunting again other than to say that, for those of us in the rural community, it is how we learn about the countryside, keep everyone and the animals healthy, learn about the animals and learn to interact with each other. It is a great shame that the two amendments have been tabled when we



have voted against them already, so our party is against amendment Nos 11 and 12.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I oppose the third group of amendments, which is on the protection of the hare. The Chairperson has more than amply articulated the reasoning behind the view that the Committee took on that. Frankly, the temporary protection orders are clearly working. They reserve some sort of capacity for the Department, with Queen's University, to monitor the hare population and they have led to the proliferation of the hare population. I know that there was some mention of figures and, with the greatest of respect to Mr Farry, I do not believe in using figures to advance an argument purely because they are contrived.

The figures clearly show that there has been an extensive growth in the hare population in the countryside. That reflects a prudent response by the Department. To date, I have heard nothing to convince me that that is the correct course of action for the Department to take.

I fully support amendment No 11 and the retention of temporary protection orders where the appropriate approach is adopted by the Department. However, I remain to be convinced of the consequential effects of that on amendment No 12 and what resources are required to monitor it, whether they be policing, departmental, or, by some quirk, they turn out to be local governmental, and how those will be implemented. I look forward to Mr Farry explaining in more detail how that could work. Those are my views and the considered opinion that we have come to after Committee Stage.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. A few minutes ago, the Alliance spokesperson said that he was back in a position that we thought had closed. Why are we back in that position in relation to these amendments? He was talking about coursing at that time and his proposal on it.

**Mr Wells:** I had the misfortune of having to sit in here one very hot June evening when we debated the issue, and my recollection is that the debate was centred entirely on the issue of hare coursing. The issue of the protection of the Irish hare seemed to go by default; there was no proper debate on the issue and there certainly was no vote. There was a collection of voices, and, in the confusion, many of those who wished to suggest that they were in favour of protecting

the Irish hare did not get a chance to have any involvement in the debate. Therefore, I do not think that the Member is right in saying that there was a full and proper debate at that stage.

**Mr Molloy:** I thank the Member for his intervention, but, if my memory serves me right, Alliance Party Members did not move the motion at that time. They withdrew it and created the false expectation that they had withdrawn it and that it was over, but the Alliance Party has slipped it in again for another debate.

**Dr Farry:** On a point of order, Mr Deputy Speaker. I wish to clarify the issue in case the House is led down a blind alley: at the time, I clearly said "not moved at this time", and that was recorded in the Official Report. That clearly gave the impression that we would bring the issue back at Further Consideration Stage, so no one was or should have been under any illusions at the time.

**Mr Molloy:** As you know, a LeasCheann Comhairle, the words used are "not moved". It does not make any difference what you add to those words. The Member did not move the amendment. Therefore, I correct Mr Wells on his intervention. The words were "not moved". There was no vote or debate, and Members thought that it was over, but we are back where we left off that night.

It was a long debate and there were a lot of issues. However, the House took a clear line in relation to the Hunting Bill, which was put forward by Mr Wilson. It was voted down, but now there is a veiled attempt by the Alliance Party to bring a ban on hunting back into the arena. It may be veiled to some people and disguised in various ways, but the reality is that we have a proposal to ban the hunting of hares by hounds.

As anyone who lives in a rural area will know, the hunting of hares by hounds has been going on for centuries; it is a country pastime as much as anything. As I said earlier, it is a lackadaisical walk in the fields. The slow movement of beagles and hounds does not panic or startle anyone — and definitely not the hare. Very often, I have seen the hare sitting watching them and waiting for them to catch up, and they still did not catch it. Therefore, the idea of the hare being under severe stress and strain is not true. Hunting does not affect the hare, and few hares, if any, are caught by beagles. If

you looked at a beagle, you would know that it is not that enthusiastic about catching anything.

The Alliance Party is attempting to catch us so that this will slide through by the back door and we will have a ban on hunting. That is another ban on a rural way of life and a rural sport.

Therefore, we need be clear as to what the proposal is about: it seeks to ban completely the hunting of hares with hounds. We cannot tell hounds and beagles when they go out hunting that they can hunt brown hares but not Irish hares. Irish hares do not wear a tricolour or label, nor are they green. In many areas, brown hares overrun the countryside. That causes problems.

I am sure that the Alliance Party proposer of the amendment is well educated on rural sports and the rural way of life. However, he seems to have missed something when he said that hares do no damage. If you speak to the orchard men in County Armagh or to people who plant trees, they would say that, in fact, the hare does a lot of damage. Not only does the hare damage the lower part of the tree, but, because of its height, it can stretch very high and do a lot of damage to young apple trees and trees of any nature that have flowers, blooms or leaves on them. Therefore, the idea that the hare does no damage is false.

**Mr Wells:** That is a red herring. The Member knows that, if that situation arose and a farmer or grower had difficulties with hares, he could apply for a licence to the Northern Ireland Environment Agency to permit the culling of hares. Therefore, that situation is covered. The Member should not put up straw men and knock them down. Those are not valid reasons to oppose the amendment.

**Mr Molloy:** I have listened to a number of different interventions from the Member. Red herrings have been mentioned so often that I think that the next ban will be on hunting herring. The Member has another list coming up for us in the future. I did not create that red herring: it was created by the Alliance Party proposer of the amendment, who said that the hare does no damage. My point is that it does cause damage. There are conservation problems with hares and other wild animals. Although the farmer can protect trees, hares can still damage them because of their height. They cause a lot of damage. People need to make themselves aware of rural issues before they start to talk

about them, particularly on the issue of conservation and protection of the Irish hare.

Perhaps, it is the Irish or green side of the Alliance Party that talks about protection of the Irish hare. However, its argument does not cut it, have any effect or influence anyone, because it is not about the protection of the Irish hare but is something that has been adopted from the Green Party. That does not do the Alliance Party any good.

We have discussed several different issues, including the number of Irish hares. As many Members have pointed out, the figures quoted by the proposer of the amendments are flawed. The amendments themselves are flawed. They have come out of the woodwork at a late date because the party knew that they would be voted down at Consideration Stage. Therefore, we are debating the issue of numbers again.

As has been pointed out, hares, particularly Irish hares, are currently in abundance. If Members look at the graph of the numbers of Irish hares over the past number of years, they would see that they rise and fall at certain times due to different circumstances that affect birth rates. The rates at which hares are killed are also affected by various circumstances. For example, leverets can, unfortunately, be killed by silage cutters because they simply stay down when the machinery passes over them. Therefore, the hare population has risen and fallen over the past number of years. At present, the population is healthy.

**Mr Lyttle:** Much has been made of numbers, figures and data. Is the Member aware of the European Commission's report on protected habitats and species in Ireland that has rated the conservation status of the Irish hare as "poor"? The report also states that the Irish hare has not only suffered significant population decline over past decades, but has experienced localised extinction. That is stated in a European Commission report, which is dated 2008. We need to clear up the nonsense that surrounds fact and figures.

Also, in relation to the issue of stress that you raised, the Irish Coursing Club's veterinary surgeon said:

*"Stress can come in many shapes and forms and as long as you have the hare in captivity, he is prone to it — resulting in his disability and even death at times."*

We need to be clear about those two issues.

**6.15 pm**

**Mr Molloy:** I thank the Member for his intervention. I repeat: Members have been very selective in the surveys that they like and the surveys that they do not like. They pick the ones that they do like to make their argument, and sometimes it depends on the course of it.

**Mr Lyttle:** The quote is from the Irish Coursing Club in relation to the impact of stress on the hare.

**Mr Molloy:** I thank the Member again for that intervention, but we all have the correspondence from the Irish Coursing Club. He did not like some of it earlier on in relation to other events that we have been discussing. The Irish Coursing Club promises the husbandry that it offers to the hares, preserves and maintains the habitat that the hares live in and has increased the population of the Irish hare from 82% in 1990-91 to 98.7% in 2009-2010. The facts and figures are all there. Just taking one paragraph that you like does not solve the problem. We have to deal with the reality of the situation on the ground.

If the European survey is actually saying that the farming community should close down completely because of the number of hares that are being killed by silage cutting, that is a different road to go down, and he will certainly have strong opposition to that from most Members, and certainly from myself. You can protect so far, but we are talking about wild animals. There is also the preservation of deer in different parts of the country. Go to Donegal today and you will see whole forests being destroyed because of the number of wild deer that have escaped from Glenveagh and are now running wild around the country and damaging stock. There are times when you have to conserve and times when you have to cull certain animals to protect them.

At this time we are protecting the Irish hare. The numbers of Irish hare are great at the present time, and the protection is there to look after them. The people who are looking after them are those who manage them in various different ways. The coursing clubs are some of those bodies that have done a great job in ensuring the protection of the Irish hare and looking after its habitat. Unfortunately there are a lot of people who sit in ivory towers and tell us what

should be done to protect the Irish hare, but do not actually engage in doing anything for it.

If I asked any of the Members who are proposing the protection of the Irish hare what they have done over the last five years to protect the Irish hare or increase the growth of the Irish hare, I think the answer would be "nil". Where is their conservation proposal? What are they proposing to do, other than saying we should protect the Irish hare, getting it passed in the Assembly and putting it on their election literature, then walking away and leaving it for somebody else to look after? Let us look after the people who have been looking after the Irish hare, and vote down the amendments for the second time.

**The Minister of the Environment:** The amendments propose giving full statutory protection to the Irish hare and preventing the sale of Irish hares. I explained my stance on the issue during Consideration Stage, and I will reiterate the main reasons why I do not consider it necessary to give the Irish hare full statutory protection. Ecological evidence indicates that the main factors limiting the Irish hare population are the availability and quality of suitable habitat. Activities such as hunting have a negligible impact on the overall population.

Ten years ago, the population of the Irish hare was one hare per square kilometre, and my Department established a species action plan to address the conservation concerns. That plan included two key targets relating to the overall population, including a target to double the population in as wide an area as possible over that 10-year period. Data from annual surveys showed that the targets contained in the action plan have been achieved. Research also shows that there has been no regression in the genetic strength of the population. My Department therefore considers that the Irish hare population is stable. On that basis, I do not believe that it is necessary to give the Irish hare full statutory protection.

My Department will be conducting a review of the current action plan, and our objective is to develop a new plan that will focus on key actions to maintain the population. In addition, with the help of Department of Agriculture and Rural Development schemes and other projects, we seek to improve those numbers over the next 10 years.

I also believe that, if we are to achieve our shared aims, it is important that we work closely with those who have an interest in country sports. I welcome that that group had a voluntary moratorium on hunting the Irish hare. That will be of major assistance in achieving sustainable populations of a broad range of species. Therefore, I am not prepared to support the amendment, and, for the same reason, I will not be supporting amendment No 12.

**Dr Farry:** The amendments are being put to a vote tonight; they were not put to a vote back in June 2010. Therefore, there is nothing contrived about the nature of the debate today. It is qualitatively different from Mr Molloy's earlier attempt to get the hare coursing issue reopened through the back door.

In many respects, we have made the issue a lot more complicated than it needs to be. Indeed, given the number of red herrings that Members introduced, we moved from hares to fish. The issue is very simple. The Minister questioned the need for full protection, and, in one sense, I respect that argument. The counter argument, however, is that there has been no sustained or well-argued case as to why the Irish hare should not be given full protection. There is no harm to society whatsoever in giving the Irish hare full protection. Indeed, full protection comes with all the caveats that Mr Wells set out.

We are seeking to move from a situation of giving temporary protection for the Irish hare to one where we have full protection. Temporary protection would have to be re-examined and reconsidered time after time, incurring a degree of cost while relying on a Minister's being prepared to renew or reintroduce an order if it expires. Full protection, however, would mean that orders would not have to be constantly renewed or reintroduced. So all the things to do with cruelty to the Irish hare that Members complain cannot be done would be ruled out with a temporary ban. Therefore, moving from a temporary to a permanent ban would not make life any easier or more difficult for those in the countryside.

**The Minister of the Environment:** The Member quoted his own figures for 2004-09. I understand that the ban was in place throughout that period. So the Member is defeated by his own argument, which was that there is a correlation between hunting and where the species exists.

**Dr Farry:** The figures suggest that the temporary measures were in themselves not sufficient to address the issue. However, I stress that the widest and most effective way to protect the hare is through habitat. I have never argued anything to the contrary. Anyone who reads the Official Report will see that I made clear in my opening remarks that the clearest way to protect the hare is through the protection and enhancement of biodiversity and, in particular, its habitat. Full protection of the Irish hare is a support mechanism for hare numbers and is an important step that we should nevertheless take.

I again stress that there is no harm in or consequence to extending a series of temporary protections to full protection. That would move us away from all the uncertainty and would give clarity. We would not then have to carry out regular censuses or have a Minister seeking to extend the protection.

I was disappointed by the remarks of most of the political parties. I already addressed Mr Boylan's remarks by saying that full protection would cost less than regular surveys. I also made the point about the importance of conservation. Mr Boylan challenged me about what we would do about protection. Again, the clear argument is the importance of protection and enhancing biodiversity. We took a step in that direction today.

Mr Boylan also queried the economic impact of a ban on hunting. If hunting is what is required for an economic impact, that is an economic impact that we can do without. Society is very clear on its attitude to a lot of these things.

Again, I was disappointed by the attitude of Danny Kinahan and the Ulster Unionists. It is not an issue of town versus country or us trying to create some artificial divide in society. There is concern across the board in Northern Ireland about the protection of the Irish hare. It is not an issue only for people who live in an urban setting.

I was also disappointed by the comments of Mr McGlone from the SDLP. At least the SDLP spoke on this group of amendments. I was disappointed that no SDLP Members contributed to the earlier part of the debate on hare coursing. A number of SDLP Members even went through the Aye lobby and voted to reintroduce hare coursing in Northern Ireland. It is important that that party clarifies its position on animal cruelty issues, particularly the coursing of hares.



When Mr McGlone attacks as “contrived” the figures that I have cited, it is not an attack upon me —

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

**Dr Farry:** I will in a second.

That is an attack on the professional people who put the figures together in the first place.

**Mr McGlone:** First, we had a free vote earlier.

Secondly, Mr Farry, at no point did I say that your figures were contrived.

**Dr Farry:** You did.

**Mr McGlone:** To be honest, I did not. I just asked for further clarity on those figures, because a number of figures had been presented objectively in the Assembly, and I just wanted to get a flavour of the argument. By making that allegation, you did not advance your argument one iota.

**Mr Deputy Speaker:** Please refer all your remarks through the Chair.

**Mr McGlone:** Yes, Mr Deputy Speaker, thank you.

**Dr Farry:** First of all, the record will show that the word “contrived” was used. My colleagues beside me have just confirmed that, and it will be in the Official Report. I wrote the word down as Mr McGlone said it. If Mr McGlone is also saying that the SDLP has a free vote on an issue of animal cruelty, that gives me great cause for concern.

In relation to Mr Molloy's remarks, I have already explained the situation on the nature of our amendments. Making this into an orange/green issue was a little bit far-fetched. The Alliance Party stands here as a cross-community party; we are not unionist or nationalist, and we are not currying favour in either direction. We do what is right for this society.

The notion that our amendments are the result of the Alliance Party jumping on a bandwagon created by the Green Party is wrong. Protection for the Irish hare is something that was being pursued in this Chamber by my colleague David Ford long before the Green Party even existed in Northern Ireland. *[Interruption.]* Mr Wilson confirms that he has been active on the issue for over 30 years, but that was in a different life, before he was a member of the Green Party and when he wore a different hat.

My colleague Mr Lyttle made a very useful intervention when he cited the European Commission's view on the matter. If anyone wants to dispute the Commission's status as an authoritative source, they will be making a big mistake.

Clearly, there is opposition in the Chamber to our amendments, but it is important that we take a stance tonight and that Members make clear where they stand on the full protection of the Irish hare. There is strong support in society for that protection, and people will be judged on how they vote on it.

*Question put, That amendment No 11 be made.*

*The Assembly divided: Ayes 19; Noes 56.*

## AYES

Mr Attwood, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Callaghan, Mr Easton, Dr Farry, Mr Ford, Mr Humphrey, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McDevitt, Ms Ritchie, Mr G Robinson, Mr Wells, Mr B Wilson.

*Tellers for the Ayes: Mr Lyttle and Mr McCarthy.*

## NOES

Ms M Anderson, Mr S Anderson, Mr Armstrong, Mr Beggs, Mr Bell, Mr Boylan, Mr D Bradley, Mr Brady, Mr Bresland, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mrs Foster, Mr Frew, Mr Gallagher, Ms Gildernew, Mr Hamilton, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr B McCrea, Mr I McCrea, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr M McGuinness, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr Molloy, Lord Morrow, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr Poots, Mr P Ramsey, Ms S Ramsey, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Weir.

*Tellers for the Noes: Mr Brady and Mr Ross.*

*Question accordingly negated.*

*Amendment No 12 proposed: In page 24, line 35, at end insert*

“Hare, Irish	Lepus timidus hibernicus”
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— *[Dr Farry.]*

*Question put and negated.*



**Schedule 2 (Amendments)**

**Mr Deputy Speaker:** Amendment No 13 is a paving amendment for amendment No 14.

*Amendment No 13 made:* In page 28, line 28, leave out leave out “7A(1) and 7D(4)” and insert “and 7A(1)”. — *[The Minister of the Environment (Mr Poots).]*

**Schedule 3 (Repeals)**

*Amendment No 14 made:* In page 32, line 22, at end insert

**“PART 3****HARE COURSING**

Short Title	Extent of repeal
<i>The Game Preservation Act (Northern Ireland) 1928 (c. 25)</i>	<i>In section 7(2) paragraph (b) and the word ‘or’ immediately before it.</i>
<i>The Control of Greyhounds etc. Act (Northern Ireland) 1950 (c. 13)</i>	<i>Section 7D(4). Section 5(2). In Schedule 12, paragraph 3.</i>
<i>The Wildlife (Northern Ireland) Order 1985 (NI 2)</i>	
<i>The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)</i>	<i>In Article 2(2), in the definition of ‘bookmaker’s licence’, the words “or coursing”.</i>
<i>The Game Preservation (Amendment) Act (Northern Ireland) 2002 (c. 2)</i>	<i>Section 1(4).”</i>

— *[The Minister of the Environment (Mr Poots).]*

**Long Title**

*Amendment No 15 made:* Leave out “and amend” and insert

“; to prohibit hare coursing events; to amend”. — *[The Minister of the Environment (Mr Poots).]*

**Mr Deputy Speaker:** That concludes the Further Consideration Stage of the Wildlife and Natural Environment Bill. The Bill stands referred to the Speaker.

*(Mr Speaker in the Chair)*

**Committee Business****Statutory Committee Membership**

**Mr Speaker:** As with similar motions, this will be treated as a business motion. Therefore, there will be no debate.

*Resolved:*

*That Mr John McCallister replace Mr David McClarty as a member of the Committee for Employment and Learning; and that Mr Fred Cobain replace Mr John McCallister as a member of the Committee for Social Development. — [Mr Cobain.]*

**Planning Bill:  
Extension of Committee Stage**

**The Chairperson of the Committee for the Environment (Mr Boylan):** I beg to move

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 1 March 2011, in relation to the Committee Stage of the Planning Bill (NIA Bill 7/10).*

I do not think that I have to remind Members of the amount of legislation that the Environment Committee has dealt with in this mandate. Suffice it to say, Committee members have become experts in legislation.

The Planning Bill is the largest Bill ever to come before this House. It consists of 248 clauses and seven schedules. There were 61 responses to the Committee’s call for evidence, and the Committee has taken oral evidence from 11 organisations and individuals. It held a stakeholder event that was attended by over 25 organisations, which gave stakeholders the opportunity to air their views on the specific areas that have consistently arisen throughout the submissions.

The Committee has been meeting twice a week, including for some all-day sessions, in order to conduct its scrutiny of this hugely important Bill.

Although all Committee members have agreed to do their utmost to ensure that the Bill is passed in this mandate, the Committee needs a short extension to ensure that it receives the relevant information from the Department that it needs to make informed decisions on the Bill.

Therefore, I seek the Assembly's support for the extension of the Committee Stage of the Planning Bill.

*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 1 March 2011, in relation to the Committee Stage of the Planning Bill [NIA Bill 7/10].*

## Private Members' Business

### **Caravans Bill: Further Consideration Stage**

**Mr Speaker:** I call the sponsor, Mr John McCallister, to move the Further Consideration Stage of the Caravans Bill.

*Moved. — [Mr McCallister.]*

**Mr Speaker:** Members will have received 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. I remind Members that, under Standing Order 37(2), Further Consideration Stage is restricted to debating any further amendments tabled to the Bill.

There is a single group of amendments, comprising amendment Nos 1 to 6, which deal with seasonal agreements. Once the debate on the group is completed, any further amendments 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 7 (Application of this Part)**

**Mr Speaker:** We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 6. The amendments deal with seasonal agreements. I advise Members that amendment No 6 is consequential to amendment No 4. Therefore, I will call amendment No 6 only if amendment No 4 is made.

### **The Minister for Social Development**

**(Mr Attwood):** I beg to move amendment No 1: In page 5, line 37, at end, add "under a seasonal agreement".

*The following amendments stood on the Marshalled List:*

No 2: In clause 8, page 6, line 8, at end insert

*"and*

*(d) sets out the terms implied by section 9(1)." —  
[The Minister for Social Development (Mr Attwood).]*

No 3: In clause 8, page 6, line 22, at end insert

*"and*

*(d) sets out the terms implied by section 9(1)." —  
[The Minister for Social Development (Mr Attwood).]*

## No 4: Leave out clause 9 and insert

**"Implied terms as to consultation with occupiers' association"**

9.—(1) *In any seasonal agreement there shall be implied the terms set out in subsections (3) and (4) (read with subsections (5) and (6)); and this subsection shall have effect notwithstanding any express term of the agreement.*

(2) *If the owner fails to comply with those terms, the occupier may apply to the court for an order requiring the owner to comply with those terms.*

(3) *The owner shall consult a qualifying occupiers' association, if there is one, about all matters which relate to the operation and management of, or improvements to, the caravan site which may affect the occupiers either directly or indirectly.*

(4) *For the purposes of consultation the owner shall give the association at least 28 days' notice in writing of the matters referred to in subsection (3) which—*

(a) *describes 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.*

(5) *For the purposes of subsection (3) an association is a qualifying occupiers' association in relation to a caravan site if—*

(a) *it is an association representing the occupiers of caravans on that site;*

(b) *at least 50 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;*

(e) *it maintains a list of members which is open to public inspection together with the rules and constitution of the association;*

(f) *it has a chairman, secretary and treasurer who are elected by and from among the members;*

(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;*

(h) *the owner has acknowledged in writing to the secretary that the association is a qualifying*

*occupiers' association or, in default of this, the court has so ordered.*

(6) *When calculating the percentage of occupiers for the purpose of subsection (5)(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." — [The Minister for Social Development (Mr Attwood).]*

No 5: In clause 10, page 7, line 2, leave out "seasonal" and insert "caravan". — [The Minister for Social Development (Mr Attwood).]

No 6: Leave out schedule 2. — [The Minister for Social Development (Mr Attwood).]

**The Minister for Social Development:** I want to acknowledge the work that John McCallister has done in guiding the Caravans Bill to its penultimate stage, and the further work that has been undertaken since Consideration Stage by officials in my Department and in the Department of Enterprise, Trade and Investment (DETI). Save for one or two matters, I do not believe that there is anything of great substance in the amendments. Nonetheless, the amendments will ensure that, technically and procedurally, the intentions behind the Bill are fulfilled.

At Consideration Stage, the Assembly supported amendments proposed by Mr McCallister that created implied terms in the holiday caravan sector. There are a number of technical deficiencies in those provisions, which, if not addressed, would undermine their desired impact and weaken the legal effectiveness of the Bill. The amendments that are tabled are designed to address those matters. They have been drafted in consultation with Mr McCallister and the Department of Enterprise, Trade and Investment, which has the policy lead on the holiday caravan sector. I stress that DETI has been involved in each and all relevant matters.

The amendments specifically ensure consistency in the use of terminology and references with the rest of the Bill, make the provisions clearer and more easily understood and ensure that, as far as possible, they are workable in practice and will be more legally effective.

Amendment No 1, which amends clause 7, clarifies the definition of the term "occupier" for the purposes of Part 2 of the Bill. That is needed to differentiate clearly in the Bill

between the implied terms, which are designed to apply to the holiday caravan sector in Part 2 of the Bill, and those which apply to the residential caravan sector in Part 1.

I turn to amendment Nos 2 and 3. At present, even though there is a requirement to consult a qualifying occupiers' association on a range of issues, there is no requirement on site owners to tell caravan owners on their sites about those implied terms. Amendment Nos 2 and 3, which amend clause 8, address that gap and place a requirement on site owners to include notification in the written statement about the implied terms. It is a good legal maxim to create certainty and avoid doubt, which is what amendment Nos 2 and 3 will do. They will also increase transparency in the flow of information.

Amendment No 4 amends and replaces the current clause 9 and schedule 2. Schedule 2 contains many technical deficiencies. Rather than table a series of minor amendments, I propose to amend and replace the provisions in clause 9 and schedule 2 with a new clause 9. That approach is clearer and simpler and is intended to facilitate a shorter and more focused process today.

The main purpose of amendment No 4 is to ensure consistency with other parts of the Bill and make the existing provisions clearer and more workable. There are five main changes from the current schedule 2. First, in amendment No 4, the association is referred to consistently as a "qualifying occupiers' association". That is a textual amendment. Secondly, amendment No 4 creates a mechanism for site owners to recognise the qualifying occupiers' association or for occupiers to seek a court order requiring them to do so. Such a mechanism already exists in the residential sector, and parallel provision is now made for the seasonal sector.

Thirdly, the amendment removes the provision for collective consultation on site fees and service fees. There is no parallel provision in the residential sector, where consultation on pitch fees is a matter for individual negotiation between a caravan owner and a site owner. English case law reinforces that point and, given the legal situation, the current provision in paragraph 2(b) of schedule 2 is likely to be unworkable. Fourthly, the requirement for a qualifying occupiers' association to hold an AGM is removed. There is no similar requirement in

the residential sector and no clear reason why the provisions for the holiday sector should differ in that respect. Lastly, the grounds for consultation in the seasonal sector are somewhat unclear and create the potential for considerable disagreement on sites and needless litigation. I anticipate that that matter will be of some interest during the ensuing debate. If so, I will reply in substance to any points raised during the debate.

In essence, the site owner currently has to consult only about significant changes to the operation and management of a site — that is what is in the draft — and has no obligation to consult about site improvements, which are important as they are often used to justify increases in pitch fees. The word "significant" is subjective and open to wide interpretation. What is significant to one person may not be significant to another. Its inclusion leaves much room for disagreement about the matters that should be consulted on. Given that the Bill gives holiday caravan owners the option of court challenge, such disagreement may lead to costly and unnecessary litigation. That can be avoided by being much clearer about the grounds for consultation, which is achieved by the removal of the word "significant" and the inclusion of "consultation" on site improvements. That change has the added benefit of making the grounds for consultation in the residential and holiday caravan sectors broadly consistent.

At Consideration Stage, the House recognised that there are some caravan sites that contain residential and holiday caravans. Amendment No 4 will be of particular benefit to the owners of those sites, who will be able to operate one consultation process rather than two separate processes.

Amendment No 5 to clause 10 replaces a remaining reference to "seasonal" site. That term was removed during Consideration Stage and replaced with "caravan" site. Amendment No 6 leaves out schedule 2, which is no longer required as a result of amendment No 4, to which I have just referred. I commend these amendments to the House.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** The Committee for Social Development considered the amendments in group 1 at its meeting on 3 February 2010. The amendments are described as technical and refer to the seasonal caravan

sector. The Department advised the Committee that these final amendments are designed to ensure that the Caravans Bill operates effectively and consistently.

The key amendment is amendment No 4. Much of the text, as set out on the Marshalled List, is unchanged from the Caravans Bill as amended at Consideration Stage. There are only a few small differences. One difference concerns the requirement for seasonal site owners to consult qualifying associations in respect of all matters relating to operational and management issues. As is evident, the new wording matches the provisions that apply in the residential sector. The Department believes that consistency in that respect will be of benefit to caravan site owners, particularly where there are residential and seasonal caravan occupiers on the same site or adjacent sites.

I remind the House that the majority of Committee members were generally content with the extension to the seasonal caravan sector of some of the rights available to the residential caravan sector. Many members welcomed the requirement for site owners to consult occupiers, particularly on significant issues, as a means of initiating a useful dialogue between both groups.

During initial discussions on that issue, a minority of Committee members expressed concerns and suggested that the requirement around consultation should be more limited for the seasonal sector than the residential sector. The argument centred on the desire not to disadvantage an important part of the tourism industry by applying more onerous regulation in Northern Ireland than applies in other jurisdictions. I think that the majority of members support these amendments. However, when the Minister for Social Development responds to the debate, I ask that he confirm whether he is content that that provision will not lead to any disadvantage for Northern Ireland's seasonal caravan sites. I reiterate the Committee's support for the amendments.

**Mr F McCann:** Go raibh maith agat, a Cheann Comhairle. I also support the amendments. As Simon said, at Committee, I raised a number of difficulties that I saw in the seasonal sector, and, at one stage, my party considered the possibility of tabling amendments to the Bill. However, through discussion at Committee and with individuals, we came down in favour of

these amendments, especially the provisions in and around the formation of residents' associations to help with any possible problems that may arise during the day to day running of caravan sites. The fact that a review of the workings of this will take place in a number of years' time means that we — if we are all re-elected again in May — will be able to deal with any anomalies or problems that it throws up.

We raised a whole list of issues at Committee, such as forced evictions from sites; threatened evictions; increasing fees; people being forced to sell their caravan to site owners at a huge loss or to change caravans over a relatively short period regardless of condition; and the fact that tenants had little rights and no say in site conditions. However, we believe that the first step towards addressing those issues is the provision of occupiers' associations, because those will give caravan owners some powers that they have not had previously.

I again thank the Committee and all the officials who came in, because there was a general debate at Committee. I also thank and commend John for bringing forward the Bill. After tonight, he will hopefully be able to go home and not dream about caravans. As I said during the debate at Consideration Stage, a lot of this is down to Annette Holden, because she did all the running for it. It is good work and a job well done. I support the amendments.

**Ms Lo:** I support the amendments.

**Mr McCallister:** Mr Speaker, the importance of the Caravans Bill has been shown by the fact that you have returned to preside over this part of the business and that the First Minister joined us for a time to oversee its Further Consideration Stage.

I am grateful to the Minister for his opening comments. I concur with his remarks about the help and support provided by his officials and those from DETI. The amendments very much tidy up the Bill as amended at Consideration Stage. The broad principles of the amendments that I tabled at Consideration Stage were about setting up and trying to build on and improve the rights of caravan owners. I am, therefore, grateful to the Minister for Social Development and to colleagues in DETI for helping to draft these amendments. That is why I support them, and I am grateful to the Members from all sides of the Assembly who support them, too. As Minister Attwood said, these amendments



make the Bill much more workable and useable for people to avail themselves of the rights contained in the legislation. They are also in keeping with the drafting instructions given, so the flow of the Bill will not be lost. For those reasons, I support the Minister's amendments.

### 7.00 pm

Amendment No 1 gives the clarity that is required. Amendment Nos 2 and 3 create certainty and avoid doubt, to use Minister Attwood's phrase. Amendment No 4 is the biggest, and it was sensible to replace schedule 2 to make this as workable as possible. The fact that we want the legislation to improve things for caravan owners has been the driving force behind it. We want it to work in the residential sector, and we want the amendments to do with the seasonal sector to work in order to provide meaningful change for the better in the caravan sector.

As the Chairperson of the Committee said, we do not want to overburden site owners or the industry. When working with DETI officials and Minister Foster, the driving force of her argument was that she did not want something that would go against her role as Minister for better regulation. The issue was about striking a balance, and that is what these amendments do. They meet the principles set out at Consideration Stage and improve them.

Amendment No 5 is a technical one, and amendment No 6 is consequential to amendment No 4. I wholeheartedly support the amendments, and am grateful to the Minister, colleagues and others for staying to debate this. Hopefully, we will have the support of the House.

**The Minister for Social Development:** I thank Members for their contributions. I will create a little more certainty and avoid a little more doubt: subject to Final Stage and Royal Assent, we trust this Bill will be operational by later this year, after the summer season. Therefore, all those who have caravans and those who do not will be able to take advantage or otherwise of the legislation that will be in place at that stage.

I compliment John McCallister and all those who have been involved in developing this piece of legislation, including my predecessor, Margaret Ritchie, who had a much greater role in this than my belated one.

As the experience in Britain demonstrates, this sort of legislation does not place any undue burden on the sector. Some of the provisions are already operated on a voluntary basis by a number of site owners around Northern Ireland. We will create consistency, not undue burden, and we will create some level of obligation, responsibility and protection for those who use caravan sites. The Department for Social Development and DETI are engaged in a process of education and awareness around the Bill, so when it goes live, there should be a higher threshold of understanding of its contents going into the next summer season in particular. The provisions around residential sites might be relevant even earlier than the summer season of 2012.

I give the Chairperson of the Committee the reassurance that he sought about whether there would be any disadvantage to the seasonal sites. I am pleased to have that reassurance recorded in the Hansard report. In respect of the substantive matter in these amendments, I confirm that I looked very closely at whether the deletion of the term "significant" was the appropriate course of action. The phrase had referred to the site undergoing:

*"significant changes to the operation and management".*

It did not seem to me to be a good idea to have two different tests for the two caravan sectors. Leaving out the term "significant" will create consistency around the test.

I concur with the view that "significant" is too extravagant and elaborate a term to give power to the site owner to determine what he should or should not deem as significant in consultation with or information to those who have pitches. Although there is still some latitude in interpretation in respect of the deletion of "significant" in schedule 2 and replacing it with "all", it is easier to apply the test of reasonableness to proposed new clause 9 than it is to the existing clause 9.

I am glad to give those reassurances, as I indicated to the Chairperson of the Committee. I thank all Members who contributed, and I commend the amendments to the House.

*Question, That amendment No 1 be made, put and agreed to.*

**Clause 8 (Particulars of agreements)**

Amendment No 2 made: In page 6, line 8, at end insert

*“and*

*(d) sets out the terms implied by section 9(1).” —*  
*[The Minister for Social Development (Mr Attwood).]*

Amendment No 3 made: In page 6, line 22, at end insert

*“and*

*(d) sets out the terms implied by section 9(1).” —*  
*[The Minister for Social Development (Mr Attwood).]*

**Clause 9 (Terms of agreements)**

Amendment No 4 made: Leave out clause 9 and insert

***“Implied terms as to consultation with occupiers’ association***

*9.—(1) In any seasonal agreement there shall be implied the terms set out in subsections (3) and (4) (read with subsections (5) and (6)); and this subsection shall have effect notwithstanding any express term of the agreement.*

*(2) If the owner fails to comply with those terms, the occupier may apply to the court for an order requiring the owner to comply with those terms.*

*(3) The owner shall consult a qualifying occupiers’ association, if there is one, about all matters which relate to the operation and management of, or improvements to, the caravan site which may affect the occupiers either directly or indirectly.*

*(4) For the purposes of consultation the owner shall give the association at least 28 days’ notice in writing of the matters referred to in subsection (3) which—*

*(a) describes 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.*

*(5) For the purposes of subsection (3) an association is a qualifying occupiers’ association in relation to a caravan site if—*

*(a) it is an association representing the occupiers of caravans on that site;*

*(b) at least 50 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;*

*(e) it maintains a list of members which is open to public inspection together with the rules and constitution of the association;*

*(f) it has a chairman, secretary and treasurer who are elected by and from among the members;*

*(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;*

*(h) the owner has acknowledged in writing to the secretary that the association is a qualifying occupiers’ association or, in default of this, the court has so ordered.*

*(6) When calculating the percentage of occupiers for the purpose of subsection (5)(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.” — [The Minister for Social Development (Mr Attwood).]*

**Clause 10 (Jurisdiction)**

Amendment No 5 made: In page 7, line 2, leave out “seasonal” and insert “caravan”. — *[The Minister for Social Development (Mr Attwood).]*

**Schedule 2 (Agreements under Part 2 of this Act)**

**Mr Speaker:** Amendment No 4 has been made, so I will call amendment No 6.

Amendment No 6 made: Leave out schedule 2. — *[The Minister for Social Development (Mr Attwood).]*

**Mr Speaker:** That concludes the Further Consideration Stage of the Caravans Bill. The Bill stands referred to the Speaker.

Adjourned at 7.07 pm.



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# Northern Ireland Assembly

Tuesday 8 February 2011

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

*Members observed two minutes' silence.*

## Ministerial Statement

### Higher Education: Tuition Fees and Student Finance

**Mr Speaker:** I have received notice from the Minister for Employment and Learning that he wishes to make a statement.

**The Minister for Employment and Learning (Mr Kennedy):** I welcome the opportunity to update the Assembly on the latest developments in our work on the future policy for higher education tuition fees and student finance arrangements. In particular, I advise Members that Joanne Stuart has provided me with an update to her report, 'Independent Review of Variable Fees and Student Finance Arrangements', which I am immediately making available on the Department for Employment and Learning's website. A copy has also been placed in the Assembly Library.

As Members will recall, on 12 October 2010, my predecessor, Lord Empey of Shandon, made a statement on the independent review of variable fees and future student finance arrangements. The review was carried out by Joanne Stuart, the chairperson of the Institute of Directors in Northern Ireland. The publication of Ms Stuart's original report coincided with the release of the findings from Lord Browne's review of the English system of higher education. I am grateful to Joanne Stuart for her original report and for the update to it.

In her original report, Joanne Stuart made a number of recommendations on future fees and funding arrangements. She recommended that tuition fees should remain in place at current levels, rising in line with inflation. She recommended changes to the qualifying thresholds for entitlement to the maintenance grant, which would mean that a greater number of students would be eligible for the maximum

maintenance grant and that more students would be eligible for a partial grant. In addition, she recommended that we retain the higher maintenance grant in Northern Ireland, which is almost £570 more than the maximum grant currently available in England.

The report further recommended:

*"that this position is reviewed in light of the outcomes of the Browne review in England, particularly if recommendations of that review could impact significantly on student flows between Northern Ireland and England."*

In line with her recommendation, my predecessor, Lord Empey of Shandon, asked Joanne Stuart to update her report in light of the Browne review and the outcome of the comprehensive spending review, which was announced on 20 October 2010. As Joanne Stuart acknowledged, the environment in which her update has taken place has undoubtedly changed from that which existed during the completion of her original report. She has considered a range of additional external factors that were unknown or incomplete when the original review was completed. They include the coalition Government's changes to the fee structure and repayment terms in England, following the Browne review; the Welsh Assembly Government's changes to the fee structure in Wales, following the Browne review; and the coalition Government's comprehensive spending review and the Northern Ireland Executive's subsequent draft Budget proposals for 2011-12 to 2014-15, particularly as they relate to my Department.

As well as considering all that additional information, Joanne Stuart spoke to various bodies concerned with the changes, including the higher education institutions, the National Union of Students-Union of Students in Ireland (NAS-USI), the Employment and Learning Committee and others. In the report and update

Joanne Stuart recommends that the tuition fees and financial support model should incorporate the three elements of tuition fees, maintenance grants and repayment terms and that those should be treated as a complete package. That is a sound approach, to which I would add that maintenance loans, although not in the Stuart review remit, are also part of the package.

The updated Stuart report sets out recommendations, including the retention of the basic fee at the current level of £1,310. For those who are unfamiliar with the basic fee, I should explain that this lower fee is most commonly used by the College of Agriculture, Food and Rural Enterprise and further education colleges. The report also recommends an increase of the higher fee cap to between £5,000 and £5,750 from the current cap of £3,290. It further recommends the alignment of the maintenance grant thresholds for household income levels to those in England — in other words, we extend the £19,000 household income qualifying threshold for entitlement to a maximum grant to a threshold of £25,000. It is recommended that the higher maximum grant of £3,475 be maintained and that the repayment threshold at which loan repayment will commence be increased to £21,000 from £15,000. The report states that we should adopt the UK Government fee structure for non-Northern Ireland-domiciled students studying at Northern Ireland higher education institutions — in other words, set a basic fee level of £6,000 with a maximum fee cap of £9,000 for students who come to study in Northern Ireland from the rest of the UK. The detail of and rationale for the recommendations are set out in the updated Stuart report.

There is significant public interest in these issues, and it is for that reason that I have released the updated Stuart report now. Joanne Stuart's recommendations are not necessarily what will happen to the funding of higher education; rather, they are an important element of a process within which all voices will be heard through a public consultation. In due course, decisions will be made by the next Assembly.

As the Assembly considers the draft Budget and prepares to vote on a final Budget settlement, it must be aware that there are significant implications for the future funding of higher education. Members of all parties must be aware of the consequences that flow from the Budget settlement. It would be irresponsible

of me, as Minister, not to draw the attention of the House to that fact. To that end, yesterday I briefed the Chairperson and Deputy Chairperson of the Employment and Learning Committee on the Stuart update. I acknowledge and express my thanks for the positive and open-minded way in which they are engaging on these issues. I also circulated a copy of the update to Executive colleagues.

It may be helpful if I give Members a sense of the implications of Joanne Stuart's recommendations and how they might contribute to the forthcoming consultation document. First, it is important to set out the key factors that should influence our thinking on student finance and funding arrangements. We all agree that we want to develop a "Made in Northern Ireland" model that strikes the right balance between being affordable to the public purse and to students and graduates, maintaining access and continuing our proud record of having the best higher education participation rates in the United Kingdom for those from socially disadvantaged backgrounds, and promoting excellence in our higher education institutions and allowing them to remain internationally competitive.

Joanne Stuart's original conclusion was that we must have tuition fees. The Stuart update focuses in particular on two options: maintaining the status quo or increasing the maximum fee cap. Maintaining the status quo is rejected, as it would not address the deficit in higher education funding. Indeed, on the basis of the calculations and assumptions in the Stuart update, there would be a shortfall of between approximately £40 million and £65 million per annum upon roll-out to a full three-year cohort. Instead, Joanne Stuart recommends an increase in the maximum fee cap to between £5,000 and £5,750.

As I told the House in response to recent questions for oral answer, I am committed to doing what I can to minimise the impact of any such fee increase on Northern Ireland families. My officials are working on the details of the budgetary implications of the recommendations in Joanne Stuart's updated report, and the forthcoming consultation document will set out a range of options. There will be broad support for Joanne Stuart's recommendations on maintenance grants, and I am considering whether it is feasible, including financially, to include that support in the consultation paper.



I note Joanne Stuart's recommendation on repayment arrangements. Repayment is a critical area, and we need to ensure that students, their families and others fully understand it. Students do not need to pay up front to participate in higher education, and I intend to ensure that that continues. No student and no family will be required to pay fees up front. I repeat that fundamental point: no student and no family will be required to pay fees up front. That is part of my determination to ensure that access to university is based on ability to learn not on ability to pay. Students can defer payment of their tuition fees through a tuition fee loan that is repayable only after they have left higher education and are earning above a certain income. Even then, repayment is not based on the amount that they owe; it is based on the income that they are earning above the threshold. At present, repayment begins once borrowers are earning £15,000, and they repay 9% of the income earned above the threshold. For example, on a salary of £16,000 borrowers will repay £7.50 each month, irrespective of whether their student loan debt is £5,000 or £10,000.

The new proposals in England and Wales will increase the repayment threshold from £15,000 to £21,000, and Joanne Stuart recommends that we adopt that model. Repayment is managed through the tax system. Historically, there has been no scope for variation across the UK Administrations, as Her Majesty's Revenue and Customs systems could not have coped. However, the introduction of the new regime in England and Wales for new students from 2012 means that there will be two systems. The first is the existing £15,000 threshold for students already in higher education, which attracts a low rate of interest and is repaid for up to 25 years, at which point any outstanding loan debt is written off. The other system is the new £21,000 threshold for students entering higher education in academic year 2012-13. It will, depending on income levels, attract a higher rate of interest and will be repaid for up to 30 years, at which point any outstanding loan debt will be written off. Either of those models could apply in Northern Ireland, and the public consultation will seek views on both options.

#### 10.45 am

I note Joanne Stuart's recommendations on adopting a different fee regime for students from Great Britain who want to study in Northern

Ireland. Although a relatively low number of students from other parts of the UK study here, I understand the rationale, which is primarily about minimising the potential displacement of Northern Ireland students if significant numbers of students from Great Britain seek to come here to avail themselves of lower fees. I am still considering that issue, and Joanne Stuart's recommendations will obviously inform my thinking.

Finally, the Stuart report and update includes a recommendation on the need for better communication to ensure that parents, prospective students and careers teachers have a better understanding of the student finance package and its benefits, such as not having to pay up front to access higher education. I welcome that recommendation, and I am considering how best we do that.

I hope that the statement has given some sense of what are emerging as the likely consultation proposals that I plan to bring to the Executive shortly. I am sure that all Members will appreciate that I cannot and will not make pledges that neither my Department nor the Northern Ireland Executive can afford. As I have stated, my officials continue to work on the details of the budgetary implications of those issues. That work is in its final stages, and I plan to bring a paper to the Executive in late February or early March with the intention of launching a public consultation as soon as possible thereafter. That consultation will include options on the complete package of tuition fees, maintenance grants, maintenance loans and repayment terms. In addition, I understand that Joanne Stuart will brief the Employment and Learning Committee tomorrow and that, in a subsequent session, officials will engage with the Committee on the next steps in the process.

I am extremely grateful to Joanne Stuart for her hard work and commitment in producing her original report and subsequent update. I remain committed to bringing forward a "Made in Northern Ireland" model for our future student funding and finance arrangements. I have clearly indicated that I am committed to ensuring that access to higher education here is based on the ability to learn, not the ability to pay. No student or family will be required to pay up front for their fees.

I reiterate to Members the importance of a mature and responsible debate on the issues. Such a debate will allow consensus to emerge on proposals that are affordable for the

Executive and graduates; protect and maintain our widening participation record; secure appropriate investment in our higher education institutions; and maintain the excellence of our universities.

Higher education confers benefits, and it is right that the beneficiaries should contribute towards the cost. As the Employment and Learning Committee said in a recent press release, we need to balance how much tuition fees should be and how much public finance should be given to the universities. That needs to be done in the context of the current financial and economic realities. Our approach to higher education funding also needs to protect and promote the excellent standing of Northern Ireland's universities and colleges and their contribution to our regional economy.

Although a vote in the Assembly will, in due course, determine the level at which tuition fees are set, it is important to reflect, as Joanne Stuart has done, on the fact that whatever model we come up with should be looked at in the context of the total package, not just as one element. I have always recognised the importance of giving the Assembly and the public a say on these issues. I remain committed to doing that through further engagement with Members and through forthcoming public consultation processes.

The future of higher education is of immense significance to the future of our economy and our society. Our excellent universities produce graduates who make Northern Ireland highly attractive to inward investors. They are drivers for social mobility, and they enrich Northern Ireland's cultural and social life. That is why I am committed to protecting and promoting the excellence of our universities.

For individuals, access to higher education opens up career pathways and opportunities that might not otherwise be available. That is why I am committed to ensuring that access to our universities is based on the ability to learn, not the ability to pay. In light of that, the Executive and Assembly would do Northern Ireland a disservice if we were to allow the discussion of the future of higher education funding to be based on the consideration of short-term electoral gain rather than on an evidence-based approach. Joanne Stuart's updated report has made an important contribution to such an evidence-based approach. I trust

that all Members will now reflect carefully on the updated report and ensure that their public statements are based on fact, not fear, and contribute to a serious, mature debate, not electioneering.

I pledge to the House that I am determined to ensure that no young person, no student and no family will be required to pay upfront fees and that access to university will continue to be on the basis of the ability to learn, not the ability to pay. I ask all parties in the House to join me in achieving a "Made in Northern Ireland" solution that secures fairness, affordability and excellence.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** I

thank the Minister for his statement and for the briefing that he afforded to the Deputy Chairperson and me yesterday afternoon. I place on record the Committee's thanks to Joanne Stuart for her report. She has appeared before the Committee, and she will be with us again tomorrow morning.

The Committee agrees with the Minister that the decision on where to set tuition fees should take account of maintaining access, widening participation, tackling social exclusion and improving social mobility. Above all, fees should be fair. The Committee has approached the issue with the seriousness that it deserves and has not made rash pronouncements.

Joanne Stuart's first report was completed in March 2010 and, as was said it would be, was revised last autumn after the Browne review. There are some startling differentials in the outcomes. In her initial report, she said that the fees should not rise. Taking an evidence-based approach, to which the Minister referred, she set out the evidence for making that statement against the levels of social deprivation and the lower income thresholds and, indeed, the success that we have had here in widening access to universities for people from poorer socio-economic backgrounds. We are keen to know what has changed for such a leap to be made on tuition fees and for a recommendation such as what we have heard from the Minister to be made.

Will the Minister outline what his Department has contributed and what, if any, policy proposals regarding fees his officials have developed? Thus far, it seems that Joanne Stuart has been forced to do all the heavy lifting.

**The Minister for Employment and Learning:**

I am grateful to Mrs Kelly, the Chairperson of the Committee for Employment and Learning, for her interest and involvement and that of the Committee in this work. She said correctly that the Committee has been very responsible in dealing with this important issue.

It was necessary for Joanne Stuart to update her original report in the light of the Browne review and his recommendations for the rest of the United Kingdom, particularly England, and, indeed, in light of the budgetary considerations that we now face as a result of the comprehensive spending review, which was announced in October 2010. With that in mind, it was timely and important that Joanne should update her report. That was a recommendation in her original report, so my predecessor acted correctly on that. That report is published today. I know that the Committee is meeting Joanne Stuart tomorrow, and my officials will also be available for further consultation.

The Member asked what departmental officials and I have been doing to bring forward views on the issue. My officials and I have been active in consulting widely with key stakeholders — that makes me sound like an estate agent — by which I mean universities, student bodies and other interested parties. We are considering models, and I have been in contact with my counterparts Leighton Andrews in Wales and Mike Russell in Scotland, as well as with David Willetts in Westminster. We are looking at models for bringing forward proposals for the consultation document. It is important that the consultation document is brought to the Executive and made available for wider public consultation so that everyone can have a mature and responsible debate on this important issue. Final decisions will have to be concluded during the next mandate.

**Mr Bell:** I thank the Minister for his statement. It is the first time that I have been accused of being positive and open-minded.

Given the financial cut as a result of the Barnett consequential, does the Minister believe that Northern Ireland would be best served by ensuring the twin aims that young working-class people can still access university on ability to learn and that our two universities and higher education colleges remain leading world-class British colleges of excellence? I say that as a working-class boy who accessed university.

**The Minister for Employment and Learning:**

I am grateful to the Member for his question and for his undue modesty. I have tried to say in the statement today and I underline my view that access to university should remain on ability to learn and not on ability to pay. That is my fundamental guiding principle and that of my party, and I believe that it is shared by all parties in this House. We would do well to remind ourselves that we have a very good record for widening participation and attracting students from poorer socio-economic areas. In fact, we have the best record in the United Kingdom. I want to preserve that, and I am publicly committed to maintaining that record.

The Member will be aware that there will be consultation in the near future to look at targeting issues such as the most able and the least likely. Therefore, I am committed to ensuring that access to higher education remains based on ability to learn and not on ability to pay. The Member is right that we have to find a balance. Not only must we keep affordability and access levels, we have to ensure and protect the world-class universities that have served us so well in Northern Ireland.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. It is important to remind all parties that, at one time or another, they opposed student fees. I am not surprised that we are discussing the issue today, considering that the Minister's party stood with the Tories in the last Westminster election. The Minister kept saying that access to university is about ability to learn and not ability to pay. I am concerned about where we are coming from on that issue. We are talking about increasing student fees even though the first Stuart report stated that there should be no increase. The old saying is that he who pays the fiddler calls the tune: will that be an option in the consultation document? Devolution is about us making decisions for our people, including our students.

**Mr Speaker:** Will the Member please come to her question?

**Ms S Ramsey:** I will, a Cheann Comhairle. The Finance Minister says that there is no issue about increasing fees in his Budget, but I am concerned about who runs the Department: is it the Minister, or is it Queen's University?

**The Minister for Employment and Learning:** I thank the Member for her question. She raises

an interesting issue, one on which she would do well to examine her own party's record.

We need to realise that it involves cost. Potentially, the Member, presumably on behalf of her party, is inviting me, as a member of the Executive, to create a black hole of up to £80 million. That may be good electioneering, but, practically and financially, it is not in the real world.

#### 11.00 am

I ask all parties to maintain their good, mature response to the debate. It is important that we do not descend into party political arguments that end up in cheap electioneering. I warn the Member off that dangerous and unwise approach, as, ultimately, it does no service to students, graduates, universities or anyone who is remotely interested in higher education. I hope that we can work together.

It is clear that the draft Budget's implications for my Department are not good. I want to work with my Executive colleagues, including the Minister of Finance. If the Member's Executive colleagues have money to give me to fund student fees and to make courses free or, indeed, to support students in any way, I will not be precious about it: I will accept money from the Minister for Regional Development, the Minister of Education or from whichever quarter the necessary money comes.

The guiding principle must be to seek a Northern Ireland-based model that is best suited to the needs of students and universities and which is based on ability to learn not ability to pay.

**Mr McCallister:** I thank the Minister for his open and honest statement about the challenges that face us all. It is important that the premise of ability to learn over ability to pay and Northern Ireland's record on student numbers are maintained. Does the Minister agree — and it is worth reiterating — that there is a responsibility on all of us in the House, whatever our viewpoint, to face budgetary realities? Does the Minister agree that we must have the debate in that light?

#### **The Minister for Employment and Learning:**

I thank the Member for his question. I agree strongly that we set out the issues, which are difficult, complex and which will require important and, potentially, difficult decisions to be made, in a mature and responsible way. Surely it is the test of what is called a five-party mandatory coalition to address those issues.

If the coalition works properly and cohesively, it should take a collective view on those issues and not descend into party politics and cheap electioneering.

**Mr Lyttle:** I agree that we need to set electioneering aside. The House needs to send out a clear message that no one should be deterred from higher education by cost. A more sustainable model is needed. When will the Minister deliver detailed proposals that allow us properly to assess the balance that is being struck between students, universities, state and business to provide a more sustainable higher education model in Northern Ireland, and when exactly will consultation commence?

**The Minister for Employment and Learning:** I am grateful to the Member for his important question. I have factually set out Joanne Stuart's updated report. I encourage all Members, parties, interested people and key stakeholders — said the estate agent again — to study the report in detail, as it has significant implications. Arising from that, and on completion of the budgetary process, which, in itself, is important and the House will decide on in coming weeks — *[Interruption.]*

**Mr Speaker:** Order. Minister, you may continue.

#### **The Minister for Employment and Learning:**

What I intend to do then is to bring forward to the Executive, in late February or, at worst, early March, proposals for an options paper for full consultation with everyone throughout Northern Ireland. That is my intention. We are working on proposed models and we will bring forward that paper to the Executive as quickly as we can to seek Executive agreement on it. I am not in the business of being a popular or unpopular martyr on those issues. We will seek to get Executive agreement for that consultation, which will be a full and proper consultation that will stretch over the period in which the House will go into election mode, if it is not already there. Then the new Assembly, and whoever is the Minister, will bring forward the proposals as necessary on the future funding for higher education.

**Mr Weir:** I thank the Minister for his statement. To follow on from the previous question, given the need that prospective students and universities have for certainty on funding, will the Minister indicate what he sees as the timescale for a final decision on fees? Is he indicating that there will not be any impact on 2012-13?



**The Minister for Employment and Learning:**

I am grateful to the Member for his question. He raises a significant issue. The decision is one that will have to be faced early in the life of the new Assembly because if we get approval for the consultation process at Executive level, as I hope that we will, the process will take 12 weeks, which will carry us through until late May. It will then be for the House and the Minister to make recommendations and to bring forward proposals.

The clock is ticking. It is an important issue, and certainty is required by students, parents and, not least, universities, which will need to know how their finances will be managed over the coming years. It is important that we have that mature reflection and that people treat the issue with due regard, to allow us to be in a position for the new Assembly to make an early decision on it, however difficult that decision may be.

**Mr Butler:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I note that he said — as he did at the time of the Browne review — that he wanted to see a solution here in the North of Ireland, yet, on the face of it, it seems that he has accepted lock, stock and barrel the Browne review, an English solution to the North of Ireland's problem. Given that we need a vote in the Assembly, as the Minister said, and that there are some parties that are still implacably opposed to tuition fees, what is the Minister's plan B if that vote does not support an increase in tuition fees?

**The Minister for Employment and Learning:** I am grateful to the Member for his question. I understand, from reading recent news reports, that he may not be a Member of the new Assembly. Of course, one cannot guarantee that any of us will still be Members, and I am not suggesting that. I am not saying that that is one less problem for me to deal with — *[Laughter.]* What I am saying is that these decisions have to be faced. We can live in a world where nobody takes a hard decision and we blame political rivals or competitors for various things.

My basic point is that, in what is described as a five-party mandatory coalition, there is an expectation among the wider public that we will look at those issues together to try to achieve a fair and secure resolution that keeps student fees at reasonable levels of affordability,

protects widening participation and protects the status of our universities.

That is the task ahead, not only for this Assembly, in its dying embers, but the new Assembly. I hope that Members will approach the issue on that basis.

**Mr S Anderson:** I thank the Minister for his statement and for giving Members notice of the full text. The Minister spoke of a shortfall of between £40 million and £65 million per annum. Under the proposals in the statement, how many families does the Minister estimate will end up paying more, and how much of that shortfall will be made up each year?

**The Minister for Employment and Learning:** The Member is obviously referring to the budgetary position that my Department finds itself in. That is slightly separate from the statement, which is largely a factual report of Joanne Stuart's updated recommendations to me.

With regard to the budgetary considerations, we are significantly trimming back funding to higher education. Those proposals are there, and the universities are not impressed by them. They are concerned about the quality of the education that they will be in a position to provide. However, we are where we are financially, and we seek to make those efficiency savings and to bring them forward in a responsible way. However, unless the Executive provide further support, there will undoubtedly be a further negative impact on funding to our universities and on how higher education is funded in Northern Ireland. That is my concern, and those are the issues that we have to deal with.

The Budget is in draft form and not yet confirmed. I will continue to make representations. Obviously, the Executive's priority remains improving the local economy. We have to ensure that our students and the high standards and quality of our further and higher education are key to that economic revival. It would be very short-sighted to impact on that negatively, and I am very conscious of that. I know that the First Minister and deputy First Minister made that important point and had that important point made to them when they were in Washington in the latter end of last year. I very much hope that that view will be endorsed at Executive level. However, those are the harsh financial realities in which I find myself in charge of this Department. I am seeking solutions and will look for the support of all parties.



**Mr Beggs:** The Stuart report recommends retention of the basic fee at current levels for agricultural and further education colleges. Outside of the Department of Agriculture and Rural Development, however, other Departments have impacts on costs. I am thinking of the Department of Education with its teaching colleges and the fact that there are too many trainee teachers and too few vacancies, as well as the associated costs of nurses, doctors and allied medical professionals. Have there been detailed discussions at the Executive and have decisions been made to ensure that there is a coherent and collective approach to the total costs that will be incurred in this sector?

**The Minister for Employment and Learning:** I have adopted a collective approach to this matter and will continue to do so. Last week, I was somewhat surprised to learn that the Minister of Agriculture and Rural Development had not applied the inflationary increase to the budgets of the colleges under her jurisdiction. It surprised me because, for at least three successive years, that same Minister had no difficulty in applying those increases. I can only imagine that it was a peculiar form of electioneering and an attempt to gain cheap advantage.

**11.15 am**

If I were cynical, if I were bitter and twisted, I would highlight that the same budget cut funding to the Young Farmers' Clubs of Ulster. That cut seemed to be unfortunate and peculiar, but perhaps there are political reasons for it.

**Mr P Ramsey:** I understand that the subject of student fees is very difficult. However, it is clear that devolution has put the economy at the heart of building Northern Ireland. A highly educated workforce is key to that. The SDLP will not and cannot support the fees increase and will urge other parties in the Executive to resist and reject them.

Are the DEL budget assumptions the prime reason for Joanne Stuart's recommendations? I ask that because people will look at the recommendations cynically and say that they are not independent. Where is the evidence behind those recommendations?

**The Minister for Employment and Learning:** I am grateful to the Member for his question. Let me state, absolutely, that Joanne Stuart's work has been completely independent. Neither I nor my Department sought to intrude upon that or

to influence it in any way. With the report, what you see is what you get.

As I informed the House earlier, Joanne Stuart's update to her report is important. It was a recommendation in the original report that she should update matters on the back of the Browne review in particular and in light of the comprehensive spending review. Those considerations and that wider context — not simply the Northern Ireland Executive's budgetary considerations, but the wider financial world that we now live in, with the block grant and the current financial resources in our nation — are not without importance.

I assure the Member that Joanne Stuart acted independently, and her report reflects that. It is a challenging report to the Assembly, to me and my Department, to the Executive and to those of us who will be charged with bringing her recommendations forward.

I am slightly disappointed to hear the Member talk of a predetermined outcome, because I am not making a judgement on Joanne Stuart's report at this stage. I am still engaged in carrying out studies, speaking to interested parties and looking at models for a Northern Ireland-based approach. I am doing that so that we can go back to all the people and say that this is the best effort that we can collectively make, not on a political basis but on the basis of what is best for the students and the universities that we seek to serve.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I regret that Joanne Stuart's report was commissioned in 2008, yet we still have not got the issue sorted at this late stage. Mention has been made of the independence of Joanne Stuart in compiling her reports.

If, for example, Queen's University decides that it wants to increase its fees to £9,000, as has been mooted, what control will the Department or a future Minister, whoever that may be, have over that decision?

**The Minister for Employment and Learning:** I am grateful to the Member for her question. I am loath to enter into a largely speculative debate.

The approach hitherto taken by Queen's University and the University of Ulster has been constructive and helpful, and has been mindful of the financial restrictions and the overall

context in which the debate is taking place. It would not be wise for me to speculate on how any of the universities will react. We should work through the problem and achieve the Northern Ireland-based solution that we all seek. I hope that the Member will add her contribution to that.

**Mr K Robinson:** I thank the Minister for his measured statement on what could be an emotive subject. With one or two honourable exceptions, the response from Members was also measured, and Members were attentive to what the Minister said about this difficult problem. In light of the importance of higher education to our regional economy, does the Minister agree that the issue of tuition fees requires a corporate approach from the Executive?

**The Minister for Employment and Learning:** I am grateful to the Member for his comments. They reflect the mood and tone of the House, which I welcome and appreciate. I did not enter politics to raise student fees and to become an even more unpopular figure. However, that is not the issue. The issue is wider than personal and party political considerations, and the mood of the House demonstrates that. Members want a fair and reasonable solution to the issue, and I am working with everyone involved to achieve that and will continue to do so. I reassure the House of that, and I particularly want to encourage those who are cynical and sceptical and have one eye cocked towards the election. An election is important, but more important to students, parents, graduates and the universities is the long-term stability and security of higher education in Northern Ireland.

**Mr McDevitt:** The Assembly was created to give hope to future generations, not to tax the hopes of this and future generations. The SDLP, Sinn Féin and the DUP are all opposed to an increase in student fees, and in the House of Commons on 9 December 2010, the Minister of Finance and Personnel, Sammy Wilson, said that he was fundamentally opposed to such an increase. Given all that, will the Minister take this opportunity to create a unity of purpose in the Chamber and tell Members that he also opposes an increase in student fees? Will he also commit to taking the matter back to the Executive so that we can take this issue off the agenda before the election and give hope to future generations in the region?

**The Minister for Employment and Learning:** I am grateful to the Member for his contribution.

Until the Member spoke, I had considered Colin Firth to be the leading contender for this year's Academy award for best actor. *[Laughter.]* However, if Academy members are watching today's proceedings or get the opportunity to watch them, they may find a new contender. *[Interruption.]*

I have tried to set out the updated report on behalf of Joanne Stuart today. I heard what the Member said, and I also heard the passion with which he said it. Although I understand that passion, I must deal with the situation as I find it. I am working through the issue and will continue to do so. There is no — *[Interruption.]*

**Mr Speaker:** Order.

**The Minister for Employment and Learning:** The Member, having asked the question, might be interested in listening to the answer.

**Some Members:** Hear, hear.

**The Minister for Employment and Learning:** There is no deliberate intention on my behalf to raise student fees, nor is there any malice. However, against that, I have responsibilities as the Minister for Employment and Learning and as a member of the Executive. Throughout the process, I have consistently been open and honest, and I continue to be so. I seek the co-operation and help of Mr McDevitt and Members from the other parties as we work through this difficult issue.

**Ms Lo:** I thank the Minister for his statement; he has a difficult job to try to balance the books. Now and again, the two universities here have mentioned the need to consider greater flexibility on the cap on student numbers. Would the Minister consider reviewing that, so that the universities could spread the costs and help to balance the books?

**The Minister for Employment and Learning:** I am grateful to the Member for her question, and I thank her for her sympathy as well. She will be aware of Sir Graeme Davies's review into the future of higher education, which is out for public consultation. The capping of student numbers at particular universities, both Queen's University and the University of Ulster, is included in that review. There is, perhaps, an opportunity in the review to refocus things. I will not express an opinion because it is a live consultation, and we want people to contribute to it. It is based on a wider time frame than

the current debate focuses on. Nonetheless, it remains an important aspect, and I encourage all Members and all political parties to involve themselves in that consultation.

**Mr A Maginness:** I thank the Minister for his comprehensive statement. Nothing gives rise to greater resentment than student fees, and I have no doubt that increases in those fees will give rise to great resentment among young people. The Minister is handicapped by two things: first, Westminster's decision on the fees in England and the Barnett consequential on that and, secondly, the Department of Finance and Personnel's decision on its Budget, which will engage a deficit of around £68 million. Given that, and given the fact that the Minister is committed to a genuine consultation, does he feel that the proposals in Joanne Stuart's report can be amended or altered, bearing in mind that he is handicapped by the double whammy that he has received with regard to his budget?

**The Minister for Employment and Learning:** I do not underestimate the task before me. However, it is not before only me, it is before the entire House and the entire Executive. This ought not to be a party political issue. I am working hard to ensure that it does not become party political and that the Executive and the Assembly take corporate responsibility for it. I welcome the tone of today's debate. We have had a bit of toing and froing but, in the wider frame, most Members accept the enormity of the task before us. However, it should not be beyond our wit or ability to bring forward a sensible outcome with help and co-operation from each other.

**Mr McClarty:** I thank the Minister for his statement. I also thank the Minister, the Department and Joanne Stuart for all their hard work on this important issue. It has created the opportunity for some to electioneer and, as we have already heard, that opportunity has not been missed.

To what extent will the future level of tuition fees be determined by the Budget settlement voted for by the House?

**The Minister for Employment and Learning:** One crucial element of the issue is the current deliberations on the draft Budget. Members will be aware that I have raised concerns about the level of funding and its impact on and implications for higher education. A lot of the burden of my Department's efficiency savings has been placed at the door of higher

education, and, as I said earlier, the universities are concerned about that.

However, we are where we are. Very soon, the draft Budget will become, one imagines, a final Budget. That potentially makes my task, and that of the House and the Executive, even more difficult. My only hope, and my expectation, however misplaced, is that we will address the issues together.

**Mr P Maskey:** Go raibh maith agat, a Cheann Comhairle. In his statement, the Minister referred to the consultation paper going out and then back to the Executive. Can he tell us whether it will include options for having no fees or having a fees freeze? Or will the only options in the paper be for a rise in fees? I would appreciate an answer.

**The Minister for Employment and Learning:** I am grateful to the Member for his question. Let me confirm that the options paper will contain as many options as we can possibly include. I will not second-guess it, because work on it is ongoing. A full range of options will be available for a full and proper public consultation.

**Mr Speaker:** That is the end of questions to the ministerial statement. Members may take their ease for a few moments.

# Executive Committee Business

## Sunbeds Bill: Consideration Stage

**Mr Speaker:** I call the Minister of Health, Social Services and Public Safety, Mr McGimpsey, to move the Consideration Stage of the Sunbeds Bill.

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

**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 the 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 amendments that deal with enforcement, principally through fines and the creation of restricted zones, together with the Minister's opposition to clause 3. The second debate will be on amendments that deal with the creation of duties, including duties to provide information and to provide protective ear-wear. I am sorry: I meant to say "eyewear". The third debate will be on the licensing of sunbed premises.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill. 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. I remind Members to address all the amendments in the group on which they wish to comment. If that is clear, we shall proceed.

### Clause 1 (Prohibition on allowing use of sunbeds by persons under 18)

**Mr Speaker:** We now come to the first group of amendments for debate as shown on the grouping list, and this includes the Minister's proposal to remove clause 3.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I beg to move amendment No 1: In page 1, line 3, leave out subsection (1) and insert

*"(1) An operator of sunbed premises who —*

*(a) allows a person who is under 18 to use a sunbed on those premises, or*

*(b) allows a person who is under 18 to be present (except in the course of providing services to the*

*operator for the purposes of the business of the sunbed premises) in a restricted zone on those premises,*

*commits an offence."*

*The following amendments stood on the Marshalled List:*

No 2: In page 1, line 20, at end insert

*"(4A) Subsections (4B) and (4C) have effect for determining what is for the purposes of subsection (1)(b) a restricted zone.*

*(4B) If a sunbed on the sunbed premises is in a wholly or partly enclosed space that is reserved for users of that sunbed, every part of that space is a restricted zone.*

*(4C) If a sunbed is in a room on the sunbed premises but not in a space falling within subsection (4B), every part of that room is a restricted zone."* — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 3: In page 1, line 22, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 4: In clause 2, page 2, line 24, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 5: In clause 4, page 3, line 9, leave out "level 3" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 10: In clause 5, page 3, line 42, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 13: In clause 6, page 4, line 17, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 17: In clause 8, page 5, line 6, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 22: In clause 9, page 5, line 20, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]



No 25: In clause 10, page 5, line 32, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 26: In clause 11, page 6, line 6, at end insert

*“‘registered medical practitioner’ means a fully registered person within the meaning of the Medical Act 1983 (c. 54) who holds a licence to practise under that Act.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 27: In clause 14, page 6, line 41, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 30: In clause 18, page 8, line 19, at end insert

*“(2) Subsections (3) and (4) have effect for determining for the purposes of this Act on which premises a sunbed is sold or hired where—*

*(a) the order for the sunbed is taken on certain premises (premises A); and*

*(b) the sunbed is despatched for delivery in pursuance of the sale or hire from other premises (premises B).*

*(3) Subject to subsection (4), the sale or hire is to be treated as taking place on premises A.*

*(4) But if—*

*(a) premises A are not in Northern Ireland; and*

*(b) premises B are in Northern Ireland,*

*the sale or hire is to be treated as taking place on premises B.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

**The Minister of Health, Social Services and Public Safety:** Amendment No 1 inserts an additional offence, proposed new subsection (1)(b), which makes it an offence to allow a person under 18 to be present in a restricted zone on the sunbed premises. That amendment was suggested by the Committee for Health, Social Services and Public Safety during its scrutiny of the Bill, as a restricted zone is included in the Sunbeds (Regulation) Act 2010, which extends to England and Wales. The amendment ensures that a person under 18 cannot, for example, accompany his or her mother into the room where the sunbed is housed. It aids enforcement of the Bill, and I am thankful to the Committee members for their input.

Amendment No 2 enhances amendment No 1 by providing three new subsections that provide a definition of “restricted zone” referred to in the proposed new subsection (1)(b).

Amendment Nos 3, 4, 5, 10, 13, 17, 22, 25 and 27 raise the fines for most offences in the Bill — namely, in clause 1 and in clauses 2, 4, 5, 6, 8, 9, 10 and 14 — to level 5 on the standard scale of fines for offences punishable on summary conviction only.

Level 5 is a fine not exceeding £5,000. That amendment was suggested by the Committee for Health, Social Services and Public Safety during its scrutiny of the Bill, as it was thought that a fine with an upper limit of £5,000 was set at a more appropriate level. I am thankful to the members of the Committee for their input.

Amendment No 26 provides a definition of “registered medical practitioner”, as that was not previously defined in the Bill.

I will now turn to clause 3 and amendment No 30. Members will have noted from the Marshalled List my intention to oppose the Question that clause 3 stand part of the Bill. The reason is that I wish to replace clause 3 with amendment No 30, which inserts three new subsections at the end of clause 18. That arose from a doubt that clause 3 was within the legislative competence of the Assembly. Amendment No 30, which inserts new text at the end of clause 18, has the same legal meaning as the original intention of clause 3, but it clarifies the position and ensures that the prohibition of the remote sale or hire of sunbeds to under 18s is done within the legislative competence of the Assembly.

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

Before I go into my set speech, I wish to say that it has been a pleasure to deal with the departmental officials throughout our scrutiny of the Bill. There are people who, perhaps, have a rather jaundiced view of the benefits of devolution, but when one sees what can be achieved when the Committee, the Minister and the officials work together, it is remarkable. As a result of that, we have legislation on the use of sunbeds that is among the strongest in Europe and that will do a lot to protect young people from the harmful effects of the use of sunbeds. The Sunbeds Bill was the first major piece of legislation that I dealt with when I took up the chairmanship of the Committee, and it has been



a very pleasant experience. Not every interface between the Committee and the Minister and his team has been as pleasant, but this one has been good news for all concerned.

On behalf of the Committee for Health, Social Services and Public Safety, I welcome the Bill's Consideration Stage. The Sunbeds Bill is timely and welcome. Having looked closely at the Bill and what it has to offer, I am confident that it will make a significant step forward in protecting our young people against the dangers of sunbeds. The Bill will provide robust legislation to regulate the use of sunbeds by those over 18 who choose to use them.

The Bill was referred to the Committee on 25 May 2010. To ensure that there was enough time to scrutinise this wide-scoping legislation, the Committee sought an extension to 4 November 2010. As members will confirm, the Committee needed that time to go through the Bill's many complexities and to hear what people had to say about its proposals. The Committee received written submissions from 30 organisations and individuals, and it took oral evidence from those who represented the widest possible range of interested parties in the time available. The Committee's report concluded on 12 October 2010.

The Committee's detailed scrutiny led to a recommendation to the Department that 12 amendments be made. I am pleased to report that all those recommendations were accepted by the Minister and are reflected in the amendments that we are considering today. I thank the Minister for his co-operation and for taking on board the Committee's recommendations. We can safely say that there are unlikely to be any divisions on the Bill and that everyone is singing from the same hymn sheet.

I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and departmental officials during the Committee Stage. That helped the process along and paid dividends when it came to agreeing recommendations for amendments. My previous experience has been that some officials from other Departments would say, "The answer is no. Now, what is the question?" I am glad to say that the officials from the Health Department said, "The answer is yes. Now, how can we work together on this particular issue?" That augurs well for ongoing legislative scrutiny.

Before I talk specifically about the amendments in the first group, I wish to provide a brief synopsis of the work undertaken by the Committee and an overview of the key issues that we identified as we scrutinised the Bill. There was a major issue around the need for a licensing scheme rather than a simple registration scheme. That issue was raised with the Minister at Second Stage. During that debate, he made a commitment that he would consider subordinate legislation for licensing. We see that as a major step forward. Obviously, we would have the sanction of removing the licence from someone who is not adhering to the provisions of the Bill.

There was also concern about the levels of fines and fixed penalties, which the Committee believed were too low to act as proper deterrents. A recurring theme throughout the debate will be that the Department reacted to that and significantly increased the fines to a level that I see as a very strong deterrent to those who would abuse the use of sunbeds.

We also discussed the concept of a restricted zone in premises where sunbeds are in use to assist local authorities — district councils, in our case — with enforcement. The Minister referred to that in his opening statement. Many witnesses raised the problem of the use of sunbeds by children in private homes. There was also concern about the delegated powers in the Bill. Those are all issues that I will return to later.

Other important issues were considered by the Committee that do not relate to the amendments being debated today. The Committee was concerned about the commencement dates for the subordinate legislation provided for by the Bill. The Bill allows for subordinate legislation, which would govern various features, to be introduced at a later date. Those include information to be provided and displayed, protective eyewear and training and technical requirements. The Bill does not specify dates for the commencement of the subordinate legislation. Much of the evidence received by the Committee urged that specific dates for commencement be added to the Bill. The Department explained that its intention is to introduce the subordinate legislation as soon as possible and that officials are already working on the detail. Officials indicated to the Committee, in public session, that they expect most of the subordinate legislation to be introduced within

12 months of the Bill becoming law. Again, that is very welcome.

The Department resisted putting definitive dates in the Bill for two main reasons. First, the work has to be done to develop, for example, the technical requirements for sunbeds and training courses. That work needs to be consulted on, and the outcome of that consultation needs to be incorporated in the draft subordinate legislation. Secondly, the officials working on the Bill may find themselves diverted to potential crises such as swine flu. If there were a definitive date in such an event, the Department could be in a position to break its own law. However, officials made it clear to the Committee that they are working on aspects of the subordinate legislation and are keen to see it brought forward within 12 months of Royal Assent.

The Committee was concerned about whether a provision is needed to prohibit those with skin type 1 from using sunbeds. The Committee is aware that the Republic of Ireland intends to introduce its own legislation to regulate sunbed use in the future. Indeed, the Royal College of Nursing (RCN) gave evidence that the use of sunbeds should be banned full stop. There is considerable merit in that argument. However, with hindsight, the Committee felt that that may be taking the legislation too far, particularly when the draft legislation had made no provision for it. Speaking personally and as a member of the Committee, rather than as the Committee Chairperson, I must say that I was very tempted to consider it at one stage. I have never used a sunbed in my life, which is pretty obvious given my pale skin. As far as I am aware, none of my family has ever used a sunbed. Listening to the evidence, I was almost tempted to back the call for a total ban. However, the Committee decided not to do so, as we feel that the legislation that we have is deliverable.

In the middle of our consultation, it became apparent that our colleagues in the Irish Republic were hinting at bringing in legislation that would ban the use of sunbeds by people with what is known as the Celtic skin type. I do not know how exactly that is defined. However, I believe that people with red hair, freckles and a certain type of skin have the Celtic skin type. It is prevalent throughout Northern Ireland and the Irish Republic. The problem is that, as yet, we do not know what the Irish will do in respect of the legislation. These are the very early stages. It would be good if there was some

consistency between the two jurisdictions for the very obvious reason that, if there were very tight regulation in Northern Ireland, people in Strabane, for example, could go across the camel hump bridge — or whatever it is called — and avail themselves of sunbeds in Lifford under much more lax legislation, or vice versa. Therefore, we thought that there was some merit in that. Unfortunately, the Irish legislation is still at a very early stage, so we do not know where we are going. Of course, at the moment, the Irish are dealing with more important issues than sunbeds with their election campaign.

The legislation may include an outright ban on sunbed use by over 18s who have the very fair skin type that I mentioned. The Committee discussed that issue with departmental officials at its meeting on 14 September. The officials indicated that the issue had not been consulted on and that substantial research would be required before making a decision on whether the concept was desirable, workable, necessary or possible.

However, the departmental officials stated that the intention was to emphasise the risks associated with using sunbeds for people with fair skin in the written information provided. It was noted that the Bill also included a power to introduce compulsory training when such accredited courses become available. Such training courses would have to include coverage of the risks associated with fair skin. The Committee agreed that that was a suitable method of addressing the risk and that it would keep itself informed on the developing legislation in the Republic of Ireland. On reflection, we took a fairly balanced decision on that issue, despite the fact that it came to the Committee very late in its consideration of the Bill.

#### **11.45 am**

I will now comment on the first group of amendments, which concern enforcement. The Committee welcomes amendment Nos 1 and 2, which introduce the idea of a restricted zone. Enforcement of the Bill will be carried out by local authorities. The Committee received evidence from Belfast City Council and from the Chief Environmental Health Officers Group on the difficulties associated with enforcing clause 1 as originally drafted. They suggested introducing the concept of a restricted zone in premises where sunbeds are in use. Persons under 18 will be prohibited from entering such

a restricted zone. The Committee agreed with that position and welcomed the Department's commitment to introducing an amendment on that issue.

Amendment Nos 3, 4, 5, 10, 13, 17, 22, 25 and 27 deal with the level of fines and fixed penalties. The Committee noted that the Bill allowed for fines from levels 1 to 4 under the Fine and Penalties (Northern Ireland) Order 1984. That is a standard scale for offences punishable on summary conviction. A level 1 fine is £200; a level 2 fine is £500; a level 3 fine is £1,000; and a level 4 fine is £2,500. A level 5 fine is substantially higher at £5,000.

The Committee considered the level of fines and noted that, in clauses 1, 2, 4, 5, 6, 8, 9 and 10, the fine was set at either level 3 or 4 rather than at level 5. The Committee felt that fines ranging from £200 to £2,500 were not sufficient deterrents, and that was echoed by much of the evidence supplied to the Committee, such as that provided by the British Association of Dermatologists. The Committee was, therefore, pleased that the Department indicated that it was tabling an amendment to bring all fines, with the exception of the fine provided for in clause 7, up to the level 5 amount of £5,000. The Minister addressed that in his opening remarks. The Committee strongly welcomes that amendment.

Opposition to clause 3 and amendment No 30 are linked, so I will comment on them jointly. On 3 February 2011, the Committee received a briefing from officials who advised that an issue had been identified with the legislative competence of clause 3. That matter has now been resolved, and the functions of clause 3 will be dealt with by a new subsection at the end of clause 18. The Committee was reassured that the amendment to clause 18 will have the same effect as the original intention of clause 3. The Committee was content with the Department's explanation for amending the Bill in that way and agreed to vote down clause 3 and to support amendment No 30.

That is all that I have to say about this group of amendments. I am sure that other Members will wish to comment.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. Sinn Féin welcomes the Consideration Stage of the Sunbeds Bill. It has been some time since we debated the principles of the Bill. As the Chairperson pointed out, the Committee

had lengthy and worthwhile debates during evidence sessions with various stakeholders including cancer organisations, charities and local government representatives. Over 30 organisations submitted written evidence to the Committee. Sinn Féin supported the principles of the Bill from the very start, and we listened very carefully during all those evidence sessions. As a result, a number of amendments were suggested to the Department, and we are pleased that those have been taken on board and are being moved today.

Sinn Féin welcomes amendment Nos 1 and 2, which bring into play arrangements to have restricted zones in areas or premises where sunbeds are in operation. Perhaps I misheard the Minister, but when he moved the amendments, I think that he referred to children following mothers into sunbed areas. However, these are changing times, and many a man now uses a sunbed, so the legislation is obviously equally valid for men and women. That amendment should make enforcement easier for local councils and environmental health officers in carrying out their roles.

The other amendments in the group deal with the level of fines. When considering the original fine levels, we decided that they were not high enough to deter bad practice. We welcome the amendments, which will allow for fines to be maximised.

Finally, the Minister set out the reasons for opposition to clause 3 and the impact on amendment No 30. The Department assured the Committee that that was necessary because of potential problems with the legislative competence of the Bill. Sinn Féin is content with what is effectively a tidying-up clause.

**Mr McCallister:** There is general agreement on the Bill, and the Committee's hard work in scrutinising it has certainly paid off. I concur with the Chairperson and the Deputy Chairperson that this is an excellent example of the Assembly working at its best. The Minister, departmental officials and the Committee scrutinised the Bill and worked together to look at what was needed to change and improve it. They worked collectively to come up with the necessary changes to make the Bill an effective and worthwhile piece of legislation. The House can take pride in having delivered the Bill to protect people in Northern Ireland.

Other Members laid out the case for all the amendments, and the Ulster Unionist Party supports that. Amendment Nos 1 and 2 complement each other and will add to the protections in the Bill. I accept the Deputy Chairperson's point that the legislation applies to all of us. Of course, Mr Speaker, I have never used a sunbed; that is why I am this colour.

The other amendments refer to the level of fines. When the Committee considered the issue, there was concern about having a meaningful level of fine. It is important that the Minister and the Department took that issue on board. The case has already been made for opposition to clause 3 and the subsequent amendment. This has been a good piece of work by the Minister, the Committee and departmental officials. We support the amendments.

**Mr Speaker:** I call Mr Alex Easton.

**Mr Easton:** Thank you, Mr Speaker.

**Mr Speaker:** I am sorry; I meant to call Tommy Gallagher first. I apologise for that.

**Mr Gallagher:** Thank you, Mr Speaker.

The Bill is a welcome development to the SDLP, coming as it does against the rising incidence of skin cancer. I also refer to the constructive approach taken by everybody involved, particularly the Department, members and all those who gave evidence.

Members referred to the dropping of clause 3 in favour of a later amendment. The entire Committee agreed on that. Amendment Nos 1 and 2 refer to the restricted zone and persons under the age of 18 and has some useful steps about enforcement. The only exception regarding persons under the age of 18 being in that zone is specified in clause 1(b) of the amendment: the only people allowed in there are those employed to carry out maintenance, for example.

The SDLP also welcomes the amendments that increase fines by 100% — from £2,500 to £5,000 — for people convicted under the legislation. We welcome the Bill and feel that it is an important step in improving public health and addressing concerns about the growing incidence of skin cancer.

**Dr Deeny:** As a member of the Health Committee, I reiterate what has been said: the

Bill is a very good example of the Chairperson and members of the Committee, our clerical team, the departmental officials and the Minister all working together. It is good news.

As has been mentioned, the legislation is as strong as any that probably will exist in Europe for protecting the skin of our population. In some sense, we are leading the way. It is also supported very much by all the health professionals. I have no doubt that the legislation, when it comes into being, will save lives and decrease the number of our population with skin cancer, so it is good news for health professionals and our population.

I will not go through all the amendments, but I, with the rest of the Committee, support them all. When we discussed clause 3 at length with departmental officials last week, we saw right away that it made sense to remove it and deal with the issue by amending clause 18. I support all the amendments and the removal of clause 3.

**Mr Easton:** I support the Sunbeds Bill. I echo the words of my party colleague Mr Wells: it shows what can be done with the Department, the Minister and the Health Committee working together. Hopefully, it is a good lesson to learn.

I welcome the Bill's Consideration Stage and I support the first group of amendments. I welcome and support amendment No 1, which clarifies clause 1(1). I also welcome and support amendment No 2, which clarifies where the restricted zone is situated for the purpose of clause 1(1). I am also supportive of amendment No 4, which increases the fine for anyone who is convicted of being in contravention of the Bill.

I support amendment No 5, which increases the penalty for those who are guilty of operating a sunbed in licensed premises unsupervised. I am also content with amendment No 10, which raises the bar for those who fail to provide information to users. I support amendment No 13, which raises the penalty for failure to display information. I also support amendment No 17, which raises the penalty for licensed sunbed providers who fail to supply protective eyewear. That is vital to protect the sight of those who use a sunbed.

I support amendment No 22, which raises the penalty for the failure to train members of staff who operate a sunbed, and amendment No 25, which raises the penalty for those providing sunbeds on licensed premises who fail to



comply with all requirements that are requested of them in conjunction with the Bill. I support amendment No 26, which redefines “registered medical practitioner”. I am also content with amendment No 27, which raises the penalty for those who refuse to permit an authorised officer on to their premises, and amendment No 30.

I commend the amendments, with the exception of the Minister’s opposition to clause 3, which I do not support.

**Mr Callaghan:** As members of the Health Committee will know, I was not a member of the Committee when the Sunbeds Bill passed through the majority of its treatment by that Committee. However, from what has been said in the House today and from informal discussions with colleagues, it is fairly clear that there is widespread warmth and appreciation for the degree of co-operation from the Minister, his officials and the Department. I pay tribute to the members of the Committee for the diligence and enthusiasm that they have shown towards this very productive measure.

The Chairperson made reference to what may forever become known as the camel’s hump conundrum and the way in which some of these issues are dealt with along the border region. It strikes me, as someone who grew up in the border area, that there was a time when the camel’s hump itself was known as a restricted zone. Thankfully, however, we have moved on from the days of that zone to dealing with new restricted zones.

A few important issues arise as regards how the Department may co-operate and communicate with the Republic in future in respect of the scope and substance of regulation and restrictions and also the levels of fine. On a practical day-to-day level, there would not be much point in a fine in Strabane being £5,000 if the fine for a similar breach in Lifford were only £50.

In effect, it would make nonsense any deterrent on a commercial basis. Leaving that aside, I echo what my party colleague Tommy Gallagher said, and I am happy to support —

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

**Mr Callaghan:** Yes.

**12.00 noon**

**Mr Wells:** Perhaps the Member has better contacts in County Donegal than I have.

I think that the way forward is to urge the Irish authorities to take this very progressive legislation on board and use as much of it as possible as a template for their laws. Far be it from me to tell the Dáil what to do — I would not suggest such a thing for one moment — however, the level of fines, the principle of licensing and the educational material could go a long way towards helping the Irish authorities to develop progressive legislation in the Twenty-six Counties.

**Mr Callaghan:** Absolutely. Any further cross-border harmonisation will be very helpful. There are institutional arrangements for bringing forward such matters, which I hope will be pursued by the next batch of Ministers on both sides of the border. I look forward to the day when Mr Wells has the opportunity to contest the seat in South Down for the Oireachtas. Perhaps he could share his wisdom all the way from Dingle to Downpatrick. Until that day, I am happy to take my seat.

#### **The Minister of Health, Social Services**

**and Public Safety:** I thank all Members who contributed to the debate. I very much appreciate the co-operation that there has been between the Health Committee and the Department and its officials. It has been very constructive. As far as the Irish Republic is concerned, legislation is still to be made there, and we will liaise with its officials throughout that process. Mr Wells’s suggestion about mirroring is very good, and I am quite sure that our Southern counterparts will listen to that point of view. We are seeking to make subordinate legislation within 12 months, but that will be subject to consultation.

*Question, That amendment No 1 be made, put and agreed to.*

*Amendment No 2 made: In page 1 line 20, at end insert*

*“(4A) Subsections (4B) and (4C) have effect for determining what is for the purposes of subsection (1)(b) a restricted zone.*

*(4B) If a sunbed on the sunbed premises is in a wholly or partly enclosed space that is reserved for users of that sunbed, every part of that space is a restricted zone.*

*(4C) If a sunbed is in a room on the sunbed premises but not in a space falling within subsection (4B), every part of that room is a*



restricted zone.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 3 made: In page 1, line 22, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Service and Public Safety (Mr McGimpsey).]*

Clause 1, as amended, ordered to stand part of the Bill.

**Clause 2 (Prohibition on sale or hire of sunbeds to persons under 18)**

Amendment No 4 made: In page 2, line 24, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Service and Public Safety (Mr McGimpsey).]*

Clause 2, as amended, ordered to stand part of the Bill.

**Clause 3 (Remote sale or hire of sunbeds)**

**Mr Speaker:** No amendments have been tabled to clause 3. However, I remind Members that we have already debated the Minister’s proposal to remove clause 3 from the Bill and to insert the relevant provisions later in the Bill.

Question, That clause 3 stand part of the Bill, put and negatived.

**Clause 4 (Prohibition on allowing unsupervised use of sunbeds)**

Amendment No 5 made: In page 3, line 9, leave out “level 3” and insert “level 5”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Clause 4, as amended, ordered to stand part of the Bill.

**Clause 5 (Duty to provide information to sunbed users, or buyers etc.)**

**Mr Speaker:** We now come to the second group of amendments, which impose new duties on sunbed premises or operators. The amendments are listed in the grouping list.

**The Minister of Health, Social Services and Public Safety:** I beg to move amendment No

6: In page 3, line 14, after “information” insert “and such other information”.

The following amendments stood on the Marshalled List:

No 7: In page 3, line 21, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 8: In page 3, line 25, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 9: In page 3, line 39, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 11: In clause 6, page 4, line 5, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 12: In clause 6, page 4, line 14, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 14: In clause 8, page 4, line 38, at end insert

“(3A) A person (the ‘seller’) who sells a sunbed to a person and who fails to comply with the requirement in subsection (3B) commits an offence.

(3B) The seller must provide a person who is buying the sunbed with protective eyewear.

(3C) A person (the ‘hirer’) who hires a sunbed to a person and who fails to comply with the requirement in subsection (3D) commits an offence.

(3D) The hirer must provide a person who is hiring the sunbed with protective eyewear.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 15: In clause 8, page 4, line 40, leave out “subsections (2) and (3)” and insert “this section”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 16: In clause 8, page 5, line 4, at end insert

“(5A) In proceedings for an offence under subsection (3A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(5B) In proceedings for an offence under subsection (3C), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission

of such an offence.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 18: In clause 9, page 5, line 10, leave out “the requirement” and insert “a requirement”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 19: In clause 9, page 5, line 12, leave out subsection (2) and insert

“(2) The operator must—

(a) meet such requirements in relation to training as may be prescribed; and

(b) secure that such employees or agents of the operator as may be prescribed meet such requirements in relation to training as may be prescribed.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 20: In clause 9, page 5, line 14, at end insert

“(2A) A person (the ‘seller’) who sells a sunbed to any person and who fails to meet such requirements in relation to training as may be prescribed commits an offence.

(2B) A person (the ‘hirer’) who hires a sunbed to any person and who fails to meet such requirements in relation to training as may be prescribed commits an offence.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 21: In clause 9, page 5, line 18, at end insert

“(3A) In proceedings for an offence under subsection (2A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3B) In proceedings for an offence under subsection (2B), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 23: In clause 10, page 5, line 26, at end insert

“(2A) A person (the ‘seller’) who sells a sunbed to a person and who fails to comply with the requirement in subsection (2B) commits an offence.

(2B) The seller must secure that a sunbed referred to in subsection (2A) meets such requirements as may be prescribed.

(2C) A person (the ‘hirer’) who hires a sunbed to a person and who fails to comply with the requirement in subsection (2D) commits an offence.

(2D) The hirer must secure that a sunbed referred to in subsection (2C) meets such requirements as may be prescribed.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 24: In clause 10, page 5, line 30, at end insert

“(3A) In proceedings for an offence under subsection (2A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3B) In proceedings for an offence under subsection (2C), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

### **The Minister of Health, Social Services and Public Safety:** I support amendment No 6.

Such other information has been added to that subsection to enable the Department to prescribe other information that it considers necessary to users of sunbeds. For example, information that is not health-related, such as to highlight that it is illegal for a person under the age of 18 to use a sunbed on those premises. That term has been added to other parts of the Bill and is reflected in amendment Nos 7 to 9, 11 and 12.

Amendment Nos 14 to 16 refer to clause 8, “Protective eyewear”. They will place an additional duty on sellers and hirers of sunbeds to provide their clients with protective eyewear and, subsequently, will provide sunbed operators with a defence. During the Health Committee’s scrutiny of the Bill, the Department noticed that sellers and hirers of sunbeds would not be subject to the same provisions as those operating sunbed premises. These amendments seek to rectify that loophole. I am thankful to Committee members for their input.

Amendment Nos 18 to 21 refer to clause 9, “Requirements in relation to training”. They will ensure that sellers and hirers of sunbeds will be subject to the same training requirements as staff operating in sunbed premises and, subsequently, will provide sunbed operators with a defence. During the Health Committee’s

scrutiny of the Bill, the Department noticed that sellers and hirers of sunbeds would not be subject to the same provisions as those operating sunbed premises. These amendments will rectify that loophole. Once again, I am thankful to Committee members for their input.

Amendment Nos 23 and 24 refer to clause 10, "Requirements in relation to sunbeds". They will place a duty on sellers and hirers of sunbeds to ensure that their sunbeds meet the same technical requirements as those operating in sunbed premises and, subsequently, will provide sunbed operators with a defence. During the Health Committee's scrutiny of the Bill, the Department noticed that sellers and hirers of sunbeds would not be subject to the same provisions as those operating sunbed premises. These amendments will rectify that. I am grateful to Committee members for their input.

**The Chairperson of the Committee for Health, Social Services and Public Safety:** I hope that the media cover this co-operation between the Department's officials and the Committee as much as they cover our disputes. On Saturday, I told a journalist that we would be bringing a group of departmental officials before the Committee on Thursday to answer very pointed questions on a certain issue, and she replied with a text message saying, "I'll pray for them." So, although there can be difficult times with the Committee, there are times when we get a high level of co-operation.

In my previous comments, I should have mentioned the Committee staff. Apparently, I am not allowed to name individuals, but I must say that both the previous and present Committee Clerks have worked tirelessly, along with their teams, to bring about total agreement with everyone on the issue, so I pay tribute to them.

There is a serious aspect to all this, because, as we know, melanoma is one of the most serious forms of cancer known to man. The death rate is very high, and, in Northern Ireland, various statistics indicate that, every year, at least one person dies as a result of the misuse of a sunbed. Indeed, some figures indicate that the problem is quite prevalent. Consequently, the serious intent behind the legislation is to ensure that we bring under strict control the use of something that can, if misused, kill.

The amendments that deal with that very issue are in the second group. Amendment Nos 6, 7, 8, 9, 11 and 12 relate to clauses 5 and

6. They allow the Department to prescribe what information, other than strictly health information, that will have to be displayed in sunbed premises. The Committee was content that the proposed amendments would allow information to be given to people who were hiring sunbeds for home use so that they could note that it is illegal for under-18s to use a sunbed. The Committee noted that, as per its request, every sunbed hired will have a sticker advising people of the health risks and stating that it is illegal for people under the age of 18 to use them.

Amendment Nos 14, 15 and 16 relate to clause 8, which deals with protective eyewear. The provision of eyewear was raised by several organisations, such as the British Medical Association and the Association of Personal Injury Lawyers. The organisations noted that protective eyewear should be provided free of charge to all sunbed users and that the clause in the Bill should be amended to allow for that. The Department noted that providing eyewear free of charge was no guarantee that it would be used. In addition, the Committee was concerned that free eyewear should not lead to a use-it-and-dispose-of-it mentality, which would be environmentally unfriendly. The Department proposed an amendment to ensure that sellers and hirers of sunbeds provide eyewear to their clients and to provide a defence for those sellers and hirers. The Committee was content with the amendments.

Amendment Nos 18, 19, 20 and 21 relate to clause 9, "Requirements in relation to training". All the evidence showed support for training. However, many believed that training should be extended to sellers and hirers of sunbeds, as well as to those operating sunbeds on commercial premises. The Department proposed an amendment to clause 9 to ensure that all persons who sell and hire sunbeds are trained in the same way as those who work in sunbed premises.

Amendment Nos 23 and 24 relate to clause 10. There was a broad welcome for that clause. For example, the British Medical Association stated that all sunbeds should adhere to the British and European standards. Cancer Research UK stated:

*"that all sunbeds manufactured and sold in the European Union (EU) should carry a prominent, clear and permanent warning, highlighting the risks associated with use."*

The Department proposed an amendment to ensure that sunbeds sold or hired meet the same requirements as those in sunbed premises and to provide a defence for sellers and hirers. Again, the Committee welcomed those amendments, and I commend them all to the House.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. Again, Sinn Féin welcomes this group of amendments around duties. Amendment Nos 6, 7, 8, 9, 11 and 12 are to ensure that proper information of any nature has to be displayed in premises where sunbeds are placed and to be given to people who hire sunbeds for home use. It is vital that information on health risks is displayed to ensure that over-18s who use sunbeds make informed choices about their use.

Amendment Nos 14, 15 and 16 deal with the provision of protective eyewear, not earwear, as the Cheann Comhairle originally said. He gave me a vision of someone wearing earmuffs while on a sunbed. On a more serious note, the amendments will ensure that those who sell or hire sunbeds will provide protective eyewear for users, which is to be welcomed.

Amendment Nos 18 to 21 deal with requirements in relation to training, and it is vital that all sellers or hirers of sunbeds do so with adequate training so that they can be responsible in carrying out their duties.

Amendment Nos 23 and 24 relate to clause 10 and are, again, welcomed by Sinn Féin, in that, whether sold or hired, all sunbeds should carry a universal warning of the dangers of their use.

**Mr Easton:** I support amendment Nos 6, 7, 8 and 9, which clarify and expand the supply by operators of information on the health risks associated with the use of sunbeds. I also support amendment Nos 11 and 12, which clarify the information to be displayed by operators in sunbed premises. I support amendment No 14, which clarifies that a sunbed operator must provide protective eyewear, whether on their premises or when hiring out a sunbed.

I am content with amendment No 15, which is purely technical. I support amendment No 16, which clarifies the duty of the sunbed supplier in relation to protective eyewear and explains that the individual user of the sunbed is responsible for wearing the protective eyewear supplied. I also support amendment Nos 18 and 19, which

clarify the requirements in relation to eyewear. I support amendment Nos 20 and 21, which clarify what constitutes an offence or defence in relation to training. I also support amendment Nos 23 and 24, which clarify what constitutes an offence or defence in relation to the requirements of the owner or provider of a sunbed.

### **The Minister of Health, Social Services and**

**Public Safety:** I thank Members for their contributions and for their support for the group 2 amendments, and I am grateful to the Committee for its valuable input and helpful suggestions throughout its scrutiny of the Bill.

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

*Amendment No 7 made:* In page 3, line 21, after “information” insert “and such other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 8 made:* In page 3, line 25, after “information” insert “and such other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 9 made:* In page 3, line 39, after “information” insert “and other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 10 made:* In page 3, line 42, leave out “level 4” and insert “level 5”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 5, as amended, order to stand part of the Bill.*

### **Clause 6 (Duty to display information notice)**

*Amendment No 11 made:* In page 4, line 5, after “information” insert “and such other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 12 made:* In page 4, line 14, after “information” insert “and other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Amendment No 13 made:* In page 4, line 17, leave out “level 4” and insert “level 5”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7 ordered to stand part of the Bill.*



**Clause 8 (Protective eyewear)**

Amendment No 14 made: In page 4, line 38, at end insert

*“(3A) A person (the ‘seller’) who sells a sunbed to a person and who fails to comply with the requirement in subsection (3B) commits an offence.*

*(3B) The seller must provide a person who is buying the sunbed with protective eyewear.*

*(3C) A person (the ‘hirer’) who hires a sunbed to a person and who fails to comply with the requirement in subsection (3D) commits an offence.*

*(3D) The hirer must provide a person who is hiring the sunbed with protective eyewear.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 15 made: In page 4, line 40, leave out “subsections (2) and (3)” and insert “this section”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 16 made: In page 5, line 4, at end insert

*“(5A) In proceedings for an offence under subsection (3A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.*

*(5B) In proceedings for an offence under subsection (3C), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 17 made: In page 5, line 6, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Clause 8, as amended, ordered to stand part of the Bill.

**Clause 9 (Requirements in relation to training)**

Amendment No 18 made: In page 5, line 10, leave out “the requirement” and insert “a requirement”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 19 made: In page 5, line 12, leave out subsection (2) and insert

*“(2) The operator must—*

*(a) meet such requirements in relation to training as may be prescribed; and*

*(b) secure that such employees or agents of the operator as may be prescribed meet such requirements in relation to training as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 20 made: In page 5, line 14, at end insert

*“(2A) A person (the “seller”) who sells a sunbed to any person and who fails to meet such requirements in relation to training as may be prescribed commits an offence.*

*(2B) A person (the “hirer”) who hires a sunbed to any person and who fails to meet such requirements in relation to training as may be prescribed commits an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 21 made: In page 5, line 18, at end insert

*“(3A) In proceedings for an offence under subsection (2A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.”*

*(3B) In proceedings for an offence under subsection (2B), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 22 made: In page 5, line 20, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Clause 9, as amended, ordered to stand part of the Bill.

**Clause 10 (Requirements in relation to sunbeds)**

Amendment No 23 made: In page 5, line 26, at end insert

*“(2A) A person (the “seller”) who sells a sunbed to a person and who fails to comply with the requirement in subsection (2B) commits an offence.*



(2B) The seller must secure that a sunbed referred to in subsection (2A) meets such requirements as may be prescribed.

(2C) A person (the “hirer”) who hires a sunbed to a person and who fails to comply with the requirement in subsection (2D) commits an offence.

(2D) The hirer must secure that a sunbed referred to in subsection (2C) meets such requirements as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 24 made: In page 5, line 30, at end insert

“(3A) In proceedings for an offence under subsection (2A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3B) In proceedings for an offence under subsection (2C), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 25 made: In page 5, line 32, leave out “level 4” and insert “level 5”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

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

### **Clause 11 (Exemption for medical treatment)**

Amendment No 26 made: In page 6, line 6, at end insert

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 (c. 54) who holds a licence to practise under that Act.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 11, as amended, ordered to stand part of the Bill.

Clauses 12 and 13 ordered to stand part of the Bill.

### **Clause 14 (Obstruction of officers)**

Amendment No 27 made: In page 6, line 41, leave out “level 4” and insert “level 5”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 14, as amended, ordered to stand part of the Bill.

### **Clause 15 (Registration of sunbed premises, etc.)**

**Mr Speaker:** We now come to the third group of amendments for debate. The amendments deal with licensing arrangements, and are shown on the grouping list.

**The Minister of Health, Social Services and Public Safety:** I beg to move amendment No 28: Leave out clause 15 and insert

#### **“Registration or licensing of sunbed premises or operators, etc.**

15.—(1) Regulations may make provision for—

(a) registration by district councils of—

(i) premises which are used as, or which are proposed to be used as, sunbed premises;

(ii) premises on which the sale or hire of sunbeds takes place or is proposed to take place,

and for prohibiting the use for those purposes of any premises which are not registered in accordance with the regulations;

(b) licensing by district councils of—

(i) premises which are used as, or which are proposed to be used as, sunbed premises;

(ii) premises on which the sale or hire of sunbeds takes place or is proposed to take place,

and for prohibiting the use for those purposes of any premises except in accordance with a licence issued under the regulations; or

(c) licensing by district councils of—

(i) operators of sunbed premises;

(ii) persons who sell or hire sunbeds,

and for prohibiting a person from operating sunbed premises or from selling or hiring sunbeds except in accordance with a licence issued under the regulations.

(2) Regulations under this section may—

(a) create offences punishable on summary conviction with a fine not exceeding level 5 on the standard scale;

(b) provide for defences in relation to any offence created by the regulations;

(c) provide for section 13 or any provision of Schedule 1 or 2 to apply with modifications;

(d) provide for district councils to have power to charge fees in relation to registration or licensing;

(e) provide for district councils to have power to revoke licences in such circumstances as are prescribed;

(f) provide for appeals against decisions of district councils to a court of summary jurisdiction.” —  
[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

The following amendment stood on the Marshalled List:

No 29: In clause 17, page 7, line 39, after “under” insert “section 15 or”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

**The Minister of Health, Social Services and Public Safety:** Amendment No 28 provides a complete redraft of clause 15, which now enables the Department to introduce either a registration or licensing regime using subordinate legislation. The draft also provides for the option of licensing, either for sunbed premises or for operators of sunbed premises. In addition, it enables the details of a registration and/or licensing scheme to be provided in subordinate legislation in relation to offences, defences, fixed penalties, levels of fees, licence revocation and appeals.

Amendment No 28 came about as a result of Members asking during the Bill’s Second Stage for a licensing scheme to be included. Although it was not thought possible to include such a scheme in the Bill within the time frame, I am thankful to Members for their suggestions and to officials for working to include that provision.

Amendment No 29 ensures that any regulations made to introduce a registration or licensing scheme for the sunbed industry must be laid before and approved by a resolution of the Assembly. In short, that means that any regulations will be subject to a debate in the House.

**The Chairperson of the Committee for Health, Social Services and Public Safety:** We may be dealing with the last group of amendments, but they are probably some of the most important. As the Minister said, amendment Nos 28 and 29 deal with licensing. The possibility of a licensing scheme was a major issue discussed during Committee Stage. As introduced, the Bill did not allow for licensing; it allowed only for registration. Departmental officials told the

Committee that licensing had been considered but had not been brought forward due to a lack of time to consult and deliberate on the issue. However, Committee members and other MLAs expressed concern during Second Stage. The Committee felt that, without licensing, the Bill lacked teeth. Indeed, that sentiment was echoed by practically everyone who submitted evidence to the Committee, including the Ulster Cancer Foundation and the British Association of Dermatologists.

Therefore, the Committee is very pleased that the Minister has agreed to propose an amendment to allow for licensing. The amendment provides for licensing to be introduced by secondary legislation under an affirmative procedure at a later date. That will provide a means by which the Department can consult properly with, potentially, everyone who is affected by a licensing scheme on the details of the scheme before bringing it to the Committee and hence to the full Assembly for approval.

I want to pick up on one phrase that the Minister used in his speech on amendment Nos 28 and 29. He mentioned introducing:

*“either a registration or a licensing regime”.*

However, it is very much the will of the Committee and the House that licensing be introduced. If all sunbed operators were licensed, their licences could be revoked if they contravened the provisions of the Bill, and they would cease to trade. However, that would be a last resort. We like to think that through education and advice from district councils and through implementing the Bill, the power will never be required. Maybe I picked it up wrong, but I am slightly concerned that the Minister is still suggesting that registration is appropriate. Can he confirm that he means licensing? The words “licensing” and “registration” mean rather different things. Licensing means that there is a piece of paper that can be revoked, which means that someone cannot continue to practice.

With that one caveat, which I am sure that the Minister will pick up on, I am sure that the Bill will save lives. In 20 years’ time, people who would have died from a horrible form of skin cancer will be alive thanks to the legislation. Surely that is what the Assembly is about. It is about doing something positive for future generations.

I have never used a sunbed, but I have young daughters who have a different outlook on life to their father's, and they may well use sunbeds in the future. Therefore, on a personal level, I welcome the knowledge that they will be protected from the worst excesses of sunbed abuse and from the consequences of the sunbed industry not being regulated. I urge the early implementation of the Bill. Further stages should go through very rapidly.

I urge the Minister to continue on his campaign of health promotion, particularly on the issue of cancer. In answer to a written question, he quoted a figure of 2,300 deaths as a result of various forms of avoidable cancer; that is, cancers caused by lifestyle choices such as smoking, excess alcohol and the use of sunbeds. Those are the low-hanging fruit as far as preventing needless deaths in Northern Ireland is concerned. If we can reduce the number of people dying from cancer as a result of their lifestyle choices, we will make a major impact on the number of needless deaths in Northern Ireland.

I know that the Minister is committed to several other policies that will follow the sunbed legislation, on matters such as the display of tobacco products and the use of vending machines. There are a few other ideas in the mix, and those are to be welcomed. As someone who has lost friends and relatives to avoidable forms of cancer, it is dreadful to think that a different choice or a piece of advice or legislation could have saved their lives. Therefore, it is good to see that the Health Department is determined to bring in legislation to protect the community. With that slight caveat, I strongly welcome the Bill and wish it a fair passage.

### 12.30 pm

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. At Second Stage, Sinn Féin put on record its concerns about licensing sunbed providers. My party is content that the Department took those concerns on board. I appreciate what the Department said about the length of time available to allow it to introduce licensing at this stage, but I welcome the amendment, which provides for licensing to be introduced later. Therefore, I concur with the Chairperson's remarks and ask the Minister for clarification of his intention in that regard.

**Mr Easton:** I am happy to support the third group of amendments. Amendment No 28 refers

to registration or licensing of sunbed premises or operators. The Committee indicated that it was content with the proposed amendment, which was agreed with the Department, to replace the clause in order to allow regulations to be made for registration or licensing of sunbed premises and/or operators, including those that sell or hire sunbeds. I am also content with amendment No 29.

### **The Minister of Health, Social Services and Public Safety:**

I thank Members for the points that they have made. As regards the licensing scheme and registration, it is not a case of either/or; it is very much the intention to have licensing. I can give Members comfort as far as that is concerned. I say on record in the House that it is the intention to introduce a licensing scheme. We are not going either for registration or for licensing. Registration will, effectively, be both, rather than one or the other.

I take Mr Wells's point about health promotion. I remind Members that we set up the Public Health Agency specifically to take forward health promotion and better lifestyle choices. Every year, 8,500 patients present with cancer in Northern Ireland. Annually, we lose around 2,300 patients, the figure that Mr Wells mentioned, to lung cancer alone, which is preventable loss. Frankly, that is down simply to smoking. If cigarettes were not available, that figure would plunge dramatically.

The issue under discussion, skin cancer, is the most common form of cancer, with 28% of all cancer patients presenting with it. Therefore, I am grateful for Members' support. This is very important legislation. As the Chairperson of the Health Committee said, it will save lives in the future.

*Question put, That amendment No 28 be made.*

*Notice taken that 10 Members were not present.*

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

*Upon 10 Members being present —*

*Question, That Amendment No 28 be made, put and agreed to.*

*Clause 15, as amended, ordered to stand part of the Bill.*

*Clause 16 ordered to stand part of the Bill.*

### **Clause 17 (Regulations)**

Amendment No 29 made: In page 7, line 39, after “under” insert “section 15 or”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 17, as amended, ordered to stand part of the Bill.

### **Clause 18 (Interpretation)**

Amendment No 30 made: In page 8, line 19, at end insert

“(2) Subsections (3) and (4) have effect for determining for the purposes of this Act on which premises a sunbed is sold or hired where—

(a) the order for the sunbed is taken on certain premises (premises A); and

(b) the sunbed is despatched for delivery in pursuance of the sale or hire from other premises (premises B).

(3) Subject to subsection (4), the sale or hire is to be treated as taking place on premises A.

(4) But if—

(a) premises A are not in Northern Ireland; and

(b) premises B are in Northern Ireland,

the sale or hire is to be treated as taking place on premises B.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 and 20 ordered to stand part of the Bill.

Schedules 1 and 2 agreed to.

Long title agreed to.

**Mr Speaker:** That concludes Consideration Stage of the Sunbeds Bill. The Bill stands referred to the 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 sitting was suspended at 12.36 pm.

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

2.00 pm

## **Oral Answers to Questions**

### **Enterprise, Trade and Investment**

#### **Unemployment**

1. **Mr P J Bradley** asked the Minister of Enterprise, Trade and Investment what steps her Department is taking to address the growing high level of unemployment in the South Down constituency and across Northern Ireland. (AQO 979/11)

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

I fully recognise the impact that the economic downturn has had on the local labour market, with unemployment having increased significantly since 2007. That is why in the draft Northern Ireland Budget, Invest Northern Ireland, in association with my Department, has proposed short-term employment measures aimed at boosting employment across Northern Ireland. Those measures will see over £18 million directed at creating in excess of 5,000 jobs and will build on the success of initiatives by my Department such as the short-term aid scheme and the accelerated support fund that were developed in response to the economic downturn.

My Department, through Invest Northern Ireland, continues to focus on boosting Northern Ireland's private sector productivity as the means of generating wealth and economic growth, which will lead to increased employment opportunities for all. That approach is clearly illustrated in the South Down constituency, where, over the past five years, Invest NI has offered £21 million of assistance to businesses. That contributed towards projects that plan to invest more than £76 million in the area and included support for high-quality projects by companies such as MJM Marine, B/E Aerospace and Thompson Aero Seating.

**Mr P J Bradley:** I thank the Minister for her answer and the reference to the £21 million for South Down. We will take the same again if she



has it. Is the Department making any specific attempt with regard to the hopeful return of our once-buoyant construction industry?

**The Minister of Enterprise, Trade and**

**Investment:** As I indicated in my last Question Time, certain sectors continue to do well while others continue to do badly. Construction is the one sector that continues to be stubbornly in the latter category. Invest NI has been working with companies to ensure that the supply chain that feeds into bigger companies can provide what is necessary. I can refer him to some instances around the Province, but I cannot think of one in his constituency at the moment.

We are working consistently with bigger companies to encourage the supply chain locally. In doing so, I hope that we can help the construction sector. However, the Member will understand that that relates to the housing sector, which, unfortunately, is still in a downturn, although I noticed this week that there is some welcome suggestion of stabilisation. It is also a difficulty, given the capital budget that we have to deal with over the next three to four years. The Member will know that that is not of our making. I would have liked to see more capital spent in Northern Ireland over the next three years.

**Mr Frew:** I thank the Minister for her answer. What is the status of the Mourne signature project, given the importance of the Mourne to the Province?

**The Minister of Enterprise, Trade and**

**Investment:** Two signature projects touch on south Down: the St Patrick's heritage trail and the Mourne signature project. Tourism has a strong offering in south Down; it could create sustainable employment. The investment from the Tourist Board in infrastructure in south Down to improve the visitor experience for those who visit provides an opportunity for the private sector to expand or create businesses based on increased visitor numbers.

The main element of the Mourne signature project is the Mourne coastal route, which will tie in and improve key amenity and viewpoint sites along the east coast from Newry to Belfast. Eleven letters of offer have been issued for financial assistance totalling £998,656. Other projects are being progressed. I am pleased to see the Mourne signature project move along. The Mourne are one of the most beautiful areas in Northern Ireland, and I am keen to see that we get the maximum

employment benefits out of what we are doing there with tourism.

**Mr Cree:** I thank the Minister for her replies thus far. One of our biggest problems in Northern Ireland is the high level of economic inactivity, estimated to be 30%. Does the Minister have any plans to tackle that issue in conjunction with her colleagues in DEL and DSD?

**The Minister of Enterprise, Trade and**

**Investment:** In my substantive answer, I made reference to the £18 million that is set aside for my Department in the draft Budget. Part of the reason for that money being set aside, in addition to the need to rebalance the Northern Ireland economy — we have spent a long time discussing the issues around that — is the great need to rebuild the Northern Ireland economy coming out of a recession.

A lot of Members have spoken to me about people who have lost their job and the need to get those people back into employment. So, that money has been set aside to deal with areas such as the agrifood sector, which tells us that it can give us somewhere in the region of 15,000 jobs up to 2020. We want to look again at call centres. Down District Council has done some proactive work to attract call centres into the Downpatrick area. I will urge Invest Northern Ireland to work with councils to get an offering in and around those areas. So, call centre work will be looked at again. Ordinarily, we would not be looking at those sorts of jobs, but it is very important to get jobs back into the Northern Ireland economy. We can start to rebalance after we rebuild.

**Mr Deputy Speaker:** Question 2 has been withdrawn. Mr Armstrong is not in his place to ask question 3.

## US Investment

4. **Mr McGlone** asked the Minister of Enterprise, Trade and Investment what discussions she has had, in the last 12 months, with the US economic envoy, Declan Kelly, in relation to any potential inward investment. (AQO 982/11)

**The Minister of Enterprise, Trade and**

**Investment:** I have met the US economic envoy to Northern Ireland on several occasions during the past 12 months, both here and in the United States. Mr Kelly was influential in organising the Washington conference in October 2010, which brought together two



dozen chief executives from some of the largest existing investors in Northern Ireland, such as Seagate, Allstate, Caterpillar and Citi, along with senior representatives from the key US target companies. There can be no doubt that the conference was hugely successful, and it resulted in new job announcements by both Terex Corporation and the Dow Chemical Company. Following the conference, a co-ordinated and strategic follow-up plan was put in place to maximise the opportunities that it created. Mr Kelly continues to provide valuable support to that work, acting as a key ally and influencer in Washington and in the US private sector.

**Mr McGlone:** I thank the Minister for her answer. How many jobs have been either supported or created as a result of those efforts?

**The Minister of Enterprise, Trade and Investment:** It is difficult to specifically say which jobs have come about because of an intervention by Mr Kelly, because he has been interacting with firms at a very high level. Who knows what conversations he has had that have resulted in a follow-up with Invest Northern Ireland? He is very much part of the team in Invest Northern Ireland; he is almost part of the in-house team now. He works closely with Alastair Hamilton and provides a very good sounding board for us when we want to discuss going over to America and influencing people there.

Mr Kelly has also played a vital role — this will be acknowledged by the MLAs for Foyle and East Londonderry — in the UK City of Culture bid by Londonderry. He provided strong support to the team in Londonderry. That has proved very useful, because we have great hopes for that city come 2013.

**Mr I McCrea:** The Minister will be aware that I refer to my constituency of Mid Ulster at every opportunity. Can she give any detail to the House on what support has been given by her Department to businesses and companies in my constituency?

**The Minister of Enterprise, Trade and Investment:** I thank the Member for his question. Like him, many other Members will be looking closely at their constituency in the run-up to 5 May. Mid Ulster has been at the very heart of engineering and the construction sector, which we mentioned earlier. Therefore, when the downturn came, we knew that there would be specific difficulties in the Mid Ulster

area. The Invest team has been working closely with a lot of the companies there and has been looking for opportunities for the Mid Ulster area. The Invest trade division has arranged a forum in Cookstown on 14 February for potential suppliers for the 2014 Commonwealth Games in Glasgow. We are looking for opportunities in that event. We are also looking for opportunities for local suppliers to become involved with the police and fire college just outside Cookstown. We discussed capital expenditure earlier, and I am pleased that that project is going ahead, as it will provide construction opportunities.

There have also been some good news stories in Mid Ulster. The Coalisland-based Autogen Manufacturing Ltd has secured orders in the Middle East worth over £5 million, and Anaconda Equipment International, with which Mr McGlone and Mr McCrea will be familiar, has secured work in Kurdistan and is pursuing more contracts in Russia. The message behind that is that we need to look outwith Northern Ireland and to the export markets to develop our companies, whether those are in Mid Ulster or across Northern Ireland. Northern Ireland will not provide the market for those innovative companies, so the Department and Invest Northern Ireland need to support those companies in finding work across the globe. I am pleased that those companies have stepped up to the mark.

**Mr Kinahan:** The Minister has touched on concentrating efforts outside of Northern Ireland. Have any businesses in Northern Ireland taken up the challenge of investment now, which was raised by Mr Declan Kelly at the Europa Hotel recently?

**The Minister of Enterprise, Trade and Investment:** I take it that the Member is referring to Mr Kelly's mention of banks and his comments, which were quite startling for some, on how people should get on and do business now, rather than waiting for things to happen. Mr Kelly made the point very well that we should not sit back and wait for circumstances to change but should take the opportunities where they arise now. However, that does not mean that we do not understand the difficulties that local companies face in accessing finance. The issue of the banks and how they deal with local companies continues to be a problem for us.

We are looking further afield for different mechanisms for accessing finance and, in the

near future, we will look at some venture capital funds. Indeed, having looked at DETI's draft budget, the Member will know that funds have been set aside for venture capital. We need to be more creative in how we get money to people, bearing in mind that the selective financial assistance rules are tighter now. We may need to look at different ways of getting businesses access to finance and making it easier for businesses to grow and expand. That will allow us to grow the economy in Northern Ireland.

### **Banks: Business Support**

5. **Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment for an update on any discussions her Department has had with the local banking sector in relation to their support for local small and medium-sized enterprises. (AQO 983/11)

#### **The Minister of Enterprise, Trade and**

**Investment:** My officials and I maintain regular contact with the banks and ensure that the specific problems raised by businesses and their political representatives are brought to their attention. A new series of official-level meetings began between my Department and the banks in December 2010, and I will arrange further meetings as necessary. My colleague, the Minister of Finance and Personnel, met representatives of the British Bankers' Association, the banks and the Business Alliance in early December to discuss the relationships between banks and their customers.

**Mr P Ramsey:** I thank the Minister for her reply. I also thank her for her earlier reference to the awarding of the city of culture to Derry and the importance of that to small businesses in the city.

Does the Minister agree that banks could do a lot more to create financial liquidity to help and support local small business enterprises? Those businesses in my constituency are under serious pressure.

#### **The Minister of Enterprise, Trade and**

**Investment:** The Member reflects a question that has been put to me on many occasions. Although the banks indicate that they are open for businesses, many small and medium-sized businesses — some of them sole traders — have great difficulties with their banks. Much of it is about communication, with banks indicating that they will take prohibitive action against a business the following week, which gives the

individual or small company little time to deal with the issues at hand.

On behalf of the House, I ask the banks to be more understanding of the difficulties faced by sole traders and SMEs. When those businesses are in difficulties and are having to deal with cash flow difficulties, their minds are focused on those issues and not on their relationship with their bank, which was a lot easier in the past, when circumstances were not as tight. However, as I have said, we need to look at alternative funding mechanisms, and Invest Northern Ireland is doing that through the venture capital model. We are not familiar with the model in Northern Ireland, as it does not happen very often. The culture has been for businesses just to look to their bank and, in the past, that was fine. However, circumstances change, and we need to reflect that to help businesses.

### **2.15 pm**

**Mr McQuillan:** What types of finance are available apart from venture capital?

#### **The Minister of Enterprise, Trade and**

**Investment:** I have already referred to the fact that I have set aside money for venture capital in my draft budget. Market failure exists in that section, and there is a need to put funds in to support high-growth-potential innovative SMEs to get off the ground and keep moving. In Northern Ireland, a lot of spin-out activity is happening out of our universities, and some of those companies are among the most innovative. I want to be able to support them with the venture capital initiative.

I noted an article in today's paper about Halo and Business Angels Network, which is a joint initiative between Invest Northern Ireland and InterTradeIreland based at the Northern Ireland Science Park. Again, that is money to help start-up companies to develop, and I hope that it is a success. We have a culture in Northern Ireland that banks are the only source of money; however, we need to move away from that to look for other sources.

**Mr Gardiner:** Why should that be so, and what can be done to improve the situation with the banks?

#### **The Minister of Enterprise, Trade and**

**Investment:** As the Member knows, unfortunately we have no statutory control over any of the banks in Northern Ireland, and I have often referred to the fact that we have

no indigenous banks. As a result, we only have the power of persuasion and embarrassment, and we have tried to use that over the past two years. As I said in my answer, we continue to speak to the banks and give them particular circumstances. When MLAs bring those circumstances to me, I write to the banks and bring them to their attention. I have met banks to discuss individual cases, and it is important to continue that interface so that they know about the difficulties in the business community.

**Mr Deputy Speaker:** Mr Raymond McCartney is not in his place for question 6.

### Investment: West Belfast

7. **Mr Sheehan** asked the Minister of Enterprise, Trade and Investment for her assessment of the claims recently published in the 'Andersonstown News' in relation to the level of funding in West Belfast compared to other areas of Belfast. (AQO 985/11)

#### The Minister of Enterprise, Trade and Investment:

I was disappointed at the tone of the article in the 'Andersonstown News' on 20 January 2011. It contained a number of inaccuracies, most significantly the suggestion that the overall investment figures quoted for each of the Belfast constituencies was direct government funding rather than a combination of government support and company investment. Invest NI's chief executive subsequently received calls from members of the West Belfast Partnership Board dissociating themselves from the article and its message. They reaffirmed their view that Invest Northern Ireland had been actively trying to find opportunities to support their work in west Belfast.

I will put the record straight: since 2005-06, the amount of investment in west Belfast has been £52.49 million, stimulated by Invest NI assistance of £13.43 million. Some £19.86 million of that investment related to inward investment projects. Larger investments included those by LBM Holdings, Colorite Europe and Fusion Antibodies.

Finally, I reassure Members that my Department and Invest NI continue to work with clients and local partners to encourage further investment and employment opportunities for those living in areas such as west Belfast.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom

buíochas a ghabháil leis an Aire as an fhreagra sin. I thank the Minister for her answer. What steps has she taken to address the lack of funding by Invest NI in West Belfast, which experiences some of the highest levels of disadvantage and deprivation in western Europe?

#### The Minister of Enterprise, Trade and Investment:

I thought that I had answered that question in my substantive answer.

It is hugely disappointing that the 'Andersonstown News' should seek to put the headline "Invest NI shame" on its front page. It only leads to a lack of confidence among young people in west Belfast who are looking for work. When I looked at the new business starts offered into west Belfast during the period referred to in the article, I found that there were 640. Most of them were supported through the enterprise development programme, delivered in conjunction with Enterprise Northern Ireland. That compares with 568 in east Belfast and 710 in south Belfast. That proves the point that there is lot of activity going on between Invest NI and the local community.

I was pleased to meet yesterday representatives of Delta Print and Packaging, facilitated by Mr Attwood, to see how well it is doing in west Belfast and to listen to the company's further plans for that site. It is good to see the way in which that company has played a key role, both in west Belfast and in Northern Ireland in general, and to see the way in which technology has been used to develop that company into a very good, competitive company in west Belfast.

I recently visited another company in west Belfast, Label One, which has opened new offices in Ballygomartin. I was pleased to be at that opening, and I hope to visit that constituency again before the end of March.

**Mr Humphrey:** I assure the Minister that her answer was well and truly received and heard on these Benches.

Will the Minister inform us of the current position of the West Belfast and Greater Shankill Task Forces initiative?

**The Minister of Enterprise and Investment:** I thank the Member for his question. I issued a draft Executive paper in June 2009 outlining options on the way forward for the task force initiative, and I await a response from several colleagues, receipt of which will allow the issue

to be discussed by the Executive. The draft Executive paper details options for taking the initiative forward. One of them is to transfer responsibility for the initiative to OFMDFM. However, that is a matter for colleagues to decide. I hope that we will be able to discuss that Executive paper very soon.

**Mr K Robinson:** The Minister referred to her powers of persuasion and embarrassment. Perhaps she could use them in this instance. Given that many Northern Ireland firms bask in the status that a Queen's Award to Industry bestows, does she not think that it is unfortunate that some employers in the private sector are indicating to their employees that they may not be able to have the day off for the royal wedding in April, unlike their colleagues in the public sector?

**The Minister of Enterprise, Trade and Investment:** I very much hope that that is not the case. Apart from anything else, productivity would be particularly low if people were forced to work on a day when their colleagues in the public sector were enjoying the celebration of our future king's nuptials in London.

I look forward to some respite from the canvassing trail on that day and to enjoying it. I heard that productivity was very low yesterday because people took sickies. Someone said that 350,000 people took a sick day yesterday. I certainly do not want to see people being forced to take a sick day. I would much rather that their employer gave them a holiday to celebrate what will be a national event.

**Mr A Maginness:** If we could move from nuptials back to the real issue, I understand the corrections that the Minister has given in relation to the article in the 'Andersonstown News'. However, there still is a chronic problem in both west and north Belfast with unemployment and the number of people who are economically inactive. Does the Minister have any additional measures available to her that can assist people in west and particularly north Belfast?

**The Minister of Enterprise, Trade and Investment:** I hear the Member's call. I could hear other calls around the Chamber as well. Part of the £18 million that we secured in the DETI draft budget will be used to look at the areas that the Member spoke of. The hope is that we can deal with people who have lost their job by using tools such as the social economy,

which has a strong presence in the communities that the Member mentioned and, indeed, in the Foyle constituency. We hope that we can help those people back to work in a proactive way.

The work of the West Belfast and Greater Shankill Task Forces' employers' forum, in which more than 70 employers have taken part, is very useful. It is one of the successes of those task forces, and I know that the work that Mike Ryan does as chairman of that forum is much welcomed in that area. The £18 million will be used to deal with unemployment issues in areas such as those that the Member mentioned.

## Electricity: Generation

**8. Mr McCallister** asked the Minister of Enterprise, Trade and Investment who owns power generation assets over 50 megawatts, currently and in May 2007 and if this meets her stated objective of encouraging greater competition in the electricity generation sector. (AQO 986/11)

**The Minister of Enterprise, Trade and Investment:** At the time of the establishment of the single electricity market in 2007, there were nine owners of power generation assets greater than 50MW operating on the island of Ireland. Since then, ESB has sold two generation sites to Endesa; AES has purchased Premier Power Ltd; BGE has commissioned a new gas-fired power station at Cork; and Viridian has significantly increased the capacity of its Huntstown plant. There has also been an increase in renewable generation in recent years. Five companies now have renewable generation assets of greater than 50MW each. In light of that, it is my view that there is good evidence of better competition since 2007 in the electricity generation sector.

**Mr McCallister:** I am grateful to the Minister for her reply. What effects will wind generation have on the overall mix of generation? Can the Minister provide the House with some idea of the cost of standby electricity generation from the major supply companies?

**The Minister of Enterprise, Trade and Investment:** The Member will know that one of the important aspects of wind energy is the cost of connection for wind farms. Many people who are looking at the possibility of setting up a small wind generator on their farm or at their business have told me that they are concerned



about the grid connection charges and the transparency of some of the grid connection issues. I had a meeting with Northern Ireland Electricity last week about that issue. I hope that a seminar or workshop-type event can be held in the near future, and I hope that the Ulster Farmers' Union will become involved in that. At that event, the Department and NIE will talk about grid infrastructure and the need to have connections made, perhaps, I would argue, concurrently with the planning application.

At present, as the Member knows, unless the planning application has been secured, it is not possible to apply for a grid connection, which causes a delay. NIE has told me why that is the case, but there needs to be more discussion about those issues. The Member knows that most of our wind generation is produced in the west of the Province. That is where the grid is not as strong, so there needs to be a lot of investment. To deal with that situation, we will need more investment in the grid over the next two to five years.

**Mr D Bradley:** Gabhaim buíochas leis an Aire as an fhreagra a thug sí. Ba mhaith liom a fhiafraí di cad é atá ar bun ag a Roinn le níos mó éagsúlacht a chothú i nginiúint an leictreachais.

Does the Minister's Department offer any specific incentives to encourage diversity in the generation of electricity?

**The Minister of Enterprise, Trade and Investment:**

Yes we do, in the form of the Northern Ireland renewables obligation certificates (ROCs). The Member will know that, recently, a consultation took place in which I suggested that those who have facilities for anaerobic digestion should get four ROCs. I hope that that will provide more diversity through wind, anaerobic digestion, biogas, tidal and wave power.

We are looking at the whole mix of renewables. I very much hope that that will happen, because I have provided an incentive through the ROCs scheme.

2.30 pm

## Environment

### DOE: Redundancies

1. **Ms Ritchie** asked the Minister of the Environment if he can confirm that there will be

no further compulsory redundancies within his Department if his budget proposals are brought forward. (AQO 994/11)

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

My Department has not had any compulsory redundancies to date. In response to the Executive's draft Budget 2011-15 and to inform the consultation process, I published my Department's draft spending and savings proposals on 10 January 2011. The savings proposals include a planned reduction of some 300 posts in the Budget period. That is an estimated figure based on current proposals and may change following completion of the consultation process. When the final outcome is known, I will be in a better position to consider the final impact on staff numbers and how proposed reductions will be managed. I will continue to do everything possible to avoid compulsory redundancies and I hope to manage reductions in staff numbers through natural wastage, closure of vacancies, redeployment and severance packages where appropriate.

**Ms Ritchie:** I thank the Minister for his answer.

Does he agree that resources to ensure the development of local social and economic infrastructure and good planning should be a priority for his Department and should not depend on the collection of planning fees, which are now a diminishing resource? Will he also comment on the status of Downpatrick planning office following our meeting last week?

**The Minister of the Environment:** That view conflicts with the previous Assembly, in which the Minister was Sam Foster and the cross-party Environment Committee agreed that the fee structure should support development planning. If we were to move away from that point and subsidise planning applications, we would be using public resources to subsidise development. I am not sure whether the Member is suggesting that we should cut funding for health, education, social development or roads to subsidise private people making planning applications, but I suspect that that is the tone of the question.

**Mr Campbell:** The Minister said that there have been no redundancies in his Department. Have there been any redundancies in the Northern Ireland Environment Agency (NIEA)?

**The Minister of the Environment:** We have reduced staff across the Department, mainly in the Planning Service. The corporate services



section of NIEA and the corporate services sections of all other sectors of the Department have been reduced significantly. We have amalgamated that work. The impacts of the cuts that have come about as a result of the Tory-Liberal pact, and the damage to front line services, are being minimised as far as possible.

**Mr K Robinson:** Will the Minister clarify the future funding of non-governmental organisations (NGOs), specifically in light of the extra funding that they are able to leverage for environmental protection?

**The Minister of the Environment:** I remain committed to funding non-governmental organisations. Those organisations will be the subject of bids, which we will assess as they come in. I assure the House that we will continue to offer fairly extensive funding to NGOs. I also recognise what the Member said about those organisations being able to leverage money that the Department would not be able to gain otherwise.

**Mr Deputy Speaker:** Question 2 has been withdrawn, and Mr McGlone is not in his place to ask question 3.

## Marine Management

4. **Mr Lunn** asked the Minister of the Environment for his assessment of the establishment of a single marine management organisation. (AQO 997/11)

**The Minister of the Environment:** There is no need for a marine management organisation. My Department is the marine planning authority for the offshore region, and it is the marine licensing authority. It is also responsible for marine nature conservation. Proposals for a marine Bill envisage my Department as the marine planning authority for the inshore region.

My Department works effectively with other Departments on marine issues of mutual concern. I can see no reason to transfer responsibilities from the control of a Minister who is accountable to the Assembly and the electorate to a non-elected quango.

**Mr Lunn:** I thank the Minister for his definite answer. I was thinking about the confusion over who controls the foreshore and inshore waters. Is it the coastguard or the local council? The Minister will remember the tragic accident that happened along the County Down coast not so

long ago, after which it became clear that nobody had the authority to impose a ban on jet skis.

**The Minister of the Environment:** My Department is not responsible for the health and safety of people using waters for leisure purposes. As regards planning and the usage of waters, we will be developing a marine planning statement in conjunction with the other UK Administrations, and we are looking at producing a marine Bill. All that will help to clarify what can and cannot be done in offshore waters.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to co-operation with other UK authorities in the development of a marine management statement or something along those lines. I am sure that he will correct me if I am inaccurate. I am sure that the Minister has observed that the North is not an island. Will he, therefore, tell the House whether, given our common coastline, there has been any consideration of, or discussion about, improving marine management between the North and the South?

**The Minister of the Environment:** As the Member knows, there are areas of co-operation on our waters and waterways, including the Foyle, Carlingford and Irish Lights Commission, which probably needs to be replaced. The Member needs to reflect on the fact that we are part of the United Kingdom. The marine Bill will, therefore, be done in conjunction with the devolved Administrations in the United Kingdom and Westminster.

**Mr Cree:** In light of the fact that the Minister faces a £4 million gap in funding next year unless a plastic bag tax comes on line, does he recognise that we will be at serious risk of not meeting our commitments under the marine strategy framework and thus incurring European infractions?

**The Minister of the Environment:** I am in discussions with the Finance Minister on that issue, and I am very hopeful that it will not be a problem.

## Area Plans

5. **Mr G Robinson** asked the Minister of the Environment for an update on the northern area plan. (AQO 998/11)

**The Minister of the Environment:** In September 2010, my Department requested that the

Planning Appeals Commission (PAC) hold an independent examination to consider objections to the draft plan. The commission has not as yet formally indicated a start date for the examination, the timing of which is for it to determine.

**Mr G Robinson:** I thank the Minister for his answer. Will he outline the position on Coleraine houses in multiple occupation (HMOs)?

**The Minister of the Environment:** The issue of HMOs in Coleraine is one for the northern area plan to look at and to put into context. I understand that there are difficulties and significant problems in some areas, particularly where HMOs are located in long-term residential areas. However, in other locations in the Coleraine Borough Council area, HMOs work as student accommodation in the winter and as holiday homes in the summer, and they have worked well in areas that did not have a residential background to begin with. Those issues will need to be properly and independently scrutinised by the Planning Appeals Commission before recommendations are brought back to my Department.

**Mrs M Bradley:** Will the Minister tell the House what lessons have been learned from the past to plan for the future? Is he satisfied that greedy, selfish property developers will not drive a coach and horses through future plans?

**The Minister of the Environment:** I am not sure how long we have, but I do not think that 30 minutes is enough to answer that question. As regards learning from the past, we need to look at sustainable development, for which there must be a need in the first place. Sustainable development needs to be done in a way that does not cause substantial damage to the environment and needs to meet the public's social requirements. It also needs to be balanced, because if it is too heavily weighted in favour of either environment or economic issues, it will not work. We must take all issues into consideration and take balanced planning decisions for the wider benefit and welfare of the public whom we represent.

**Rev Dr Robert Coulter:** I thank the Minister for his very good answers. Will he update the House on the state of judicial reviews that are holding up the development of other area plans throughout Northern Ireland?

**The Minister of the Environment:** There has been quite positive news on that. The judicial

reviews in Craigavon and the northern area have been withdrawn. The Craigavon area plan has now moved on, and the northern area plan is at the point where we have asked the Planning Appeals Commission to conduct its independent examination. It should normally take the PAC around one year or a bit longer to carry that out, and I will put a bit of pressure on it on that front, as I wish it to get the examination started quite quickly. It would normally then take the Department a further year to consider the PAC's report. We received the PAC report on the Magherafelt area plan just last week. I hope that the Department will be in a position to move forward with its final report on that over the next six months.

## Environmental Projects

6. **Mr McDevitt** asked the Minister of the Environment how core environmental projects will be funded if the plastic bag levy does not raise the revenue anticipated in the Budget. (AQO 999/11)

**The Minister of the Environment:** The introduction of a plastic bag levy can only be implemented once the relevant legislative powers are in place. As it is anticipated that the earliest that a scheme could begin to raise revenue is April or May 2012, a range of environmental programmes around river restoration, environmental noise, marine resources, minerals mapping, fly-tipping and the repatriation of waste have been identified that may have to be suspended or postponed pending revenue receipts from the plastic bag levy.

My officials will draw up contingency plans to prioritise the environmental projects and the key element of each project. The prioritisation exercise will allow the Department to explore any alternative funding or delivery options, such as funding through INTERREG projects, increasing income in other business areas such as licensing, identification and introduction of efficiencies in current working practices, partnering with non-government bodies and volunteering initiatives.

However, even after exploring those options, it may still be necessary to postpone some of the environmental projects while monitoring the risk of potential EU infraction. Should the risk of infraction increase significantly, I will ensure that my officials continually review the position with a view to bringing forward elements of projects as

well as proposals for the reprioritisation of other work areas across the Department.

**Mr McDevitt:** I thank the Minister for his reply, but does he accept that the point of the plastic bag levy is for it to raise as little money as possible? We want to disincentivise people from using plastic bags. Therefore, is it not a bit strange, and indeed unwise, to earmark a whole load of environmental measures against a revenue stream that, if he truly believed in sustainability, he would not want to exist?

**The Minister of the Environment:** If the Member thinks that he will have a world without bags, he must be living on another planet. We propose to introduce a plastic bag levy. Some people will use other types of bags; they will buy bin liners, paper bags, and so forth. Paper bags are not necessarily any more environmentally friendly, so do not feel good if you are walking about with a paper bag, Mr Deputy Speaker. *[Laughter.]* Considerably more fuel is used in their transportation and considerable amounts of water are used in their manufacture.

We need to look towards single-use bags and ensuring that as little environmental damage is done as is possible. If that involves a levy or taxation, which yields funds that can be used to benefit other environmental schemes, then that is a good use of that money. I am wholly opposed to introducing taxes or levies on the basis of the environment and then throwing that money into a large pot to use for taxation. It has to be for the benefit of the environment.

**Mr Ross:** Irrespective of one's view on the plastic bag tax — and my view is fairly well known — does the Minister share my concern that businesses, independent retailers and the general public of Northern Ireland have not been consulted on the policy?

**2.45 pm**

**The Minister of the Environment:** The private Member's Bill went through its process, and I understand that a consultation took place. The plastic bag levy will involve a series of regulations, which will also require consultation, so there will be opportunities for consultation to take place. Even through the Budget process, there are opportunities for people to make their views known. They have done that, and I have received delegations on the issue from people who are involved in the manufacture and sale of plastic bags to wholesalers.

**Mr Kinahan:** I will pursue the point on the plastic bag levy. Will the Minister comment on the fact that the worst types of plastic bags for the environment are black bin bags, which I do not think the levy is targeted at, and not the thin bags that we pick up at the supermarkets?

**The Minister of the Environment:** The thin plastic bags have their issues. They are regularly seen in the sides of hedges, blowing about the streets, and so forth. They are unsightly. Plastic bags constitute about 0.3% of the waste that ends up in landfill, and they take about 500 years to disappear. However, quite a number of those who are involved in recycling can take the plastic bags out of the system. There is an opportunity to reuse them, albeit at a small cost. As technology moves forward, we will have better ways of dealing with plastic and the waste that is derived. I hope that we will find a good proper use for it after it has been used by the public, quite reasonably, for its original purpose.

## Local Government: Planning

7. **Mr McQuillan** asked the Minister of the Environment, following the transfer of powers on planning matters, what safeguards will be put in place to ensure that policies and decisions are applied consistently across the 26 local council areas. (AQO 1000/11)

**The Minister of the Environment:** The Planning Bill will require councils to operate within parameters that are set by the Northern Ireland-wide regional development strategy, which is published by the Department for Regional Development (DRD), and by the Northern Ireland-wide planning policies, which are published by my Department. The Department of the Environment will also have powers to intervene in the preparation of local development plans in the unlikely event that a council fails to fulfil its responsibilities. In addition, the wider role of central government audit, inspection, performance management and monitoring will be critical in ensuring that planning functions are carried out in a clear, fair and consistent manner. To that end, the Planning Bill introduces provisions for the Department to access and to report on the district council's performance of its planning functions. Until local government reform, the Department is consulting on new service delivery and performance improvement frameworks for local government. That will allow performance indicators to be set and intervention

by the Department if a council's delivery of service falls below acceptable standards.

**Mr McQuillan:** I thank the Minister for his answer. Does he agree that unless safeguards are put in place, the whole credibility of the Planning Service is at risk?

**The Minister of the Environment:** I agree with the Member. That is why, when we took the Planning Bill to the Executive and the House, we indicated that we would consult on the draft local government Bill, which puts in place ethical standards, devises a code of conduct and identifies best practice arrangements. That draft Bill is out for public consultation, and it will be ready for introduction in the early part of the new Assembly term. Once that Bill is concluded and those standards are put in place, it will be the Executive's decision to transfer planning powers thereafter. I have no proposals to transfer planning powers ahead of that Bill becoming law.

**Mr Dallat:** I am sure that the Minister agrees that the fox should not be put in charge of the chicken coop. Does he accept that until all the political parties find agreement on the safeguards, there can be no return of planning to local councils given their history?

**The Minister of the Environment:** That is what I just said.

**Mr Deputy Speaker:** Mr McCartney is not in his place to ask question 8, and Mr Clarke is not in his place to ask question 9.

## Plastic Bag Levy

10. **Mr Lyttle** asked the Minister of the Environment for an update on his Department's plans for a plastic bag levy. (AQO 1003/11)

**The Minister of the Environment:** As part of their recent Budget announcement, the Executive gave a commitment to introduce a levy on plastic bags. I support the collective Executive decision, and I am considering how implementation can best be achieved.

Members will be aware that Daithí McKay MLA introduced a private Member's Bill on single-use plastic bags to the Assembly on 6 December 2010. I believe that that Bill, subject to some amendments, may provide an opportunity to secure the passage of the necessary enabling legislation within the lifetime of the current

Assembly. My officials are working with Mr McKay to assess the position.

**Mr Lyttle:** Will the Minister provide further detail about his contingency plans for the plastic bag levy given the number of environmental groups that have raised significant concerns about its revenue-raising potential?

**The Minister of the Environment:** I am not sure why people would raise concerns about the revenue-raising potential. The more revenue raised, the more potential there is for that money to go into environmental projects and schemes. When the Executive brought their draft Budget to the public for consultation and to the House, they indicated that they wished to introduce the green new deal to Northern Ireland. I think that the green new deal is a policy and a proposal that is well worth supporting. It will deliver for people who are living in homes that are very poorly heated and those who are in fuel poverty. Therefore, we are making a positive move to ensure that we can raise money to put back into environmental projects.

**Mr Bell:** Will the Minister tell us what impact a plastic bag tax would have in towns such as Newtownards and in villages across Strangford, particularly on small family businesses and people who are vulnerable and cannot afford it? Ultimately, it is a tax that may not even protect the environment.

**The Minister of the Environment:** The Member can rail against this proposal if he wishes to do so. However, I have identified its advantages. The money raised will be put back into environmental projects that will deliver the potential for people who are living in fuel poverty in Strangford and elsewhere to come out of fuel poverty. I think that that is worthwhile and good.

As regards plastic bags and single-use bags, we have to get to the point where we use resources better as opposed to always using a virgin source of material and then throwing it away. Those days are gone. We are changing to better environmental practices, one of which is reusable bags.

## Budget 2011-15: Local Government

11. **Mr Frew** asked the Minister of the Environment for his assessment of how the draft Budget will impact on local councils. [R] (AQO 1004/11)



**The Minister of the Environment:** The Executive's draft Budget necessitates a 6% reduction in the Department's opening current expenditure next year compared with the amount available this year. To enable my Department to achieve its objectives over the Budget 2010 period, a range of measures have been identified to deliver savings totalling £15.4 million, covering the reduction in the Executive's allocation from the 2010-11 opening baseline and other internal pressures, primarily the planning income shortfall and rising pay costs.

We will also have to manage a number of inescapable pressures on our finances next year, bringing the real scale of the pressure to around 12% compared with this year. Against that background, I have considered carefully where my Department's 6% reduction should fall. For the incoming year, I have had to reduce the resources element of the general grant by 6%. In later years, inevitably, there will be an impact on local government in areas in which my Department makes funding available. That is, unfortunately, unavoidable.

**Mr Frew:** I thank the Minister for his answer. Will he assure me that any new powers and responsibilities that councils receive over the next four years will be adequately funded by central government and that funding will not be pushed down to ratepayers?

**The Minister of the Environment:** The key current area that I have to transfer is the Planning Service, and that is why we are carrying out substantial work to right-size the organisation. That work involves ensuring that the funding is in place. Unlike the first questioner, I am not asking councils to cross-subsidise planning applications. We are also looking at how the Planning Service can raise revenue better, and we are reviewing fees. We hope to raise a further £4 million as a result of that review. Considerable work will be done in advance of planning being transferred to ensure that it is fit for purpose and is living within its means.

**Mr K Robinson:** I thank the Minister for his answer. Given the central role that transition officers have played in preparing for the review of public administration (RPA), what steps will the Minister take to ensure that their expertise is not dispersed and lost to us? Given the unforeseen break in their service, is he content that all those officers have been treated in a fair and equitable way by councils?

**The Minister of the Environment:** I expect that that will be the case. I hope that the officers who are supporting the RPA programme will be kept in place on the basis that councils are saving money as a result of the work that they are doing. The council clusters that are coming together need to get to the point at which they are making real, tangible savings, and the key role of those officers will be to identify areas where those councils can amalgamate, cluster and do things collaboratively, and, as a consequence, reduce the costs to ratepayers.

## Road Safety

12. **Mr Burns** asked the Minister of the Environment how his Department intends to maintain road safety provision, given the reduction in grants to local road safety initiatives planned in the draft Budget. (AQO 1005/11)

**The Minister of the Environment:** I apologise for the delay, Mr Deputy Speaker, but I had intended to group this question with question 8, for which Mr McCartney was not in his place.

Budget reductions across all Departments are regrettable but unavoidable. I have sought to ensure that any reductions proposed to the road safety budget will not have any detrimental impact on the delivery of road safety in Northern Ireland or the current level of service and support. The reductions of £100,000 to the budget available for grants to local road safety initiatives and £250,000 to the budget for road safety research mean that the resources available for both those work areas will be maintained at or above the levels actually used in the current financial year. The reduction of £57,000 in the budget available for road safety campaigns will not affect my Department's delivery in that area. As in research, we have been able to deliver our objectives at a lower cost to the public purse.

**Mr Burns:** I thank the Minister for his answer. Does he accept that deaths and accidents on Northern Ireland roads are dreadful and tragic and that we should not be cutting back on road safety, which is a priority?

**The Minister of the Environment:** As I have indicated previously, road safety is my number one priority. I want to be careful about how I put this, but the past year was the best on record, with a terrific downturn in the number



of people killed or injured on our roads. Nonetheless, there were still 55 deaths too many, so there is still work to be done, which is why we are developing the road safety strategy. My Department is doing things smarter, and it is finding a better way of using the resources that are available to it and a better way of communicating with the public. As a consequence, we are achieving results with less money, which is something for which we deserve credit, not criticism.

**Mr I McCrea:** The Minister will be aware that I have raised the road safety issue on many occasions, and I certainly welcome the reduction in road deaths last year. Will the Minister give the House an idea of the work that he carries out in co-operation with the Police Service to get the message across that people should try to drive more safely?

**The Minister of the Environment:** My Department works very closely with the Police Service and, indeed, other bodies to get the road safety message across. The most recent advertisement to raise drivers' awareness of driving with due care and attention used real police officers, fire officers, ambulance drivers and paramedics. We will work with all emergency services. For example, in the drink-driving campaigns in the run-up to Christmas, we have a very close relationship with the police. In all such campaigns, we will continue to work with the PSNI, which is an absolutely essential and core element in continuing the drive for better road safety in Northern Ireland.

**3.00 pm**

## Assembly Commission

### Assembly: Jobs

1. **Mr O'Dowd** asked the Assembly Commission what measures it is taking to protect jobs in light of a reduction in its budget. (AQO 1008/11)

**Mr P Ramsey:** The Assembly Commission has been seeking to agree a budget for the next four years that will allow it to fulfil its statutory role while contributing to overall cost savings required across the entire Northern Ireland public sector. The Commission's proposals provide for a modest reduction in staff numbers across the Assembly secretariat to be achieved through vacancy management, including natural

wastage and filling posts from our existing staff resources. There are no plans for voluntary or compulsory redundancies.

**Mr O'Dowd:** I thank the Member for that answer, and I welcome his reassurance to the House that there will be no compulsory or voluntary redundancies. However, in numbers, what does a "modest reduction" mean for the Assembly Commission?

**Mr P Ramsey:** For a number of months, and before the discussion and the Budget proposals came out, the Assembly Commission has been deliberating on how to make the same savings as expected of the range of Departments. To date, we are achieving that. However, the Commission has set its target within its budget to try to ensure that there will be no enforced redundancies. At present, we have a staffing complement of 440. Just over 400 staff are currently directly employed by the Assembly Commission. A further 10 staff are employed on a secondment or agency basis. It is envisaged that the total number of staff employed by the Commission in the final year of the comprehensive spending review will be closer to the equivalent of 375 full-time staff. It is anticipated that that figure will be achieved through the retirement or resignation of existing staff.

**Mrs D Kelly:** Does the Member share my concern that the reduction in the Assembly Commission's budget is more of an attack on the scrutiny ability of Committees rather than an effort to save money? Will he assure us that, if there is a need for restructuring, it will begin at the top with management savings and not with the staff who interface most with Members?

**Mr P Ramsey:** Clearly, the Assembly Commission has been exercised, and I place on record its appreciation of its members and directors for their diligence and patience throughout the recent process. The circumstances worried us in the context of delivering a good and active service, including through Research and Library Services, Hansard and Committee staff. We were also worried about the overall effect that the budget could have on, for example, a reduction in staff. However, we are clear that we can make appropriate adjustments to deliver efficient and effective savings over the comprehensive spending review period without enforced redundancies.

## Parliament Buildings: Car Parking

2. **Mr McKay** asked the Assembly Commission for an update on increasing car parking facilities in the vicinity of Parliament Buildings (AQO 1009/11)

4. **Mr A Maginness** asked the Assembly Commission for an update on its plans to increase car parking provision at Parliament Buildings. (AQO 1011/11)

**Mr P Ramsey:** With your permission, Mr Deputy Speaker, I will take questions 2 and 4 together.

The Assembly Commission fully acknowledges the difficulties experienced with parking in the Assembly car parks, particularly on sitting days. For example, that can be seen today. I was out at lunchtime, and there are no spaces.

Senior Assembly staff are in ongoing discussions with Department of Finance and Personnel colleagues in an attempt to resolve what is a difficult problem and to reduce car parking pressures across the estate. Following recent discussions with DFP, the Commission hopes to put in place two low-cost pilot schemes with effect from 14 February, as a possible means of increasing car parking spaces for staff. Those trial schemes will run to the end of March 2011 and will be subject to review.

The first pilot will involve the temporary transfer of daily management of the lower east car park from DFP to direct Assembly security staff. During business hours, access to the car park will be restricted to staff, other persons with official business in Parliament Buildings and visitors.

Security staff will also ensure that all vehicles in that car park are properly parked and that obstructions are not caused. The Commission will simultaneously put in place a park-and-ride scheme using the DFP car park at Rosepark House on the Upper Newtownards Road. That will enable users to leave their cars at Rosepark House and walk a very short distance to Annexe C, where they will be picked up by the Assembly people carrier for onward transport to Parliament Buildings. A return service will also be in place.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for his answer. Does he agree that there would be less pressure on the Assembly car parks if there was more car sharing or car pooling? What plans does the Commission have in place to increase the

percentage of employees who car share? Has it carried out any recent surveys on car sharing?

**Mr P Ramsey:** Car parking has been discussed at every Commission meeting that I have attended. I agree with the Member's comments about promoting and advocating car sharing. It is up to all staff to take heed of that, even as we discuss the matter today. There are, clearly, circumstances in which car parking is a crucial issue in increasing access to the Building because, as we can see today, high numbers of people use it. I will come back to the Member with details of any recent surveys.

**Mr A Maginness:** The mind boggles at the thought of Mr Storey, Mr O'Loan and Mr McKay sharing a car to come up to Stormont together. Incidentally, I do not know who would be the driver.

The issue of car parking seems to at least be being addressed in a general sense. However, does the Commission have any plans to address the issue of disabled parking?

**Mr P Ramsey:** Disabled issues are always very relevant to Commission meetings, and I understand that a major audit on disabled services throughout the Assembly and in the outside area has recently concluded. At present, four car park spaces are reserved for disabled people. They are located as close to Parliament Buildings as possible, with direct access through ramps from the upper car parks. Those spaces are mainly allocated on a first-come-first-served basis, but that should be subject to ongoing review in conjunction with disabled groups across Northern Ireland. We know too well the number of all-party groups that use this Building to have access to Members, and those numbers are increasing, because we see wheelchair users in the Building on a daily basis. That matter is under review, and I will ensure that it is discussed again at a forthcoming Assembly Commission meeting.

**Mr K Robinson:** The spectre of the Members from North Antrim sharing a vehicle together is worth selling tickets for to reduce the overheads of the Commission. It should contemplate that one.

I welcome the fact that the pilot schemes are moving forward. That is very worthwhile. However, will the Commission perhaps look at the possibility of a separate car park for the public if for no other reason than for security?

**Mr P Ramsey:** The Commission receives updated reports on security matters on an ongoing basis. That item is continuously on the agenda. A number of areas in the Stormont estate have been surveyed to look at increasing capacity across the estate. We are looking at specific areas for general car parking for the public, and there are difficulties with that. However, all efforts are certainly being made to maximise the use of the estate. The new car parking pilot schemes that I referred to will increase capacity by a further 40 car parking spaces, which is considerable and should meet present needs. However, when events are held in Parliament Buildings, for example by the Assembly and Business Trust, it brings in huge numbers of people and creates higher demand. The issue is constantly under review.

### Parliament Buildings: Internet

3. **Ms S Ramsey** asked the Assembly Commission for an update on its plans to improve Internet access in Parliament Buildings. (AQO 1010/11)

**Rev Dr Robert Coulter:** Perhaps I should be included in that North Antrim team to keep the peace.

I thank the Member for her question, and I know that she is articulating what has been on the minds of a number of Members over the past period of months. Prior to the Christmas 2010 recess, the Assembly Commission agreed to install a dedicated Internet connection for use by Members and staff in Parliament Buildings. The Information Systems Office issued a request for tenders, and two companies responded. Technical clarifications were required before a preferred supplier was identified. It was necessary to carry out work to ensure that the terms and conditions of the contract did not expose the Commission to unnecessary risk, and a supplier has been appointed. The installation and switchover is expected to be completed in the next three to four weeks. The supplier has been informed of the urgency of the project and has been asked to prioritise the upgrade to web access during the installation.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I thank Bob Coulter for his answer. He will agree that, at certain times of the day in this Building, it is hard to get on to the Internet to access information. Given that this is a positive step forward, I would

appreciate it if he would outline the beneficial impact that it will have. Will he also outline the financial costs, so that we are aware of what is being done and of how much it is going to cost us?

**Rev Dr Robert Coulter:** I thank the Member for her supplementary question. The Commission sought to procure a high-speed connection that is capable of delivering the electronic access needs of Members and other users of Parliament Buildings. On a technical level, that includes a 20 megabyte-a-second always-on connection, with appropriate levels of e-mail and web browsing security. By way of comparison, that will provide a tenfold speed increase to the current provision with the ability to purchase additional capacity up to a maximum of 100 megabytes a second, should the need arise in the future.

Provision of Internet access to the specified standard requires investment in security hardware and an ongoing high-speed communications link. It is anticipated that the hardware element will cost approximately £45,000, with recurring annual costs of £14,600 for the communications link.

**Mr Bell:** Some of us are seeking to be part of the pilot scheme to use the Internet to download our papers so that we get all our mail electronically and save the forest of paper that we get. Currently, we receive more than 100 e-mails a day, and the system is simply no longer fit for purpose and is akin to something in the Stone Age. Local councils have better speeds, and the primary and secondary schools of which I am governor have better speeds. Those of us who want to communicate electronically to stop the deforestation that results from the amount of paper that we get cannot do so because the Internet in the House is no longer fit for purpose.

**Rev Dr Robert Coulter:** I accept the Member's point. First, so many staff and Members work in this place that the comparison of demand between a local council and this place cannot be made. Secondly, I agree, as I said, that the system is somewhat antiquated. We have had problems in the past, and I outlined that we are working on those. We look forward, in the very near future, to having a system in place that will meet the needs of the Parliament here.

Making downloads available and saving paper in the process is a valid process that must be looked at. In connection with a question that is

coming up, we are looking at that seriously for Committees and so on.

**Mr McDevitt:** Along with Mr Bell, I have volunteered to take part in the paperless pilot scheme. For that to work, we need to be able to bring into the Committee room or the Chamber a tablet, notebook or laptop that should not interfere with the electronic equipment.

What does the Commission need to do so that we can bring our equipment into plenary sittings and Committee meetings?

**3.15 pm**

**Rev Dr Robert Coulter:** The Commission is looking very seriously at that point, as part of the ongoing updating of the system so that we can, if possible, provide laptops in Committee for Members to download material, instead of having huge expenditure on paper.

**Mr Deputy Speaker:** Question 4 was grouped with question 2.

### Assembly Commission: Budget

5. **Mr O'Loan** asked the Assembly Commission for an update on its budget in relation to the comprehensive spending review. (AQO 1012/11)

**Mr P Ramsey:** The Assembly Commission initiated an exercise to consider its costs as part of its contribution to the comprehensive spending review. As a result of that process, the Commission has presented a budget for the next four years, which represents a cut in real terms of 13.3% over the four years from 2010-11 to 2014-15. The consultation period for the draft Budget 2011-15 is ongoing, and, as part of that process, the Assembly Commission is engaged in agreeing an appropriate budgetary position. That will seek to ensure that delivery of services required to support the Assembly and its Members can be achieved.

The Commission has included a range of savings in its proposed budget but is mindful of the potential for further cost reductions through a programme of efficiency reviews across the Assembly. Although it is impossible to predict the outcome of the reviews in advance, further savings in the order of 3% to 5% could be realised over the four years up to the end of the comprehensive spending review period.

**Mr O'Loan:** I welcome what Mr Ramsey has said. I believe that further discussions are going

on between the Assembly Commission and the Department of Finance and Personnel, and there are underlying issues about the proper process. However, given the current process, can he give any reassurance to Assembly staff on their positions? Can he give a reassurance to Members that they will be properly and adequately served by the staff in the Building?

**Mr P Ramsey:** In response to a previous question, I said that we have around 440 staff. There is an absolute determination from all Commission members that there will be no direct impact on staffing through forced redundancies. We will try to do reduce costs through effective efficiency savings. However, we are mindful of the service provided to Assembly Members here and at their constituency offices, and it is our desire to protect that service.

**Mr McCarthy:** Given what the Member has just said, given the cutbacks in budgets, given what has been said about the provision of extra car parking space, and given that his colleague Bob Coulter mentioned that it will cost £45,000 for a new IT system, it will be a while before we have new car park or a new IT system in this place.

**Mr P Ramsey:** I do not think that that is the case. The car parking proposal was agreed at the Assembly Commission yesterday, and it will be in place within the next week or two at no huge financial cost to the Assembly Commission, because it is already in place.

IT provision has been discussed intensely at Commission meetings. We are looking at upgrading the provision and at having a pilot project, with paperless meetings, for example, and also at ensuring that Members can have access to e-mails. There are ongoing discussions to get to the stage at which Members can use their phones in the Chamber to access e-mails without their distorting the recording system. However, we are not talking about laptops or iPads in the Chamber.

### Assembly: Engagement Directorate

6. **Mr Sheehan** asked the Assembly Commission to outline the engagement directorate's budget for 2011-12. (AQO 1013/11)

**Mr Sheehan:** I wish to point out an error in the question on the paper. It should read

*"the engagement directorate's budget for 2010-11"*



rather than "2011-12".

**Mr Weir:** I am tempted to say that I am glad that the Member corrected that, because I can give him an answer on the budget for 2010-11, but I cannot really give him an answer for 2011-12. The position for 2011-12 is still slightly fluid, depending on the final Executive Budget.

For 2010-11, the Engagement Directorate's budget was £5,827,949. A breakdown of that in the directorate's three main business areas is as follows: the budget for the Communications Office was £1,875,038; the budget for Outreach and the Education Service was £1,237,197; and the budget for Research and Library Services was £2,563,412. The remainder was allocated to the director's office. As the Member can see, the Engagement Directorate obviously covers more than what people simply think of as engagement, such as Research and Library Services. It covers a wider remit, perhaps, than the name suggests.

**Mr Sheehan:** I thank Mr Weir for that answer. I am aware that a lot of engagement and outreach has already taken place in the past year, such as Assembly roadshows and suicide awareness training. However, in light of the financial constrictions that are being placed on all Departments, particularly the Department of Health, Social Services and Public Safety and the Department of Education, does the Member agree that the Commission should instigate an effectiveness review of the engagement budget and those of other directorates?

**Mr Weir:** That is part of the Commission's ongoing plans towards meeting its budget targets and using money most efficiently. Even if we were not in a position in which there is pressure on budget lines, it is important that the Commission ensures that whatever it provides to Members and the public is provided as efficiently as possible. The Commission has agreed an efficiency review of all aspects of the Assembly, which will commence, more or less, at the start of the next financial year and will be an ongoing process. We believe that it will drive down costs and lead to a more efficient service.

It is important to point out the good work that is being done by the Engagement Directorate. Indeed, that front line service, if you like, is protected. However, as with all aspects, whether it is the Engagement Directorate or another directorate, we need to look at the efficiency review and use it as a device to ensure that the

best possible result has been achieved for the public money that has been spent.

**Mr Ross:** I also pay tribute to some elements of the Engagement Directorate's work, including that of the Education Service, which is excellent. Does the Member agree that although the Assembly roadshows are well intentioned, they cost significant amounts of money and attract relatively few members of the public and are one area in which it would be difficult to argue that value for money was provided?

**Mr Weir:** Evaluation has to be carried out in the round on everything that is done. That is the idea of the efficiency review. At times, innovative ideas are tried, some of which are more successful than others. Perhaps it is not appropriate to single out an individual idea. Some ideas will work better than others, and some will need to be adapted for the future. Therefore, it is a question of seeing what works. I suspect that those areas that prove not to be effective will be looked at as part of the efficiency review and perhaps not continued. Other areas may be delivered differently. Indeed, other areas in which there has been success will be built on. I will not comment on individual schemes. That is part of the wider context that we have to look at.

## North/South Parliamentary Forum

7. **Mr McElduff** asked the Assembly Commission what progress has been made in establishing the North/South Parliamentary Forum. (AQO 1014/11)

**Rev Dr Robert Coulter:** I thank the Member for his question. It is good that the Commission is given the opportunity to outline to Members exactly what has been going on in that regard. I can look back over many years of work along those lines on behalf of the Commission.

It would be useful to provide Members with some background details. The initial proposal to establish a North/South Parliamentary Forum had its origins in the Belfast/Good Friday Agreement and the St Andrews Agreement. Both agreements make specific reference to the establishment of a forum comprising equal numbers of members from the Northern Ireland Assembly and the Houses of the Oireachtas on an inclusive basis to discuss matters of mutual interest and concern.



Building on the requirements of the aforementioned agreements, and as a result of discussions between the Commissions of the Assembly and the Houses of the Oireachtas in 2007 and 2008, it was agreed in October 2008 to establish two working groups, one in each legislature, with the specific remit to develop proposals for the development of a working North/South Parliamentary Forum.

On 21 June 2010, the two working groups held a joint meeting in Parliament Buildings, Stormont, to formally agree and finalise the arrangements and programme for an inaugural North/South Parliamentary Forum conference. The North/South Parliamentary Forum conference was held on 7 and 8 October 2010 at the Slieve Donard Hotel in Newcastle. The overarching aim of the conference was titled "Building Strong Pillars". A conference report was developed and was considered and agreed by the Assembly's North/South Parliamentary Forum working group at its meeting —

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

**Rev Dr Robert Coulter:** Would you like me to bring the answer to a conclusion?

**Mr Deputy Speaker:** Yes.

**Rev Dr Robert Coulter:** If the Member will contact me afterwards I will conclude the answer to the question.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh fhreagra an dochtúra. I thank Dr Coulter for his answer. I welcome the progress being made towards the establishment of the North/South Parliamentary Forum, and I thought that the conference held in Newcastle in October was a useful step towards its establishment. When is it intended to publish and distribute the conference report to all members? The Member has said that that was discussed by the working group after the conference, so when will the conference report be published and distributed to all members?

**Rev Dr Robert Coulter:** The two groups that are working on it are currently discussing how they will proceed with that matter. As you know, things are a bit topsy-turvy down South at the minute, and things have been held up a bit as a result of that. However, we are working on it, and we will progress it when the opportunity is available to us.

## Assembly Committees: IT

8. **Mr Callaghan** asked the Assembly Commission to outline any proposals there are to develop the use of IT within Committees for the benefit of Members, witnesses and observers. (AQO 1015/11)

**Rev Dr Robert Coulter:** The Commission is aware of the ongoing interest in developing the use of IT within Committee rooms. Further detailed information on the issues concerned was given to fellow Members in response to a question, and the Chairperson's Liaison Group (CLG) has been considering the electronic provision of Committee papers and the use of computer equipment in Committee rooms. Following a request from the CLG, a portfolio of commercial products and technologies has been identified that should be capable of supporting the distribution and use of electronic documents within designated Committee rooms.

Work to take that issue forward has been initiated, which includes the participation of a number of Members who have volunteered to take part in pilot exercises to test the suitability of the products and systems. The result of those pilot exercises and further analysis of technical alternatives will inform any decisions on the enhanced use of IT within Committees. I give that answer on the back of what has already been said in reply to another question.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle, Gabhaim buíochas leis an Chomhalta as an fhreagra sin. I thank the Member for that reply. I was actually hoping to be called to ask a supplementary to the previous question, but nevertheless I thank the Member for his reiteration of some of the previous points. One thing that occurs to me as a relatively new Member is that, at Committees, the opportunity for people in the Public Gallery to participate is sometimes a bit restricted and it can be difficult for them to keep up with what is going on. Can the Member give an assurance that the potential for IT to bring observers more into the workings of Committees will be a priority in any deliberations on this issue?

**Rev Dr Robert Coulter:** I thank the Member for his statement, but he has to realise that observers in Committees are observers; they are not members of the Committee. If they want to involve themselves further they would have to apply to the Committee to be able to do so. So much of our Committee work is put on the

Internet, and there are plenty of opportunities for observers to be well briefed before they come to the Committee and listen to its deliberations.

**Mr Deputy Speaker:** That concludes questions to the Assembly Commission.

**3.30 pm**

**Mr Ross:** On a point of order, Mr Deputy Speaker. Last week, my colleague Gregory Campbell raised a point of order about Members not being in their place to ask questions. You undertook to take that to the Speaker and to see whether there was a way in which the Speaker could encourage Members to be in their place or, indeed, to restrict the speaking rights of Members who continually fail to turn up and ask questions during Question Time. Can you update the House on whether the Speaker has made progress on that issue?

**Mr Deputy Speaker:** The Speaker considered the matter and expressed his concern to the House about the number of Members missing on different occasions. The issue has also been raised at the Business Committee on a number of occasions. Hopefully, the Whips and parties will be able to respond to that so that the Speaker's Office will not have to inflict punishments on Members in any way. Recognising the potential for Members to get answers, and the amount of work done by Departments to put together responses, it is important that Members are in their place and on time.

**Mr McElduff:** Further to that point of order, can we get around a situation where it is my understanding that a Minister can be answering questions in the Chamber while that Minister's scrutiny Committee is meeting here at the same time, which seriously disadvantages the members of that Committee? Whatever way that happens, through scheduling or whatever, that also needs to be addressed.

**Mr Deputy Speaker:** The Order Paper is very clear. The priority is the plenary, and if Members have questions down their priority is to be in for the questions.

**Mr K Robinson:** Further to that point of order, the Procedures Committee has been looking into Members not arriving in or questions being withdrawn at the last moment. Another matter is when a Member gets an answer from a Minister

and then leaves before the end of that session. Will the Deputy Speaker undertake to make sure that that is taken into account when looking at the overall picture?

**Mr Deputy Speaker:** I will refer that matter to the Speaker.

## Executive Committee Business

### Dogs (Amendment) Bill: Final Stage

**The Minister of Agriculture and Rural Development (Ms Gildernew):** I beg to move

*That the Final Stage of the Dogs (Amendment) Bill [NIA 20/09] do now pass.*

I am delighted that the Bill has reached its Final Stage, as the issue of public safety and dog control has been a priority for me since I took up office. I am also grateful for the broad support that the Bill received during its Assembly stages.

Although the Dogs Order 1983 provided a useful framework for dog control, it has clearly not dealt with all the problems caused by irresponsible owners. More needs to be done to deal with the serious concerns that we continue to face with stray dogs and dog attacks. *[Interruption.]*

**Mr Deputy Speaker:** Order. The Minister is on her feet. I ask Members to respect that.

**The Minister of Agriculture and Rural Development:** Go raibh míle maith agat, a LeasCheann Comhairle.

Tackling those issues has been a priority for me, and I firmly believe that the Dogs (Amendment) Bill will ensure that dog control legislation here now fully reflects and addresses today's problems. The Bill will, therefore, do three things: protect the public, promote responsible dog ownership and penalise irresponsible owners. It will reduce the number of stray dogs, make it easier for dog wardens to identify stray and other problem dogs, and allow dog wardens to respond more flexibly to problems with a dog's behaviour.

The Bill introduces the compulsory microchipping of dogs and empowers dog wardens to attach control conditions to the licence of a dog whose behaviour has led to a breach of the 1983 Order. The Bill also makes it an offence to own a dog that attacks and injures any domestic animal owned by another person. The Bill increases to a more realistic level the licence fee and the level of fixed penalties under the 1983 Order, increasing the resources available to council dog warden services. For the first time, district councils will be allowed to retain the proceeds from fixed penalties to support their dog warden service.

Microchipping will make it quicker and easier to identify lost or straying dogs and return them to their owners, reducing the number of unidentified dogs that need to be destroyed. Our destruction figures are still too high. The Bill will reinforce the licensing system and make it easier to identify problem dogs. It will also make it easier to trace stolen dogs.

If the introduction of compulsory microchipping is the first key provision in the Bill, the availability of control conditions is the second. The Bill will allow dog control wardens to protect the public and help to prevent further and more serious breaches of the law by attaching one or more control conditions to a dog licence where the owner has failed to keep a dog under proper control.

Those controls could make it a condition of the dog's licence that it be muzzled and leashed when in public, kept in a secure place when it is not on a leash, or kept away from certain specified places, such as parks or schools. In extreme cases of aggressive behaviour, the dog could be neutered. The requirement that a dog and its owner undergo a suitable course of training is a useful addition to that list. It is the result of a suggestion that the Committee made, and an amendment on it was agreed at Consideration Stage.

The availability of those control conditions will shift the focus on to the behaviour and management of individual problem dogs, whatever their breed. Those measures are important in tackling the minority of irresponsible owners who undermine everything that is good and positive about dog ownership. They are also important because they send out the message that casual and careless dog ownership is not acceptable in our society.

The Bill addresses the concerns that people raised with me during my review. As I said, microchipping will help to reduce straying and will reduce the number of unwanted dogs that are destroyed. It will also ensure that irresponsible owners are held accountable. Importantly, the Bill will improve the resourcing of council dog warden services to enforce dog control legislation.

Control conditions will allow council dog wardens to intervene early by putting controls on individual problem dogs. An attack on another person's pet now constitutes an offence. That recognises, for the first time, the grave pain and

distress that such attacks can cause, and it will, again, ensure that irresponsible owners are held to account.

As I said, the Bill will protect the public, promote responsible ownership and penalise irresponsible owners. The new measures will give us the strongest dog control legislation in these islands.

**The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray):** I declare an interest as a member of Craigavon Borough Council.

At the Bill's Second Stage, my predecessor on the Committee, Ian Paisley Jnr, addressed what the Committee believed to be the Bill's weaknesses. Those included the number of stray and unwanted dogs, which results in some 9,000 dogs being impounded each year and some 2,300 of those being euthanized; the level of resources that would be available to councils to enforce the Bill's provisions; and the role of dog owners.

The Committee is not convinced that those weaknesses have been entirely negated. Although the evidence that we received was, on the whole, supportive of the introduction of microchipping as a means of identifying a dog, the Committee was not totally convinced that that in itself would reduce the number of strays and the number of dogs that are being impounded and killed in Northern Ireland.

There was also a great deal of concern that microchipping, in conjunction with the licensing and tagging regimes that are already in place, would add a layer of bureaucracy and, with that, further costs. Although the Department stated that the additional incomes derived from allowing fixed penalty fines to be absorbed into dog warden services are sufficient, in conjunction with the increased licence fees, elected representatives of the councils said that those funds will be insufficient and that an additional burden will be placed on ratepayers.

In an attempt to reduce the level of bureaucracy, the Committee recommended that the Department consult with councillors over the next 12 months to assess whether there is a need for the dual identification systems of microchipping and tagging. I am pleased that the Department agreed to do that.

The Committee also recommended that councillors and the Department assess whether there are any alternative revenue-raising powers that would allow for the discontinuation of the licensing regime without an additional cost being levied on ratepayers. In any event, the Department may wish to keep the need for gap funding to deal with the deficit between the Department's estimation of additional revenues, brought about by the increased fees, and the availability of income from fixed penalties being under review.

Members expressed concerns on a few occasions about the additional financial burden that is being placed on councils as a result of legislation being brought through the House. That is certainly true of this Bill and the Welfare of Animals Bill. There is a need for the Executive to look at that collectively, instead of each Bill being brought by individual Departments and considered by Members or Committees in isolation.

I also wish to comment briefly on the role of breeders and breeding establishments. I appreciate that that matter is dealt with in the Welfare of Animals Bill, but it also has a read-across to the Dogs (Amendment) Bill in relation to the number of strays in Northern Ireland. It is imperative that the Department introduce subordinate legislation to place controls on breeders and breeding establishments. The Dogs (Amendment) Bill commences that process by ensuring that breeders must microchip dogs before selling them, but additional controls are needed for the licensing and registration of breeding establishments. That must be treated as a priority.

Controls could be reinforced if the Department were to consider adapting its Animal and Public Health Information System (APHIS) to allow for the maintenance of the database of microchipped dogs, which is a service that is not currently provided by the private sector in Northern Ireland. The Department should also consider whether that system should be resourced using the principle of full cost recovery. The Committee is aware that the APHIS system is to be reviewed during the next comprehensive spending review (CSR) period, and it recommends that the Department undertake a cost-benefit analysis of adapting the current system to allow for the recording, maintenance and availability of information about microchipped dogs. That would create a central point of reference in Northern Ireland,



and ensure that the Department and other authorised users can respond to additional requirements for information at a reduced cost to dog owners and ratepayers.

Finally, I want to comment briefly on the role of dog owners. The Bill goes a long way towards protecting the public and other animals from attacks by dogs. The Committee has been supportive of the control conditions that the Bill imposes, including the provision to train dog owners, which is a positive step. However, it is important that there be a consistent approach in the application of those control conditions, and the Committee has called on the Department to produce, agree and issue detailed guidance notes in conjunction with officials and elected representatives of the councils.

As I indicated previously, the Committee was not convinced that the weaknesses that were identified at Second Stage were addressed entirely. However, significant strides have been made. The fact that the Committee called for further consultation with local government and that the Department agreed is indicative of a desire to address the problems. In doing that, we will ensure that we, as a society, are protected from attacks by dangerous dogs, that we no longer contribute to the impounding of one dog every 58 minutes and that we demonstrate that we continue to be sickened by the deliberate killing of one stray dog every four hours. Subject to further consultation, the Committee for Agriculture and Rural Development supports the Bill.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank everyone involved in the process of drawing the Bill together. It is an excellent piece of legislation, which has involved a great deal of work by a great deal of people, including the current and previous Chairpersons of the Committee for Agriculture and Rural Development. The Chairperson, the Minister and her officials did an excellent job in guiding the Committee through some contentious issues.

I want to touch on a couple of issues. I agree with the Chairperson's point about the need for more consultation with councils. I also agree that the amount of legislation that comes down from the Assembly to local authorities needs to be looked at by the Executive, because there is an abundance of such legislation. I declare an interest as a local councillor, and although local

authorities welcome those additional powers, additional resources must also be put in place. It has been said that the Bill is cost neutral, but a number of people remain to be convinced of that. We will get a clearer understanding of the issues, including microchipping, after 12 months.

### 3.45 pm

There was a lot of debate in Committee about whether microchipping is necessary. We already have the licence regime, and we wondered whether both were needed. I felt that one cost should cover both microchipping and the licence. The Committee pointed out regularly that it did not want to penalise good, lawful dog owners. We want to do everything within our powers to help them, and we do not want to introduce legislation that will penalise responsible dog owners who want to abide by the law. We want to ensure that more people become responsible dog owners.

It was mentioned in Committee that the licence was needed to raise revenue to fund council enforcement officers and the dog warden service. It was felt that microchipping a pet would allow it to be returned to its owner more quickly, and I buy into that, especially as a dog collar or disc could be lost. I am a pet owner, and I would want my pet returned as quickly as possible. It would also reduce the cost to the local authority. The disc is needed so that the dog warden can identify from a distance whether the dog is licensed. So, there was a rationale for both elements.

I do not want dog owners paying large sums of money to have their pets microchipped. I want the Department to have discussions with local authorities on how this matter can be delivered and to look at best practice. I talked about a voucher system where an owner would pay the licence fee and bring a voucher to have the dog microchipped. Again, it is all about not penalising the responsible dog owner.

The Department said that a number of dog charities would be willing to microchip dogs cheaply. It is time for dog charities to speak up and say what they will do and how they will roll out microchipping. It is time for the charities to step up to the plate and encourage people to get in early and to get their dogs microchipped, preferably for nothing or as close to that as possible — perhaps £1 to £3. There should be a marketing campaign to launch the



process and make the public aware of their responsibilities. It is better to be first in, first served and to get it done for nothing. It would raise the marketing profile of what we are trying to achieve, which is to reduce the number of stray dogs and to have responsible dog owners.

There was a great deal of debate about the licence fee, and the Department proposed a figure of £50 in the consultation document. Obviously, the Committee was not happy with that at all. I felt that the Department was setting a high figure in order to reach an acceptable level, and that is what has been achieved with the figure of £12.50. There would be reductions for people on appropriate benefits, which is important, particularly for pensioners.

As the Chairperson said, the control conditions are an important element of the legislation, and they include muzzling dogs, neutering aggressive male dogs and providing training for the owner. Again, that goes back to responsible dog ownership, which is what we are trying to encourage.

It is fundamental to address the perception that an enormous amount of resources will have to be provided by local authorities. Therefore, we should work in partnership to address those concerns so that everyone is in a comfortable position.

This legislation, along with elements of the Clean Neighbourhoods and Environment Bill that is coming through the House, will give us the most robust dog legislation on these islands. It is important that we are leading the way and setting out clear legislation on responsible dog ownership. I hope that the Minister will clarify how far ahead we are.

In conclusion, I thank everyone involved in the Bill. This is good legislation.

**Mr Beggs:** I, too, declare an interest as a local government councillor.

Northern Ireland has had a particular problem with its large number of stray dogs. Those are animals that have not been reunited with their owners. The legislation's requirement for microchipping will make that aspect much easier to deal with. It is not acceptable that thousands of dogs have had to be rehomed in GB because they have not been claimed. I recognise that we have had an issue with too

many unwanted pups, and perhaps neutering also has a role to play.

I also recognise that, in the Bill, there is an overlap between microchipping and licensing. The Committee tried to examine how that might be smoothed out so that we could rely on one system. However, neither I nor anyone else was able to identify how an income could be maintained to pay for dog wardens locally by coming up with one scheme that would do away with local licensing. That is unfortunate. However, as others have said, perhaps by examining schemes that might become available in the Department, that might be possible in the future.

The Bill is to be welcomed. It strengthens powers to deal with aggressive dogs, and it contains restrictions and regulations for dealing with dogs that have attacked persons or animals. The options for controls resulting from such action include, as others have indicated, muzzling and, importantly, training for the owner. There have been a number of indications, including on TV shows, that it is frequently owners' engagement with their dogs that must be worked on to bring about better behaviour. There is a challenge in that for all of us.

The fixed penalty offences are also very significant. They have proven to be very successful in other parts of the United Kingdom as an efficient method of dealing with issues. They are quick, they send a clear message, and they avoid expensive court time. I hope that the improvement can be brought about quickly and, therefore, offending behaviour will not be repeated.

I give the entire Bill a general welcome. It will reduce the numbers of stray dogs in the future. It will also be better for dogs. They will be reunited with their owners in a shorter period. It will be better for the local community. There will be less likelihood of attacks from aggressive dogs because of the control measures in the Bill.

**Mr P J Bradley:** I, too, welcome the Bill and support it. I declare an interest as I am an honorary member of the Northern Ireland veterinary association.

I will not repeat what has been said, as I am against duplication. If I were to repeat everything that has been said, it would be very contradictory.

I am for microchipping but not as a duplication of licensing or tagging. That many regulations now apply to dogs that I am reminded of the little dogs sent up in the sputnik satellites years ago, all wired up and tagged all over the world so that they could be followed. Our dogs will be the same with all the legislation.

I am totally opposed to a triplicate system. A microchip should be a microchip, with a proper database to give all the information that is required. No one can tell me that we cannot design a microchip database equivalent to APHIS. Sheep and horses are tagged. Cattle are soon to be tagged. There is no reason why dogs cannot be tagged.

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

I was opposed to the £12·50 licence, and I agreed to it only reluctantly. It is certainly better than the Minister's earlier proposal for a £50 fee, which was reported on the BBC website on 6 October 2009 as a firm proposal, not a figure to play around with. Thank goodness that there was enough opposition to that proposal from my party and other parties. I welcome the fact that the fee has been set at £12·50.

I am glad that we got to this stage today. I thank the Chairperson of the Committee for Agriculture and Rural Development for his contribution. He covered everything that was said during our meetings and since we last met to discuss the matter.

**Dr Farry:** I declare an interest as a member of North Down Borough Council. As a non-member of the Committee for Agriculture and Rural Development, I pay tribute to the Minister, her officials and the members of the Committee for the work that they have done on the Dogs (Amendment) Bill. It is welcome legislation from our perspective, and it is a good piece of legislation. I would like to have said that it is excellent, but there are a few minor areas in which the Bill could have been strengthened. I will briefly re-emphasise those in a moment.

Like other Members, I believe that it is important that we encourage responsible dog ownership. That is what the Bill is designed to facilitate. It will signal to society that owning a dog is not a right but a privilege. Nevertheless, it is a privilege that people should seek to have. Dogs are pets for many families and are a source of companionship for many people, particularly those who are on their own. Dogs can have a

positive effect on the mental health and general well-being of the population. Dog ownership serves a purpose for society as a whole.

Other Members have mentioned the problem of stray and unwanted dogs. In some respects, that will always be a problem, because it is the responsible dog owners who will be more inclined to microchip their dogs, as was the case with owners who wanted to go down the road of licensing. Nevertheless, microchipping will make it easier for owners to be reunited with lost pets and for irresponsible dog owners who have abandoned pets to be tracked down. It is also worth bearing in mind that the figures for dog destruction in Northern Ireland are out of line with what is happening elsewhere in these islands. Furthermore, there are considerable variations in the numbers of dogs that are destroyed across the district council areas in Northern Ireland. I will be interested to hear the Minister comment on that reality in her concluding remarks.

I want to say something about the measures that we have taken to deal with dog-on-dog attacks. Such attacks have been a source of concern in the community for many years. There have been a number of prominent incidents, as well as incidents that did not make the headlines. The fact that those incidents took place with a large degree of impunity has been a source of great frustration for dog wardens, councillors, other elected representatives and the community. The provisions in the Bill will go a long way to addressing that problem.

There is a minor loophole in connection with the law on trespass. We made clear our views on that last week, and the Minister will be relieved that I am not going to rehearse them. I will simply state that we have a small concern about that matter, and that we, perhaps, have not done as complete a job as we should have done. Nevertheless, the Bill is an important piece of work. It is landmark legislation that will be welcomed, not just by dog owners but by the wider community.

#### **The Minister of Agriculture and Rural Development:**

Go raibh mile maith agat, a LeasCheann Comhairle. I thank those Members who contributed to the debate today and throughout its earlier stages. The level of interest and engagement that has been shown here demonstrates just how important the issues of responsible dog ownership are

to people across our community whether, as Stephen Farry said, they are dog owners or not. There are people who have been terrorised by stray dogs in housing estates and in different parts of the North that, up to now, dog wardens could not deal with, but they can do now.

I will respond briefly to the issues that were raised by Members. Many Members expressed concerns that microchipping and other aspects of the Bill would be bureaucratic and would put a burden on councils.

I want to make it clear that microchipping requirements will not put additional burdens on councils. In fact, the Bill places no significant new statutory duties on councils. I have information that the Dogs Trust has given Belfast City Council a number of free microchips and will soon do the same in Derry. That scheme will be rolled out across all the council areas. Every council will have a limited number of microchips available to people who want to take up the offer.

#### 4.00 pm

We have not put further statutory duties on councils. The minor changes that we have made to administrative systems will be more than offset by the additional income that we expect councils to get from the increase in the licence fee, which we estimate will be an additional £1 million, the increase in the level of fixed penalties and the retention of fixed penalty receipts by councils.

I will clarify: the proposals put forward in October were for consultation — they were draft proposals. Indeed, some councils had proposed a much higher licence fee than the £50 that was in the draft proposals. We felt that the fee needed to be somewhere between cost recovery and affordability. I can give that assurance to PJ Bradley, who said that it was a firm proposal. We are old enough now to know that you should not believe everything that you read or hear in the media. It was genuinely part of the consultation, but I drew back from it very quickly because the rest of the Bill's important provisions were getting lost in the furore over the increased licence fee.

In addition to the increase in resources to support dog wardens, the Bill will expand the range of tools at their disposal. It will help our dog wardens, who work at the coalface to make our communities safer. How many of us, either

as an MLA or a councillor, have got on to a dog warden about a problem dog, only to be told that the dog warden cannot do anything about it? They will be able to do something about it now. We will be able to make our communities safer and take action against a problem dog before it becomes a fatal problem and is involved in an incident where a child is maimed or killed.

To return to microchipping —

**Ms M Anderson:** Does the Minister agree, particularly given the incident in Derry in my constituency, that the fact that families or anyone else who sees such a problem dog will now be able to phone the dog warden and have that dog dealt with will be appreciated, particularly by families who have had to endure a horrendous experience and deal with children who have been attacked by dogs?

#### **The Minister of Agriculture and Rural**

**Development:** I thank the Member for that intervention. I spoke to the mother of the child who was attacked in Derry last year. She was absolutely traumatised; I hope that she has recovered well. I ask the Member to pass on my regards to that family. If that dog had been reported to the dog warden back then, preventative action could not have been taken. However, the control conditions in the Bill mean that those dogs can now be identified. Conditions can be put on the dog or the owner to ensure safer communities. That is important for all of us. The Member has raised the issue with me before in respect of Derry, and I am pleased that we have got to this stage.

We have also allowed councils a wee bit of lead-in time to get to grips with microchipping. We have given a commitment that microchipping will not be commenced for a year after the Bill becomes law. That will allow everyone affected by the introduction of compulsory microchipping plenty of time to get ready for it. My officials will, of course, continue to liaise with key stakeholders and councils, in particular, before the provision is commenced.

As I have said, the Bill will help to protect the public, promote responsible ownership and penalise irresponsible owners. It will tackle the serious problems of dog attacks, straying and unwanted dogs. It will send out the message that casual and careless dog ownership is not acceptable in our community. The legislation, taken in its entirety, will give us the most robust dog control system in these islands. Willie

Clarke asked for further information on that. Once the provisions of the Bill are implemented, we in the North will be the only part of these islands where microchipping is compulsory. We will be the only area where it is an offence to allow a dog to attack and injure another person's dog. Members have spoken about that today and at other times. I have had some absolutely heart-wrenching letters from people whose family pets were killed or injured by other dogs when they were out for a walk or enjoying our forests or whatever. The letters about dogs that have been killed by other dogs while trying to do their duty to protect children or their family have been among the hardest that I have had to deal with.

This is the only part of these islands where it will be an offence to allow a dog to attack and injure another dog or, indeed, any domestic animal, such as a cat. In Scotland, a system of control orders will be put in place that are similar to the control conditions introduced by this Bill, and a licensing system is in place in the South to register all dog owners. All those measures will be supported by the longest established network of dog wardens on these islands. We are leading the charge on this, partly in response to the high levels of destruction here, which Members alluded to today, and partly because it would be the most horrific thing if a child were killed by a dog and we had not taken action to try to prevent that from happening. The legislation will certainly encourage the protection of the public.

The Chairperson of the Committee mentioned bringing in breeding establishments under secondary legislation. I recognise where he is coming from, and I certainly support that. All reputable and good dog breeders already microchip pups when they bring them in to get their inoculations. It is anticipated that proposals for setting new standards for dog-breeding establishments will be brought forward in secondary legislation under the Welfare of Animals Bill once that is enacted, as the Member said. One of the first pieces of subordinate legislation to be introduced will regulate dog-breeding establishments.

Some Members talked about the requirement for collar tags once microchipping is introduced. The requirement for a dog to be licensed is already set out in the Dogs (Licensing and Identification) Regulations 1983. Collar tags still provide a quick visual identification where

a microchip scanner is not available. That allows a neighbour, for example, to return a dog without the need for a dog warden. So, again, it is a practical step to ensure dog control. Furthermore, as some enforcers noted during the consultation, a warden on patrol can see that a dog appears to be unlicensed when a collar and ID tag are absent. However, unlike tags, which can be lost or become damaged, microchipping provides permanent identification so that both systems can run side by side.

The Chairperson also talked about DARD setting up its own database or converting APHIS. I believe that that would be prohibitively costly to set up and unnecessary, because licensing and identification functions are provided for by the existing arrangements. Furthermore, a government-run database would replicate at taxpayers' expense a service that is already provided by the market. Therefore, I do not believe that that is necessary.

The issue of guidance also came up during the debate. Officials are working with the Dogs Advisory Group, which represents dog warden services, to develop guidance for enforcers. Officials have also initiated discussions with the Department of Justice on possible ways of heightening awareness in the courts. My Department, with the Dogs Advisory Group and other stakeholders, will also develop guidance for dog owners and the wider public.

Today's debate has been very useful, and there have been a lot of supportive comments, which I appreciate. I disagree slightly with Stephen Farry, because I think that this is excellent legislation. We cannot put everything in the Bill, but it enables us to make subordinate legislation to do other things. However, he was dead right when he said that dog ownership was a privilege, not a right. Careless and casual dog ownership is no longer acceptable in our community. It is not acceptable for someone to allow their dog to terrorise a housing estate, a street or, indeed, a townland. It is not a right for someone's dog to go out and attack other pets when it feels like it. We need to see more responsible dog ownership, and we can get there with this Bill.

I am also conscious that this was a long consultation. We met dog wardens in the Pavilion a number of years ago, primarily because, as I said, they are at the coalface. We have had fantastic support from dog wardens



and councils. There were very different opinions at that meeting, as happens in any consultation, but, because our dog wardens have worked closely with us in the development of this legislation, we have a Bill that will make their job easier and help to control the dangerous dogs that are a nuisance to our communities.

I commend everyone who worked with us on this Bill. I believe that it is excellent legislation. I thank Members here today for their contributions to the debate and at earlier stages. The interest and engagement shown here demonstrates just how important the issues of responsible dog ownership are to everybody, whether they are dog owners or not. It would be extremely remiss of me not to say that officials in my Department have worked hard to ensure that this is good legislation, and they have co-operated well with stakeholders and the Committee. I thank Members for their support for this important Bill.

*Question put and agreed to.*

*Resolved:*

*That the Dogs (Amendment) Bill [NIA 20/09] do now pass.*

**Mr Deputy Speaker:** Members, there has been considerable electrical interference with the sound and recording system. I ask that you switch your mobile phones not to standby, not to silent, but off.

## Committee Business

### **Assembly Members (Independent Financial Review and Standards) Bill: Consideration Stage**

**Mr Deputy Speaker:** I call Mr Peter Weir, a representative of the Assembly Commission, to move the Consideration Stage of the Assembly Members (Independent Financial Review and Standards) Bill.

*Moved. — [Mr Weir.]*

**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, 2, 9, 13, 15 to 18 and 20, which are technical amendments relating to the independent financial review panel. The amendments also deal with the disqualification of MLAs' family members from the independent financial review panel or from being appointed Commissioner for Standards.

The second debate will be on amendment Nos 3 to 8, 14 and 19, which deal with the disqualification of the Attorney General for Northern Ireland from membership of the independent financial review panel or from being appointed Commissioner for Standards and technical amendments.

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.

*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.*

**4.15 pm**

*Upon 10 Members being present —*

**Mr Deputy Speaker:** We now have a quorum. Only 98 Members are missing.



*Clauses 1 to 10 ordered to stand part of the Bill.*

**Clause 11 (Exercise of functions)**

**Mr Deputy Speaker:** We now come to the first group of amendments for debate, which are technical amendments relating to the independent financial review panel and the disqualification of MLAs' family members from the independent financial review panel or from being appointed Commissioner for Standards. With amendment No 1, it will be convenient to debate amendment Nos 2, 9 to 13, 15 to 18, and 20.

**Mr Weir:** I beg to move amendment No 1: In page 4, line 37, leave out "this Act" and insert "this Part".

*The following amendments stood on the Marshalled List:*

No 2: In clause 13, page 6, line 14, leave out "such". — [Mr Weir.]

No 9: In schedule 1, page 16, line 5, leave out sub-paragraph (a) and insert

*"(a) parent, child, grandparent or grandchild;"*. — [Mr Weir.]

No 10: In schedule 1, page 16, line 7, leave out sub-paragraph (b) and insert

*"(b) brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);"*. — [Mr Weir.]

No 11: In schedule 1, page 16, line 9, after second "spouse" insert

*"in any of the ways set out in sub-paragraphs (a) or (b)".* — [Mr Weir.]

No 12: In schedule 1, page 16, line 10, after second "civil partner" insert

*"in any of the ways set out in sub-paragraphs (a) or (b)".* — [Mr Weir.]

No 13: In schedule 1, page 16, line 11, after second "cohabitant" insert

*"in any of the ways set out in sub-paragraphs (a) or (b)".* — [Mr Weir.]

No 15: In schedule 3, page 18, line 7, leave out sub-paragraphs (a) and (b) and insert

*"(a) parent, child, grandparent or grandchild;  
(b) brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);"*. — [The

*Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

No 16: In schedule 3, page 18, line 11, after second "spouse" insert

*"in any of the ways set out in sub-paragraphs (a) or (b)".* — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

No 17: In schedule 3, page 18, line 12, after second "civil partner" insert

*"in any of the ways set out in sub-paragraphs (a) or (b)".* — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

No 18: In schedule 3, page 18, line 13, after second "cohabitant" insert

*"in any of the ways set out in sub-paragraphs (a) or (b)".* — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

No 20: In schedule 5, page 20, line 13, leave out "the Schedule" and insert "Schedule 1". — [Mr Weir.]

**Mr Weir:** It was appropriate, Mr Deputy Speaker, that you gave indications that Members were to switch off their mobile phones because, given the general level of interest that the debate has excited, it would be a tragedy for posterity if the remarks were lost.

Amendment No 1 is a minor drafting amendment that changes the words "this Act" to "this Part". That relates to the fact that there are different commencement provisions relating to different Parts of the Bill. Amendment No 2 is a technical drafting amendment that simply removes the word "such", which is unnecessary. Obviously, it can be seen that we have gone through the Bill in fine detail.

Amendment Nos 9, 10 and 15 reflect the final agreed position of the Assembly Commission, the Committee on Standards and Privileges and the Ad Hoc Committee on the definition of "family member" used in schedule 1 and schedule 3 to the Bill in relation to the disqualification of family members of the Assembly from being appointed as or serving as panel members or as the Commissioner for Standards. Great-grandparents, great-grandchildren, great-uncle, great-aunt, great-nephew and great-niece are removed from the definition of "family member", so members will be delighted to hear that their great-grandparents are now entitled to become

the Commissioner for Standards. I am not sure what is the opposite of spinning in a grave — perhaps celebrating in a grave. There may be rejoicing tonight among all the great-grandparents of Assembly Members that they are now eligible for the post.

Amendment Nos 11, 12, 13, 16, 17 and 18 are technical amendments that are necessary to ensure that only those who are related to a spouse, civil partner or cohabitant of a Member in the ways that are set out in sub-paragraphs (a) or (b) would be disqualified. Amendment No 20 is a minor technical amendment. I look forward to Members' contributions — maybe that should be Member, singular — to the debate with pleasure.

**The Chairperson of the Ad Hoc Committee on the Assembly Members (Independent Financial Review and Standards) Bill (Mr Cobain):** As the Chairperson of the Ad Hoc Committee, I thank the members of the Committee, those who provided evidence and the Committee support team for the time and effort that they put into the Bill and the Committee report. The Ad Hoc Committee had six weeks to consider the Bill. Members were aware of the substantial work that had already been undertaken in preparing the Bill. The Assembly Commission carried out public consultations on the establishment of an independent body to determine Members' salaries, pensions and financial support, and the Committee on Standards and Privileges conducted an inquiry into enforcing the code of conduct for Members and the appointment of an Assembly Commissioner for Standards.

No one is unaware of the issues surrounding public confidence in elected representatives, and it is timely that the Assembly has taken steps to underline and increase that confidence. The Ad Hoc Committee welcomed the introduction of the Bill as a means of improving transparency and accountability of Members and providing reassurance to the public that there is an independent and objective process for the investigation of complaints against MLAs. The Ad Hoc Committee noted the mechanisms for pay and standards at Westminster and in the other devolved regions and took the experience of those legislatures into account during its consideration of the Bill.

The Ad Hoc Committee is content to agree to amendment Nos 1, 2 and 20, as they are technical in nature. With your permission, Mr

Deputy Speaker, I will turn my attention to amendment Nos 9, 10 and 15, which deal with the definition of the term “family member” used in the Bill. The amendments were proposed by the Ad Hoc Committee in light of members' concerns that the definitions used in schedules 1 and 3 were unnecessarily restrictive. Those schedules deal with the list of persons who are disqualified from serving on the independent financial review panel or as Commissioner for Standards. The Ad Hoc Committee recognised the intention that the list of disqualifications is to ensure independence and freedom from undue influence and bias but considered that the balance had not been struck and that disqualifications well into the outer reaches of the family were unnecessary.

The Ad Hoc Committee also noted written evidence from the Northern Ireland Human Rights Commission, which also regarded the list of disqualifications as being too extensive. The Ad Hoc Committee proposed to narrow the definition of “family member” to remove references to great-grandparent, great-aunt, great-uncle, great-niece and great-nephew. The Assembly Commission and the Committee on Standards and Privileges agreed to the amended definitions proposed by the Ad Hoc Committee, and I welcome the fact that they have brought forward these amendments today.

The Ad Hoc Committee supports all the amendments in this group.

**Mr Weir:** It says in the script provided to me that I should thank all Members for their positive contributions on the Bill, but, strictly speaking, I should thank the “all Member”. It would be remiss of me if I did not thank the members of the Ad Hoc Committee. As Mr Cobain indicated, there was a lot of detailed scrutiny, because this is an issue that goes to the heart of transparency and to the importance of ensuring that we get it right. Consequently, although the amendments may appear to be relatively minor, they are an indication of the level of detail that has been reached. I also thank the Committee on Standards and Privileges, my fellow members of the Assembly Commission and the staff of the secretariat for their contributions to the development of the Bill. I believe that the amendments will strengthen the Bill.

As indicated by the Chairperson of the Ad Hoc Committee, the initial list of disqualifications was unduly restrictive. I think it was imported

from other legislation elsewhere, and, to some extent, the initial wording contained a level of unnecessary nonsense, such as restricting great-grandparents. What has been put forward by the Ad Hoc Committee and embraced by the Assembly Commission and the Committee on Standards and Privileges is a sensible route. I am glad to see that all the amendments have been embraced by the Committee.

If there are issues regarding the remaining amendments, I will be glad to deal with them. However, it seems that there is consensus on the amendments in group 1, and I commend them to the House.

*Question, That amendment No 1 be made, put and agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clause 12 ordered to stand part of the Bill.*

**Clause 13 (Contents of determinations: pensions, gratuities and allowances)**

*Amendment No 2 made: In page 6, line 14, leave out “such”. — [Mr Weir.]*

*Clause 13, as amended, ordered to stand part of the Bill.*

*Clauses 14 to 16 ordered to stand part of the Bill.*

**Clause 17 (Functions of the Commissioner)**

**Mr Deputy Speaker:** We now come to the second group of amendments for debate, which deal with the disqualification of the Attorney General for Northern Ireland from membership of the independent financial review panel or from being appointed as Northern Ireland Commissioner for Standards, and technical amendments relating to the Assembly Commission and the Commissioner for Standards. With amendment No 3, it will be convenient to debate amendment Nos 4 to 8, 14 and 19.

**The Chairperson of the Committee on Standards and Privileges (Mr O’Loan):** I beg to move amendment No 3: In page 7, line 10, after “believes that” insert “, at a relevant time,”.

*The following amendments stood on the Marshalled List:*

**No 4:** In page 7, line 18, leave out paragraph (a) and insert

*“(a) a complaint to the Commissioner that, at a relevant time, a breach of the Code of Conduct has occurred;” — [The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

**No 5:** In clause 31, page 12, line 8, leave out “or make an affirmation”. — *[The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

**No 6:** In clause 34, page 13, line 10, after “any” insert “complaint or”. — *[The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

**No 7:** In clause 34, page 13, line 6, after “with a” insert “complaint or”. — *[The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

**No 8:** In schedule 1, page 15, line 27, at end insert

*“(q) the Attorney General for Northern Ireland;*

*(r) a person who has been the Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.” — [Mr Weir.]*

**No 14:** In schedule 3, page 17, line 34, at end insert

*“(s) the Attorney General for Northern Ireland;*

*(t) a person who has been the Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.” — [The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

**No 19:** In schedule 4, page 19, leave out lines 24 to 29 and insert

*“(b) by notifying the Commission that liabilities may be incurred of such description and maximum total amount as may be specified in the notification.” — [The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

**The Chairperson of the Committee on Standards and Privileges:** Amendment Nos 3 and 4 ensure that the functions of the commissioner are set out in the Bill in a consistent manner. The Bill provides for the commissioner to carry out investigations further to having received a complaint or when the commissioner believes that an investigation should be initiated but no complaint has been made. It is important that the Bill refer to those

two different scenarios consistently. Therefore, it is not appropriate that clause 17(1)(b) refers to investigations into

*“a breach of the Code of Conduct”,*

whereas clause 17(2)(a) refers to investigations into complaints that the conduct of a Member of the Assembly has

*“failed to comply with the Code of Conduct”.*

Amendment Nos 3 and 4 provide for the clause to be consistent in referring to investigating breaches of the code whenever they occur, rather than investigating the conduct of Members. The amendments will also ensure that the Assembly is not unduly fettered if it wants the admissibility criteria for complaints to allow for complaints to be made against former Members. I should clarify that it will be up to the Committee on Standards and Privileges to determine what the admissibility criteria should be. However, the Committee has not yet decided whether the commissioner should be able to carry out investigations into former Members.

Amendment No 5 is a technical drafting amendment that simply removes the unnecessary words “or make an affirmation”, because the reference to oaths in clause 31 automatically extends to affirmations. Amendment Nos 6 and 7 are also technical drafting amendments. Clause 34(1) correctly refers to a “complaint or matter”, whereas subsections (2) and (3) refer only to a “matter”. Therefore, for consistency, it is proposed that those references should be changed to “complaint or matter”.

Amendment Nos 8 and 14 will add the Attorney General or any person who has been the Attorney General at any time in the five years prior to the date of appointment to the disqualification schedules for independent panel members and for the commissioner. Members may be aware that the Committee on Procedures has commenced work on making provision for the Attorney General for Northern Ireland to participate in Assembly proceedings. One aspect of that work that the Committee on Standards and Privileges will have to take forward is providing for the Attorney General to have the same duties as Members in respect of the requirement to register and declare interests and to be prohibited in the same way as Members from advocating any matter on behalf of anyone else for payment or benefit.

The Committee on Standards and Privileges has, therefore, agreed with the Attorney General that the Commissioner for Standards should be able to investigate an alleged breach by the Attorney General of any of those duties. That will be provided for in Standing Orders.

However, that being the case, the Committee on Standards and Privileges also agreed that it is appropriate that the Attorney General should be disqualified from being the commissioner in the same way as a Member of the Assembly. Further to that, the Assembly Commission agreed to include the Attorney General in the schedule of persons disqualified from being a panel member.

#### 4.30 pm

Amendment No 19 relates to paragraph 6 of schedule 4. That paragraph sets out the duties of the commissioner to consult the Commission about any liability incurred by the commissioner that the Commission may be required to discharge. On reflection, the Committee was concerned that that paragraph read awkwardly and would not be easily understood. The proposed amendment will not in any way alter the essence of paragraph 6, but will better clarify the duty in question.

**The Chairperson of the Ad Hoc Committee on the Assembly Members (Independent Financial Review and Standards) Bill:** I will comment first on amendment Nos 3 and 4 to clause 17. The Committee on Standards and Privileges agreed those amendments to provide clarity on the role of the Commissioner for Standards and to address the ambiguity in the Bill, as drafted, on whether the commissioner would ever be able to investigate complaints about the conduct of former Assembly Members.

The Ad Hoc Committee sought clarification on whether the proposed amendments would automatically include complaints against former Members in the admissibility criteria for complaints. The Committee on Standards and Privileges confirmed that it will be for it to decide whether the commissioner should carry out such investigations of former Members. No such decision has been taken. The Committee was advised that aim of the amendments was to ensure that there would be no legislative provision to prevent the commissioner from carrying out such investigations in the future.



In briefing the Ad Hoc Committee, the Committee on Standards and Privileges considered that such investigations provided an opportunity to address any procedural shortcomings and to establish the facts of what happened. That is valuable in addressing the matter of public confidence. The Ad Hoc Committee considered these issues carefully and, on balance, was content to agree the amendments to clause 17.

The Ad Hoc Committee was content to agree amendment Nos 8 and 14, which seek to include the Attorney General in the list of those disqualified from serving on the independent financial review panel or as the Commissioner for Standards. The Ad Hoc Committee supports all the group 2 amendments.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin supports all the group 2 amendments. Amendment Nos 3 and 4 set out the commissioner's functions in a consistent manner. As outlined by the Chairperson of the Committee on Standards and Privileges, amendment Nos 5, 6 and 7 are purely technical. Amendment Nos 8 and 14 would add the Attorney General or any person who has been Attorney General in the five years prior to the date of appointment to the list of those disqualified from being an independent panel member or holding the position of Commissioner for Standards.

As the Chairperson said, a future piece of work for the Committee on Standards and Privileges will be to ensure that the same duties apply to the Attorney General when declaring and registering interests. Amendment No 19 tidies up how the paragraph reads.

**The Chairperson of the Committee on Standards and Privileges:** I thank the Members who spoke for their positive response to the Bill. It is encouraging to see how all parties in the House are committed to putting in place robust measures to ensure that Members are held to account for their conduct in an independent and transparent manner.

I also take the opportunity, on behalf of the Committee on Standards and Privileges, to thank the Ad Hoc Committee that was established to consider the Bill. I pay tribute to its helpful and thorough consideration. The work that it has done in conjunction with the Committee on Standards and Privileges in suggesting amendments, particularly about the distance of relationship of persons who might

be disbarred from being the Commissioner for Standards, was very helpful. The Ad Hoc Committee's general support for the Bill and for further amendments that the Committee on Standards and Privileges proposed is much appreciated. I read the Ad Hoc Committee's report in full. It fully supports the Bill and the remarks made in it will also help my Committee's future considerations.

Mr Weir outlined how we tabled amendments to the Bill to address the points that the Committee made. I believe that those, and all the other amendments, will strengthen the Bill.

I also thank the Committee Clerk and all Assembly staff who were involved in the Bill's creation. I also thank the Assembly Commission for its contribution to its section and to the general development of the Bill. The establishment of the post of Commissioner for Standards is a positive step forward for the Assembly. By increasing accountability, we enhance public confidence in the integrity of the Assembly and strengthen our democracy. Therefore, I commend the Bill and the amendments to the House.

*Question, That amendment No 3 be made, put and agreed to.*

*Amendment No 4 made:* In page 7, line 18, leave out paragraph (a) and insert

*"(a) a complaint to the Commissioner that, at a relevant time, a breach of the Code of Conduct has occurred;" — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

*Clause 17, as amended, ordered to stand part of the Bill.*

*Clauses 18 to 30 ordered to stand part of the Bill.*

#### **Clause 31 (Offences)**

*Amendment No 5 made:* In page 12, line 8, leave out "or make an affirmation". — *[The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

*Clause 31, as amended, ordered to stand part of the Bill.*

*Clauses 32 and 33 ordered to stand part of the Bill.*

#### **Clause 34 (Transitional provisions)**

*Amendment No 6 made:* In page 13, line 10, after "any" insert "complaint or". — *[The*



*Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

**Amendment No 7 made:** In page 13, line 16, after “with a” insert “complaint or”. — *[The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

Clause 34, as amended, ordered to stand part of the Bill.

Clauses 35 to 39 ordered to stand part of the Bill.

### **Schedule 1 (Disqualification from membership of the Panel)**

**Mr Deputy Speaker:** Amendment No 8 has already been debated. I call the representative of the Assembly Commission, Mr Peter Weir, to move formally amendment No 8.

**Mr Weir:** Should it not be amendment No 9, Mr Deputy Speaker? I move it anyway, but, according to the groupings list, amendment No 8 is in the second group.

**Mr Deputy Speaker:** They are all being moved.

**Mr Weir:** All right.

**Amendment No 8 made:** In page 15, line 27, at end insert

*“(q) the Attorney General for Northern Ireland;*

*(r) a person who has been the Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.” — [Mr Weir.]*

**Amendment No 9 made:** In page 16, line 5, leave out sub-paragraph (a) and insert

*“(a) parent, child, grandparent or grandchild;”. — [Mr Weir.]*

**Amendment No 10 made:** In page 16, line 7, leave out sub-paragraph (b) and insert

*“(b) brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);”. — [Mr Weir.]*

**Amendment No 11 made:** In page 16, line 9, after second “spouse” insert

*“in any of the ways set out in sub-paragraphs (a) or (b)”. — [Mr Weir.]*

**Amendment No 12 made:** In page 16, line 10, after second “civil partner” insert

*“in any of the ways set out in sub-paragraphs (a) or (b)”. — [Mr Weir.]*

**Amendment No 13 made:** In page 16, line 11, after second “cohabitant” insert

*“in any of the ways set out in sub-paragraphs (a) or (b)”. — [Mr Weir.]*

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

### **Schedule 3 (Disqualification from being appointed or serving as the Commissioner)**

**Amendment No 14 made:** In page 17, line 34, at end insert

*“(s) the Attorney General for Northern Ireland;*

*(t) a person who has been the Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.” — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

**Amendment No 15 made:** In page 18, line 7, leave out sub-paragraphs (a) and (b) and insert

*“(a) parent, child, grandparent or grandchild;*

*(b) brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);”. — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

**Amendment No 16 made:** In page 18, line 11, after second “spouse” insert

*“in any of the ways set out in sub-paragraphs (a) or (b)”. — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

**Amendment No 17 made:** In page 18, line 12, after second “civil partner” insert

*“in any of the ways set out in sub-paragraphs (a) or (b)”. — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

**Amendment No 18 made:** In page 18, line 13, after second “cohabitant” insert

*“in any of the ways set out in sub-paragraphs (a) or (b)”. — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

Schedule 3, as amended, agreed to.

### **Schedule 4 (Commissioner: further provision)**

**Amendment No 19 made:** In page 19, leave out lines 24 to 29 and insert

*“(b) by notifying the Commission that liabilities may be incurred of such description and maximum total amount as may be specified in the notification.” —*

*[The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

*Schedule 4, as amended, agreed to.*

**Schedule 5 (Consequential amendments)**

*Amendment No 20 made: In page 20, line 13, leave out "the Schedule" and insert "Schedule 1". — [Mr Weir.]*

*Schedule 5, as amended, agreed to.*

*Long title agreed to.*

**Mr Deputy Speaker:** That concludes the Consideration Stage of the Assembly Members (Independent Financial Review and Standards) Bill. The Bill stands referred to the Speaker.

**4.45 pm**

## Private Members' Business

### Carer's Allowance Bill: Second Stage

**Mr McNarry:** I beg to move

*That the Second Stage of the Carer's Allowance Bill [NIA 13/07] be agreed.*

Understandably, some Members are wondering why I have brought my Bill back to the House now. I have done so for a number of good reasons. I have recognised the genuine intentions of Members who regularly inquire about the progress of the Bill, and I have been taken by the growing support once again to raise the issue of pensioner carers from Members who are willing to support whatever can be achieved to move the issue forward. In particular, a suggestion was made to me recently that our Assembly could be the first to adopt legislation of this kind, making its delivery a test for the parity question by using the Bill to develop a pilot scheme here in Northern Ireland. That suggestion seemed to encapsulate the genuine goodwill that I have detected for the Bill to succeed.

As we all know, the issue focuses on two central aspects. One is parity, which is dealt with in section 87 of the Northern Ireland Act 1998. Here is the first test for the Minister for Social Development. I contend that the parity legislation does not require absolute parity, which is a rigidly enforced consistency in the delivery of benefits, nor must it be maintained in the designated areas of social security, child support and, pertinent to the Bill, pensions.

Importantly, the legislation requires the relevant Ministers in Stormont and Westminster to consult from time to time and, surely in this case, to examine the degree of flexibility open to stretch the parity regulation. On the issue of pensioner carers relating to my Bill, it is clear that the will and tenacity of our Minister, if driven favourably towards supporting the Bill, could and should have a major impact in making life a lot easier for the many deserving people who fit the category description of being a pensioner carer. The Minister needs to consult and negotiate a relaxation of any parity rigidity. After all, the Minister, and I compliment him for it, is in discussions with London and is arguing

the case for Northern Ireland to be treated differently on benefits.

Recently, when asked on Radio Ulster whether Northern Ireland could have a different welfare system, Alex Attwood said that it could not, as London pays the welfare bill and, if we change the system too much, it might take the £3 billion away. He went on to say that he was in negotiations with the British Government to see whether they could come to an arrangement. He said that he has three fundamental principles. First, we legislate for welfare in Northern Ireland, so he asks why we cannot legislate differently for London.

Secondly, he said that he wants to see whether, in practice, we do welfare reform any differently in operational terms. Thirdly, he said that the safety net of welfare has been withdrawn by the London Government.

In November 2010, the Minister also stated:

*"The British Government may want a conversation with us about parity, so that they can fundamentally adjust the block grant and reduce the cost benefit of parity to Northern Ireland in a way that would damage the stability and lives of many of our citizens." — [Official Report, Bound Volume 58, p65, col 1-2].*

He continued:

*"I will push parity to the limit. In recent years, and before I or my predecessor took office, things may have been done differently in Northern Ireland, and they may have been technically inconsistent with parity. Therefore, parity is not something that is never compromised." — [Official Report, Bound Volume 58, p66, col 2].*

He also stated:

*"However, I will stretch the limits of parity in a way that does not prejudice the block grant or those who are on benefits. That is part of the conversation with Lord Freud. We must maximise the opportunities within the constraints of parity. Parity is contentious and cross-cutting and is of interest to Executive colleagues. I may be minded to break parity. However, if I were, it would go nowhere unless the Executive said, 'This is a line in the sand that we will not compromise on.'" — [Official Report, Bound Volume 58, p64, col 1].*

I contend that the Minister should argue for the right of the pensioner carer in Northern Ireland to retain his or her carer's allowance.

The second principle relates to the pensioner carer and the person whom he or she looks after. That person is usually a close relative, such as a husband, wife, mother, father, son or daughter, for whom his or her love and devotion does not evaporate upon reaching pension age. I asked what a carer's allowance is for. Is it not a payment for work done? If not, why is the allowance paid on a scale to the number of hours worked? If it is a legal payment that is based on hours worked — I contend that it can be nothing else, nor can it be paid for any other reason — why, then, is the payment of carer's allowance stopped by the state when the carer is in receipt of his or her entitlement in law to a state pension? I contend that the loss of the carer's allowance payment to carers who receive a pension is morally wrong and legally perverse.

In current circumstances, the right to a pension removes the right to the allowance. Surely, one right cannot cancel out another right, as is the case. In practice, carers simply do not stop caring or abandon their relatives just because they have reached pension age. For them, becoming pensioners cannot and does not mean that they have retired or are giving up being carers at home and that the state should then take over and do the caring for them.

On that point, there is also the third principle, which relates to money and the state regulations. The value of carers at home saves Northern Ireland alone around £3.5 billion each year. There is absolutely no risk, therefore, of the state intervening, charging in and taking over caring responsibilities. The country would go bust overnight if carers said no, they are not caring at home any more; if they said, "I am fed up depriving myself and the rest of my family from what other people call 'normality'"; or if they said, "I gave up my job. I have scraped long enough to find money to pay the bills. I just want to enjoy a holiday break like everybody else. I want to take the children and the grandchildren out somewhere nice for the day like anybody else. I would just love to be able to go for a walk. Could you not even give me a couple of hours off to go shopping and to get out and meet people, because that would be heaven for me?"

The state knows that that type of salt-of-the-earth unsung hero will not down tools, strike or even cause a fuss. The state takes advantage of that situation. Why else would the Government withdraw the carer's allowance when carers reach pension age? In doing so, the

Government make their intentions abundantly clear to me: they do not care about pensioner carers. They view them as cheap labour, as they view all carers.

My Bill would dramatically change that draconian, outdated, unjustified and uncalled-for opinion and the legislative prejudice against carers once they reach pension age. As I have said, those people do not retire. Support from my colleagues in the Assembly would at least launch a significant challenge and would hand to our Minister — if he is up for it — a magnificent opportunity to get behind direct action aimed solely at doing right by our pensioner carers. As a consequence, it could show those in Whitehall the gross indecency of what they are doing against pensioner carers and offer a positive way to correct such an unjust and monumental error.

I point to the recent success of achieving rate relief for carers, which has been beneficial for pension carers. It took some time, but, with the unanimous support of the Finance Committee and dogged determination to find a way, we scored a minor, but nonetheless significant, victory for carers on rates relief. As I said, it took some time, and that was mainly due to it being difficult to ascertain the correct number of carers who could benefit. However, the Minister, Sammy Wilson, stuck with the Committee and kept the door open until the Committee arrived at numbers that we could all stand over. I also give credit to the Department of Finance and Personnel (DFP) official who stuck with it, worked at the idea, and did not give up either.

That is a piece of good news from a Minister, which was not only beneficial, but which, in my opinion, was concrete evidence that, in that case, pensioner carers had been recognised and their status given ministerial approval. As Members know, the Finance Minister and I may battle over budgets, always for the best of reasons, but even when he is wrong, which he has sometimes been, he does not lose my respect for his office. Without Sammy Wilson's judgement call on that issue, without the DFP official's help and without the Finance Committee's resolve and support, that small, but nevertheless important, concession to carers would not have been made. I believe that it is the case that where there is a will, there is going to be a way.

I will now turn away from finance that has been committed by DFP to that other thorn being used

to attack my Bill: money. I have explained the parity issue and the importance of ministerial consultation, and I offered the Minister the choice of direct action achieved by negotiation. I have explained what I think a carer's allowance is for and why it should not be removed when a carer reaches pension age.

Let me do my best to inform the Members why I think that officialdom is being unhelpful in its attempts to convince the Minister for Social Development to scupper my Bill. Members will recall that the Bill stalled at the time when the Health Department and the Department for Social Development (DSD) combined to initiate a joint internal review of provision for carers in Northern Ireland. The review report was verified by Professor Judith Hill, and I was pleased that my Bill, with the help of other Members, had forced that review.

Overall, both Departments identified and recognised the essential work done by carers at home, and, arising from the review, Minister McGimpsey reported that he had secured an additional 400 respite packages and an additional 2,000 dementia respite spaces.

The then Minister for Social Development, Margaret Ritchie, decided to do nothing other than to stick with parity policy.

### 5.00 pm

I said at the outset that Members would be wondering about the delay with the Bill. Another reason was my waiting in expectation to hear from Minister Ritchie on her assurances to me that she would raise the issue of carers with the Chancellor and the Secretary of State for Work and Pensions and feed the issue into the ongoing review of the national carers' strategy. I have no record of hearing from former Minister Ritchie nor has there been a pick-up by her successor, Minister Attwood.

Members will also recall that, at the time, Minister Ritchie was armed and ready to kill off my Bill with the sharp instrument of a reasoned amendment. The Department for Social Development also produced a briefing paper, which clung to those arguments. Members who followed the passage of the Bill closely until then will also recall the issue of pensioner carers seemingly being savaged. The briefing paper stated:



*"The whole issue of carer's income and allowance is being examined in-depth as part of the review of the national strategy for carers being taken forward by the Department of Health in Britain. The findings of the review are due to be published in early summer. The Department, in conjunction with the Department for Work and Pensions, will then consider what changes should be made to the carer's allowance."*

The Department believed that it would be premature to seek to legislate in that area before the outcome of the review was known.

The briefing paper added that over 14,000 carer's allowance claimants over pensionable age were not receiving their carer's allowance because of the overlapping benefits rule, and a further 680 people received a reduced amount:

*"It is estimated that the Bill would generate additional gross expenditure of approximately £38.6 million per annum, based on current claim rates ... That cost does not take account of the potential increase in claims by those who do not currently claim carer's allowance because of the overlapping benefits rule. A further factor that has not been taken into account is the projected rise in caring, which is the inevitable consequence of an ageing population."*

*The Northern Ireland Statistics and Research Agency (NISRA) estimates that the number of people over the current pensionable age will increase by 39 between 2006 and 2021. The number of people who are aged 65 and over will continue to rise after 2021, and it is projected that there will be twice as many people aged 65 and over in 2041 as there are today."*

So heaven help us if you are a carer moving from nowhere or, as we are today, in 2041.

The briefing goes on to say that there is, therefore, the potential for costs to rise very substantially in the coming years. It states that if the Assembly were to pass the Bill, the Department would not be able to find the expected £38.6 million additional costs from its budget.

The Department's briefing adds:

*"The state pension is designed to provide an income in retirement. Similarly, carer's allowance is designed to provide a measure of income replacement for those who are unable to work full-time due to caring responsibilities."*

The allowance is not and never has been a payment for caring. That is what the Department is saying to every carer in Northern Ireland. If

that is the Department's opinion, why would we have the rejection that it is proposing for the Bill other than because it does not believe the allowance to be a payment for caring?

The briefing goes on to say that a person who is not working for two reasons — because of caring commitments and because they have reached state pension age — does not receive double provision from the social security system for income maintenance.

There were 16 points made during that briefing, and I would particularly challenge the four points that I have identified here. If the intention of the Department was honestly to wait until the review of the national strategy for carers by the Department of Health in Britain had been concluded — and it concluded some time ago — where is the evidence of our Department for Social Development moving either way on the issue of pensioner carers as it said that it would?

The Department says that 14,000 carers are being denied the carer's allowance due to the overlapping benefits rule. Where is the figure of 14,000 evidenced as accurate? I can point to the recent sorting out of rates relief for pensioner carers, when the numbers were dramatically reduced from the original figure given to DFP. It was only because of that reduction that the Committee and the Minister felt able to move, but we started off with high figures, so I challenge the figure of 14,000.

The Department also quoted estimates that the number of pensioners will increase by 39% between 2006 and 2021 and that the number of people aged 65 and over will continue to rise after 2021. Those are very interesting statistics, but where is the estimate for the number of pensioner carers? There is no estimate, so what is the relevancy of the other statistics? There we have it.

When the departmental officials speak for the Department, they are also assuming, in this case, that they speak for the Assembly. The departmental officials stated that if we passed the Bill, the Department would not be able to find the additional costs from its budget. The Department will not find anything unless it has the will to look for it. The problem is that it is not looking.

To rub salt in the wounds, in a most dismissive and arrogant manner, the departmental officials took the stance that the carer's allowance is



not and never has been a payment for caring. That is the most offensive comment that I have ever heard. Whoever in the Department coined that phrase or put it forward should go and have a good look at themselves and maybe count themselves very lucky that they are not carers. No carer I am aware of would ever agree with that statement.

That is the Department's robust reasoning for rejecting my Bill. It says that the allowance is not and never has been a payment for caring, which speaks for itself. That takes you back to what I said earlier; what is the carer's allowance for?

I am acutely aware of the financial restraints that have been in operation, effectively since last October. However, my Bill was rejected by the Department for Social Development long before last October. The circumstances that pertained to pensioner carers back then have not altered, except that I expect that many of those who would benefit from my Bill are suffering from greater hardship and are finding no easement whatsoever to their situation.

I would not demean the integrity of the pensioner carers by begging for change in the House. They are being short-changed and ignored by a Department for Social Development that seems only too obliging and willing to assert the rule of parity in defence of its apparent indifference to a section of people who are saving this country an absolute fortune. So, why not have a specific allowance for pensioner carers, based on the principle of a right every bit as secure as the right and entitlement to the state pension? It would be a specific allowance that the Department could afford and which would be subject to increases as and when the Department could afford to implement them.

I have had difficulty in closing this pitch — because that is what it is — to the House. I hope that those who spoke to me in support of the Bill outside the Chamber will do so inside it, and that, like me, they do not want the Bill to be killed. The Minister for Social Development may choose to kill the Bill, but I will not.

Members should hear from those who care: Carewatch told me that it would back the Bill 100%; I have also received correspondence from the Princess Royal Trust for Carers, Carers Northern Ireland and hundreds of letters, e-mails, phone calls and personal contacts, all in support of the Bill. However, it is up to the Minister whether he wants to kill it.

I will conclude with a letter that sums up why the House should support the Bill, a letter that is as relevant today as it was on the day that it was written. The writer begins by saying some nice things about me, which I will leave out. She continues:

*"May I commend you on your courage in doing so and hope that something can be done to rectify this shaming legislation which victimizes the very people in our society who most deserve help in looking after a loved one. I am 77 years of age and am the sole carer of my husband who is also 77. He suffers from Alzheimer's, and although he still has a fairly good quality of life, we both know that this dreadful disease is progressive.*

*Through the Alzheimer's Society's helpful leaflets I learned that there was a carer's allowance available in cases like mine. So after filling in the requisite forms and sending them off to DSD, I received a letter from which I will quote the following:*

*'You are entitled to £48.65 a week from 16.7.2007. But we cannot pay you from 16.7.2007 because the amount of state payment you get is more than the amount of the carer's allowance we would pay.'*

*Why, Mr McNarry, do you think I get the state pension that they refer to?"*

She underlines:

*"Because I worked from 15 years of age until 61 years of age. My husband worked from 14 years until 65 years. There being a combined working and contributing NHS insurance and taxes for 97 years. I would add that in all that time neither my husband nor myself ever drew a farthing of unemployment benefit from the state. So it seems that we are being penalised for being good citizens. Please feel free to quote this letter — ",*

As I am doing:

*"in any debate or battle you will undoubtedly have in trying to push this legislation through. But anyway you have tried where many others pushed the carers on the back burner."*

That letter is typical. However, it is good enough for me to rest my case on, because it speaks for the carers with whom most Members identify. I commend the Bill to the House.

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

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I will begin by giving a brief recap of the Social Development

Committee's deliberations on the Carer's Allowance Bill before making some personal comments.

The Committee for Social Development considered the Carer's Allowance Bill on three occasions: 7 February 2008, 1 May 2008, and, latterly, 3 February 2011. The Committee received evidence initially from the Bill sponsor and, more recently, from the Department.

### 5.15 pm

As the House knows and has been eloquently set out by the Bill sponsor, carers are an essential and undervalued part of society. Estimates vary about the overall number and characteristics of carers in Northern Ireland. The 2001 census identified 184,000 people of different ages who were looking after elderly parents, disabled children or an infirm husband or wife. About one third of that group provided 50 or more hours of care each week. Perhaps one quarter of all carers receive practically no respite from their responsibilities, and that is particularly concerning given the amount of money that carers save the Health Service in Northern Ireland. Again, estimates vary, but that might be as much as £2 billion to £3 billion a year.

The Bill deals with a particular group of carers: those pensioners who are in receipt of, or who are potentially in receipt of, carer's allowance, which could be around 18,000 people in Northern Ireland. As we heard, the idea of the Bill is quite simple, and the Bill sponsor wants to help that group of people in particular. The Bill would ensure that carer's allowance is always paid to pensioners and that the rate at which it is paid would not be reduced because of any so-called overlap with a state pension.

Despite the substantial direct cost of the measure, which is estimated at over £50 million a year, on first reading, it appears to be a long overdue partial acknowledgement of the unappreciated contribution that carers make to society. Even in the short period between the scheduling of the Bill and today, the Committee has thought carefully about the outworkings of the Bill. I regret to report that there may be more than 10,000 carers in receipt of pension credit who will not receive any benefit from the measures proposed in the Bill. Indeed, it is also understood that there may be more than 3,000 other pension credit claimants who could conceivably be worse off should the measures be introduced.

I will explain the situation. The Department advised the Committee that the proposed changes to carer's allowance could lead to some pension credit claimants losing their automatic passport to housing benefit, for example. Furthermore, it was also pointed out that those unintended and unwelcome so-called savings to pension credit or housing benefit would be lost to Northern Ireland and would go straight back to the Treasury.

It is clear that the Carer's Allowance Bill will not consistently help pensioner carers, and it appears that it could be detrimental to some carers in certain circumstances. Furthermore, it is also clear that the overall cost of the Carer's Allowance Bill would be very high indeed. The Committee agrees with the sponsor that carers are not properly serviced by the welfare and benefits system. Indeed, when members reviewed the Social Security Agency's benefit uptake programme, they were particularly keen to see improved targeting of carers and those entitled to pension credit. In fact, benefit uptake continues to be a regular subject of interest for the Social Development Committee.

The Committee endorses the sponsor's sentiment in devising the Carer's Allowance Bill. On behalf of the Committee, I congratulate him on bringing forward the Bill and today giving carers some of the attention and a little of the recognition that they richly deserve but rarely seem to get. The Committee believes that although the Bill is well intentioned, it is an inconsistent and, therefore, inappropriate vehicle for the improvement of support for carers in Northern Ireland. Even if private Member's Bills do not complete their passage, they serve a useful function and at least allow crucial issues to be aired, as is happening today.

Carers and caring are important matters and worthy of debate by the Assembly. Although the Committee commends the sponsor for bringing the issue to the House, I do not believe that the Committee can support the Bill. The Committee will continue to raise the issue of support for carers as a key consideration in the ongoing debate on welfare reform in this and other jurisdictions.

I will move on to speak in a personal and party capacity. I echo the comments that I made as Chairperson of the Committee. I have huge sympathy for the needs of carers in Northern Ireland. All Members in the Chamber this

evening, including me, know someone — in their family, a neighbour or a member of their local community — who is a carer and is contributing tens and tens of hours a week to looking after some of the most vulnerable people in our society. I have had that family experience, as have others. Perhaps Members have even been carers themselves. Sometimes, we do not think of people as carers, because that is just what families do: they look after people with particular needs. Therefore, I have huge sympathy for the needs of carers.

I completely understand where the Bill's sponsor is coming from. I know that he wants to open up a debate on the subject and that he has focused on a particular area where he thinks that support could be delivered, and that is on the financial side. I have sympathy and empathy for the Bill's sponsor and those at whom the Bill is directed, and although the Bill is well meant and well intentioned, I am not sure that it is well thought out. There are three issues that I must raise as to why the Bill's passage could have very negative and unwelcome consequences, well intentioned as it is.

The first issue is one dwelt upon by the Bill's sponsor, that of parity. Every time I mention the word "parity", I see certain eyes roll. It is a well-worn, well-trodden path. It is, perhaps, an unsatisfactory argument, because it is blunt and it is used to kill off any other argument. However, it is one worth dwelling on. Northern Ireland benefits, as most Members know, from the maintenance of the parity principle, as outlined in section 87 and, more importantly, section 88 of the Northern Ireland Act 1998. We receive an annual subvention of roughly £3 billion from the Treasury to help us pay Northern Ireland's substantial social security bill. Figures are bandied about willy-nilly: £50 million for a footballer sounds like nothing. It is peanuts. Sometimes, when we are talking about the Budget of Northern Ireland or that of the United Kingdom, £3 billion may also sound like an insubstantial amount of money, but it is a huge amount. If it were lost to Northern Ireland, there would be massive negative ramifications, particularly for some of the most vulnerable people.

I accept that the social security system, which the subvention resulting from parity pays for, is far from perfect. All Members conduct constituency work relating to benefits. It is one of the biggest issues that we deal with and we know that the system is far from perfect. However, the system

is there in good times and in bad. It is a safety net for vulnerable people in our society. It is there to catch people when they fall. It may be that some people are perpetually being caught by it, while others, because of health reasons or employment problems, are caught for a brief period. It is to the overall advantage of Northern Ireland that we maintain parity, have that subvention and do nothing to threaten it.

As we all know, we have a higher level of dependency on most benefits than our counterparts in Great Britain. The Bill's sponsor, in moving Second Stage, referred to some of the Minister's comments about parity. Certainly, where there is a case to be made for welfare reform, we should make it. If there are special circumstances and considerations for Northern Ireland, we should make the case for them. We should be trying to persuade the Westminster Government that, because of the impact that a proposed reform will have in Northern Ireland, it may not be a good thing.

**Mr McCallister:** I am grateful to the Committee Chairperson for giving way. I share many of his views on parity, as he well knows.

As this is a Second Stage debate about the broad principles of the Bill, and as the Chairperson has spoken about the commitment to carers, would it not be best to send the Bill to Committee Stage? I do not just say that as one who has recently left the Social Development Committee. Would it not be good to scrutinise the Bill in Committee and to use that time to tease out the issues around and implications of parity to see whether there is a better way that we can deliver on the principles of this Bill for carers, as I think we all agree we want to?

**The Chairperson of the Committee for Social Development:** I thank the Member for his intervention. Let me address the first issue.

I have said consistently that playing a poker game with parity can be reckless and potentially very dangerous. I know that the Member, in responding to some of the comments that the Minister made previously, said that to play games with parity would be:

*"an incredibly dangerous and foolhardy threat."*

I know that he believes that we should not play fast and loose with parity.

I am sure that no one here would disagree with the principle of wanting to help carers. The

question is whether the Bill is the best way to do that. I will come to some other reasons why we should be very careful in our consideration of the Bill. I do not think that simply moving a Bill to its Committee Stage and building up expectations and hopes, only to come to essentially the same conclusions, is necessarily the best thing to do. There are other ways in which we can, to use the Member's phrase, tease out some of the things that could be done to help carers. I will address that issue in my concluding remarks.

I believe that threatening parity is a very dangerous game, which I do not want to play. It is not that we would simply be breaking parity with one benefit. There would be ramifications for the computer system that we operate, and there is a cost involved in that. I am disturbed by some of the views that were expressed about parity at the outset of this debate. I would have thought that maintaining the same social security system in Northern Ireland as that which operates in the rest of the United Kingdom is something that the majority of Members would regard as vital.

I know that there are other Members who would love to breach parity, but those of us who have concerns about that should consider why those who would love to breach parity want to do that and what their political intentions would be in wanting to.

**Mr F McCann:** Will the Member give way?

**The Chairperson of the Committee for Social**

**Development:** Yes, I will give way before I move on to another point.

**Mr F McCann:** I know that we have had this debate many times in Committee. My colleague Mickey Brady has raised the issue of breaching parity on a number of occasions. He raised it in the context of the Law Centre's view that parity is not set in stone. Many of the welfare reform issues that we are dealing with are very punitive towards claimants, and Mickey has raised the issue of breaching parity because of the impact that the proposed reforms would have on the community. If we can stretch parity as much as possible under those circumstances, would it not be right to do so?

**The Chairperson of the Committee for Social**

**Development:** The Member needs to be very clear and very careful. Stretching parity or testing parity — the Minister uses various

phrases to describe it — is one thing, but breaching parity is something else entirely. I have every respect for the Law Centre, because it does tremendous work and has been beneficial during my time on the Committee in advising us about the ramifications of various welfare reforms and other issues. However, with the greatest respect to the Law Centre and, indeed, the Member, I am not particularly keen on going to the Treasury to play roulette with the £3 billion subvention that we receive: putting it on breach of parity and waiting for the consequences.

For political reasons that he is entitled to hold, the Member may not be that concerned about breaching parity with the British Treasury and a British social security system. However, I am afraid that I am concerned, not for political or constitutional reasons, but because of the threat that it would pose and the dangerous game that it would play with that £3 billion. The Member represents a constituency that has one of the highest levels of social security dependency in the whole of Northern Ireland and, indeed, the whole of the United Kingdom. He knows that a breach of parity, if, as is likely, it were to go wrong, would adversely affect the people whom he represents, and those whom I and other Members represent as well.

If welfare reforms or a piece of welfare legislation come forward, let us look at them. Let us consider carefully the implications for Northern Ireland. Let us raise those implications with the Department for Work and Pensions and anyone else who will listen. Let us push those points. However, I am not in favour of anything that threatens the £3 billion subvention, as well intentioned as the desire to breach parity may be.

The second point that we need to consider carefully is the cost.

Of course, a breach of parity would, at best, require the Northern Ireland Budget to pay for that breach. When the Bill was first introduced, Mr McNarry put forward a figure of £38.6 million as the estimated cost. Due to the success of benefit uptake campaigns and increases in the levels of carer allowance being paid, the estimated figure is now £51.8 million every year. Even my rudimentary mental arithmetic tells me that that is more than £200 million over the next Budget period. That is a considerable amount of money that is not covered anywhere in the draft Budget.



**5.30 pm**

The Minister has not expressed his support for the draft Budget for various reasons. I think that he would confirm that there is certainly not £200 million lying around anywhere in his draft departmental budget to pay for this. He has obviously been privy to the Executive's discussions. Perhaps he could enlighten us on what he thinks his colleagues' views might be if he were to ask them for £200 million. He may get a lot of sympathy, but, as someone once said to me, "Your pockets are full of sympathy, but that does not pay the bills." This is a very considerable bill. If we were to cover that bill, the money would have to come out of either the Department's budget or other front line services. When Mr McCallister and I raised concerns about comments by the Minister that we interpreted as perhaps signalling a threat to parity, John asked, "Is Alex Attwood, a Minister, really saying that front line services that are funded by the Northern Ireland Budget should suffer to fund his plans to oppose welfare reform?"

I agree that we should be careful about making promises and writing cheques that we then have to fund from other front line services. That is effectively what would happen with this Bill. Well intentioned as the Bill is, in all likelihood, we would have to take money from other front line services to pay for a shortfall of some £200 million over the next four-year Budget period. The Budget is already tough. Obviously, there is a relationship between health and carers. I can just imagine the response of the Health Minister if we came and asked for his share to help pay for this. I can also imagine the response of other Ministers, who have already gone through a very difficult draft Budget.

Another point worth remembering is that, because there are rules whereby people's receipt of additional money has an impact on what pension credit and housing benefit they receive, we would pay an estimated £50 million out of our Budget, but, because of the loss of pension credit, £37.4 million would revert to the Treasury. We would be out £50 million, whereas the Treasury's coffers would benefit by £37.4 million. I can imagine the Tory Chancellor of the Exchequer quite enjoying our passing that policy, but it would not necessarily be to our benefit. We would pay out £50 million, but that other money, in its entirety, would be lost to the people who need it and to our economy.

That leads me to my third concern. Well intentioned as the Bill is, if it were passed, it would not benefit everyone whom it intends to benefit. For me, that is the most critical concern of all. Many pensioner carers will not be helped, because any increase in income will be entirely taken into account in calculating eligibility for income-related benefits such as pension credit and housing benefit. We are told that more than 13,000 pensioner carers receive pension credit. However, 10,000 of those would see pension credit reduced and would, therefore, be no better off as a consequence of the Bill. Some 10,000 pensioners whom we would be trying to help would actually be no better off. If the Bill were passed, another 3,000 pensioner carers would no longer be entitled to pension credit and would, therefore, be worse off. I am certain that that is not the intention of the Bill, but that is why I and others are gravely concerned about it. They also would no longer be entitled to housing benefit or certain other benefits, and those who maybe need free dental treatment, glasses or fares to get to the hospital would no longer be entitled to receive such benefits. Pensioner carers would, therefore, be substantially materially worse off as a result of the Bill. As I said, I know that that is not the intention of the Bill, but that is what would happen and it is why I and others are gravely concerned about it.

At the end of his contribution, the Bill's sponsor read out a letter from a carer, who eloquently expressed her concerns and asked for some help. I am sure that that lady and others like her would not want to receive more if it meant that others in probably exactly the same position were to receive less. That is certainly not what I or any of us want. I know that Mr McNarry wanted to start a debate about carers. He certainly has done that, and I commend him for it. He is right about the fact that his previous attempt to bring forward the Bill resulted in the Department for Social Development and the Department of Health, Social Services and Public Safety carrying out a review of support provision for carers. A key conclusion of that review was, of course, that parity should not be breached. However, an uptake campaign which pushed carer's allowance and pension credit came out of that. I do not wish to steal the thunder of any of the Members opposite who repeatedly pushed this issue, but there is probably more to be achieved for less investment at central government level by trying to push pension

credit. Thousands of pensioners who should be receiving pension credit are not, and we could help many of them out, including those who have caring responsibilities.

The Bill's sponsor was right to say that the Executive have helped carers, albeit in a small way, during this mandate. My colleague Sammy Wilson brought forward a 20% uplift in the carer premium under the low-income rate relief scheme, which will benefit 2,500 people. That is a small amount, but — I have spoken to the Member about this — I am absolutely sure that that would not have happened had we not pressed the issue. It is a small but very welcome amount, because everybody who receives it will benefit. I welcome that.

Ultimately, I see this as an issue for the Department for Work and Pensions. Other reviews have been carried out across the water at Westminster. Mr McNarry railed against the Government. He directed some fire at the Department here, but I presume that he also directed some of that at Westminster and Whitehall. Given that they are the architects of the social security system framework, they have a huge responsibility to bring in serious reform that improves the position of a lot of carers.

I will go back to the basic point that everybody wants to see carers being helped and the contributions and savings that they make better recognised. However, I certainly do not want to see that done in a way that threatens parity or in a way that is to the cost and detriment of the people whom we are meant to be targeting. This is not a cost-free option, because, as I said, it would cost our Budget some £50 million. It would also cost 3,000 pensioner carers the critical income that they are in receipt of. We would make them worse off.

There is a huge responsibility on the Department for Work and Pensions and the new Secretary of State for Work and Pensions, Iain Duncan Smith, to come forward with real, meaningful and tangible reforms for carers that recognise them in a way that we all agree with. We may have issues with this Bill; however, we, as one, want to see carers getting a better deal. For some carers, this may represent a better deal. For others, it might not; and for some, it is a worse deal. Unfortunately, for everybody in Northern Ireland who sadly has to depend on social security benefits, a threat to parity is one that we cannot dismiss no matter what we think

of it. We cannot set that aside. We also have to consider carefully the very real cost of the Bill to our Budget. Members need to bear those issues in mind when considering the Bill today.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. The Bill is welcome. I welcome anything that raises the profile and the plight of carers. I am also delighted to see Mr McNarry leading the charge towards the breach of parity. That is very welcome and is to be encouraged.

Invalid care allowance or carer's allowance, as it is now named, has a chequered history. It was only after a European Court case in 1984 that married women were entitled to claim as carers. Before that, only single men, single women or married men could claim it. A Mrs Blake took the British Government to the European Court and won her case. In fact, the legislation was changed as she was flying back from Europe. We were told at that time that, because invalid care allowance was related to other benefits, it would not affect the likes of the old supplementary benefits.

Parity is something that we hear a lot about, and the Chairperson of the Committee mentioned it. I presume that, if we follow his logic, if parity were broken, we would all be struck down by thunderbolts, including the Minister. The Minister seems to have seen Lord Freud so often that he is now influencing British social policy, which I find difficult to believe. However, I am sure he will do his best to convince us at some stage that he is actually involved in doing that.

I agree with one or two things that Mr McCallister said, and perhaps the Bill should go to the Committee for scrutiny. Mind you, when Mr McCallister's Bill was passed, he got into his caravan and did a runner from the Social Development Committee, so I hope that that is not indicative of what we have to look forward to.

I accept that Mr McNarry has made a very good case for pensioner carers and continues to do so. However, there are a lot of other carers, including young people. There are also carers who are allowed to work to earn up to £95 a week and claim carer's allowance of £53.90 but, if they earn one penny above £95, lose their entire entitlement to that allowance. That is grossly unfair. They must be looking after the person for whom they are responsible for 35 hours a week to claim that benefit. However, £53.90 divided by 35 is £1.54 an hour, which is approximately a quarter of the minimum wage.

The Chairperson of the Committee mentioned the fact that carers here in the North are responsible for approximately £2 billion to £3 billion of savings a year. They are an isolated group who do not always get the recognition that they deserve.

The argument about breaking parity is used continually, but parity is about comparing like with like, which is difficult to do. It is difficult to compare what happens in parts of Britain with what happens here in the North and the position that people here find themselves in, particularly in relation to benefits. The big difference is that carer's allowance should be made a stand-alone benefit, because, to use that hackneyed phrase, it is inextricably linked to DLA and attendance allowance. Those allowances do not affect other income or benefits but, to qualify for carer's allowance, the person you are looking after has to be on either middle care or day or night attendance allowance, so they are very closely linked. We should look at that.

The Minister talked about stretching parity to the limits of flexibility, but, if we are to deal with parity, there must be a challenge to it. Some effort has to be made to break parity. There are many ways in which the administration of benefits could be greatly improved without the block grant or subventions for benefits being affected. The Committee completed a detailed and successful report on the administration of DLA. However, the breach of parity has not happened.

I do not see the point in saying that we will stretch parity to its limits. Parity is parity. Some say that welfare reform will not be implemented in the same form here as in Britain, but, at this point in time, that is simply not the case. It is parity legislation, and, until parity is changed, breached or challenged, we will be stuck with that draconian legislation, whatever the Minister might say in his attempts to colour minds on the implementation of social policy here. Welfare reform is welfare reform.

#### 5.45 pm

The British Government, through DWP, have modified their welfare reform programmes so as not to make carers liable to sanctions if they do not engage in back-to-work activity. They said that carers are to remain on income support:

*"until we have a clear and detailed plan setting out how we will reform the benefits system over the longer term."*

That gives a clear message that carers will be affected, if not in the immediate term, then certainly in the long term. Carers are being targeted, as are people with mental health issues and autism. Some 76,000 people are migrating from employment and support allowance to jobseeker's allowance. All that is already happening, and people need to be made aware of it. Carers are being affected daily.

Although the Bill is probably flawed, given the impact that it would have, it is reasonable to accept that it could at least go to Committee. At that stage, a proper, longer and more detailed discussion could be had about carers, how they are affected, how they can be helped by carer's allowance and how that could be implemented in a proper and fulfilling way. Ultimately, all of us are very sympathetic to the plight of carers. The Bill certainly raises that awareness. Although its content may be flawed, it is worthwhile raising the issue. If I were really cynical, I would suggest that Mr McNarry was raising it because there is an election coming up shortly, but I know that he would not do that. I accept that he has a genuine and long-standing interest in and support for carers.

**Mrs M Bradley:** I thank Mr McNarry for bringing the Bill to the House, but I will not accuse him of doing it because there is an election. I concur with a lot of what he said. We all agree that we can only admire and appreciate the work that carers do. Some work 24 hours a day, but they do not get any recognition at all for it.

We would need to be a bit more careful if changes are made to the benefits here for the people we most want to help. We should all remember that there are family carers out there who do such work with no recognition of any kind. They do it as a labour of love for their loved ones, for members of their family, for their brothers, sisters, mother, father — whoever. We should do as much as we can for them all. Perhaps more work needs to be done in that regard. I think that it does, and I hope that we will come to that view today. I ask the Minister to reply to that and tell us whether we can do anything more.

**Ms Lo:** I pay tribute to the thousands of carers in Northern Ireland who look after their loved ones tirelessly day in, day out and who save the

state millions of pounds every year. I am hugely sympathetic to Mr McNarry's sentiment and motive in helping pensioners. Realistically, who would not be? I am not really talking about the election campaign or whatever. I know that a bit of extra income for a struggling pensioner would go a long way to help, because they are struggling to pay bills. The same can be said for those who look after their loved ones 24 hours a day.

I foresee many hurdles in getting the Bill passed, and we have to be realistic about that. As the law stands, state pension provides people with an income in retirement, and carer's allowance is designed to provide a measure of income replacement for those who are unable to work full-time owing to caring responsibilities. The rules and rationale for all benefit entitlements are that there cannot be double provision. As has been said, if the Bill is passed, we will breach parity. Constantly, we are told that we cannot breach parity and the consequences would be too great, not just because of the strain on the block grant but because of the difficulties involved in having a different administrative system, separate from the rest of the UK.

There are 17,800 carer's allowance claimants who are not currently receiving the allowance owing to the overlapping benefits rule. A further 700 receive a reduced amount. We have also been told that we will have to incur additional costs of £51.8 million if the Bill's proposals go ahead. That is a huge amount of money to be taken from our block grant, and we simply cannot afford it. Our ageing population means that we also need to consider the projected increase in caring, and that will lead to an even higher increase in future.

We also need to talk about equity. It is unfair to people on other benefits that are also affected by carer's allowance. The Bill focuses on the relationship between carer's allowance and state pension, but other benefits such as incapacity benefit, contributory ESA, maternity allowance and bereavement allowance cannot be paid in full at the same time as carer's allowance. The Bill therefore represents preferential treatment for carers who are over pension age, and it is important to point out that 61% of carers are under pension age and would not be assisted by the Bill.

It is also important that we have pensioners' interests in our hearts and minds always. We

must continue to increase the uptake of carer's allowance among carers and, in particular, among pensioners. Even though they do not get carer's allowance, they will still have underlying entitlement and will therefore get the carer's premium in other benefits such as housing benefit, pension credit, dental treatment and so on. We must help them to maximise their benefit entitlement.

For many carers, money is not everything. What is important to them is the practical help that they can get, such as a home help or respite care, so that they can get a break from caring 24/7. Although carers provide loving care for their loved ones, they can become worn out and exhausted. Often, practical support goes a long way.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):** I will say a few words on behalf of the Committee and then speak as an MLA.

The Committee discussed the Bill on 3 February. The Bill would amend the Social Security Administration (Northern Ireland) Act 1992 to exclude the state retirement pension from consideration in the assessment of carer's allowance. Committee members welcome the sentiments behind the Bill and recognise and applaud the invaluable but often thankless work being undertaken by thousands of carers throughout Northern Ireland. However, there are issues with the Bill. It is estimated that it would cost £20 million a year to implement, and there is also the matter of parity with the rest of the United Kingdom. Therefore, at this stage, the Committee has not come to a collective view on the Bill. Rather, we have agreed to write, in the first instance, to seek the Department of Health's view on it. Pending Committee Stage, the Committee will certainly look closely at the issues involved.

Wearing my MLA hat, I think that all Members have received numerous representations from those who represent carers, and we have indicated the enormous benefit that carers provide to Northern Ireland by looking after very ill people, often family members and relatives. It is a thankless task, and we pay tribute to those who do it. Frankly, if we had to provide state care for all those who are looked after by carers, the Health Service would be bankrupt overnight. We are talking about at least £1 billion of value to society. Of course, those who are doing it



are not doing it for money or applause; they are doing it because they love and care for those involved. Therefore, we should pay tribute to them for the enormous amount of good work that they do.

When I was first elected here in 1982, which is probably before some Members in the Chamber were born, carer's allowance was £43 a week. Here we are, 28 years later, and I think that it has gone up — Mr Brady could probably give us the figure down to the last penny — by only 20%. In my time, it was meant to compensate those who had given up full-time employment to look after a disabled relative. In those days, £43 was quite a bit of money and could have been seen as adequate compensation for giving up perhaps a three- or four-day week. Needless to say, a few pounds more than £50 now does not cover losing a day's work, never mind a week's. Therefore, as it is presently construed, carer's allowance is in no way adequate remuneration for those who have often given up a full-time career to care for a loved one.

In 1984, in the Northern Ireland Government, we looked at social security parity. We found that the great difficulty with any form of change to welfare legislation was that, once you break parity, you open a can of worms. The concept of parity is very much to the benefit of Northern Ireland, and breaking it would lead to all sorts of difficulties. Of course, the principle is that, as UK taxpayers, we pay income tax, National Insurance, VAT, inheritance tax and capital gains tax at exactly the same rate as people in Surrey, Sutherland or south Wales. In return, the benefits that we receive should we fall on hard times or need to leave work to look after a disabled or elderly relative are exactly the same.

No matter how much sympathy we have for carers, the iceberg of social security parity is difficult for the Northern Ireland steamship to get around. That is the problem facing the Assembly, and, whether we like it or not — perhaps some of us do not like it — the discretion that the Minister has to deal with social security benefits is extremely restricted. Saying that in no way undermines the support that the Assembly and the public should give to carers. Both arguments can be made without being seen to slight, insult or offend those who do so much to look after disabled relatives.

One of the leading lights in the carers' movement in Northern Ireland is a certain Mr

McCormick, who is based in Newry. He regularly lobbies me on the issue, constantly sending me information about the monetary value that carers bring to Northern Ireland society. I applaud the work that his organisation does with support from the Prince's Trust. However, at the end of the day, I cannot see how we can square the circle. I cannot see how we can get around the social security parity issue. I know that Mr Brady and others say that we should break the link and go on our own. I do not know whether, legally, we can do that, and I do not think that we could afford to do it. We certainly cannot afford to set the dangerous precedent that breaking the link would undoubtedly be.

**Mr Brady:** I thank the Member for giving way. When I talk about breaching parity, I do not necessarily do it from a political point of view.

It is something that needs to be discussed. We are constantly told that breaching parity is like Armageddon. There are issues around the administration of benefit and the under-uptake of pension credit, which works out at almost £2 million a week for people aged 60 and over. There are issues that simply have not been addressed.

## 6.00 pm

Parity needs to be looked at properly. In 36 years of dealing with benefits, my experience is that parity has not been properly addressed. By definition, parity is comparing like with like. That has not happened. We are just told that if we break parity — you mentioned opening a can of worms. That can of worms would still have its lid on while we looked at it. We do not necessarily have to open it, but we have to address the realities.

Mr Wells knows that when I started in welfare rights, we were paying 33% more for electricity and 25% more for gas, yet we were getting the same levels of benefit. In issues such as that, parity simply does not exist. It is selective parity, and we need to address that issue.

**The Chairperson of the Committee for Health, Social Services and Public Safety:** I have no doubt that the Social Development Committee — we have the benefit of the Chairman being present — may at some stage wish to have an in-depth analysis of the whole issue of social security parity, as the former Assembly did in 1984. We spent months doing so under Rev Martin Smyth, as Chairperson of the relevant Committee at the time.

We went in with the initial view that parity was not serving the community well and that we needed changes. To our horror, we discovered that breaking parity would cause a real mess, because, at that time, housing prices in Northern Ireland were a fraction of those in southern England, yet we were entitled to the same level of benefits. The cost of living in Northern Ireland was considerably lower than in many other parts of the UK, so, had we made that argument, we would have had an overall reduction in benefits.

I realise that, particularly in the mid-2000s, the situation may have somewhat reversed. House prices were rocketing in Northern Ireland, as were fuel and so many other costs. There are swings and roundabouts. The Province is now in a recession. Therefore, parity may benefit us. Then, however, we would have the other difficulty: if someone moved from Surrey to South Down, for instance — hopefully, voting for me — what would happen? Would his or her benefits change because of that move? At least, at the moment, people living anywhere in the United Kingdom can budget on a definite level of benefits.

Every one of the major benefits is tied to the UK equivalent. There is a slight variation around the edges, but it is tiny; 99% of it is set in stone. The other benefit of social security parity is that that money comes directly from Westminster into the Northern Ireland economy without affecting the block grant: it is demand-led. That is a huge benefit, because no matter how many people here claim DLA, the old incapacity benefit or jobseeker's allowance, and so on, the funding is unlimited. The Westminster Government are trying to put a ceiling on the overall level of payments. However, at the moment, if another 10,000 people became unemployed in Northern Ireland in the morning, which we hope will not happen, the Exchequer would pick up that tab without raiding Mr Attwood's budget or that of anybody else. That is another aspect of parity that we have to remember: not only the individual level of benefits, but their sum total.

I recommend that Members go to the Library and read the report. When we looked at this in the early 80s, having gone in with the view that parity should be broken, we came out with a view that it should not be touched at any cost. The only thing that the report recommended was an additional allowance for pensioners for winter

fuel. Of course, we have been able to do that. That can be done. However, in the case of every other benefit, we thought: touch it at your peril.

I have no doubt that a review is a good idea. I support that, but I think —

**Mr Brady:** I want to make a point that I think is relevant to what Mr McNarry said. When we talk about the level of benefits, we have to realise that here and in Britain, we have the worst and meanest pension scheme in the developed world. That must be borne in mind. We are talking about supplementing pensioners' income through carer's allowance and pension credit because the rate of what is a contributory benefit, which some people have spent 40 or 45 years working for, is still the meanest in the developed world. That is well documented, so there are other issues that we need to look at as well.

**The Chairperson of the Committee for Health, Social Services and Public Safety:**

That is a very strong argument for our MPs at Westminster — those who attend of course — to argue that the entire nation —

**Mr Brady:** We do not need MPs at Westminster because apparently the Minister for Social Development can influence policy from the Assembly. So, why do we need MPs?

**The Chairperson of the Committee for Health, Social Services and Public Safety:** The Minister went through Queen's with me, and I knew that he was a very powerful individual, having trained in law. I did not realise that he could swing opinion at Westminster to that extent, but I have no doubt that that is contained in a press release from his Department somewhere, so it must be true.

I will be serious about it. There is no doubt that the overall level of benefits for United Kingdom citizens in no way matches their needs. I accept that. I accept also that the uptake of benefits by pensioners, particularly pension credit, is very low. There is an urgent need to continue to lobby and to continue to give money to advice services to encourage pensioners to apply for their entitlement. However, that is the same in the Orkney Islands, the Isle of Wight or in Belleek. The problem of pensioners being loath to apply for means-tested benefits is all-pervasive. However, again, that is not an argument for breaking parity but an argument for an overall increase in benefits.

If we were to break parity to go down the route that was suggested, do we honestly think that Westminster would pick up the bill and pay for whatever extra we decide to vote on for our pensioners or disabled? I am afraid that it would not. Inevitably, it would say, as it has done on the reduction to the rate of corporation tax, "If you do it, you pay for it." Even this is a relatively small amount, but, inevitably, other issues that we could not afford would have to be addressed.

Another reason why Westminster would oppose a break is how could it withstand an argument from Tyneside, Cornwall or Cumbria that those areas should also break parity and have enhanced benefits? The whole system would simply disintegrate, and we would have a postcode lottery. In some parts of the United Kingdom, people would get one level of benefit, and if they moved to another, they would get a higher level. I think that it is absolutely unworkable.

I know that some people will go out of this Chamber tonight and argue that those who make that case do not care about the needs of carers. That is definitely not the case. We need to do everything that we can within this very restricted legislative framework to look after, cherish and support carers, because, as I said earlier, without them, we, as a society, could not survive. It could not be done, because the money simply is not there. If we were to try to add up the monetary value of care provided to disabled relatives by the unmarried daughters, the elderly sisters and the younger husbands, the total would be astonishing.

I had a phone call last night from a lady from Magherafelt who is looking after a profoundly disabled young man who has autism and Down's syndrome. That woman has given up her career and her social life, and she told me — I will not be too specific — that she gets two days' respite a year. Those two days are absolutely precious to that family because those are the two days of the year when they can get away and have a day without the responsibility of looking after a very tall, strong and hyperactive child in his teens. Two days is ridiculous, and we must address the issue of adequate respite care.

That is the sort of issue that the Assembly can deal with. It would not break parity if we could provide that lady with 20 days' care. She gets a meagre carer's allowance. It is tiny in comparison to the £30,000 or £40,000 worth of care that she gives to her child on behalf of

the state, without asking for a penny in return except for carer's allowance. I accept that those people provide an enormous value to society, but I do not think, Mr McNarry, with all due respect, that this Bill can get through.

I do not like to be seen to be opposing private Member's Bills. A lot of them, unfortunately, have crashed on the rocks and have been defeated as a result of petitions of concern or insufficient support. I appreciate Mr McNarry's motivation; he is absolutely pure in what he is trying to do. He is trying to help constituents who have come to him and said that they have a real problem. I sympathise enormously with him, but life is often full of choices about the lesser of two evils. As an individual MLA, I have to say that the lesser of the two evils here is to accept the status quo and to try to enhance what we do for carers. However, we should not do that by breaking such a fundamental rule that could have us debating for weeks what we will do, how we will pay for it and who will get what.

If the logical consequences of what some Members are saying were to follow, there might even be variations in social security payments in Northern Ireland. For instance, should someone who lives in north Down, faces high housing costs and has to commute to Belfast for work because there is no indigenous employment get a different level from someone who lives in Craigavon with its lower housing costs and easier opportunity and access to services? That is stirring up a hornets' nest, and the Assembly is not mature enough and has not been here for long enough to try to push the boat out to that extent.

I recommend strongly getting around a table and looking at all the aspects, but the Member has not done that. In the absence of a full inquiry and a Committee report on parity, we cannot decide to do solo runs and undermine such an important tenet of what has been part of our life since partition arrived in the 1920s. If we were net contributors to the British Exchequer, we might be in a stronger position. Unfortunately, however, since the late 1950s, we have depended on a subvention from London, and that does not put us in a strong position.

I also question whether, legally, we can, of our own volition, break parity. I suspect that we would have to go cap in hand to Westminster to ask for it. A motion in the House to break that link would probably be ruled out as not being legitimate.

There are many issues. I do not want to pour cold water on the Bill, and I would not even be opposed to its going to Committee Stage, but I suspect that it may not get there. I have to say that I think that the Bill is not going to run.

**Mr McCallister:** I pay tribute to my colleague Mr McNarry for sponsoring the Bill and for bringing this useful debate to the House. I do not doubt anyone's commitment to doing their best for carers, and I know that Mr McNarry is committed to the issue for personal reasons and as a result of following it up in his constituency. It is a vital issue, and one that we will have to address at some point.

I know that Mr Brady thinks that I have done a runner in my caravan. I assure him that I have been demoted and sent to the Committee for Employment and Learning. As much as I would love to have remained a member of the Committee for Social Development to scrutinise this Bill, alas, I am going to the Committee for Employment and Learning.

In an intervention to Mr Hamilton, the Chairperson of the Committee for Social Development, I said that I shared many of the concerns about parity. I am on record as challenging the Minister over parity, an issue that he has said he wants to look at. He has worked with Lord Freud on what changes he can make to the welfare reform proposals that the coalition Government in London are driving. Minister Attwood has spoken about what he wants to change, what needs to be improved and, perhaps, slowing the pace of that reform. He is well aware of my views on parity, as is the Chairperson of the Committee. I share the concerns about parity.

I support the Bill's proceeding to Committee Stage so that it can go through the scrutiny process, giving Committee members the chance to look at the issues that have been raised. The Committee could consider whether there are other mechanisms that can be used and whether there are amendments that could be tabled.

We have looked already at what Committee Stage is about. Mr Brady commented on my private Member's Bill, which benefited enormously from its Committee Stage. Earlier today, another stage of the Sunbeds Bill passed, and that Bill benefited enormously from its Committee Stage, out of which the Department of Health, Social Services and Public Safety and its Minister accepted a huge number of amendments.

Tonight's debate is about the Bill's broad principles, and I have not heard anyone dissent from the view that we have to support carers and acknowledge the vast contribution that they make to society and to their loved ones for whom they care. All age groups provide a caring role, including children of a remarkably young age.

### 6.15 pm

How do we support those families? How do we recognise that contribution? How do we show those people that they are valued? The issue that Mr Wells raised — respite care — is huge. Our constituency offices have probably all been inundated with calls about it. The issue is how we handle that respite care and how we provide the link between the Minister for Social Development building supported living and how social services interact and provide that support.

There are huge issues around carers and even issues around how we manage people when they get older and become too elderly to care for a son or daughter with a severe learning disability. The Committee should welcome the opportunity to scrutinise the Bill, to add to it and to build on what Mr McNarry has done. I hope that the Bill makes it through to Committee Stage, and I regret that I cannot be on the Committee to join in that scrutiny process.

### The Minister for Social Development

**(Mr Attwood):** I acknowledge and thank Members for their various contributions. Going back to where Mr McNarry started, it is always a good time to have a conversation of this sort, not just around the issue of carers but around the broader issue of parity and how it impacts on Northern Ireland. In both regards, Mr McNarry emphasised that the Bill was not just about carers, it was about parity. It is very useful to bear down on those matters and to have that conversation and to see what more we should be thinking about on parity and what more we should be doing about carers. I welcome all that debate.

In doing so, I acknowledge the comments made by a number of Members, and latterly by Mr Wells, about the fact that if it was not for all the voluntary carers, the private carers, the ones who are not in receipt of any state aid in respect of their caring responsibilities — if it was not for that fabric of our society — not only would our society be much diminished, but a lot of vulnerable people would be even more vulnerable, with all the consequences of state responsibility and cost to the state.



That contribution to our society in respect of personal commitment and community support, and, ultimately, in fulfilling responsibilities that would otherwise fall to the state has to be acknowledged and welcomed.

I will deal latterly with some specific issues around the question of the carer's allowance and the core content of the proposed Bill, but I will start by dealing with parity. I welcome the considered debate around the issue of parity and generally dealing with that broad concept. Indeed, it seems to me that there is a new majority on the Floor of the Assembly represented in what I am going to say and in the comments of what Mr Brady said on behalf of Sinn Féin and what Mr McNarry said on behalf of the Ulster Unionist Party.

That new majority, which as far as I am aware had not existed heretofore, says that we should stretch the limits of parity even to the point of breaking it. I have not heard those comments made before in respect of this matter. Indeed, as other Members pointed out, when I made that very argument a matter of months ago, people thought that I was crossing a line in a way that was going to have a disproportionate impact, especially on those in need in the North.

Therefore, I welcome the fact that the debate on parity has moved on somewhat. That debate needs to move on even further in order to bear down on and interrogate all the arguments, the practical outworking of parity when it comes to the block grant and annually managed expenditure, which is money that comes from across the Irish Sea that is not part of the block grant, and how that impacts on the lives of people who receive welfare in the North.

One concern that I have had about the Bill is that there has never been a moment — certainly not, perhaps, since the time that Mr Wells was here in the early 1980s, when the matter was interrogated by the Committee under the chairmanship of Rev Martin Smyth — when welfare, because parity very much comes down to welfare, has had the profile that it has at present. As a consequence of the British Government's reform agenda, as they see it, especially universal credit and the parallel strategy of cutting back on the welfare platform through various interventions that they announced in the June 2010 emergency Budget and in the subsequent October 2010 Budget, the impact of the reform agenda and welfare

cuts that will be ongoing over the next four years has given the issue a much greater profile. I welcome that.

Therefore, I will repeat my strategy in that regard. Mr Brady might want to listen more closely this time. I welcome the fact that Mr McNarry has, essentially, read into the record of proceedings in the Chamber my views, based on a recent interview in which I scoped out the strategy. That was not news, however, because I had scoped out the strategy in the Chamber and elsewhere during the past months. The strategy is to try to convince the British Government that, when they legislate for welfare reform, they build into the language of that legislation, both primary and regulations, words that give us flexibility when we come to legislate for the same welfare reform.

This Assembly is the only devolved Administration that legislates for welfare. That was one provision of the Northern Ireland Act 1998. Therefore, if, when legislating for welfare reform, we have legal freedom in the words that we use, arising from words that are used in Westminster, we will have some legal flexibility when it comes to the application of welfare in the North. Whether that breaks parity, which it probably does, or stretches or pushes parity — whatever language you want to use — the point is that the Assembly will legislate for particular circumstances that exist in the North. Mr McNarry made that point in his opening comments. It is one that I make constantly. If we can win that argument, opportunities open up.

The second point that Mr McNarry made in his opening comments was that, at the same time as getting legal flexibility with regard to language in that law, we get operational flexibility when it comes to the practice of that law. We already have it in some regards arising from recent welfare legislation and historically. However, if we can have more operational flexibility in how that law is applied in real time, in jobs and benefits offices, for real claimants and, in particular, how guidance that is issued by the Department enables those who make assessments to ensure that they fall on the right side of claimants' interests, we will have opportunities to model welfare in a way that reflects our particular circumstances. That is the point that I was making in the interview that Mr McNarry mentioned. That is important.

To reply to a point by Mr Brady, I am not saying that I have authority over DWP Ministers on those matters. I have said that, yes, I will continue to negotiate with them on those and other matters. However, I have also made it clear that I believe that the House of Commons will derail some of those proposals.

In my view, in order to get what they want through, the Tories will give up on stuff that is in their draft proposals, and, in order to keep the Liberal Democrats stable, they will also concede on some issues. Therefore, the strategy is not simply me using whatever authority I have with Lord Freud to maximise the areas that I have outlined; it is also to use the power of the House of Commons, through Members of the House of Commons, to derail certain proposals.

Remember that, on one of the regulations arising from housing benefit changes proposed in the June emergency Budget, there was a tied vote on the House of Commons Floor. That is how close the House of Commons got to derailing one of the proposals of the Tory-led Administration, and so on and so forth when it comes to various other proposals that might arise in legislation over the next period of time, because, as I understand it, the universal credit Bill is going before the House of Commons next week.

**Mr F McCann:** I listened to the Minister on the radio last week, when he spoke about heading off to a meeting in England. I think that he may have been going to meet Lord Freud. During that radio interview, the Minister spoke about changes that he had made to incapacity benefit in advance of anything that had happened in England, but he did not elaborate on what they were. Will he do that now?

**The Minister for Social Development:** I actually tabled a written statement, which was circulated to all Members, when the British Government announced that they were changing their approach to the migration of people from incapacity benefit to employment and support allowance. I think that was around 10 or 12 days ago. What happened was that Chris Grayling, the Minister for Employment in DWP, went to the Floor of the House of Commons on Tuesday, I think — we got a heads up on it a couple of days before — and said that they were going to re-phase the migration of people from incapacity benefit to employment and support allowance.

The significance of that — I will not exaggerate the significance of that — is that I told Lord

Freud a number of months previously that that was precisely what I was going to do in relation to the migration of people from incapacity benefit to employment and support allowance: to re-phase it and re-profile the client group or customer group that was going to migrate in the first instance, starting with a younger age group rather than an older age group, etc. Now, as I understand it, Chris Grayling has announced to the House of Commons that he is going to do the exact same thing. He did not credit me with informing his view on that, I might add.

Nonetheless, the point is that — I go back to what Mr Brady said — in that regard, I think that there was preliminary proof of the argument that, if the House of Commons bears down on what the Tory-led Administration are proposing, and if we continue to make the argument in relation to what we are proposing through DSD, I think that we will be able to remodel some of that, perhaps not to the extent that you and I wish, but nonetheless remodel it to a significant degree. Time will tell. Lord Freud is coming here in March as part of a tour of the devolved arrangements.

All of that was raised last week at the Joint Ministerial Committee (JMC) meeting chaired by the Deputy Prime Minister, where, curiously, a welfare item was first on the agenda, and the Deputy Prime Minister called me to speak first, saying that he understood that Northern Ireland was different from the other devolved arrangements because we legislate on welfare. That was a consequence of a conversation that I had on the Isle of Man, where I told him that we are different when it comes to legislation and different in terms of our profile of disadvantage and need, the legacy of conflict and the risk of instability. That was recorded in front of all the other Administrations. Northern Ireland is a bit different. I want to exploit that argument, and the fact that that argument was even raised by implication by the Deputy Prime Minister suggests that somebody over there is listening. Let us see whether they listen to the extent that all of us want.

I will reply to some of the points made by Mr McNarry. He made a very interesting point, which seemed to be a variation on the core content of the Bill — he might want to correct me on that — namely, about pilot schemes. I would like us to run pilot schemes here. At the JMC meeting I just referred to, I raised with Lord Freud the fact that pilot schemes are being run in Liverpool at

the moment, not as part of the DWP departmental budget but more under the annually managed expenditure (AME) spending head.

I said to them that, if they are doing that for pilot programmes in Liverpool, they should be doing that here to see whether there is modelling of benefit needs that could work and could be consistent with the profile and circumstances that people face in the North. So, there is an opportunity.

### 6.30 pm

Some legal issues restrict Northern Ireland in running pilot schemes. In the past two or three days — I think that it was on Friday or over the weekend — I instructed officials to begin to prepare proposals that will get us over the legal obstacle that restricts us from running some pilot schemes. Nonetheless, I have raised with Westminster the issues of how we do that in law and how we get the money to run them. This might be a case for which that sort of initiative might be useful.

Mr Hamilton asked what the response of Executive colleagues would be if I went to them and said, "We need £200 million to pay for the contents of this legislation." I do not know what their answer would be, but did they not give an answer when three parties in the Executive — the DUP, Sinn Féin and the Alliance Party — were given a proposition to start a welfare hardship fund in Northern Ireland of £30 million a year over the next four-year CSR period? The response from the three parties that endorsed the draft Budget was to permit £20 million in year one only, with no guaranteed funding in years two, three and four.

Mr McNarry's sentiment is about helping people in need who might be in welfare stress and about trying to ensure that everybody has certainty going forward. I do not draw conclusions that are very sympathetic to that proposition on the basis of what the Executive endorsed in the draft Budget; namely, a hardship fund, the height of which was £20 million alone in year one, with nothing guaranteed in years two, three and four.

As I said, that is in stark contrast with my paper on welfare hardship. It was a long paper, and it was costed. We said what it would cost for various interventions to help people in welfare need. Even though that was a lengthy, costed paper that produced a figure of £20 million

in year one only and nothing thereafter, at the same time as the Executive endorsed that approach, they endorsed another approach that saw £20 million guaranteed for each of the four years for a so-called social investment fund for which no paper has yet been produced and for which there are no details. OFMDFM has yet to share any sense of what that is all about when there is very clear suspicion that it was developed in private, in secret, with elite groups in some parts of Northern Ireland and not with all groups in all parts of Northern Ireland. I would draw my own conclusions from that.

**Mr P Maskey:** I thank the Minister for giving way. I was interested to hear him talk about elite groups and all sorts of different types of groups. Maybe he would like to explain to the House who he thinks they are.

**The Minister for Social Development:** I do not know who they are. I am told — maybe there are people not very far away from the Member — that meetings have been going on for the past number of months to which a select number of groups have been invited. I hear from other groups that are not in that room that they do not feel that they are being included or being treated equally, and that the principle of parity is not being honoured. That is what they tell me. They feel that a programme is being developed over the heads of vast numbers in the community, and certainly over the heads of Departments in Northern Ireland.

I am the Minister for Social Development. I have responsibility for the flagship programmes to tackle disadvantage and neighbourhood renewal. I have not been given any piece of paper by anybody outside or inside government about what is being done with that £80 million. I will also say this —

**Mr P Maskey:** Will the Member give way?

**The Minister for Social Development:** I will in a second. I have informed the First Minister and deputy First Minister that I will be making proposals about how that £80 million will be spent. That will be done in a transparent and open manner.

I will be announcing some of the detail over the next couple of days in meetings that I am having with neighbourhood renewal groups. I am doing that to build a much greater degree of disclosure and accountability into a process that

lacks openness and transparency in order to ensure that that money is spent properly.

**Mr Deputy Speaker:** Order. I remind all Members who contribute to get back to the subject that we are debating.

**Mr P Maskey:** I thank the Minister for giving way again. Perhaps he should speak to some of his party colleagues who are members of the OFMDFM Committee because the issue has been raised at that Committee on a number of occasions. The Minister talked about community representations, but the deputy First Minister gave an outline brief to NICVA and to community organisations. Perhaps the Minister should get his facts right.

**The Minister for Social Development:** It is curious that the First Minister and the deputy First Minister can find time to brief a Committee and to brief NICVA, yet they do not have time to brief the Department that is responsible for neighbourhood renewal and for tackling disadvantage. That only confirms my point: some people are in the loop and are told about proposals while others across Departments who may have a valuable contribution to make are not asked for their views. Those people have not seen any papers, they have not heard about any application process, and they have not found out what projects might be funded.

That is why I advised the First Minister and the deputy First Minister that my Department is working on proposals, some of which will become clear over the next 48 hours, to ensure that if there is a fund we spend it wisely and not on an exclusive basis. This fund has the appearance of being exclusive.

**Mr Deputy Speaker:** Order. I want to hear the word “carers” mentioned more frequently, so move on.

**The Minister for Social Development:** I turn to other matters that were raised by Mr McNarry. Everybody in the Chamber agrees with the sentiment behind, and the value of, the Bill. To a little degree, some of that was lost. For example, Mr McNarry referred to the “arrogant and dismissive” manner in which the carer’s allowance was described by the Department when it said that the allowance was “never intended” to be a “payment for caring”. I accept that that might not be the most delicate wording.

However, in defence of the Department, the allowance is called a “carer’s allowance”; its name tells the tale. The Department should not be described as “arrogant and dismissive” for using those words about what is, after all, a carer’s allowance. If it was called “not a carer’s allowance”, Mr McNarry might have a point; but its very name confirms the intention of the benefit or what its outcome might be.

The departmental officials said that the carer’s allowance was not intended to be a payment for caring; they said that it was an income-maintenance benefit for those who have given up the opportunity to work full time to care for a person with disabilities. That was the very point that Mr Wells made.

The 35-hour minimum care requirement for entitlement to the carer’s allowance is only associated with the minimum amount of care that a severely disabled person might be expected to need. In other words, people accept, as does the Department, that most carers, especially those who are in similar circumstances to the woman from Magherafelt and her severely disabled child whom Mr Wells mentioned, will spend far in excess of 35 hours a week providing care.

It is not accurate or fair to say that the Department is “arrogant and dismissive” when the name of the benefit and the entire thinking behind it is to help people who have given up work to provide care in such circumstances. I hope that Mr McNarry accepts that. He also said that Margaret Ritchie did nothing after the Bill was first tabled.

Again, that language, which is a little extravagant, does not accurately reflect what Margaret Ritchie did do. I will not go into all the details, as I am sure that people do not want me to detain them too long, but a number of issues were taken up by Margaret Ritchie. The review that Mr McNarry correctly referred to was conducted by the Labour Government, and there were to be Northern Ireland recommendations in that review. One of those recommendations was:

*“the Social Security Agency should include an exercise on Carer’s Allowance as part of its Benefit uptake programme”.*

That is a vital piece of work, given the profile of need and disadvantage in the North. Mr McNarry said that Margaret Ritchie did nothing, but as a consequence of that recommendation 3,100



people who may be entitled to carer's allowance have been contacted since the review was concluded in 2009, a further 2,000 have been targeted to determine whether they are entitled to carer's allowance in 2010-11; and, from the review until now, more than 1,100 people have successfully claimed for carer's allowance. That happened partly because of the benefit uptake campaign, which was a consequence of the Margaret Ritchie's intervention, and which arose from the review of which she was part and to which she committed herself.

As to what Margaret Ritchie and DSD tried to do with DWP, the review was undertaken by the Labour Government. At the end of that review, they said that they wanted to look more closely at the issue of carer's allowance through a 10-year strategy. However, as we know, events overtook that Government, and we now have a different Government.

I have been the Minister for Social Development for a number of months, and, until now, I have had difficulty in recalling any Member raising any issue with me about the 2008 review, the consequences of that review or what the Department is doing to take it forward. I can recall very few Assembly questions, motions or requests for meetings from any Member of the Assembly about that review. However, putting that aside, I acknowledge what members have said and reassure the House that, in any future conversations that I have with Lord Freud, I will ensure that the issue forms part of the narrative, consistent with what I said previously.

There are two or three other points that I want to mention. Mr McNarry asked where the figure of those 14,000 people who are over pension age and who are currently affected by the overlapping benefits rule came from, which was a fair question. In a private conversation with Mr McNarry before the debate, I told him that I would interrogate the numbers in greater detail, and I assure the House that I will interrogate the numbers some more after the debate. The figure of 14,000, which has now risen to 18,500, is evidence-based and was derived by DSD's analytical services unit from the pension payment system. Therefore, it is based on actual claim figures and is not taken from fresh air — 18,500 is the number of claimants over pension age who are affected by the overlapping benefits rule. Although I think that the figures need to be tested, there are good grounds and authority for signing up to the fact that the

figures are — *[Interruption.]* That is probably my wife ringing to ask me when I am coming home, but why she is ringing that number I do not know. *[Laughter.]*

In conclusion, I want to deal with some of the more technical and financial issues in the Bill and to make one further comment on parity. The Caravans Bill and the Autism Bill are examples of private Member's Bills that provide an important supplement to the legislative function of the Chamber.

#### 6.45 pm

For particular groups, such as carers or those who have autistic children or adults to deal with, I also recognise that there is a point when legislative intervention to guarantee support, protection and, indeed, funds is a useful way to go forward. The Executive endorsed the Autism Bill to enable a full scoping out of what its consequences might be, given the acute issues that we have in our society with those who suffer from autism and related disorders. Similar to all the Members who spoke, I want to put on record that the sentiment behind the Bill, as well as some of its outworkings, is an important matter that we as legislatures should try to get our heads round.

Before I come to my conclusion about where I think the Bill should go, however, I must also echo some of the points that other Members, including Mr Wells, Mr Hamilton and even Mr Brady, made about some of the consequences of the Bill. In that regard, I thank Mr McGlone, because he, along with my officials, got to the heart of what the cost consequences of the Bill would mean to those who might —

**Mr McGlone:** Will the Minister give way on that point? I compliment Mr McNarry for introducing the Bill. I listened carefully to Mr Wells amply articulate a concern. It is the case that carers have a poor income and are not properly recognised for their work, either financially or in any other way. However, the minute I heard about the Bill, the first thought that it triggered was that I did not want to see any carer worse off, particularly financially, through lack of entitlement to income support or pension credit. Indeed, consequential to that, I do not want to see them any worse off in their housing benefit entitlement or, riding on the back of that, their entitlement to warm homes or cold weather payments. I almost said the warm weather payment, but that does not apply here. Mr Wells

really put his finger on that when he said that those matters need to be looked at so that no one will be left worse off financially or in any other way as a consequence of what we do. I hope that the Minister takes full account of that by whatever means necessary when moving the private Member's Bill forward.

**The Minister for Social Development:** I completely endorse those comments. I will try to show a pathway on some of those issues in my final comments. I do not know what the reference to the warm weather payments relates to, but I am sure that Mr Brady did not brief his party leader on it.

Turning to some of the financial and technical aspects of the Bill, I reiterate that carer's allowance is an income maintenance benefit for people who have given up the opportunity to work full time to care for a person with severe disability. Although many benefit recipients can satisfy the eligibility criteria for several benefits at the same time, a fundamental principle of the social security system since its inception has been that there should not be double provision for the same contingency. Where two or more benefits are paid to cover the same purpose, for example, as income replacement, only the higher or highest of the benefits is payable. The argument behind that is to enable finite resources to be focused most effectively on the people who face the greatest financial pressure.

In my view, that principle is sound, although I acknowledge that its outworkings mean that, in too many cases, people do not receive sufficient benefits to fulfil all the needs of their circumstances. Again in my view, that will be compounded by the £450 million of benefit cuts over the next four years that will come as a result of last year's Budget.

Where the basic state pension is a payment, carer's allowance will not usually be payable, due to the overlapping benefits rule. However, where someone receives less from a state pension than from carer's allowance, an amount of carer's allowance can be paid to make up the difference. In addition, where carer's allowance cannot be paid, the person will keep the underlying entitlement to benefit. That gives access to the carer premium in income-related benefits, such as housing benefit, or the equivalent additional amount in pension credits. That is the current architecture of carer's allowance.

Mr McNarry proposes, in essence, a new architecture by seeking to prevent regulations that provide for carer's allowance from being adjusted by reference to any state pension, with the purpose of ensuring that state pensions and carer's allowance could both be paid in full at the same time.

I wish to assure the Member, as I and everyone have said, that we are absolutely sympathetic to his aims of ensuring that the contribution of carers is properly recognised. Carers who need additional help can access income-related benefits such as pension credit. Where carers are entitled to carer's allowance, even where it is not payable because of the overlapping benefits rule, any income-related benefit that they receive will be automatically increased, leaving them up to £30.05 a week better off. That ensures that, even where the overlapping benefit rule applies, those on income-related benefits still see an increase in their income in recognition of their caring activities. Currently, over 13,000 pensioner carers are getting that help.

This is the crucial point made by a number of Members, including Mr McGlone in his intervention. The Bill does not help the significant majority of those carers, as any increase in income, if carer's allowance is paid in full, would be fully taken into account in income-related benefits. Receiving carer's allowance in addition to state pension would reduce or extinguish any pension credit and/or housing benefit payable. The Bill could see the outworking of the rule of unintended consequences by some poor pensioner-carers who end up out of pocket through no longer being entitled to pension credit and, therefore, not passporting to full housing benefit or automatically being entitled to help with the cost of dental treatment, fares to hospital or any of the other entitlements associated with income-related benefits.

I should perhaps point out that the overlapping benefits rule is not linked to age and does not apply solely to state pension and carer's allowance. A number of other income maintenance benefits are affected by those rules, for example: contributory employment support allowance, incapacity benefit, maternity allowance, contribution-based jobseeker's allowance and bereavement allowance — none of which can be paid in full at the same time as carer's allowance. Those points were made by Ms Anna Lo.

Given that carer's allowance has interactions with a range of benefits, it would appear that any intended legislation should reflect the relationship between carer's allowance and the full range of benefits, not only state pension. The Bill could, therefore, inadvertently discriminate against working-age carers, many of whom are already on lower rates of benefit than state pension. In addition to the risk that the Bill may not help poor pensioner carers, it has significant cost implications and ramifications for parity in wider social security matters.

As the Chairperson of the Committee for Social Development said, it is estimated that the Bill, which, as I said, is not financially advantageous to the majority of pensioner carers, would generate additional gross expenditure of approximately £51.8 million per annum, based on current claim rates. The additional cost would fall to the Northern Ireland block grant, although only £14.4 million of it would be paid to claimants, as £37.4 million would, in effect, revert to the Treasury. As I said earlier, I am prepared to push parity to its limits, but I have also said that it would be folly to break parity without working through its full consequences, especially upon those in need.

The rules of entitlement and rates of benefit in Northern Ireland are the same as those in England, Scotland and Wales, and Northern Ireland's benefit costs are funded in line with the actual entitlement of claimants. The result is an annual subvention from the national insurance fund of £395 million last year and £2.78 billion from general taxation to fund non-contributory and income-related benefits. That is why, as Mr Hamilton indicated, the overall pot of subvention for welfare is over £3 billion a year. That is the issue of parity, and we need to interrogate it as we proceed.

I have dealt with the issue of how Margaret Ritchie responded to the review. I hope that Mr McNarry accepts that.

I have said that I will look at some of the figures further, although, at this stage, I am satisfied that the figures I have quoted and referred to Mr McNarry are accurate. I have said that I will begin to profile this issue in my conversations with Lord Freud, especially over the next critical two months, because the British Government are beginning to get their heads around some of the issues that we have spoken about in this Chamber and that I have spoken about at length

to a range of DWP officials. As Members have indicated, there is substantial sentiment behind this Bill.

However, there is a concern about the cost consequences for the Northern Ireland block grant, the Northern Ireland exchequer and the vast number of people who otherwise would be entitled to carer's allowance or other benefits. We need to be cautious and vigilant about that matter.

My sense, having heard the conversation, is that this is not a matter on which the House should divide. Mr Wells picked up on that point. However, if the Bill should proceed to Committee Stage, the Committee must be mindful and vigilant to ensure that it interrogates the figures, in full and exhaustively, so that any decision that may be forthcoming after Committee Stage is informed by a rigorous interrogation of all the facts and consequences, not least for those whom the Bill intends to protect.

**Mr McNarry:** I thank all Members for their contributions to the debate. It was encouraging that it was a debate, and it was certainly encouraging for me. One did not need to dig down much below the surface to find that, in the Chamber, to which we come as our place of work and to represent people, we are what we ask people to believe we are. That came out in the debate. We do care. I know that we care about a host of things, but it has certainly shone through in the debate that we do care. The question is how, on this issue, we translate the manner in which we care into actually doing something. That is where I have slight differences with the fine words spoken by some Members during the debate.

I thank everyone here for staying behind to discuss this local issue, which is important to the people in our community whom we call pensioner carers. They are special people who live in special circumstances and deserve special attention. I cannot speak for them, but I can say that they are not interested in our reasoning on the issue of parity. It does not mean anything to them. They are not interested in the whole gamut of parity, how we interpret the effect that it has on them or how it should affect them or people like them in all parts of our nation. However, they express an interest in, and are entitled to, a reasoning that explains where the parity is between their entitlement to a carer's allowance and their equal entitlement

to a state pension. If we can answer that question in this House to the people who are asking for an answer rather than answering to Lord This or Lord That or to Governments that seem to be above it, we will be well on the road to doing what those people expect of us.

The issue of the timing of the debate on the Second Stage of the Bill was raised. Rather than being thought, it was said, and that is why it was raised. Let me assure the House that the reason for debating the Bill's Second Stage today is purely and simply, once again, to raise awareness and to give Members an opportunity to demonstrate to pensioner carers that, as far as Members are concerned, their case is still worth supporting. I hope that that is the case.

### 7.00 pm

I will deal with some of the individual contributions. I thank Simon Hamilton for his sweet words, but, in the end, he gave no support to the Bill. That is where we are. He talked about 10,000 people not receiving the benefit and the possibility that another 3,000 people would lose out. The problem, which has not been addressed in the debate, is that no one can yet produce for me or, I suspect from what he said, the Minister an accurate figure for pensioners who will benefit. That is what the Bill is about: benefiting pensioners who are carers. I have not introduced a Bill that states that it will not benefit or will potentially damage those people. There is no accuracy in that.

If Members look back on the Committee's previous reports, they will see that 14,000 was the figure originally talked about as the number of pensioner carers who would benefit from the Bill. That figure was reduced to somewhere around 4,000 amid all the confusion with departmental officials. There was uncertainty in the Committee about the actual number. The figure for pensioner carers who would benefit contributes to a distortion of the money argument.

Are we saying that, if the figure is 14,000 or 18,000, the Bill is a no-go because of the cost? Are we saying that, if it transpires that only 4,000 or 5,000 carers would benefit and no one would be disadvantaged, it might be doable? If the cost were not £50 million — Simon Hamilton was right to quote that figure — would it be OK if it were £10 million? Are we putting a price on the issue and saying that that might make a difference?

I have to challenge the assertions. I have to be honest that I challenge the assertions to myself, because I lack the facts and figures. I cannot find facts or figures that support the assertion that pensioner carers would be worse off as a result of the Bill. I do not believe that there is any evidence to suggest that they would be worse off; I cannot find it.

I do not want Mickey Brady to get carried away about me leading the charge against parity, and I know that he will not. Practical politics has always appealed to me. A challenge to parity seems to be a practical way to address this issue. Parity is the obstacle that is used to prevent us doing anything for these deserving people. Mickey Brady may have seen or heard about me leading charges in other places, and he might not have been so keen to praise me for those. Parity is the obstacle that is used. I appreciate everything that Mickey Brady contributed to the debate.

The Bill is presented to the House not as the finished article but as an opportunity to champion a debate and find a way around obstacles, which is part of the reason why we are here. I agree with Mickey Brady that the allowance should, perhaps, be considered as a stand-alone entitlement. That is another thing to look at, and it is what the discussion should bring out. That is probably what the Minister was talking about when he spoke about where he might go with the Bill, and it is the type of recognition that pensioner carers would accept so that they do not get asked this abhorrent question about why they would care for someone when they are not paid for it. It sticks there, despite the Minister's best efforts to change my mind.

I appreciate all that Anna Lo said and thank her for sympathising with the carers' situation. However, I ask her to consider, after we end our consideration of this, whether it is right that a carer loses his or her carer's allowance on reaching pension age. I am asking Members to be a bit more than sympathetic. Their sympathies are welcome, but I am asking them to go a bit further.

I welcome Jim Wells's speech as, I assume, the Chairperson of the Health Committee.

**Mr Wells:** It is important to point out that I spoke on behalf of the Committee in the first part of my contribution and then as an ordinary, rather obscure Back-Bencher from South Down



in the second part. There was a clear divide between the two. It is important that the Member makes that distinction. The bulk of my contribution was not made as Chairperson of the Health Committee.

**Mr McNarry:** I thank the Member for making that distinction. He did it more eloquently and better than I would have.

I sensed that the Member was saying to the Chamber that he was willing to wait for the Bill's advancement to Committee Stage. I appreciate his saying that, because that is where I would like to see the Bill move to after this stage, and that is why we are having this debate.

I also thank Mr Wells for acknowledging, as others have, the challenge to carers. However, it sounded as though — I am sure that he did not want it to sound like this — he was saying, “Good on you, carers, but just keep going as you are. We cannot afford to help you, because we cannot square the circle of parity”. That is the argument. However, I have got to know Mr Wells well enough over the years to realise that he does not lie down on anything, and I am, therefore, asking him not to chastise me in any way because I am not prepared to lie down on this. The issue is big enough for us to care about carers, and it is not exhausted. That is why I would welcome his support to take the Bill to Committee. I think that we can do better by moving this to Committee Stage in order to explore, develop and improve on the pensioner carers' lot.

If, after exploring, looking at and developing the Bill, we tell carers that there is no change, so be it. At that stage, they might accept what is being said here. I doubt it. However, it will be a direct reference to them. Until now, they have had a good hearing. I think that the transition from hearing to developing action is what we need to do at the next stage. I trust that we will allow the Bill to move forward to Committee Stage.

I thank John McCallister, who has maybe gone to check that his caravan is still in the car park, for his support to move the Bill from this stage to Committee Stage.

Some might have accused me of electioneering, but I have already dismissed that. As I was preparing these notes, I hoped that I was not detecting from other Members a form of satisfaction in trying to kill the Bill at this stage. I do not think that we should kill the Bill at this stage.

I thank John, who has now joined me, for his support. Having heard what he said, I regret that he will not be at the Committee if the Bill reaches that stage.

I will address the Minister's points. I was pleased to hear him make the distinction between the many unpaid carers and the large number of carers who are paid. There are many unpaid carers who come into people's homes. I do not know how they are categorised, but we call them unpaid carers. They are in our midst, and they do what they do. If I could do anything to help them, I would. If this Assembly could do anything to help them, we would, but, in this case, we can deal only with those who are categorised as carers who are paid. Otherwise, when they became pensioners, they would not lose that payment, and I would not be on my feet now. I draw no difference between those carers — I realise that no Member who has spoken in the debate has drawn a difference — but I ask that Members recognise why I am arguing for those who are paid a carer's allowance and end up losing it. It is taken away from them as soon as they reach pensionable age. That is the point of the Bill. It is grossly unfair to stop paying somebody who, as we all know, does not retire — not from that job. We take that payment away. I understand that it is called an allowance, but we take it away from them because we give them a pension. I think that that is unfair, and I believe that society in Northern Ireland and further afield thinks so too.

The Minister made the argument for flexibility, an argument that I ask him to defend. I ask him to be the champion for flexibility. I ask him and the House not to give up. I come back to some of the things that he said. When, until today, has his Department done anything about this Bill, which may have advanced the case of righting the wrong of taking away carer's allowance from a pensioner carer? That is my point. What has the Department done to advance the pensioner carers' case since the Bill was introduced? Had it not been brought back to the House today, it would still be sitting there, with people hoping that it would gather dust.

The Minister, and I have referred to him —

**The Minister for Social Development:** Will the Member give way?

**Mr McNarry:** Just let me finish this point. The Minister mentioned Lord Freud a lot. Unbeknownst to me, he clearly has a tremendous role to play in guiding a devolved Department in Northern

Ireland, even through the proposition of a pilot scheme, on which I noted the Minister's comments. As Mr Wells indicated, I had hoped that the Committee would enquire more deeply about a pilot scheme and perhaps work with the Minister and his Department to come up with something that might be enticing to Lord Freud.

It is encouraging that the Minister has built a relationship with Lord Freud. If it advances the cause of the pensioner carer in Northern Ireland, is there not even the possibility that we will get some gratitude from England, Scotland and Wales because we are also advancing the cause of the pensioner carers in those regions, who suffer exactly the same as our pensioner carers? Perhaps Lord Freud will take that on board as quickly as possible. I will give way now.

**7.15 pm**

**The Minister for Social Development:** I will not detain the House for long. I was not going to intervene during the response to the debate, but I reiterate that, as a consequence of the Bill being introduced and the Department's judgement, there have been successful interventions since 2008 to enable people to take up carer's allowance. I outlined that another 2,000 people have been targeted in the current benefit take-up campaign and that there has been an increase in numbers, so it is not true to say that nothing has been done. Those facts, which are verifiable, prove the point.

It was agreed that DSD would be guided and influenced by what happened in the Labour Government's review of carer's allowance. I explained what they did and what they concluded in 2009 and that it was going to be a 10-year strategy. However, they do not have the opportunity to implement that because they are out of government.

Crucially, the negotiations are about the general principle of parity and the flexibility around that, including the legal and operational aspects, which would cover as many aspects of welfare policy in the North as I can imagine, including, potentially, this one. The big prize is winning the argument with the British Government about parity now in real time and over the next months, as a consequence of which other opportunities would open up. That is a wise, balanced and proportionate strategy that could result in good benefits for Northern Ireland, including, potentially, for the very issue that we are speaking about.

**Mr McNarry:** I thank the Minister for his intervention. I have accepted and recognised his last point. It is extremely valuable to the debate and for the people I am talking about. I also acknowledge the increase in the number of people who receive carer's allowance, but he will understand and appreciate that I am not talking about carers; I am talking about a segment of carers called pensioner carers. They are still called pensioner carers even though they do not get carer's allowance. They are pensioners, and they are carers.

I am sure that the Minister pleased a lot of people with the assurances that he gave regarding future conversations with his friend Lord Freud. He said that he will ensure that the elements of the Bill in which he sees merit will be addressed during their conversations. I welcome that, and I welcome his commitment to interrogate the numbers. That is crucial to what we have been talking about all day. I remind him to concentrate on those who would benefit from the Bill as opposed to what people keep trotting out about this lot and that lot perhaps not benefiting. It is all ifs and buts. I agree with the Minister: we need to come to the facts and figures. I am convinced that, when we bore down on the figures, they will be shown not to be the bogeyman figures that some people seem to have referred to today, which is why I want the Committee to examine the Bill more fully.

I also acknowledge the Minister's comments about autism, which will be well noted in the House and in other circles. I thank him, generally, for what he has indicated he intends to do and will do, given the opportunity. I trust that he will do so in conjunction with the Committee, as he suggested, which I found helpful.

My Bill, like all Bills, was not the finished article on its publication. It deserves to go to the next stage of the process, and that is all that I seek at this stage. I ask for support to move the Bill to Committee Stage. I am sure that the House agrees that the people who will benefit from the Bill deserve the issues to go to the Committee, harnessed with the words with which the Minister concluded his contribution. In that vein, I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Carer's Allowance Bill [NIA 13/07] be agreed.*

## **Housing Executive and Housing Associations: December 2010 Freeze**

**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 for the winding-up speech. All other Members who are called to speak will have five minutes.

**Mr F McCann:** I beg to move

*That this Assembly expresses concern at the failure of the Housing Executive and housing associations to provide an effective and timely maintenance service to the tens of thousands of tenants who suffered as a result of frozen and burst pipes and heating loss during the December 2010 freeze; and calls on the Minister for Social Development to commission an independent investigation, with terms of reference agreed by the Executive, into how these bodies dealt with the crisis, including making recommendations to help ensure that their future emergency plans will be fit for purpose.*

It is unfortunate that I find myself standing here today asking Members for support in the debate. It would not have been necessary to do so if the Minister for Social Development had acted appropriately and come to the House to make a statement before now. We would have benefited from hearing directly from the Minister about the problems faced by tens of thousands of Housing Executive and housing association tenants over the Christmas and new year period.

The Minister admitted that tenants had suffered seriously because of the initial collective response to the emergency caused by the freezing conditions. I will his words: "Things could have gone better". However, he went on to say that things improved dramatically and that the level of outstanding problems decreased. He claims that that came about as a result of his leadership in bringing everything under control. What surprises me is that he really believes that. What he says happened bears no resemblance to what actually happened. He has not said whether he was on the ground with his constituents at any time during the period to hear at first hand what was going on. As is well known, the Minister for Regional Development and the deputy First Minister went out and listened to people. They saw the situation for themselves.

**Mrs D Kelly:** The deputy First Minister and Minister Murphy visited my constituency. Will the Member give us an update on whether the

situation has improved and the problem been resolved? Furthermore, is the Member aware that, when there were burst pipes, NI Water could not find the stopcocks to turn off the water?

**Mr F McCann:** It is your constituency, so you should know the answers. That happened in Housing Executive properties in my constituency, and the people who came out could not find the stopcocks.

**Mr O'Dowd:** I will update the Member on her constituency. An investigation has been carried out by Water Service, which met residents. It is interesting that one of the lines of inquiry is that Housing Executive responsibility for alleyways to the rear of the homes may be the cause of the flooding. I will supply the Member with the letter.

**Mr F McCann:** The Minister also tells us that the site had regular contact with the Housing Executive. He continued to manage the situation, calling a meeting on 20 December to lay out further requirements in response. That was the week after the emergency began, on 17 December 2010. In fact, on 24 December, I spoke to senior staff of the Housing Executive to call for a full emergency response to the worsening situation. Again, that was days before the NI Water issue began to hit the headlines. In fact, I believe that it was my West Belfast colleague Jennifer McCann who, on 17 December, was the first person to raise the issue of burst boilers. From then on, the situation got worse and worse.

Although I commend the efforts of Housing Executive staff and others who worked in difficult circumstances, the Minister missed the point. It may be well and good to say that the Housing Executive handed out 4,900 electric heaters to people over that time, but that was totally inadequate to deal with the sub-zero temperatures. People were living in temperatures of  $-16^{\circ}\text{C}$ , in many cases without heat or water.

On 23 and 24 December, I was on the phone constantly trying to report urgent cases, but I had great difficulty getting through. I e-mailed and sent text messages, but I got little response. Even the emergency lines that were set up on Christmas Eve for a time afforded those in dire need a very poor service. When I did manage to get through on the phone, I was informed that contractors would be out. However, in many cases, no one came. In one

incident, I phoned on behalf of a young woman with two children who was left with no heat or water over Christmas. Late on Christmas Eve, I spoke to the young woman's mother, who informed me that no one had made contact. Eventually, after additional calls, someone called with an electric heater and told her that he would be back after the holidays.

In another case, no one called out to a tenant who was left without water over Christmas. Eventually, days after Christmas, her frozen pipes thawed without help. Another case involved an OAP in my area who sat with burst pipes and water running down the walls waiting patiently for a contractor. It was not until neighbours alerted me to his plight that I was able to bring the required urgency to the situation and have it resolved. In another case in which heating had broken down, the person who called out refused to touch the oil-fired central heating system because it had not been installed by the Housing Executive. However, when the person was allocated the house, the heating system was already there. She sat in the freezing cold because of a silly dispute. How petty can you get? In yet another case, a boiler was replaced, but the tenant was told that it would not be connected until after Christmas because the contractors were too busy. I could list numerous cases in my area. The Minister talks about clusters in different areas, but, in many areas — certainly in west Belfast — people regularly faced such issues. It is evident that, in many cases, compassion, sensitivity and plain common sense were completely lacking.

We were informed that 30,300 work orders were placed between 17 December and 2 January. Of those, 16,000 related to heating requests, and, according to information given to us, many contractors did a good job. However, as I outlined, there are questions to be answered about a sizeable number of cases. Those questions are to be buried in a wider gateway report that may never see the light of day.

As early as 23 December, I called for an emergency response to the crisis on the basis of the unprecedented level of complaints that I was receiving from tenants who had been neglected, ignored and told lies by contractors. In normal circumstances, such treatment would be totally unacceptable; however, in the prevailing climate of the time, it was abominable. However, to listen to the Minister, you would think that the problem was sorted

out by putting in a few more phone lines and allocating a few more people to answer the phone. Those were important first stages in the process, but it is what happened afterwards that really counts. That is where the next failure occurred. It is apparent that, although calls were received, many people had to e-mail contractors, who simply did not respond. That was unacceptable.

The situation was unique, and it needed to be treated as such. Indeed, it deserved a separate inquiry, which would have helped to determine the facts of the crisis.

### 7.30 pm

To be honest, when I read the Minister's written statement of 31 January, it sounded like he had saved the day in the Housing Executive and also found time to pop in with his timely advice and save the day in NI Water. The Minister's statement went on to tell us that, between 17 December and 9 January, the Housing Executive received 24,777 calls and tens of thousands of repeat calls. Unless many of them were double orders, those figures do not tally. Maybe the Minister will explain and, while he is at it, advise us whether the call-out charge was paid to contractors for dropping a heater off at a house.

As for the response of housing associations, many went home and closed up shop for the holidays. In fact, my colleague from South Belfast tried to get in touch with one association when a serious flood occurred, only to find that he could not contact it or its maintenance contractors. In the end, I believe that the police had to force entry.

To my mind, it is clear that one glaring failing was the poor communication system between the Housing Executive and its contractors. As soon as it was identified that communication had completely broken down with two contractors when the holidays kicked in, the Minister should have immediately taken whatever steps were necessary to ensure that channels were open and the system working. It was totally pointless to bring in extra staff to answer phones if the only outcome was to be a long list of complaints sitting on a desk or in an inbox that remained unopened until after the new year. What was needed was for contractors to fulfil their obligations by carrying out the necessary emergency repairs. That did not happen in many cases. How does the Minister respond to that?



In the aftermath of the crisis, we were told by the Minister that all outstanding complaints were being attended to. However, I still hear of cases that have yet to be resolved. Some of them involve people who had no heating or hot water for two weeks after the crisis began. In many instances, a blame game is going on, with contractors disclaiming responsibility while placing blame on someone else. At the end of the day, poor, vulnerable people are suffering.

I wish also to mention the question of compensation for those people whose homes were destroyed —

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

**Mr F McCann:** They have no means of replacing their furniture or their goods. Those people rely on benefits and have no extra resources for a sad situation such as this.

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

**Mr F McCann:** We are asking the Minister to carry out an investigation into what happened over Christmas.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** Briefly, in my capacity as Chairperson of the Committee, I will say that as you, Mr Deputy Speaker, the rest of the House and the people who put us here would expect, this is an issue that the Committee has taken a keen and active interest in since it developed over Christmas and the new year.

The Committee considered the issue on 11 January, and members indicated their considerable dissatisfaction at the apparent lack of effective communication between the Housing Executive, its contractors and, most importantly, its tenants in properties in need of repair. Members were particularly dismayed by the failure of communication channels for tenants and their representatives, and the consequent absence of appropriate information.

At the Committee's request, the Minister briefed it on 27 January. He did so at some length. All members present had the opportunity to ask questions and to raise issues from their constituencies. Members sought reassurance that lessons had been learned and evidence that there would be no repetition of the poor performance by —

**Mr F McCann:** Will the Member give way?

**The Chairperson of the Committee for Social Development:** I think that you have had enough time, to be fair. *[Laughter.]*

There would be no repetition of poor performance by the Housing Executive in such circumstances in the future. This is an issue that the Committee definitely intends to review further. It will look, in particular, at the Housing Executive's response systems and the performance of its contractors to ensure that this does not happen again.

**Mr T Clarke:** Will the Member give way?

**The Chairperson of the Committee for Social Development:** I will give way to my colleague.

**Mr T Clarke:** I thank the Member. As part of that review, will the Committee consider the case of some contractors going out in the early stages of the freeze and telling people that there was nothing they could do; they would come back after the holidays? It seems that those contractors will charge the Housing Executive for doing the same job twice.

**The Chairperson of the Committee for Social Development:** That issue of call-out fees was raised and was addressed by the Minister at that time, and I am sure that he will do so in his response to the debate.

Speaking in a personal and a party capacity, looking across from this side of the Chamber to the other side, there is a sort of SDLP/Sinn Féin squabble going on. Looking over from here, we think that some sort of cunning plan is being hatched and that there is a sauce for the goose, sauce for the gander situation. We could almost leave them at it, but the issue is far too serious.

I freely admit, and colleagues will back this up, that my constituency and some other areas of Northern Ireland were not as badly affected as some. However, some were very badly affected, and it is absolutely clear that the response of the Housing Executive in those initial stages was not good. The Minister will freely admit that, and I have heard the acting chief executive of the Housing Executive do likewise. Although there are questions to be asked about why it was not ready for that, the sheer volume of what hit the Housing Executive — just as it hit other organisations — makes it somewhat understandable, but not excusable.

Members from other constituencies, such as Trevor Clarke, will contribute today and say that there have been serious shortcomings, particularly in communication. The performance of some contractors, particularly on heating, has to be called into question. There were undoubted failings that need to be addressed and about which we need answers.

I want to raise two issues in the very limited time that is left to me. I had, and still have, grave concerns about the number of Housing Executive properties that were affected. Some 21,000 out of around 90,000 were affected; that is nearly one quarter of all Housing Executive stock. I think that about one in two Housing Executive properties in the west of the Province were affected. That is a massive percentage of stock that has not been replicated by any other —

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

**The Chairperson of the Committee for Social Development:** Yes; very briefly.

**Mr Humphrey:** I am grateful to the Member for giving way. Does he agree that one of the reasons why so many properties in the Housing Executive stock were affected is because there is no proper inspection of insulation? In fact, in many cases, no insulation at all has been installed.

**The Chairperson of the Committee for Social Development:** That is the second issue that I wanted to come to. The Department's focus for the past three and a half years has been on newbuild. It has been newbuild, newbuild, newbuild. We all understand that and do not disagree that we need newbuild social housing in our constituencies. However, that has, in my view and in the view of others, been to the detriment of ongoing maintenance in existing Housing Executive properties.

This crisis has made it very clear that some aspects of maintenance — particularly energy efficiency, in lagging and replacing boilers and heating systems — have not been up to scratch. The standard of maintenance has not been what we expect. At the minute, a Bill is progressing through the House to put additional responsibilities on private sector landlords. I support that. However, the Minister and the Housing Executive have a duty of care to the 90,000 tenants in Housing Executive properties, and they should act more responsibly towards

those tenants and do some of the work that Mr Humphrey talks about. The Minister should have an investigation or an inquiry into what has gone on. However, I do not want some sort of witch-hunt or kangaroo court.

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

**The Chairperson of the Committee for Social Development:** I could talk more, and others will talk about this. The response was bad at the initial stage, and we have to put on record that it did improve over the period.

**Mr Deputy Speaker:** Time is up. I call Mr John McCallister, who I am sure was in his caravan.

**Mr McCallister:** I have returned refreshed and ready from the caravan to speak on the debate. I can declare that my caravan was unaffected by the bad weather during the Christmas period.

The Chairperson of the Committee said that there seems to be a little squabble going on, and he also talked about a cunning plan. I am not sure who the lead characters will be. I can only assume that Ms Anderson will play the role of Queen Elizabeth I or someone suitable like that. *[Laughter.]*

**Ms M Anderson:** I have been insulted by better than you.

**Mr McCallister:** That does not surprise me. I will have to think of some cunning plan to get out of that one.

Like many others around the Chamber, I was contacted by constituents who live in Housing Executives properties and who had great difficulty over the Christmas period getting in contact with the Housing Executive and getting through on the emergency phone line.

People tried constantly not only for hours but for days and were still getting nowhere. That was of great concern to all elected representatives here and to councillors from across Northern Ireland, because the response was poor and inadequate and led to much distress among residents about how the issues would be dealt with. It caused problems of communication for elected representatives in getting that information to the Housing Executive so that it could sort out the properties quickly and so that repairs could begin straight away. When the Minister appeared at the Committee, he will have been aware of the feelings of its members.

I share the concerns that the Chairperson of the Committee raised about the seemingly disproportionately high percentage of Housing Executive stock that was affected during that period. Proportionally, it was out of kilter with what was experienced in other areas, so it is important to address the causes and find out how the Minister and the Department can take on board the issues and see what has to be done. If it is the case that there has been a lack of investment in maintenance such as insulation and lagging of pipes, as Mr Humphrey suggested in an intervention, those issues must be addressed.

We cannot continue with a system in which the Housing Executive is affected disproportionately at a time of crisis. The weather at that time was severe and, at one time, it looked as if Northern Ireland's infrastructure was grinding to a halt between that and the water crisis. We need to take stock of that and see what more the Housing Executive needs to do to address those issues and ensure that it is not caught out with a disproportionately high number of its properties affected by bad weather. That puts its emergency lines and its contractors under even more pressure and causes its system to be creaking to a halt. We were warned about the bad weather, and we were warned when the bad weather was coming to an end with the imminent thaw, so it will be interesting to hear from the Minister.

**Mr T Clarke:** Many of us believe that there has been underinvestment in the Housing Executive and its houses. Although there can be freak storms and weather similar to that which occurred at Christmas and regardless of whether there has been lack of investment previously, will the Member agree that, surely to goodness, supplying a householder with one 2 kW heater is insufficient to enable them to have heating for two weeks? If we can get the system in place to prevent a freeze in another freak weather occurrence, we have to do more to protect elderly people in particular than expect them to stay with a 2 kW heater for that period.

**Mr McCallister:** That is a useful intervention, because it reminds us of the effect that that can have on all our constituents. That is an unacceptable response. I take it that the Member meant preventing a freeze in homes. Even the Minister, brilliant as he has been, could not prevent an overall freeze. I am paying a glowing tribute to him.

I accept the point that the weather was so severe, but the response from different parts of government was inadequate. To leave constituents such as Mr Clarke's in that position was wholly inadequate, and we have to look at and address that.

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

**Mr McCallister:** Just on cue, Mr Deputy Speaker, I am finished.

**7.45 pm**

**Mrs M Bradley:** It is unbelievable that we are having this debate, because, a few weeks ago, the Minister for Social Development spent almost a full morning briefing the Committee for Social Development on the Northern Ireland Housing Executive's entire response to the crisis. His briefing was detailed and thorough, and he highlighted ways in which the service procedures were deemed to be open to improvement. It is imperative to stress that, prior to Christmas, the Minister had been proactive in making preparations for the imminent cold weather that had been well and truly forecast.

**Ms Ní Chuilín:** Will the Member give way?

**Mrs M Bradley:** Not just now. Had the Minister for Regional Development taken a similar stance, the Northern Ireland Water saga could have been different, and perhaps the whole situation for Northern Ireland would have been different. I feel that we are in the Chamber now for purely political reasons and that the motion is a true election vehicle. I am sure that the First Minister and deputy First Minister will recall the Minister for Social Development writing to them before Christmas so that they could have an Executive meeting to co-ordinate an overall response.

The Northern Ireland Housing Executive's response was slow to begin with, but it quickly kicked in, and, by 28 December, it had received thousands of calls and successfully dealt with 95% of them. Compare that to NIW, which, on the same day, dealt with only 1% of its calls. In the area where I live, people could not even get bottled water. They were left stranded without water for drinking or anything else, until members of a community group took their cars and drove to the other end of the city to bring water to them. So there we are — we can all make cases.

The motion, which Members of the party beside me tabled, is another demonstration of that party's fundamental dishonesty. It cannot face the fact that one of its Ministers froze during the freeze. It now wants to water down criticism of the Minister for Regional Development by pretending that others failed. The Minister for Social Development, like the Minister before him, handles situations when they come to him in the best possible way he can. He can deal with an issue when he gets it. However, we should listen to what we heard this morning from the Consumer Council. It said:

*"NIW Water's failings were on a monumental scale."*

I agree with that.

**Ms Lo:** I, too, cannot help but suspect that the motion is an attempt by Sinn Féin to move the focus of the spotlight from Northern Ireland Water on to something else.

**Mr P Maskey:** What about the Irish language? Ghettoisation?

**Ms Lo:** Sorry?

I got the sense from communities in south Belfast that many people believed that the Housing Executive was doing the best that it could under the circumstances and that Northern Ireland Water was the real culprit in the crisis, and that, rightly, an in-depth investigation is required to find out what went wrong and what improvements are needed to prevent a recurrence of that magnitude in the future.

I doubt that there is a real need for a costly and lengthy independent investigation into the Housing Executive, but I can see the value of an internal review into its contingency plan and the contractors' response.

**Mr Spratt:** The Member mentioned the south Belfast area. Although initially there were problems getting in touch with contractors, does the Member agree that the response in south Belfast was good after the Minister put co-ordinators in place? Indeed, we got very good feedback. One of the issues that the contractors raised was that some suppliers of heating parts and so forth were closed over the two-week period, so they could not get those parts and had to have them brought over from England. Fair is fair. We have to put some of those things on the record as well.

**Ms Lo:** I thank the Member for his intervention. I heard about that.

The Minister said to the Committee that:

*"there were issues in the initial phase of the Housing Executive's response that should not have arisen."*

That should be investigated. However, it is important to note that, as the crisis progressed, the Housing Executive stepped up its response and began to deal with the situation more effectively.

The main complaint throughout the constituency of South Belfast was the difficulty in contacting the Housing Executive. Telephone calls went unanswered; however, significantly more calls were answered by the Housing Executive than by Northern Ireland Water. People were also critical of the slow response times to repair reports and requests. In some areas, it took two weeks to reinstate hot water or to fix leaking pipes. When calls were logged with the Housing Executive, there was further delay in getting contractors out to the homes affected due, perhaps, to the lack of skilled contractors, such as plumbers and electricians. As Mr Spratt said, sometimes there was a lack of spare parts during the Christmas period. It is important that the Housing Executive looks at the performance of each contractor.

There are concerns about the lack of strategic response, with no focus on priority groups, such as the elderly and young families. Some young families' only heat source was one small electric heater for up to four weeks, and older people were unsure whether it was safe to use the heating. They had no heating for up to a week.

A serious issue arose in the Markets area, where new kitchens had been fitted in a number of properties. Stopcocks were either not properly or fully installed, with some actually placed behind kitchen cupboards or not fitted at all, making it extremely difficult or impossible to shut off the water supply, which caused major problems for tenants with burst pipes. The number of empty Housing Executive properties is a concern. Any internal investigation must consider a strategy that enables early access to those properties to address leaks or any other problems.

There was no joined-up government action on the distribution of water. Bowsers were installed in Taughmonagh only after my party office



made a call to request them. Although there were far fewer faults reported from housing association homes than from Housing Executive homes, three sheltered housing schemes in south Belfast had no water for several days. I delivered water personally to those sheltered housing schemes whose water supply was seriously disrupted. There is no doubt that the recent freeze was exceptional.

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

**Ms Lo:** The Housing Executive adapted its response as the crisis deepened. However, with more forward planning it could have coped better, at least at the initial stage.

**Mr Easton:** I support the motion, although I am highly sceptical of the motives behind it.

**Ms Ní Chuilín:** As the Member is aware, the statutory Committee has 11 members, and the Assembly has 108 Members. Although every Member's constituency seemed to experience extreme difficulties over the Christmas period and although we tried through questions to the Minister to get him to respond, it has taken until now to get the motion to the House. Therefore scepticism should focus on why constituents' needs were not met rather than on any back-and-forward fuss between Sinn Féin and the SDLP. I am not worried about the SDLP at all in the matter.

**Mr Easton:** I thank the Member for her comments; it is a pity that she was not as vocal in the Committee for Social Development as she is in the debate.

The winter was a testing period for many statutory agencies, never mind Northern Ireland Water, whose performance has been the subject of significant controversy. One must question the abilities of those agencies to prepare adequately and to work to resolve the issues caused by frozen and burst pipes at a time of extreme weather.

The bad weather had presented itself as a potential problem at the beginning of December and, once the first snow had cleared and another severe weather warning had been issued, I questioned whether the various agencies were adequately prepared or whether Christmas got in the way and exacerbated the situation and the problems arising from the thaw.

I know that many tenants of the Housing Executive or housing associations were without water, never mind heat, over the Christmas period. Many people were badly let down by the statutory agencies that they rely on. Those who are tenants of either the Housing Executive or housing associations are people in need, such as the elderly, vulnerable or socially disadvantaged. Water and heat are basic needs of the human race and, unfortunately, far too many people were left without either of those.

It is clear that many people who live in accommodation provided, ultimately, by the state were failed. Many waited weeks for necessary repairs to be carried out. That was wholly unacceptable in this day and age. However, I appreciate that there were unprecedented demands on the services — far more than was anticipated and more than the system could manage at any given time.

I note that the Housing Executive received over 20,000 unique telephone calls and tens of thousands of repeat calls. In fairness, in his statement to the House on 31 January, the Minister admitted that the initial call response could, and should, have been better. I question the ability of those agencies to face up to the problems posed by the big freeze, and question whether they were adequately prepared.

**Mr Spratt:** I thank the Member for giving way. I was complimentary in my last intervention to the Minister, but I will not be so complimentary this time. Does the Member agree with me that one of the problems with the Housing Executive is that there is absolutely no maintenance? There is no insulation in many houses and, to add to the cold, many of the houses, particularly in my constituency of South Belfast, are still single-glazed, and the Housing Executive has done absolutely nothing to remedy that over quite a number of years.

**Mr Easton:** I concur with the Member. We certainly need to look at a better balance between newbuild and maintenance schemes. There is certainly a big problem, and I have to mention the Bloomfield bungalows in Bangor for pensioners. However, I believe that the Minister for Social Development was responsive to the situation, as he was regularly on the TV and radio talking about the issues that tenants were experiencing. He led from the front and appeared hands-on. He never divorced himself from the situation, to be fair to him.

I would like to put on record my thanks to the engineers and call centre staff who worked incredibly hard over the Christmas period to resolve the issues that many people were experiencing. Nevertheless, many people's complaints were not responded to quickly enough at a time of extreme weather. As I said, there was an admission of failure by the Minister in his statement of 31 January, when he admitted that lessons had been learnt.

He has given a full account in his statement of what he did or did not do in preparation for the thaw, announcing that he had held meetings with personnel in the Housing Executive to discuss the planned response. Nevertheless, I support the motion, as I believe that it is only right that we look at the response of the Department and associated agencies to see what can be learned for the future.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion, which I think is timely, considering what has gone before. It is interesting that some people on the other Benches have talked about family feuds, when I have been witnessing internecine warfare for three and a half years — almost to the point of warfare, certainly — in their squabbles. We are not talking about feuding or quarrels; we are talking about how it affects people. That is ultimately what it is about.

I am glad that Jimmy Spratt eventually gave a balanced view of what actually happened, because I had a vision of the Minister in his Harry Potter mode running around waving his magic wand. He may be familiar with the fact that he looks slightly like Harry Potter — although I think he is slightly old to play the part. If we read his statements and listen to him, it appears that he not only solved the problems of the Housing Executive and DSD but contributed largely to solving the problems of the water service. That is commendable.

I wish I could get somebody to write a speech like Mary Bradley's. Apart from the jokes, it was sycophantic almost to the point of nausea. In relation to what happened, I go back to the point made by people on the other Benches and, indeed, by some of my colleagues: it is all about maintenance and preserving the stock.

Anno Lo talked about stopcocks being around the back of kitchen cupboards. That would not happen if proper maintenance was carried out. Those are the things that should be checked.

Lagging and pipes should be checked — and not when there is a freeze. The Minister quoted from the Saville report on how great the standard of housing here is, but maybe not now. Maintenance needs to be organised, routine and done regularly to ensure that what happened does not happen again.

About 70% of the problems with houses were internal. That was the reality, and the point has been well made that the number of Housing Executive properties affected compared with, for instance, housing association properties was totally disproportionate. That indicates that housing association properties are better maintained or of a better standard, because, certainly in my area, routine maintenance is not done on a regular basis.

However, I commend the local Housing Executive staff, particularly the manager, who was on call throughout Christmas and was the only one who could be contacted. I could not contact the advice lines that were set up, and I have said that to the Minister. It is great setting up those lines and people getting through but, ultimately, success is predicated on contractors and the fact that they get out and do something.

The example that I quoted from my constituency was of a lady who was out of her house for 10 days. She was suffering from cancer, undergoing chemotherapy at that time and obviously under stress. She had to move out of the house. Contractors came out on four occasions: the plumber one day, the heating engineer the next day, a plumber the next day, a heating engineer the next day. The heating engineer said that he had to send in a written report but, unfortunately, the contractor was not open until 7 January.

When the plumber came out for the final time, I happened to be there with a colleague who is a local councillor. Although the plumber did not think that it might be his job, he agreed to do something. That went on for 10 days; it went on for another two or three days. That is the type of stress that people were put under.

In another case, contractors went in and repaired ceilings. The person was told to let them dry out for a week or two. When they went to try to redecorate, the ceiling fell down around them because the plaster had not dried. Presumably it had not been put on properly. All sorts of issues need to be addressed. The Minister has nothing to fear

from an independent investigation done properly because, ultimately, it was people and tenants who suffered. This is not a political exercise. People can say whatever they want, but it was the tenants out there who suffered.

My water was off for 12 days over Christmas, but that was my problem because outside pipes had frozen and the burst could not be identified until the water was on again. That was the problem because I do not live in a Housing Executive house. I am beginning to be thankful for that, because not only might I have been without water for 12 days but I might have had the ceilings down around me.

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

**Mr Brady:** I ask people to support the motion because it is timely and essential.

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

**Mr Craig:** I rise in limited support of the motion, because I find it a bit ironic that Sinn Féin has tabled this when their own —

**Mr P Maskey:** Will the Member give way?

**Mr Craig:** Already? After 15 seconds? No problem.

**Mr P Maskey:** I thank the Member for giving way at such an early stage. What is getting me with this debate is that if everybody is saying that they agree with an investigation, why has no other party asked for that investigation? It is a disgrace, and Members should be ashamed of themselves for not doing it.

**Mr Craig:** You asked the question: quite frankly, your party got in before anybody else, and that is the simple truth. The motion is yours and it is on the table. I think that you will find that it is not entirely true to say that no one else asked for an investigation. If you were a member of the Committee, you would know that that statement is not correct. We did grill the Minister on that issue and asked for it to be investigated.

I do find this ironic because if you look at what occurred over Christmas, the Housing Executive was not the only outside public body that had problems. In fact, the problems of another outside body, NI Water, led to even more problems for the Housing Executive. Just like every other Member in this Chamber, I was contacted by hundreds of people who were having difficulty with their water supply,

and whether you were in a Housing Executive property or a private house, it did not matter, the difficulty was the same.

**Mr T Clarke:** I would hate the Member to forget about the other agency that had problems in that period — Roads Service. Schools had to close because parents could not get their children to them. There were no safe routes to schools because of the roads conditions and the lack of gritting.

**Mr Craig:** Who was in charge of that?

There is no point in throwing stones, because they will come back to hit you with regard to how all those public bodies dealt with the conditions. There were arctic conditions, and Northern Ireland is just not geared up to deal with such conditions.

I found it unacceptable that, at the very start of the thaw, when the real crisis hit due to the number of burst pipes and the scale of damage being caused to Housing Executive properties, the Housing Executive failed to react quickly enough to the scale of the problems and disaster that were unfolding. The Minister has admitted that, and I pay tribute to him for what he did. He intervened very quickly and made sure that the Housing Executive got its act together and moved into gear. After that, the response to the situation rapidly became much better.

However, there were a number of issues that were not resolved, despite the Minister's intervention and all the good things that he got the Housing Executive to put in place. We are already on record as asking the Minister to investigate those issues.

As Mr Brady stated, there is a serious issue with contractors and who is responsible for what. He gave an example of a situation that took 10 days to resolve. All I can say to him is that he was very fortunate that NI Water was not involved, because I dealt with a problem that took three weeks to be resolved. The irony was that NI Water could not find the stopcock. Between that and contractors fighting in the house about whose responsibility it was to fix pipes, it took three weeks to get the situation resolved.

I have spoken before to the Minister about issues, such as three repairs being made within 20 inches of each other to a single pipe. Such cases are unacceptable; common sense has to kick in somewhere.

There is an issue around lack of maintenance in Housing Executive properties. I can take the Minister to a row of four houses — he knows about this example, because I have used it before — one of which had 35 bursts, another had 26, another, unfortunately, had 106 bursts because the tenant was away on holiday and the heating was off, and another had 32 or 34 bursts. Those houses have not been properly maintained for over 20 years. There is no lagging on the pipes and there is no insulation in the roof space. Those houses have been continually sidelined.

Unfortunately, that example is not unique. I can take the Minister to other areas in my constituency where there are similar problems. There is one estate for which maintenance has been promised for nigh on seven years, but it has never materialised. Given the current economic crisis, that maintenance is unlikely to materialise.

We need a better balance —

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

**Mr Craig:** We need a better balance between newbuilds and maintenance, because that is the only thing that will deal with crises like this in the longer term.

**Mr Gallagher:** Like other elected representatives, over the Christmas holidays, I dealt with complaints from Housing Executive tenants and others about problems caused by frozen pipes or a lack of heating. There is no doubt that the situation was a distressing experience for them.

I was one of those who contacted the Minister at that stage. He met Housing Executive officials on 22 December, just before Christmas, and told them that they needed to step up their response considerably because of the continuation of the very cold weather. As a result of that meeting, the Housing Executive improved its response after Christmas.

I will not support the motion, and I want to outline my reasons why. The motion is about distress and misery, and some thought about compensation must be associated with that. The only person who mentioned compensation and raised the issue at the Executive is the Minister for Social Development. Such an important motion should acknowledge and

encompass a compensation package for residents.

The motion also takes a narrow view of a serious problem. The situation also involved the Department for Regional Development, which was mentioned earlier. It is not difficult to understand why neither that Department nor its Minister are mentioned in the motion, because —

**Mr O'Dowd:** Will the Member give way?

**Mr Gallagher:** No; I am not giving way at this stage. The motion has upcoming election written all over it.

Today we received the Consumer Council's report 'Left High and Dry', which apportions blame directly to the Department for Regional Development. The Coalition against Water Charges recently said that the public have every right to be angry about the loss of water supply and the manner in which the recent freeze was handled.

I visited properties at Garrison in County Fermanagh where the tenants felt that the problems were in their houses. However, on investigation, it was found that the problems were because of a frozen pipe some 100 yards away, which was clearly the responsibility of Northern Ireland Water. If we are, as the motion claims, to put fit for purpose plans in place for the future, it has failed abysmally because it does not refer to a significant and central problem in the crisis, which must be fixed as we go forward. The responsibility for that problem rests with the Department for Regional Development. The motion refers to plans being "fit for purpose", and if we support it, we will have poorly considered emergency plans for the future because the issues affecting the households that experienced the worst problems have yet to be addressed. If poor insulation and outdated heating systems are to be fixed, investment is needed.

Sinn Féin signed up to the draft Budget, which has an almost non-existent social improvement dimension. It will be painful for that party to revisit that and admit —

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

**Mr Gallagher:** There is no support in the draft Budget for essential work to be carried out to ensure that those problems are not repeated in the future.



**Ms M Anderson:** Go raibh maith agat. Éirím chun tacaíocht a thabhairt don rún.

I support the motion. Like many other representatives, I dealt with countless constituents who were without heat or water, particularly over the Christmas period. The vast majority of them were social housing tenants.

### 8.15 pm

I stress at the outset, and most Members will agree, that in no way are we criticising Housing Executive staff, particularly those in my constituency in Derry. In fact, I am aware that many Housing Executive staff gave up their Christmas holidays to come into work to help those who needed it, and I commend them for that. However, those staff were failed by management and by the Department. I have been contacted by a number of workers, who informed me that the situation in the offices was chaotic. No effective plan was in place.

**Mr Humphrey:** I take the point that the Member is making about Housing Executive staff and their commitment to the people by coming in as volunteers. However, the management were the people who allowed the staff, despite the circumstances that prevailed, to go home on the Thursday and the Friday in the run-up to Christmas when there was a skeleton staff of volunteers. That was the fault of management and no one else.

**Ms M Anderson:** I absolutely concur with those comments, and I think that most Members would do likewise. No effective plan was in place, and it was clear that, whatever the contingency measures were when they were drawn up, they were absolutely ineffective. That is the reality of what happened during that period.

Other public representatives who tried to contact the Housing Executive or the housing associations will know that it was absolutely impossible to get through on the phone. I spent over an hour on the phone to BT on Boxing Day trying to get what I thought was a fault on the line fixed, but there was no fault. I then phoned the PSNI, also on Boxing Day, and reported the fact that the so-called emergency number that we were given was not working, and I asked whether the PSNI could intervene. However, the PSNI could not get through either.

Indeed, we resorted to sourcing plumbers and electricians to get emergency repairs carried

out. Despite the chaos, Minister, far from admitting that mistakes were made and that lessons needed to be learned —

**Mr McDavitt:** We do all recognise that everything could have been done a lot better. However, it is probably worth noting that, out of the thousands of calls made on 28 December, 87% were answered, in one way or another, by the Housing Executive. Unfortunately, out of the thousands made, less than 1% of calls were successfully answered by Northern Ireland Water. Perhaps being able to put those two figures in contrast helps us to understand the scope of what was happening inside the Housing Executive and inside Northern Ireland Water.

**Ms M Anderson:** In a direct response to me, the Minister for Social Development insisted that the offices were open during normal working hours over the Christmas period. However, the people of Derry and the people in many other areas wanted the offices open during abnormal hours, such as on Christmas Eve, Christmas Day and Boxing Day — not just normal working hours. Whatever about 28 December, we were dealing with an absolutely massive problem in our constituency throughout those three days, and nobody from the Housing Executive or the housing associations was there to assist. No matter what party Members represent, I am saying that people in our community — those who were experiencing problems — realised that they could not get through on the emergency number. It was not only elected representatives who had that problem; it affected many others. Indeed, it was community activists, Sinn Féin activists and representatives who were on the street.

In many cases, senior Housing Executive staff could not be contacted at all. When my office managed to get in contact with one senior Housing Executive officer on his mobile phone — this goes back to the point that was made earlier — he was not at all pleased. He was not pleased that we were interrupting his outing to the Boxing Day sales at Junction One. He almost gave out to us because he was on holiday. Good for him that he had a few days off, because the vast majority of people were dealing with their roofs falling in, and there was nobody there to help them on Christmas Eve, Christmas Day and Boxing Day. That is the reality of the situation that we were facing. While thousands of tenants were struggling to get by without heat or water, senior Housing Executive managers

were enjoying their Christmas holidays as usual. Clearly, they did not think that it was a problem. Clearly, no contingency plan was in place.

None of this is about political point scoring, regardless of what Members are feeling about where the motion emanated from. If the motion had come from the party opposite, we would have supported it, such was the scale of the problem that we were collectively dealing with. The motion is about ensuring that lessons are learnt. Therefore, an investigation into NI Water is justified. I hope that we will get to the bottom of that situation, fix the problem and learn the lessons, just as we need to learn the lessons with regard to the Housing Executive to ensure that there is no repeat performance. The mistakes that happened over the Christmas period can be dealt with in future, and an independent investigation will achieve that. Many people were on the receiving end.

There are a number of other things that the Minister —

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

**Ms M Anderson:** One of them, compensation, was mentioned earlier. Perhaps the Minister could address that.

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

**Ms M Anderson:** We look forward to hearing from the Minister, but it is a shame that you could not support this motion and that your Assembly colleagues could not support it either.

**Mr S Anderson:** The motion should not be regarded as more significant than it is. Having listened to the debate so far and the sentiments expressed, many Members will ask why it was tabled. It was not tabled out of a sincere concern for Housing Executive tenants or any genuine concern about the performance of the Housing Executive. It is simply a diversionary motion, intended solely to take public attention away from the failures of Conor Murphy, the Sinn Féin Minister for Regional Development, who so badly failed during the recent extreme weather that he has twisted and turned and wriggled in every direction to evade taking responsibility for his failures.

When members of the Portadown YMCA entered their building over the Christmas period, they discovered some 20 burst pipes and the place flooded. They did not place responsibility at the

door of the Housing Executive — responsibility ultimately should lie at the door of Conor Murphy and his Department. However, Sinn Féin and Irish republicanism have a long history of not admitting responsibility for their actions, and so we have this motion. Sinn Féin blamed “the Brits” for everything that went wrong in this world, but things have changed. Conor Murphy, Caitríona Ruane, Michelle Gildernew, Martin McGuinness and all —

**Mr Deputy Speaker:** Order. The Member is well off the subject; I must ask him to return to it.

**Mr S Anderson:** OK, Mr Deputy Speaker.  
*[Interruption.]*

**Mr Deputy Speaker:** I have a further point of order: as another Deputy Speaker said yesterday, the only “you” in this place is the Chair. All remarks should be made through the Chair.

**Mr S Anderson:** Thank you, Mr Deputy Speaker. What lies behind the motion is in part, as has been said, a pre-election family feud in pan-nationalism. Having said that, the Minister for Social Development's Department has the same failings as DRD, and the Minister may have found it convenient to escape in the smoke of Conor Murphy's failings. He should not be allowed to get away with those failings or to evade this situation. There are issues that need to be addressed.

In Craigavon, in my constituency, more than 550 tenants or properties were affected by the extreme weather between 17 December 2010 and 9 January 2011. There were more than 170 after-hours call-outs, more than 370 immediate call-outs in normal hours, and more than 420 emergencies were recorded. One question needs to be asked: how many of the problems were the result of previous repairs to Housing Executive dwellings? That issue has already been touched on. The standard of workmanship and past maintenance are relevant. Were those dwellings up to scratch? We need to ensure that all repairs are properly carried out and that a proper inspection regime is in place.

Along with my party colleagues, I was on the ground continuously over that period and dealt with numerous people in distress. Housing Executive staff worked very hard throughout that difficult time, and I commend them for that.

Of the 37 households in Craigavon that presented as homeless during the Christmas

period, 11 were still homeless as of 31 January 2011. That is almost 30% of the total, and that should not be regarded as acceptable in anyone's imagination. Those householders are the human face of a failure to properly prepare for and respond to sudden homelessness. That should not be allowed to be repeated.

This Sinn Féin motion is about giving cover to Conor Murphy and getting the spotlight off him. However, I understand that the BBC 'Spotlight' will be turned on him later this evening. Be that as it may, the Minister for Social Development needs to act to ensure that those Housing Executive tenants in Upper Bann and, indeed, throughout Northern Ireland, who were left with their homes in ruins, are helped urgently.

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

**Mr S Anderson:** Repairs must be carried out swiftly and to a proper standard. There must never be a repeat of what happened as a result of the weather conditions over the Christmas period.

#### **The Minister for Social Development**

**(Mr Attwood):** In all seriousness, I thank all Members for their contributions to the debate, which I will try to address. Before doing so, like other Members, I want to acknowledge the 300 Housing Executive staff who, at various points over the Christmas period, stretched themselves in order to respond to the situation, as did many contractors, although there were some failures. I also want to acknowledge the 95 volunteers from my Department who manned the phones for Northern Ireland Water. More than anyone else, however, I want to acknowledge the fortitude and resilience of tenants who experienced difficulties over the Christmas and new year period.

I have a very simple view of what being a Minister is about. I keep saying that, but it is accurate. A Minister needs to go into government and go into power. There is a big difference between the two. The difference between being in government and being in power is something that I sometimes have to explain to my officials. I am not one of those Ministers who think that arm's-length bodies or agencies are beyond his or her reach. I do not believe that. I believe that, consistent with the authority and vires of any ministerial office, especially in an acute and critical instance, a Minister — any Minister in any Department —

has an obligation to assert the authority of their office in order to ensure that critical situations are mitigated as far as is possible.

Therefore, I differentiate myself from other people, in that before Christmas, when the scale of what was beginning to arise became clear, I did not observe the gathering storm from afar. I did not wait until after Christmas or the new year to try to manage a difficult situation. I am putting on the record a note written by one of my officials before Christmas, which captured only some of what my conversation with the Housing Executive was about. It says:

*"The Minister has asked: what is the demand for assistance with heating problems? What is the scale of the problems? What extra response maintenance is in place to deal with the situation? Will it be in place 24/7 and over Christmas? What extra resources are in place? What phone cover will be available over the Christmas period?"*

The point of all that —

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

**The Minister for Social Development:** I will in a second.

The point of all that is that when the situation became clear on 21 December and on subsequent days, in meetings and during phone calls in advance of Christmas — not after Christmas — I tried to ensure that what appeared to me to be a response from the Housing Executive that needed to escalate did, in fact, escalate. I acknowledge and accept the failings of the initial phase of the Housing Executive response, but because of the intervention and all the efforts of many other people in the Housing Executive and in other agencies, the response escalated in a way that measured up, although not without exception, to the difficulties that were being faced.

#### **8.30 pm**

**Mr McCartney:** Will the Minister share the response that he got to his questions and his response to those answers?

**The Minister for Social Development:** I shared all that with the Committee for Social Development. Perhaps the Member should go and check Hansard or speak to his colleagues who questioned me about those matters. I outlined the Housing Executive's response, which included moving the Belfast emergency

response to a different office to facilitate more phone lines and volunteers and greater access. As the figures confirm, it is clear that, in the initial days, the response was not all that it should have been. However, as Mr McDevitt stated, the figures for every other day compare very satisfactorily with those of Northern Ireland Water. The response was not all that it should have been initially, but it escalated.

Mr McCann asked how I responded to the emerging situation in and around 22 December. I have answered that. I wrote to the First Minister and deputy First Minister on 22 December stating that the Executive should convene as a matter of urgency to consider responses to the weather conditions, but people did not agree with me. If Members are going to ask me about my response, they should go and ask other people the same question. Those other people did not respond in the way in which I tried to respond in those circumstances.

**Mr F McCann:** Will the Minister give way?

**The Minister for Social Development:** I will give way in a second.

I welcome what Mr Brady said, which was that there should be a balanced view. That was not conveyed in some other Members' contributions to the debate. In the initial days, there was a poor communication system, but the figures confirm that that escalated and worked satisfactorily afterwards. I was in the call centre.

I want to nail something: I did not seek cameras to follow me around as I went into people's houses after the adverse weather. I did that privately. I got a phone call this afternoon from Sammy Douglas, whom some Members in the Chamber know. I hope that he will forgive me for mentioning him. He rang me because he had been spoken to by one of Carál Ní Chuilín's North Belfast constituents about my calling to her house personally on 28 December. I made many other such visits. I did not seek the glare of publicity; I thought that that was invasive. I spoke privately to those people about the situation that they faced, much of which was to do with NI Water.

Good questions were asked about contractors. However, I came to the Chamber only two weeks ago to explain that, because of the Department's interventions a number of months ago, there will now be a fundamental review of how Housing Executive contracts generally are

tendered and awarded. That is an attempt to drive performance in those contracts and ensure that there are terms and conditions that enable interventions if there is non-performance. The issue of contractor performance is not new. In fact, the Department intervened to try to correct it a number of months ago. I am glad that we are now doing so.

What has been said about the contractors' response over Christmas is true. All of that is being changed. People are asking genuine and obvious questions about whether it will happen again. One of the responses to the issue from the Housing Executive and me relates to contractor performance. We are evaluating every contractual performance to see where it did not measure up and what we will do to correct that in the short term while we correct the wider issue of contractors. I wish to point out that there is only one call-out charge.

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

**The Minister for Social Development:** One second.

There is only one call-out charge. Regardless of whether a contractor gains access to a property that he calls out to and of whether he has to go back twice, three times or four times, he is entitled to charge only once. That is the rule, and any contractor who breaches that rule will have to account for it.

**Mr Humphrey:** I thank the Minister for giving way. I understand his frustration. The petty point scoring in the Chamber demeans the issue that we are debating.

The issue of contractors has been raised. I want to mention my constituent Mrs McCartney, who, having just come out of hospital after an operation on her legs, contacted the Housing Executive on 21 December to say that her boiler was busted. A plumber arrived to confirm that that was the case. She contacted me on 22 December. Throughout that week, I tried to contact the Housing Executive to get a resolution. When the Christmas and new year period passed and the Housing Executive staff went back to work, it transpired that a new boiler had not been ordered. The new boiler was not installed until 5 January. That woman, who was just out of hospital after two operations on her legs and was unwell, had to use a blow heater, which is very expensive and inadequate. She then found out that the contractor had not even ordered the new boiler.



There needs to be an urgent review. I welcome what the Minister is saying about contractors who seem to continually get contracts with the Executive even though their performance is less than good.

**The Minister for Social Development:** I thank the Member for his contribution. That is why we are conducting a case-by-case, contractor-by-contractor evaluation of the response. If there were failings with particular cases, those failings will be addressed, as will the overall contractor position, particularly for Egan contractors. However, in the round, the figures demonstrate that many of the contractors worked exceptionally long hours, put in emergency heating systems — I will come back to that in a second — and, in subsequent call-outs, left properties dry, warm and safe in many instances, especially after water was restored, as a lot of the issues involved were dependent on that service. That is what the evidence suggests.

Whatever the fiction might be, the evidence suggests that many contractors stepped up to the mark and fulfilled their contractual obligations. If they were not able to do so, it was because of circumstances beyond their control, because there were issues with parts, because water was not connected or because the damage to properties was so grave and severe that a multi-agency response was required to make them safe, dry and habitable again. The reason why a small number of people are still out of their property is that best advice from the professional and technical people is that tenants should not move back into their property until they have properly dried out, as trying to accelerate the drying-out process could lead to further problems down the road.

I want to deal with compensation, which Mr McCann raised. Before Christmas, I wrote to DWP in London about trying to help people because of the acute weather. I also wrote to OFMDFM twice about what feasible interventions were available to help people in need. There are two schemes available. One is under the Financial Assistance Act (Northern Ireland) 2009, which is a model that we should avail ourselves of in this case, and the other is under a special assistance scheme that was used for flooding. Over and above all that, I have tasked the Housing Executive with finding out what the actual heating costs might have been from the use of emergency heating systems, what it would cost to redecorate properties on a

sample basis and whether there is a facility to help people to reinstate their properties where damage has been caused. I think that I am the only Minister who is actually trying to deal with the issue, find out what the figures are, create a business case around that and help people in need by using either Housing Executive moneys, which might be feasible, or the Financial Assistance Act, which is the more likely option.

**Mr F McCann:** I notice that, when we raise a point about a case, it is petty, but, when a Member across the Chamber does that, it is completely different.

I want to make a point about compensation. I spoke to you about the possibility of allowing people to apply to the SSA for community care grants, which are specifically there to deal with people in need. You are talking about working out how much people —

**Mr Deputy Speaker:** Order, please. Will the Member speak through the Chair?

**Mr F McCann:** Sorry, Mr Deputy Speaker.

I know what you mean when you say — sorry, through the Chair — that people may be paid for the power that they have used. However, there are people out there who have lost everything, who are on benefits and who may be moving to a new address but have absolutely nothing to put in it. A mechanism needs to be found immediately to ensure that those people can tap into existing grants, such as those provided by the SSA, to get money.

**The Minister for Social Development:** I did not use the word “petty”. The acting chief executive of the Housing Executive said to me yesterday that, if one tenant has been let down, it is one tenant too many. That is the standard against which everybody else should judge themselves. Many tenants — this is the narrative that has come across from a lot of places — recognise what the Housing Executive has tried to do in very difficult circumstances and what it has actually done. I am not saying that it was all perfect, but Members must judge the hard, bad and unfortunate cases against the many cases in which the Housing Executive demonstrated its ability to step up to the mark.

The Member knows that, whether through the Social Security Agency or the other models of possible financial intervention, I have scoped and exhausted those routes. Having written to

the First Minister and deputy First Minister on two occasions, I hope that they will now respond positively and work with me and officials to create a scheme that can help those who are in greatest need in the way the Member demonstrated.

I accept that a disproportionate number of Housing Executive properties were affected. It is a fact that they are older than housing association properties. It is also a fact that the profile of people in Housing Executive properties is that they tend to be on welfare, and it is the case, as Members know and keep telling me, that there are people who simply cannot afford to pay their fuel bills and can therefore heat only one or two rooms. I hope that that is another reason why Members will support me in trying to get an increase in the social hardship fund that is now in the draft Budget, although not in an adequate way.

I will conclude with this: the fundamental point is that I have asked the Housing Executive for a new response, and a critical plan is in place. That plan needs to be escalated, and that is being done. We told contractors who are escalating their responses that they had to be in place by last Friday. In every aspect of the response to the Christmas situation —

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

**The Minister for Social Development:** — we have now put in place or are putting in place the systems and processes to ensure that everything necessary will be done in the future.

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

**The Minister for Social Development:** That is why I think the motion is redundant.

**Mr P Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I thank everyone who has taken part in the debate. I was going to remark on some of the Minister's points, but maybe I should start by setting the context of why we tabled the motion and why we felt it important that the debate was heard.

If your defence, Minister, is that you did better than NI Water, it is not a very high benchmark to set yourself. *[Interruption.]*

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

**Mr P Maskey:** That is the important point that I am making. Did NI Water mess up during the

holiday period? Of course, the answer has to be yes.

**Mr A Maginness:** Will you repeat that?

**Mr P Maskey:** Well, Alban, you are sitting very close to me. If you want it repeated, I will repeat it. *[Interruption.]*

**Mr Deputy Speaker:** Order, please. I ask the Member to make his remarks through the Chair because I am having extreme difficulty hearing what is being said.

**Mr P Maskey:** Tá brón orm, a LeasCheann Comhairle.

With respect, I will repeat what I said: that is not a very high benchmark to set. Did NI Water get it right during the winter freeze? No, it did not. Did it get things wrong? Yes, it did. Now, my point is: did the Housing Executive get it right during the winter freeze? No, and that is the point of setting the context.

**Mr Humphrey:** I am grateful to the Member for giving way. On the issue of Northern Ireland Water, will the Member confirm whether the Minister for Regional Development was offered aid and engineers from other water companies in the United Kingdom? Did he consider asking for the Army to be deployed to offset the hardship? If not, why not? *[Interruption.]*

**Mr P Maskey:** I thought he was going to make a serious point. I was going to comment later on what he said, but, there you go. That just shows where William Humphrey is taking the debate. He has dragged it into the gutter, and that is the wrong place to take it. It is too serious, and too many people were affected by what the winter freeze did to water and housing.

Like many people in the House, I had very little holiday time over Christmas. That was because we were working and fighting hard to make sure that our constituents, whether tenants of the Housing Executive or customers of NI Water, had their rights balanced. In one day alone, I spent six hours trying to get through to the Housing Executive. Did I get through? No, I did not. That was me, as an elected representative, who was supposed to have had a special phone number to get through. What were constituents supposed to do? If the Minister checks my phone bill from that period, he will see that hundreds of calls were made and received over a couple of days. It was probably the same for every Member. That is nothing to boast about

for me; I am an open and accountable elected representative for the constituency of West Belfast. That very important point has been missed in the debate.

### 8.45 pm

It is unfortunate that we had to table the motion. The fact is that the Minister did not come to the House. He may have gone to the Committee, but as, I think, Carál Ní Chuilín pointed out, there are 108 Assembly Members who each had problems with this issue. Things would have been much easier if the Minister had come to the House, and there would have been none of the misrepresentations that we have heard this evening. The issue affected thousands of homes right across the North of Ireland, and it is unfortunate that the Minister did not come to the House to report on it.

Whether the Minister was ashamed of the actions of the Housing Executive or whether he was afraid to face it is the House is a question for him. I will not ask him to answer that, because he probably would. The fact that a statement was not made in the Chamber meant that over 20,000 Housing Executive customers were treated with contempt, which is a bad way to do business. It was wrong that Housing Executive customers were treated in that way.

The Assembly research paper contains questions that were posed to the Department and the Minister. A couple of pages full of Members' questions are still awaiting answer. If the Minister wants to see the research pack, I am sure that Fra McCann will furnish him with a copy. There are unanswered questions, and that is wrong. The Minister should have stepped up to the mark and made sure that his Department was answering those questions.

**Mr F McCann:** Just before this debate, I went to the Library to get a copy of the research pack. The woman there said that it was very difficult to put it together because there were so many unanswered questions.

**The Minister for Social Development:** All questions have been answered, save one.

**Mr P Maskey:** Perhaps that is a coincidence because this debate was coming. Maybe the Minister thought that he would have been caught out.

I have some serious points. The Assembly is about ensuring value for money. I asked the

Minister how many boilers were changed, and he promptly responded. I think that somewhere in the region of 154 gas boilers and 27 oil burners were replaced in Housing Executive homes. My original question, which was taken out for some reason, asked for the housing association numbers as well.

I visited a housing association tenant's house one day during the freeze. It was an almost brand new apartment in west Belfast, but the girl had no heating for almost a week. The plumber told her that her boiler was busted and that it would take five days to replace it. We got on to the housing association's chief executive, who said that a replacement boiler had been found and that it would be installed the next day. The five-day wait had been reduced to one. When another plumber went out the next day, he found that there was nothing wrong with the boiler at all. A leak from the flat above was getting into the boiler. There was not a thing wrong with that boiler, but it could have been removed and replaced at a cost of something like £1,200. How many times did that happen? We need to ask those questions and get to the bottom of that stuff because, if that is happening, it is wrong. If people are making excuses and saying that they cannot fix a person's boiler because they need a new one, which will take at least five days, that is wrong. I fixed my own boiler in my house. I defrosted the condensing pipe, which took two minutes.

Those are some of the reasons why we tabled our motion and why we are asking for an investigation. We hope that an investigation could answer questions like that. It is a shame on the SDLP that it has not taken that on board. An investigation could answer some of those questions.

I do not have time to go through what Members said, but some important points were made. I started my remarks today with a sentiment shared by my party. It was wrong of some parties in the Chamber — maybe they were misguided — to say that we were using this issue to score political points.

**Mr O'Dowd:** I hope that there are not too many fools in the Chamber. Anybody who believes that Sinn Féin thinks that NI Water did a good job over the Christmas period is a fool. If you have any thoughts in your head that this is to deflect attention away from NI Water, get them out of your head. This is about the rights of Housing

Executive tenants. As the Minister said, many of them are on welfare or low incomes and cannot afford to heat their home.

**Mr P Maskey:** I thank the Member for that. I hope that all of you will take his wise words on board.

Anna Lo mentioned some of those points also, and I am disappointed that she feels that way. I think that we have dealt with this matter in a very straightforward way.

I will leave on this point. Sydney Anderson talked about the YMCA hall in Portadown and said that it may not have been the fault of NI Water or the Housing Executive. Whose fault was it? I take it that that is a private building. I know that the Member has been co-opted to the Assembly only recently, but private property is a private issue and has to be dealt with as such. If it belongs to the Housing Executive or is public property, owned by NI Water or any other Department, that Department should sort out the matter.

*Question put.*

*The Assembly divided: Ayes 37; Noes 14.*

## AYES

Ms M Anderson, Mr S Anderson, Mr Boylan, Mr Brady, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Easton, Mr Frew, Ms Gildernew, Mr Hamilton, Mr Humphrey, Ms Lo, Mr P Maskey, Mr F McCann, Mr McCartney, Mr I McCreagh, Mrs McGill, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuillín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Weir, Mr Wells.

*Tellers for the Ayes: Mr Brady and Mr F McCann.*

## NOES

Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Callaghan, Mr Gallagher, Mrs D Kelly, Mr A Maginness, Mr McCallister, Mr McDevitt, Mr McGlone, Mr O'Loan, Mr P Ramsey.

*Tellers for the Noes: Mr Callaghan and Mr McDevitt.*

*Question accordingly agreed to.*

*Resolved:*

*That this Assembly expresses concern at the failure of the Housing Executive and housing associations to provide an effective and timely maintenance service to the tens of thousands of tenants who suffered as a result of frozen and burst pipes and heating loss during the December 2010 freeze; and calls on the Minister for Social Development to commission an independent investigation, with terms of reference agreed by the Executive, into how these bodies dealt with the crisis, including making recommendations to help ensure that their future emergency plans will be fit for purpose.*

*Adjourned at 9.03 pm.*



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# Northern Ireland Assembly

Monday 14 February 2011

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

*Members observed two minutes' silence.*

## Matters of the Day

### Aircraft Crash at Cork Airport

**Mr Speaker:** I have received notification from the Minister for Regional Development that he wishes to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I will call the 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. As Members will know, 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 shall proceed.

#### The Minister for Regional Development

**(Mr Murphy):** Go raibh maith agat, a Cheann Comhairle. I wish to update the Assembly on the Manx2 air crash last Thursday at Cork Airport. There has been a shared sense of tragedy and grief throughout the island, and I am sure that all in this Chamber will wish to join with me in relaying our condolences and sympathies to the families and friends of those killed and injured.

Over the weekend, the Southern authorities have released the names of those who died and those who were injured in the crash. Those who died were the pilot, Jordi Sola Lopez from Barcelona; the co-pilot, Andrew John Cattle from Sunderland in England; Pat Cullinan from Plumbridge in Tyrone, who was a former pupil of my Assembly colleague Claire McGill, and I know she joins with me in offering her condolences to his family; Captain Michael Evans, deputy harbour master at Belfast harbour; Brendan McAleese from Kells in County Antrim; and Richard Kenneth Noble, originally from England but living in Jordanstown, County Antrim.

Four people were injured in the crash and are still in hospital: Peter Cowley from Glanmire in Cork, Mark Dickens from Watford in England, Heather Elliott from Belfast, and Brendan Mallon from Bangor, County Down. Their condition is reported as comfortable. Donal Walsh from Waterford and Lawrence Wilson from Larne, both of whom suffered minor injuries, have been discharged from hospital.

Last Friday afternoon, the deputy First Minister visited the injured in Cork University Hospital. I want to extend my sincere thanks to the doctors and staff at the hospital who are caring for the injured and to the emergency services that attended the crash scene, without whose prompt actions there could well have been more fatalities. I commend also the team from the PSNI and Belfast Health and Social Care Trust, which set up a unit at Belfast City Airport to provide assistance to the relatives and friends of the passengers. I visited Belfast City Airport on Thursday along with the First Minister and deputy First Minister, and I said then that my Department would offer whatever assistance it can to the Southern authorities to deal with the crash and with whatever arrangements are needed by the bereaved families and relatives of the injured.

My Department stands ready to help wherever it can over the coming weeks. I repeat my sincere condolences and sympathies and, I am sure, those of all Members to the families of the bereaved and the injured.

**Mrs Foster:** I pass on the condolences of the Democratic Unionist Party to all the people who have been bereaved. The greater number of those who were travelling on the flight to Cork that morning were businesspeople, and it is a flight that many businesspeople take there and back for their work. Of the six people who died, four were businesspeople, and the two others were the pilot and the co-pilot. We

remember the pilot and the co-pilot and their families in England and Spain. I also wish to put on record my condolences and those of the party to the families of Brendan McAleese, who worked in Central Laundries in Cookstown; Pat Cullinan, who was a partner in KPMG in Belfast; Captain Michael Evans, the deputy harbour master at Belfast harbour; and Richard Noble, managing director of the Irish division of the Danwood Group printing business. Behind each businessperson, there is, of course, a family, whether that is a wife with young children or a grieving mother and her wider family. On behalf of my party, I sincerely give my condolences to each of the bereaved families, and, indeed, I wish the survivors a very speedy recovery.

The First Minister, my party leader, spoke to the Taoiseach last week and asked him to pass on good wishes to those who had survived and good wishes and thanks to the emergency services. As the Minister for Regional Development said, the emergency services had a great deal to do under very trying circumstances, and we acknowledge their work and commend them for their actions.

Last week, my party leader spoke of the fragility of life, and that is very true. All that we can do as public representatives is to sympathise with the bereaved, to support the injured and, importantly, in the weeks and months to come, to find out what actually happened on that flight to Cork last week.

**Mr McCallister:** I am grateful for the opportunity to speak on this matter and to associate myself and the Ulster Unionist Party with the comments of Minister Murphy and Minister Foster.

It was with great shock and sadness that we all learned of the events in Cork last week. On behalf of the Ulster Unionist Party, it is important that we record our sympathy with all the families and keep in our prayers and thoughts all the people who mourn at this time. As Mrs Foster mentioned, it shows us how fragile life can be and how quickly, like the families involved in this dreadful event in Cork, any of us can be thrown into tragedy. Of course, we keep the families in our thoughts and prayers and also those who survived and are still in hospital. We wish them a speedy recovery.

I place on record our gratitude to the emergency services, on the scene and at Cork University Hospital, for their excellent work and speedy response to the incident. Such an occasion will

always be difficult to respond to. As Minister Murphy mentioned, the response up here from the PSNI and the Belfast Health and Social Care Trust was important. In such a tragedy, it is important that we all work together to support families at a very difficult time. I hope that that support and the prayers will continue for the families who mourn and the families of the people who are recovering in hospital.

It is with great sadness that we stand here today to speak on this event. We hope that lessons are learned from the tragedy and that they can be built on to ensure that we lessen the chances of ever having to stand here again after such an event. We will keep the families in our thoughts and prayers at this difficult time.

**Mr McDevitt:** I join the Minister and colleagues in expressing the sincere sympathies of the SDLP to the families of Pat Cullinan, Brendan McAleese, Richard Noble and Captain Michael Evans. With your permission, Mr Speaker, it might be appropriate to express condolences in Spanish a la familia de Capitán Jordi Sola Lopez y al pueblo de Manresa en Cataluña, que, hoy, como nosotros, sentirán el dolor de haber perdido un miembro de su población.

Like us, the people of Manresa in Cataluña, near Barcelona, will be suffering from the great tragedy of this loss. The tragedy is compounded by the fact that, unusually, the flight originated on this island and ended on this island. Not too many flights do that. As the Minister of Enterprise, Trade and Investment pointed out, those people left our city to do a day's work thinking that they would probably be back in Belfast in time for dinner, and for them never to return compounds the great tragedy that unfolded on Thursday at Cork Airport.

I also join colleagues in expressing our great thanks to the emergency services at Cork Airport. It seems that they behaved in an exemplary fashion. We should also remember Cork Airport's chaplains, from all denominations. By all accounts, they really stepped up to the mark in fulfilling a very difficult and challenging pastoral role as the great tragedy unfolded in front of their eyes. Nothing will bring back those who have been lost to our region, but it is undoubtedly necessary that a full investigation take place and that we understand the cause of and the truth behind what happened at Cork Airport on Thursday.

**Mr Lyttle:** On behalf of the Alliance Party, I join my colleagues in extending sincere thoughts, prayers and condolences to all those people, and particularly the bereaved, who have been affected by the tragic accident in Cork, and we pray for the full recovery of all those who were injured. I join my colleagues in paying particular tribute to the response of all the emergency services. The speed of their response undoubtedly prevented further loss of life.

I spoke with representatives from Belfast City Airport on Thursday, and I send our encouragement and sympathy to all the staff at the airport who have been affected by this tragic accident. I join in extending our sympathy to the Lopez family in Spain, and, in particular, to the family of Brendan McAleese, as my father worked with him. I assure all the families who are dealing with this incomprehensible loss that they have the full support of the Assembly in dealing with their grief.

## Assembly Business

### Question Time

**Mr Speaker:** Before we come to the first item on the Order Paper, I want to address an ongoing issue in the Chamber. It concerns Members not turning up for Question Time when their names are down to ask a question. It gives me no pleasure to address this issue, but it has to be addressed. I have previously commented on the issue of Members not being in their places for Question Time, and there was a brief period of improvement. However, over the past two Tuesdays' sittings, there were 10 occasions on which Members were not in the Chamber when their questions were called. Now, as far as I am concerned, that treats the entire House and its procedures with total and absolute contempt.

**12.15 pm**

**Some Members:** Hear, hear.

**Mr Speaker:** I have raised the issue with the Whips and the Business Committee several times. I am disappointed that the situation continues. I appreciate that times are busy for all of us. However, that is not an excuse. Surely, it is individual Members' responsibility to check whether they are on the list to ask questions. I can understand that, in certain circumstances, Members may be unable to be in their places when they are called to ask questions. There is no reason why they cannot inform me in good time so that they can withdraw their questions and, at least, show the House the courtesy that it deserves.

What is happening? Some Members come to the Speaker's Office or the Business Office to say that they cannot be in the Chamber for whatever reason. We can all accept that. However, certain Members just do not turn up. In fact, the Clerk or whoever is in the Chair looks around the Chamber and, all of a sudden, realises that a Member is not in his or her place but has given no reason for that absence.

In the next number of days, we will certainly discuss resources in various Departments, or, indeed, the lack of them. If Members really understood the resources that are required from a Department and a Minister to provide an answer to a question, they would realise the seriousness of the issue. Over the next number of weeks, as we come to the end of the current Assembly, I ask for co-operation on the issue.

I assure Members that if I have to address the issue again, a Member who is not in his or her place to ask a question will not be called to ask a supplementary question at Question Time in the House for some time. That is the only way that the matter can be dealt with.

I have raised my concern at the Business Committee and with the Whips, parties and Members. It seems to be falling on deaf ears. As Speaker, I have no choice but to take the action that I have outlined. This morning, I address the entire House and all parties. The situation cannot continue.

A Member might say to me that, at least, the Minister will have to provide a written answer if he or she is not in the House. I am not too sure that that will happen. I suggest that there might be some doubt as to whether Ministers would decide to forward a written answer to a Member who is not in the House to ask his or her question. We all have to be careful. None of us wants to go down this road — certainly, not me. However, Members have left me no choice. I will not address the issue again in the House. I am clear that we will keep a list of Members who are not in the House to ask their questions. If those Members are not called to ask supplementary questions, they will certainly know why. Let us have the co-operation of everyone in the House to ensure that there is an improvement and the situation does not happen again.

## Executive Committee Business

### **Construction Contracts (Amendment)**

**Bill: Royal Assent**

### **Waste and Contaminated Land**

**(Amendment) Bill: Royal Assent**

**Energy Bill: Royal Assent**

**Safeguarding Board Bill: Royal Assent**

**Allowances to Members of the**

**Assembly (Repeal) Bill: Royal Assent**

**Mr Speaker:** I inform Members that the Construction Contracts (Amendment) Bill, the Waste and Contaminated Land (Amendment) Bill, the Energy Bill, the Safeguarding Board Bill, and the Allowances to Members of the Assembly (Repeal) Bill have all received Royal Assent. The Construction Contracts (Amendment) Act (Northern Ireland) 2011, the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011, the Energy Act (Northern Ireland) 2011, the Safeguarding Board Act (Northern Ireland) 2011, and the Allowances to Members of the Assembly (Repeal) Act (Northern Ireland) 2011 became law on 10 February 2011.

### **Suspension of Standing Orders**

#### **The Minister of Finance and Personnel**

**(Mr S Wilson):** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 14 February 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 14 February 2011.*

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



## Ministerial Statement

### Public Expenditure: February Monitoring Round 2010-11

**Mr Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement to the House.

#### The Minister of Finance and Personnel

**(Mr S Wilson):** Thank you, Mr Speaker, for the opportunity to update the Assembly on the outcome of the 2010-11 February monitoring round. The starting point of the monitoring round was the outcome of the December monitoring round. As Members will be aware, that round concluded with an overcommitment of £14.7 million in respect of current expenditure and no overcommitment in respect of capital investment.

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

On many occasions, I have highlighted the importance of exercising sound financial management to minimise any risk of any overspend at the block level, because that would have severe repercussions for the Executive. However, the Executive now find themselves in the unprecedented position of having proactively to manage down any possibility of generating an underspend at block level. That is because such an underspend will be lost to us, given the UK Government's decision to abolish the existing end-year flexibility (EYF) scheme. The context of the February monitoring round is, therefore, fundamentally different to previous years. I am concerned about that unilateral and punitive decision by the UK Government to refuse future drawdown, not only to any underspends generated in this financial year, but, as I have said to the House on many occasions, to the £316 million of current expenditure EYF stock that we had built up.

I have registered my strong reservation about that decision in discussions with Treasury Ministers, as have my Scottish and Welsh counterparts. I have been informed that the UK Government will announce new EYF arrangements at the time of the UK Budget on 23 March. My officials have already highlighted to their Treasury counterparts that it is essential that the Northern Ireland Executive are properly consulted on the proposals for the new EYF scheme.

It is also important to point out that the Executive's allocations in the February monitoring round are constrained by the Assembly control totals, which were established in the spring Supplementary Estimates. In essence, although Departments may be able to process more spend than the limit set, to do so would breach an important Assembly control.

Before I go on to the outcome of the February monitoring round, I will highlight the level of reduced requirements surrendered and the level of bids submitted by Departments over the course of this round. Departments declared reduced requirements in this monitoring round of £27.1 million current expenditure and £27.2 million capital investment. That is a significant surrender of resources at this late stage in the financial year. It is disappointing that despite the warnings that have been given, we have reached this situation. The main element of the capital resources surrendered were £17.4 million from the Department for Regional Development (DRD), which came from Northern Ireland Water (NIW). Other large amounts of capital investment surrendered were £3.2 million from the Department of Enterprise, Trade and Investment (DETI) and £2.3 million from the Department of Agriculture and Rural Development (DARD).

There are also significant reduced requirements in respect of current expenditure. The largest surrender by far was, again, from DRD in respect of Northern Ireland Water, which amounted to £14.9 million of non-cash and other resource depreciation. That large DRD surrender, along with more than £4 million of its capital investment surrender, was due to the conversion to international financial reporting standards (IRFS). However, that conversion happened much earlier in the financial year, so it is particularly disappointing that DRD surrendered such large amounts to current and capital funding due to technical accountancy changes that had been known about for many months.

Another significant current expenditure reduced requirement was £6.1 million from the Department for Social Development (DSD), which related mainly to the Social Security Agency (SSA). Some £3.5 million of SSA surrender also related to the IFRS accountancy changes.

The full details relating to all the reduced requirements are included in the tables that are attached to the statement.

Although I acknowledge that some of that funding was surrendered because of reasons outside the relevant Departments' control, I think that, had Departments exercised better financial management and forecasting, some of those resources could have been surrendered during earlier monitoring rounds. That would, of course, have enabled the money to be spent on what were, perhaps, more pressing needs.

In addition to the reduced requirements, the Executive allow Departments to move resources across spending areas where the movement is reflective of a proactive management decision that was taken to enable a Department to better manage emerging pressures within its existing baselines. That is to facilitate better financial management, and Departments that made use of that mechanism should be commended for their efforts to deal with emerging pressures. It has also been necessary, largely because of technical issues, to reclassify one amount between different categories of expenditure. Again, details of those changes are provided in the tables that are attached to the statement.

In addition to the reduced requirements surrendered by Departments, there was a number of centre adjustments that added amounts of resources available during the monitoring round. The most significant was a Barnett formula allocation resulting from the recent additional allocation by HM Treasury to the Department for Work and Pensions (DWP). That provided an additional 2010-11 allocation of £8.2 million current spending and £2.2 million capital investment to the Executive. There was also a number of technical transfers with Departments outside Northern Ireland and, furthermore, there was a small EU match funding surrender and small additional pressure relating to reinvestment and reform initiative (RRI) interest around the equal pay loan. The net effects of those adjustments was to make available a further £2 million of current spending and £0.2 million of capital investment.

The net result of all those transactions, taking account of the December monitoring outcome, was to make available £22.6 million of current expenditure and £29.6 million in capital investment allocation.

Against those amounts of resources available, Departments submitted bids for £19.9 million of current expenditure pressures and £19.4 million in respect of capital investment. The

Department of Health, Social Services and Public Safety (DHSSPS) bid for an additional £10 million of current expenditure resources on the basis of exceptional and unforeseen circumstances. Given the overall level of resources available, the Executive agreed to meet that bid to ensure that the funding remained in Northern Ireland.

There was a number of further current expenditure allocations. Of those, £4 million was allocated to DSD to provide additional funding to the Housing Executive following the increased activity due to the cold weather in December, and £4 million went to DRD to fund additional roads maintenance and additional Northern Ireland Water costs. Both those pressures were a direct result of the severe weather in December. Some £0.8 million was allocated to the Office of the First Minister and deputy First Minister (OFMDFM) for the Northern Ireland Memorial Fund, and £0.2 million was provided to the Department of the Environment (DOE) to address inescapable pay pressures resulting from the shortfall in planning receipts and to provide emergency financial assistance to district councils.

The Executive allocated £8.6 million of capital investment to DRD to fund essential safety works at the City of Derry Airport. I know that that will please the Member sitting to my left. That includes an upgrade for the runway and the infrastructure to meet the safety requirements of the Civil Aviation Authority. A further £6 million was allocated to DRD to fund strategic roads improvements and structural maintenance. I know that that will greatly satisfy the Member for Strangford, who has been studying potholes across his constituency with great vigour over the past number of weeks. Some £4.5 million was provided to DHSSPS to fund a small number of capital investment projects across health trusts, and £0.3 million was allocated to the Department of Culture, Arts and Leisure (DCAL) for the development of motorsport.

Those allocations totalled £19.4 million. Although some £10 million of capital resources remain, it was not possible to allocate that funding to specific Departments because no further bids were made as part of this round. However, I am minded to consider favourably a late submission from the Department of Education seeking to draw down a further £2.2 million in capital. I hope that that can

be covered by the time we progress to the provisional out-turn.

### 12.30 pm

This monitoring round concluded with a number of significant allocations to Departments. In fact, we were able to meet all bids by Departments over the course of the monitoring round. Those resource allocations will help to deliver essential public services to the benefit of people in Northern Ireland.

As we approach the end of the financial year, I have emphasised again to my Executive colleagues the importance of exercising sound financial management. That is particularly important this year given the circumstances facing the Executive. Although we need to ensure that there will be no breach of departmental budget control totals, it will also be crucial to minimise any end-year underspends because, as I have already highlighted, any and all underspends will be lost to the Executive due to the UK Government's decision to abolish the EYF scheme. I commend the February monitoring round to the Assembly.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement.

During its briefing on the Department of Finance and Personnel's monitoring position, the Finance Committee heard that a systems error had resulted in almost £1 million needing to be found for interest payments for ratepayers who are due a refund of their rates. Will the Minister confirm whether the supplier is at fault for the systems issue, and, if so, whether any of the additional £0.9 million needs to be recouped from it? In addition, what further costs might be incurred by Land and Property Services in putting the issue right with regard to cost of the systems fix and staffing necessary to undertake corrective action on the affected accounts?

**The Minister of Finance and Personnel:** I will come back to the Chairperson on the detail of any additional spending. Any bids made in this monitoring round for the matter that he is talking about and any outstanding moneys will, I understand, be the responsibility of the Department, and LPS will have to fund those. If there are issues about further payments — I am not aware of any — I will come back to the Member about that.

**Mr Hamilton:** I thank the Minister for his statement. Listening to the Health Minister and his chief spin doctor on the radio last week, one could be forgiven for thinking that the Finance Minister had been habitually unfair to the Health Department and its budget. However, I see from the Minister's statement that the Department of Health, Social Services and Public Safety has been allocated an additional £10 million in current expenditure and £4.5 million in capital expenditure. Will the Minister outline just how generous he and the monitoring round process have been to the Health Minister and his budget over the past number of years?

**The Minister of Finance and Personnel:** The Department of Health bid for £10 million in this monitoring round to deal with pressures, most of which were, I think, around drugs etc. It is significant that we were told in December that that pressure was £30 million. I have always believed that Departments sometimes need to look within their existing resources to see what savings can be found. Miraculously, that figure has come down from £30 million in December to £10 million in this round. That has been made available, plus £4.5 million for the small capital spend. Of course, £20 million was made available in the June monitoring round and another, I think, £3.6 million in capital spend in September. Do not forget that the Department of Health was also exempted from the £30 million reduction that had to be levied against the Department as a result of the £120 million fall in our Budget due to the mini-Budget that the Government at Westminster launched in June.

If we look at the additional allocations this year, we can see that they amount to nearly £70 million, which is roughly a 1.4% addition to the total health budget. That is significant. The Member has made an important point. The extra money shows that, when looking at allocations and money that is available or surrendered by Departments, the Executive always give the Health Department a great deal of priority in the money that is made available in the reallocations.

**Mr McNarry:** Northern Ireland Water's handing back of the bulk of its money may well test the public's understanding. If that relatively high level of reduced requirement is down to poor financial management, are there steps in place to rectify that? Will the Minister indicate the expected underspend this year? As a

consequence of that underspend, how much money could be lost to the Treasury?

**The Minister of Finance and Personnel:** First, financial management in Northern Ireland Water is the responsibility of the Minister for Regional Development. All that I, as Finance Minister, can do is emphasise to Departments the need to ensure that they flag up underspends.

There are sometimes good reasons for underspends. For example, in the case of DRD, a lot of the capital works scheduled for December could not take place because of the bad weather and the other pressures on the Department. In some cases, contract prices came in lower than expected because of the recession, which led to savings on capital projects. In some cases, planning delays meant that work that Departments had anticipated taking forward did not happen. In addition, accountancy changes have affected the amount of depreciation on assets. However, the point that I am making — it is, I think, the point that the Member is getting at — is that some of those things could have been known about at an earlier stage and, therefore, the money should have been surrendered. That is why it is important that Ministers get on top of the work of their Department and its arm's-length bodies to ensure that there are no surprises at the end of the year when the money cannot be spent.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement.

The significant capital investment surrendered by a number of Departments is worrying, given the current economic climate in which many firms are looking for jobs, particularly in the construction sector. I note in the Minister's statement that £10 million of capital resources remain that it is not possible to allocate because no further bids have been made. The Minister will say that it is up to each Department to do its own thing, but is there any way that we can drive forward more efficiency in Departments? I look to the Minister of Finance and Personnel to see if an initiative can be implemented to drive forward much more efficiency to ensure that laxness in Departments no longer remains and to ensure that money is not wastefully handed back to the Treasury.

**The Minister of Finance and Personnel:**

The Member makes a good point. It is, of course, for the Department of Finance and Personnel to monitor the money that goes out

to Departments on a regular basis. There are two levels at which that can be done. The first is at ministerial level. It is my responsibility at Executive level to reinforce the point to Ministers that not only are they required to manage their resources but there is political fallout if those resources are not managed. People will find it inexplicable that we are complaining about the Treasury snatching £316 million from us, which it did when it took away the end-year flexibility stock, if we make any further contribution to that. We will not know if we have until the provisional out-turn figures are published at the end of May, because there might be some overspends between now and then that will be offset against unallocated capital money that we still have.

My officials regularly meet financial accounting officers in Departments to reinforce that message. We have to reinforce the message at a political level and a departmental level. Ministers have to know that there is political embarrassment if we give money back at a time when, as the Member rightly pointed out, we are having economic difficulties. I hope that the combination of those pressures gets the message through. Members also have a part to play, and I hope that they will play it. When Committees are consulted about monitoring rounds, surrenders of money etc, Committee members have a vital role to play in speaking to officials and probing on the amount of money that is given back and when it is given back.

**Dr Farry:** I also thank the Minister for his statement. In a similar vein to the last question, will the Minister confirm what other Departments had a problem with the depreciation of assets as a result of the use of international financial reporting standards? Presumably, many other Departments have large asset bases that will have fallen as a result of the use of those different standards. Did those Departments act in a much more responsible manner earlier in the year?

**The Minister of Finance and Personnel:** As I pointed out in the statement, the two Departments with the biggest returns on that basis were DSD and DRD. There were no significant underspends from other Departments as a result of the changes in IFRS standards.

**Mr McQuillan:** I thank the Minister for his statement. Will the Minister tell the House why the recent allocation of the Barnett formula by the



Treasury to the Department of Work and Pensions did not come to us until so late in the year?

**The Minister of Finance and Personnel:** That is a decision by the Treasury. What happens is that the Treasury decides to spend the extra money and once that has been spent there is consequential for Northern Ireland, which is calculated on the basis of the Barnett formula. If the Treasury makes an allocation to the Department of Work and Pensions late in the year, the Barnett consequential will only come to us late in the year. Obviously that is what happened in this case.

**Ms M Anderson:** Go raibh míle maith agat. I welcome the Minister's statement. Like my colleague Gregory Campbell and others, I obviously have a particular interest in the City of Derry Airport and the £8.6 million it has been allocated. Will the Minister confirm whether a direction will be required from the Minister for Regional Development to spend that money?

I will pick up on some of the comments that have been made about the £10 million that has not been spent. Like many others, I am committed to the city of culture in Derry. Given that Derry City Council did not make a business case, is it too late to have some of that money allocated to the city of culture?

**The Minister of Finance and Personnel:** On the Member's second question, the answer is that the £10 million that has yet to be allocated has now been reduced to £8 million because of the bid that will be paid to the Department of Education. That £8 million has to be spent before the end of the financial year. So, it is not a case of saying, "Look, the city of culture is going to need money, can we not allocate it now?". If there are no projects on which the money can be spent in this financial year, it cannot be allocated, because that money cannot be carried over. I am not aware of any Department having identified bids for the city of culture in this financial year.

The Minister for Regional Development will need to make a direction for the allocation to the airport, because the business case for the airport would not normally have been accepted. It was perhaps fortuitous that the money was available when my colleague Mr Campbell and representatives from Londonderry council made the case for the airport. We promised that we would try to do something if we could, and,

because of the way that the February monitoring round worked out, we were able to do so.

I recently gave an interview on Radio Foyle. I was told that the draft Budget and the allocations in it were not good for the north-west, but I pointed out that the allocations for the north-west were very good. That illustrates that when a case was made—one was made very forcefully to the First Minister, the deputy First Minister, the Minister for Regional Development and me—a direction was made and when the money was found it was allocated. That allocation will be a welcome boost for ratepayers in Londonderry, who would otherwise have had to bear the cost.

**12.45 pm**

**Mr Girvan:** I thank the Minister for his statement. The Assembly and the Departments do not want to hand back any money. However, it is important that the spend is made correctly and not handed out for repainting corridors simply to get the money spent. Does the Minister know whether any Department has indicated an overspend?

**The Minister of Finance and Personnel:** The final position will not be known until we have the provisional out-turn figures, and, from memory, we will not know that until the end of May. We are not aware of any Departments declaring massive overspends or underspends at present. If there is no way to allocate the £8 million capital that is left and if no other bids come in between now and the end of the year, it will either be offset against overspends or it will go back to the Treasury. We will not know that until we have the provisional out-turn figures in May.

**Mr Kinahan:** I thank the Minister for his statement. I am concerned that there is no proper financial planning to provide emergency financial assistance to district councils should we have another cold spell similar to the one we had at Christmas. The Minister of the Environment encouraged councils to do more, and the Minister for Regional Development encouraged councils to agree a suitable deal with Roads Service, with councils being offered a measly £860 to conclude a deal. We just need to think of all the bin lorries that were out on the roads, and I congratulate the councils that managed that. Councils need funding that will allow them —

**Mr Deputy Speaker:** Question, Mr Kinahan.

**Mr Kinahan:** My question is just coming. We need the funding to be there. The emergency assistance mentioned today covers help only with the water crisis. What plans does the Minister have for financial planning, either now or in the future, to give councils more money so that they can take action if we have another cold spell?

**The Minister of Finance and Personnel:** The mechanism by which assistance can be given in such emergencies is the Financial Assistance Act (Northern Ireland) 2009. Allocations will be made in the monitoring round today. Money will be made available to DSD for the emergency work that the Housing Executive had to carry out as a result of the cold spell; from memory, £1 million goes to Northern Ireland Water for the extra work that it had to carry out in December; and, in September, DRD received £1.4 million in financial assistance towards the flooding in Fermanagh. Therefore, mechanisms are in place for that in the form of the 2009 Act. Some of the money that came through the Act has been distributed and dealt with by councils — for example, the £1,000 payment to households as a result of flooding. When it is shown that there is a case to be made, the Executive have not been found wanting, either in monitoring rounds or in straight allocations to Departments, as has happened here. As the money allocated to flooding indicates, there is nothing to stop that money going through councils to people at local level.

**Mrs D Kelly:** I thank the Minister for his statement. Like many others, I am concerned about the £10 million. I am sure that many small firms in particular will be scratching their head and wondering why we did not get it right. Will the Minister and officials analyse how we might do things better, other than the late returns and the timing? Given the situation with the schools estate and our colleges, I am surprised that the Minister of Education and the Minister for Employment and Learning do not appear to have made bids in time. Will there still be an opportunity for them to do so?

**The Minister of Finance and Personnel:** I emphasise the point that it is a case not just of making bids in time but of how much money can be spent between now and the end of the financial year. I must add that important caveat. This is one reason why I emphasised to Departments that they should not leave the surrender of reduced requirements until February. They must look ahead and, if there is any chance, surrender them in September or

December, so that they can be allocated for the kinds of purposes that the Member has rightly drawn to the House's attention.

How can we improve the monitoring? In an earlier answer to the Member's party colleague, I indicated what needed to be done at a political level and official level. At the end of the day, this comes down to Departments deciding to hoard money "just in case". If every Department does that, we finish up with a situation such as we have today, in which £54 million is surrendered six weeks before the end of the financial year. That is not good, and it is not easy to spend that kind of money at this time of the year.

**Mr O'Loan:** Capital moneys were returned by NI Water. Is the real lesson not that the existing structure simply does not facilitate the long-term capitalisation of NI Water, which is so absolutely necessary? Does the Minister agree that the Minister for Regional Development's proposal to bring NI Water in house would not assist in that matter?

**The Minister of Finance and Personnel:** One could argue that to bring Northern Ireland Water in house would exacerbate the problem because we would be tied even more tightly to financial rules about carry-over etc. Usually, it is easier to have a looser financial arrangement the further we remove such bodies from government.

The Member made an important point. In looking at the future governance structure of the likes of Northern Ireland Water, especially where there are long-term capital projects, and how they are financed and delivered, a case could probably be made that a looser arrangement and connection, whether through mutualisation or whatever, would give the flexibility that the Member rightly identified as sometimes necessary where there are huge ongoing and rolling capital commitments.

**Mr Deputy Speaker:** That concludes questions to the Minister of Finance and Personnel. Members may take their ease for a few moments until we move to the next item of business.

## Executive Committee Business

### Licensing and Registration of Clubs (Amendment) Bill: Further 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 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 to 6 and 9 to 11, which deal with the period during which penalty points can accumulate for accounting offences; young people's attendance in clubs; and restrictions on advertising functions. The second debate will be on amendment Nos 7, 8, 12 and 13, which deal with regulation of irresponsible drinks promotions and alcohol pricing for registered clubs.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill. The Question on each amendment will be put without further debate. If that is clear, we shall proceed.

#### Clause 8 (Penalty points)

**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 6 and 9 to 11. The amendments deal with the period during which penalty points can accumulate for accounting offences; young people's attendance in clubs; and restrictions on advertising functions. Members will note that amendment Nos 1 and 2 are mutually exclusive, as are amendment Nos 3 and 4. Amendment Nos 5 and 6 are mutually exclusive, as are amendment Nos 9 and 10. I call Mr Fra McCann to move amendment No 1 and to address all the amendments in the group.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. I am sorry for being late. I got caught up in something in the Great Hall.

My initial reason for wanting to amend the stated period from "3 years" to "12 months" was to take into consideration the problems that some clubs may have when new committees are elected, which happens fairly regularly in registered clubs. They end up with a new secretary who is not used to the bookkeeping or to the way in which the club is run. Clubs could be heavily penalised because of resulting mistakes, and that could happen if a club continually changes its committee. To retain the three-year period could penalise a club. If possible, I wish to support another amendment that reduces the period from three years to two years. If such an amendment can be adopted, I propose not to move amendment No 1.

**Mr Deputy Speaker:** The Member has a number of options. He can refuse to move the amendment, in which case the speaking rights move to the proposer of another amendment. Alternatively, he can move the amendment and decide, later in the debate, whether he wishes to move it or not to move it.

**Mr F McCann:** I choose not to move the amendment.

*Amendment No 1 not moved.*

**Mr Deputy Speaker:** In that case, I call Mrs Mary Bradley to move her amendment.

**Mrs M Bradley:** I beg to move amendment No 2: In page 16, line 43, leave out "3" and insert "two".

*The following amendments stood on the Marshalled List:*

No 3: In page 17, line 7, leave out "3 years" and insert "12 months". — *[Mr F McCann.]*

No 4: In page 17, line 7, leave out "3" and insert "two". — *[Mrs M Bradley.]*

No 5: In page 17, line 24, leave out "3 years" and insert "12 months". — *[Mr F McCann.]*

No 6: In page 17, line 24, leave out "3" and insert "two". — *[Mrs M Bradley.]*

No 9: After clause 11, insert the following new clause:

**"Young persons prohibited from bars**

**11A.**—(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 10: After clause 11, insert the following new clause:

**“Young persons prohibited from bars**

**11A.**—(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 ‘10’.* — [Mrs M Bradley.]

No 11: After clause 11, insert the following new clause:

**“Restrictions on advertisements relating to functions in registered clubs**

**11B.** *In Article 38 of the Registration of Clubs Order (restrictions on advertisements relating to functions in registered clubs) after paragraph (2) (a) insert—*

*‘(aa) the publication of an advertisement displaying the following statement, “FOR MEMBERS ONLY”; or’* — [Mr F McCann.]

**Mrs M Bradley:** I move to 10. I wish to insert the words “move to 10”.

**Mr Deputy Speaker:** Do you wish to address the other amendments in the group, Mrs Bradley?

**Mrs M Bradley:** Yes. Amendment Nos 2 and 3 as well. I hate coming in like this.

**1.00 pm**

**Mr Deputy Speaker:** Mrs Bradley, there is the opportunity to debate the issue and not just move the amendments that you have put. If you wish to debate, please continue.

**Mrs M Bradley:** We want to insert “two” instead of “3” in clause 8. Where a club is convicted of the same offence twice within three years, a court must endorse the penalty points on the certificate of registration. Amendment No 2 would mean that the same offence would have to be committed within two years before a court could endorse any penalty points. I move to insert “two” and leave out “3”.

**Mr Deputy Speaker:** Do you wish to further debate it, Mrs Bradley?

**Mrs M Bradley:** I just want to support the amendment.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I am checking the time and the place, because I am not sure whether this is actually happening. It is slightly surreal. Despite the previous contributions, I presume that I am to address the entire group of amendments. I will try to get things back on track. I will begin by making remarks on the first group of amendments as the Chairperson of the Committee.

I will deal first with amendment Nos 1 to 4, although some of those may not be there now. These amendments refer to the discretion of the courts in respect of penalty points for registered clubs. Amendment Nos 1 and 2 will allow clubs to repeat certain offences punishable with a level 3 fine over a shorter period without necessarily receiving penalty points from the court. Amendment Nos 3 and 4 would allow clubs to repeat certain offences punishable with a level 4 fine over a shorter period without necessarily receiving penalty points from the court.

Amendment Nos 5 and 6 would restrict the shelf life of any penalty points received by a registered club to either one or two years. If amendment Nos 5 and 6 are passed, registered clubs will probably have to commit two offences attracting a level 3 or level 4 fine in a shorter period before they have their licences suspended automatically. I believe that these amendments are motivated by a well-meaning desire to protect volunteer club officers who may inadvertently breach some of the rules associated with the Registration of Clubs (Northern Ireland) Order 1996. The Committee had some sympathy with this situation. However, the Committee accepted the Department’s argument that the provisions, as drafted, give clubs the opportunity to show due diligence in respect of offences.

The Committee did not accept that the Bill should be changed to allow more discretion for the courts in respect of these offences. As I said at Consideration Stage, the Department advised that prosecutions under the Registration of Clubs (Northern Ireland) Order 1996 are actually very rare. There was one in 2009 compared to 168 in the licensed sector in the same period. Therefore, the Committee felt,



following a division, that amendments similar to these were unnecessary.

Amendment Nos 9 and 10 refer to changes to the licensing hours for clubs. The idea is that sporting clubs could allow younger members to be in the licensed parts of their premises until 11.00 pm or 10.00 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 that was consistent with our position on underage drinking controls. The Committee did not support proposals to amend the Bill in that regard.

Amendment No 11 refers to the easing of restrictions on advertising by registered clubs. The Committee received a lot of comment on this issue from groups representing pubs and hotels. They argued that clubs already have an economic advantage as a consequence of their paying lower rates and having access to membership fees to subsidise alcohol prices. The pubs and hotels also insisted that the law is already being flouted in that regard, as many clubs reportedly advertise Christmas events and wedding functions for non-members. The clubs represented disputed much of that and insisted that the easing of advertising restrictions was essential for their survival.

Liquor licensing is fraught with difficulties and competing interests, and I know that the Bill seeks to strike a balance between those two parts of the licensed trade. The Committee felt that the Bill generally achieves that objective and, therefore, did not support amendments similar to amendment No 11.

In a personal or party capacity, I will address the three broad groups within the first group of amendments and focus particularly on the three-year shelf life for penalty points put on a licence. The shelf life is currently three years in the Bill. There was a proposal to reduce it to 12 months, but that has disappeared. The proposal to reduce it to two years is the one that is before us.

The record will show that I raised concerns about the three-year shelf life at Committee Stage. I feel that that is a long time to have penalty points sitting there, and that it is somewhat inconsistent. Maybe some of us have personal experience or are certainly well aware of penalty points on driving licences, and that is —

**Mr F McCann:** Will the Member give way?

### **The Chairperson of the Committee for Social**

**Development:** No, I am not going to give way, because I know exactly what the Member is going to ask me.

**Mr F McCann:** I just want to declare an interest.

### **The Chairperson of the Committee for Social**

**Development:** He is declaring an interest. I thought that he was going to ask me whether I had an interest to declare, so I am glad that I can now dodge that. Some may have personal experience of penalty points remaining on a driving licence for two years.

I questioned the three-year shelf life from two different perspectives. The Member opposite and, indeed, others pointed out that many clubs are staffed, by and large, by volunteers, many of whom are inexperienced, even though there is a responsibility on them, and that to endorse points on a licence for such clubs may, therefore, be seen as too burdensome and unfair. There is some merit in that argument.

During evidence sessions at Committee Stage, I raised concerns about big retailers who have huge volumes of sales, because there is potential for them to breach some of the restrictions on their licences. I felt that a 12-month shelf life for penalty points might mean that we end up with a scenario in which premises where certain offences are committed twice in one year could be closed down, which would have an economic impact on those employed there and, indeed, the wider community. The robust defence from the Department at that time was that those offences — selling alcohol to a minor and selling alcohol to people who are already drunk, neither of which anyone supports — are serious offences and should be treated as such. The Department's view was that keeping the penalty points on a licence for three years would better instil good behaviour right across the licensed trade.

On reflection, though, I am glad that the Member opposite has withdrawn his amendment because, whatever my sympathies about a three-year shelf life being too long, I think that a 12-month shelf life is too short. That would have created the potential for premises, be they clubs or pubs, to offend habitually and to get into a pattern of not doing things that they should be doing. Premises should produce their accounts and adhere to what may be seen as the less important aspects of their trade. Equally, they should not be selling to minors or people who are already drunk. I felt that a 12-month shelf

life could create a situation in which a club that had its licence endorsed with points, which then lapsed after 12 months, could repeat an offence towards the end of the next 12 months, so there would never be an occasion when it would lose its licence. I therefore think that two years is a sufficient period to catch habitually bad behaviour. It is robust enough to allow us to continue to bear down on the bad behaviour that happens in a very limited number of licensed premises and to catch people out over that period. A 12-month shelf life is just a little too lenient. My party, therefore, supports amendment Nos 2, 4 and 6.

I expressed concerns about advertising by clubs at Consideration Stage. I would not say that there is no need for advertising, but registered clubs should have limited opportunity to advertise functions or events on their premises. We need to be very clear on that point in this debate, and I ask the Minister to be equally clear about it in his response. If we agree to make the amendment to lift the restrictions on advertising, we must do so in the full knowledge that it is not advertising as we necessarily know it. It is not the kind of advertising that, for example, a restaurant uses to promote some sort of offer; it is not like that. It is a very restricted form of advertising, essentially to members only. I know that the amendment states that. I have expressed my concerns about this issue previously, because even though that restriction is there, advertising is very clearly being abused in some cases. I cited the example of the Civil Service club, no less.

From the top to the bottom, there is confusion about what can be advertised. Therefore, that needs to be made clear. I have concerns about the advantage that such advertising could give to the club sector. Even if we are clear about what we are doing, I am concerned that the provision could still be open to abuse. If, as is made clear in the amendment, advertising were for members only, perhaps the Minister could issue guidance through the Department to the registered club sector to make clear what it can advertise, who it can advertise to and who it can target. That would make the distinctions involved very clear. Obviously, such guidance would also be issued to the Civil Service to make sure that it is absolutely clear about what was going on. Regardless of whether the amendment passes or not, confusion exists, which may be compounded by any changes that we make. Therefore, if the amendment passes, it is an opportune moment for the Minister to

issue guidance to the registered club sector to clarify the new situation.

Finally, I want to talk about minors in clubs. For a number of reasons, my party will not support any amendment on the time until which minors are allowed in licensed premises in registered clubs. Consistency is required. My understanding is that the same restriction of 9.00 pm exists for bars, hotels and pubs. Therefore, I do not think that it is fair to treat clubs in an inconsistent way. We tried to be consistent throughout the process in applying one change to both sectors. I understand the point that clubs make about prize-givings or summer games that go on quite late, with kids perhaps going into a bar after 9.00 pm. However, just because I understand it does not mean that I have to agree with it.

Everybody can take their own view on those issues. However, as a father, I feel uneasy about those amendments. We are not talking about children aged 16 or 17 being allowed into premises. We are talking about younger children. I have difficulty and personal unease about amending the law to allow children to be in registered premises later than 9.00 pm. To do so would be inconsistent and would run contrary to what I thought was an emerging consensus about young people and alcohol. Far from being puritanical or going down a prohibitionist-type route, I thought that we were being a bit more mature and sensible about how we expose young people in our society to alcohol. Everybody knows the difficulties about exposing young people to alcohol. Between 9.00 pm and 11.00 pm, a lot of alcohol can be consumed on a licensed premises, whether that is a club, pub, bar or hotel. My colleagues and I are uneasy and concerned about the impression that such a change would give, the inconsistency with other measures that we are trying to take in the Bill and with other measures that the Minister is exploring elsewhere in trying to clamp down on the misuse and abuse of alcohol.

Although I understand the point that is being put forward, we have to be careful about the message that we send out about young people and alcohol. Here, if we choose to pass one or other of those amendments, we would be saying that young people could be in bars and exposed to the consumption of alcohol well into the night, even, as one amendment suggests, right up to 11.00 pm, which is normal closing time. I do not know about anybody else, but I would not

want any of my kids in a bar or club until normal closing time. We need to be careful about the message that we are sending out about the use and, more importantly, the abuse of alcohol and its effect on young people.

I long for the situation that appears to be prevalent in —

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

**The Chairperson of the Committee for Social Development:** Hold on a second.

I long for the situation that appears to be prevalent in other parts of Europe, where there is a much more mature attitude to the consumption of alcohol and young people's exposure to it. It is not that other countries are without their problems. However, they certainly have a better attitude towards alcohol. We do not have that here. Everybody knows the problems. The Member who is about to intervene frequently tells us about what goes on in streets in his hometown. I will give way to him now if he wants to tell us about that.

**Mr Brady:** I thank the Member for giving way, although I do not want to mention those particular episodes.

Does the Member accept that around 73% of alcohol — *[Interruption.]*

**1.15 pm**

**Mr Deputy Speaker:** Order. The Member may be able to hear the electrical interference. Anyone who has a mobile phone, please switch it off. Do not switch it to silent; switch it off.

**Mr Brady:** Thank you, a LeasCheann Comhairle. My point is that 73% of alcohol consumed is now consumed in the home. To follow that logic, there should, to some degree, be a restriction on drinking in the house, because children are probably exposed to that drink culture at home far more than they would be in the type of clubs that we are talking about. The people in charge of the clubs or teams have a very serious supervisory role in looking after the children. Only approximately 28% of alcohol sold is consumed on licensed premises, and I think that that is a point worth making.

**The Chairperson of the Committee for Social Development:** I thank the Member for his intervention; he is right that there has been a change in culture around the consumption

of alcohol. People have exercised freedom of choice over where they consume alcohol, no doubt helped by pricing considerations, which is our other concern, so that is a very valid point.

I would not want the Member to start encouraging colleagues who may want to look at the consumption of alcohol in the home as well. There is a very real difference when it comes to us, as a legislature, controlling behaviour in the home. We can only do that in ways that would not interfere with people's liberties and freedoms. There is a marked difference in what we, as an institution, can do about the consumption of alcohol where we have control over it. I take the Member's points on board, and I agree that we should encourage more sensible consumption of alcohol. However, I do not think that that is assisted by sending out the message, as it may be interpreted, that it is OK to sit in the bar of a registered club until 10.00 pm or 11.00 pm. It is inconsistent with the general movement on this issue, which is not to be draconian or puritanical, but sensible and moderate.

The fact that children can only stay in a licensed premises until 9.00 pm is a recognition that there needs to be a cut-off time. I do not think that there is any compelling evidence to push it beyond that time. It is not that the evidence from the registered club sector is not useful, but I think that it is outweighed by other, social considerations about the consumption of alcohol and the exposure of young people to that. That does not mean that I do not have sympathy for the Member's point or an understanding as to why the Members have tabled their amendments, but I do not agree with them.

I have previously highlighted what I thought were other inconsistencies in the Bill, which have been dealt with by subsequent amendments from the Minister. It would be a backward step to make either amendment. We should be sending out a very clear message, and I think that we all share the view, that we want people to be careful about the consumption of alcohol, the way that it is consumed and the way that people are exposed to it in our society.

I reiterate that we, as a party, do not support either amendment. However, we will be supporting the other amendments, particularly those on the shelf life of penalty points, as two years is a reasonable and sensible compromise.

**Ms Lo:** We support amendment Nos 2, 4 and 6 as put forward by Mrs Bradley and Mr Tom Gallagher. During a presentation from stakeholders, I had some sympathy with them about the fact that the shelf life of penalty points —three years — is a long time. That is quite draconian, particularly when huge supermarkets can sell alcohol to hundreds of thousands of people in that three-year period.

It can be easy enough to make a mistake twice or three times in three years. I feel comfortable with the SDLP's compromise of two years. It is a more common sense approach, but I certainly do not agree with shortening the period to 12 months.

Amendment No 10 is about prohibiting young persons from bars. I understand what stakeholders said about sports clubs, particularly in the summer, holding events that might not finish until 8.00 pm or 9.00 pm and young people not being allowed to go into the bar for a soft drink. However, I agree with Mr Hamilton: we have a growing problem with alcohol. If we are taking measures such as banning irresponsible drinks promotions, and if we are trying to tackle the problem of alcohol abuse in our whole population, we should not encourage our young people to stay in bars, where adults are consuming alcohol, for too long. However, I am comfortable with the SDLP's amendment to extend the time from 9.00 pm to 10.00 pm. We support amendment No 10.

As regards restriction on advertisements relating to functions in registered clubs, I am certain that clubs have, in general, very efficient means of informing their members of coming events through club newsletters or their membership list. They can circulate notices in advance to let people know. It is certainly not essential for them to have public advertisements.

**Mr F McCann:** I should have done this at the start, but I declare an interest as a member of Cumman na Méirleach and the Irish National Foresters. One of the things that I raised in the previous debate on this Bill was that some clubs have a membership of 600 or 1,000 people, so it is very difficult for them to keep in constant touch with their membership. Some of their members probably live miles away from the club premises, so the only way in which people can find out whether there are functions in a particular club is through advertising. The Chairperson said that perhaps

the Minister could issue advice to clubs about advertising to members only. Having spoken to a number of club members, I know that clubs are dying a slow death. Many clubs close their premises, perhaps on Mondays, Tuesdays and Wednesdays, because they are not being used. The only way that they can keep themselves alive is through members' functions. There has to be a better mechanism for them to contact their members than just writing letters.

**Ms Lo:** I accept what the Member is saying, but we have to be fair to pubs because they are also dying on their feet. We need to be fair to commercial premises as well. I will keep an open mind and wait to hear what the Minister will say about guidance being issued.

**Mr Craig:** I agree with amendment Nos 2, 4 and 6. There is common sense in reducing from three years to two years the period that the points system can be kept on a club's licence record.

Indeed, three years could be open to abuse by individuals with a grudge against a club, and I am the first to recognise that such a scenario could arise. I agree with my colleague that reducing it to 12 months could open up a scenario in which, if you are clever and time your abuses correctly, you might get away with it. Therefore, two years is sensible, and my party supports that proposal.

I find amendment No 11 intriguing. However, it is also intriguing to drive past adverts for the Civil Service Sports Social Club, which is a short distance from the House. If I were to walk through the door of that club to avail myself of the meal being advertised, I wonder which three members would sign me in. I have my doubts as to whether anyone would sign me in. As I told the Minister previously, I doubt whether a member of the Civil Service club would sign me in to anywhere, although that might be more to do with my attitude to alcohol. I find all that intriguing. Nevertheless, common sense tells me that it is a bit like the warning on cigarette boxes: if the warning is there, at least we would have fulfilled our part by stating that a club should, by and large, be for members only. For that reason, I will not oppose amendment No 11.

I know that some clubs — generally the smaller ones — need to find ways to increase revenue flows. The thing that amuses me about that is that those clubs will not be going out with huge advertising campaigns. I doubt whether even the



larger Belfast clubs will run major campaigns. That having been said, it is hard to know what effect amendment No 11 will or will not have, although it would certainly do away with the anomaly of having to drive past advertising that should not be there.

Amendment No 10 refers to young persons. The Committee and the House is fully aware of my concerns about young people and drinking. The irony is that I concur fully with the second group of amendments, which try to effect a mechanism to reduce the level of underage drinking in Northern Ireland. That is aimed at promoting sensible attitudes towards alcohol. However, we have to be open and honest: in Northern Ireland, and probably across the UK and Ireland, we have a huge difficulty with attitudes to alcohol. People in this country do not go out for a quiet half pint or pint. That just does not happen. The culture is that you go out and drink the place dry, after which someone carries you home, or, as my wife could tell you, the Ambulance Service ends up carrying you into hospital with someone else carrying you home the following morning. Our society's unfortunate attitude to alcohol consumption leads to alcohol abuse.

As a parent, I find the proposal to increase the present watershed for children in clubs from 9.00 pm to 10.00 pm or 11.00 pm incompatible with what we are trying to achieve through the Bill. I have had to attend functions in clubs with my family, because, let us be honest, these days, some clubs hold wedding ceremonies and all sorts of other ceremonies. Consequently, if it is a family function, you take your children along. The fact is that, as usual at such events, I sit drinking my Diet Coke, feeling totally out of place and hearing things that I probably should not hear because others are not drinking Diet Coke. Therefore, under no circumstances would I want my child to be there after 9.00 pm.

I do not believe for one minute that I will improve my child's education about or attitude towards alcohol by having them there between 9.00 pm and 10.00 pm or 11.00 pm and beyond. Unfortunately, the reality is that, beyond 9.00 pm, the formal ceremonies are over and the dull, boring speeches that we all sit and listen to are finished. What happens after that? The entertainment comes on, and, unfortunately, the drink goes in.

### 1.30 pm

**Mr F McCann:** I can understand what you are saying, and, initially, when —

**Mr Deputy Speaker:** Will the Member refer all remarks through the Chair? The only "you" in the Chamber is the Speaker or Deputy Speaker.

**Mr F McCann:** Apologies, a LeasCheann Comhairle. When the Committee was being lobbied by and holding meetings with the Federation of Clubs over a couple of years, members at first argued against any extension of hours or young people being allowed into clubs. During Committee Stage, sports clubs came in — mainly the GAA and others — and said that, because most of their sports for young people were played on summer evenings, some did not finish until 9.00 pm or 9.30 pm. Therefore, they wanted to be in a position to take young people back to their club to give them a mineral and a bag of crisps and maybe even to discuss match tactics, which needed hours to be extended.

I talked to somebody recently who was going to collect their child who was playing a match in Belfast, and they told their child to wait for them at the club because it was safe and not to stand about anywhere else that might have left them open to danger. There are reasons why we changed our mind on that matter in Committee, not least that it offered the best possible way forward for clubs and for kids who participate in sports.

**Mr Craig:** I thank the Member for his intervention and for reminding me about those issues, which we looked at. I have been in many clubs, and I have seen how junior clubs work. I do not buy into the argument that anybody training beyond 9.00 pm must be taken to the club where the bar is open, into an atmosphere where drink is being poured. I have seen many a club that has its youth teams in after 9.00 pm, but one thing is certain: they are not taken into the bar. They certainly are not taken into the bar to be addressed on how to improve their sporting performance. I do not think that anybody could stand up in the House and argue that the best place to give young people, or older people for that matter, any direction on their sporting prowess is in a bar, while everybody else there is probably getting less and less coherent as the night goes on. I do not think that that is a sensible or a sane argument. I certainly do not think that it is an argument

that you will find most parents in Northern Ireland buying into. That is my fear about all of this. The idea that we can have children in clubs beyond 9.00 pm will not be widely accepted by parents. I do not care whether those parents send their children to the sporting organisations that have been mentioned here. I send my children to sporting organisations, and I would not like to think for one second that they would be asked to go into such an environment after 9.00 pm. In fact, I would not like them to be in such an environment at any time, but that is another matter.

Children might be at family functions in clubs until 9.00 pm. I have no issue with that. I have no issue with the law as it stands. However, there is something completely inconsistent about the idea of having children in that atmosphere any later than 9.00 pm. It will send out the wrong message to our young people if we keep them in clubs until 10.00 pm or 11.00 pm, in an atmosphere in which, like it or not, alcohol flows freely. As I said, all the formalities are over by 9.00 pm, so the entertainment and drink that goes with it are the only reasons for staying. As a parent, I certainly do not want to send the message to my children that that is morally acceptable.

Members opposite have raised the issue of people consuming alcohol at home. I put it on record that I have witnessed parents in public forums handing over alcohol to children who are nine and 10 years of age. Whether that is morally acceptable is a judgement that society has to make. I think that it is totally wrong that that happens in our society. We can bury our heads in the sand, but it happens, and drink is given out freely by some parents to their children in their home even though they are under age. That is a moral judgement to be made by those parents. Does it lead to a better attitude to alcohol in the home? I have strong doubts about that.

I have worked with organisations that have looked after those already addicted to alcohol even before they reach the legal age to drink, and it is unfortunate that that happens in our society. It is regrettable that underage drinking takes place in homes. I am not going on a moral crusade, but I ask parents to think long and hard about their attitudes to alcohol and how they promote a more responsible attitude towards it to their children. There are dangers, and we cannot bury our heads in the

sand. If alcohol were not so popular and if we could remove it from society, we could avoid a massive dent in our health budget. As I said, my wife, who is a paramedic, would probably be unemployed. I am told that 85% of the incidents that paramedics respond to are alcohol-related. If those were taken away, our Ambulance Service would be decimated, as it would no longer be required. However, that is not the case; that is not how society works.

It is inconsistent of us to talk about moving to 10.00 pm or 11.00 pm, which would bring children into an atmosphere in which the wrong attitude to alcohol would be introduced to them.

### **The Minister for Social Development**

**(Mr Attwood):** I thank the Members who contributed to the debate.

First, I would like to explain the approach I took at Consideration Stage and since on the substantive matters in the amendments in group 1. At Consideration Stage, I said that there were three matters that I wished to consider further: young persons on licensed club premises after 9.00 pm; what might be endorsed and for how long on a certificate of registration of licensed clubs; and advertising in respect of licensed clubs. I stress that all three matters are in respect of licensed clubs only. Whatever view the Assembly may take on those three matters — the Executive have a view, which I will confirm shortly — the amendments tabled today by Mr McCann, Mr Brady, Mr Gallagher and Mrs Bradley impact on licensed clubs only. I am sorry, I will correct that: children and young people being on premises will impact on sporting clubs only. Although the wider amendments will impact on licensed clubs, the proposal in respect of underage people is in respect of sporting clubs only.

**Mr Brady:** Although I agree with the previous Member who spoke about the drinking culture and the problems that it causes, particularly the health-related problems, there appears to be an implication that, if you allow your children to be looked after in a sporting club by people who are responsible and are ensuring that there is discipline etc, suddenly after 9.00 pm the scenario changes and the people who were supervising children before 9.00 pm suddenly lose interest and do not continue to do so until the children are picked up by their parents. I argue that that is simply not the case and that people in sporting clubs, such as the coaches

who look after the teams, are very responsible. I also presume that they have all been vetted under child protection measures. Such people do not change. An extra hour or whatever it may be will not make a huge difference. Those people will still be responsible for the children they bring into the club, and they will continue to be responsible until the parents of those children pick them up. I just wanted to make that point.

**The Minister for Social Development:** I thank the Member for that intervention. Although I am mindful of my Executive responsibility for the various matters that are under debate, I also think that, in the broad sense, that observation is correct. Parents and other adults in licensed premises, of whatever nature, display high standards of responsibility. Sporting clubs have a slightly different character, and parents and other adults display the particular responsibility that applies in those premises. However, I stress that the amendments that deal with penalty points and the advertising of functions extend to all clubs and only to clubs. I also stress that the proposals that deal with underage people being in licensed premises extend only to sporting clubs. There is a difference in the proposals that has to be acknowledged. That must be acknowledged, because we are legislators and we have to create certainty so that there is no doubt about what we are legislating for.

I felt that further assessment was required on the three matters that I just mentioned, and that has been reflected in the debate. I also felt that, whatever way the vote on those three matters fell at Consideration Stage, the past couple of weeks have demonstrated that it is useful to bear down on various legislative proposals to see whether there is a better way forward. Given that, I acknowledge Mr McCann and Mr Brady for the amendments that they tabled at Consideration Stage and for those that they tabled for today. I also acknowledge Mr Gallagher and Mrs Bradley for the amendments that they tabled for today. At the same time, I acknowledge OFMDFM's view on a paper that I put to it on advertising functions on club premises. It is always useful to keep interrogating clauses to determine whether a better clause could be drafted at a subsequent stage, including Further Consideration Stage. Without prejudice to the way in which the votes will go today, I acknowledge all those who usefully contributed to bearing down on the

matters in question so that we could get to a place where Members have come to new levels of understanding about the right course to take, because it is clear that opinion has varied, even in the past couple of weeks.

Having said that, in the run-up to amendments being tabled and in advance of the Executive meeting last Thursday, I thought that there was an opportunity to get broad agreement on the advertising of functions. However, I was less clear about the two other matters that I mentioned. That is why I did not bring a paper to the Executive about those matters, instead bringing only one on the advertising of functions. However, I thought it useful that the two amendments were tabled and that the Assembly had the opportunity to consider and vote on all the options.

Mr McCann and Mr Brady tabled amendment Nos 1 to 4, which I understand will not be moved. The original intention behind the amendments was that, for offences named in schedule 1, a registration would not be endorsed where a second conviction was given within 12 months of the first. The amendment that Mr Gallagher and Mrs Bradley tabled would mean that a registration would not be endorsed if a second conviction were given within two years of the first. However, I stress that those amendments relate only to schedule 1 offences.

#### 1.45 pm

The Executive's position, as outlined in the Bill, is that the timeline should be three years. Without prejudice to the Executive's position, I was going to scope out that issue. However, there seems to be emerging consensus on the Floor that it might be appropriate for the Assembly to consider those matters further.

As with much legislation in the Assembly and other jurisdictions, different thresholds are always being created. The schedule to the Bill, for example, contains various thresholds for penalty points. That is appropriate, and that is why I opposed an amendment tabled by Mr McCann at Consideration Stage to treat all offences the same. His amendment proposed that all offences, whether major or minor, would be subject to the same level of penalty points. That is not a good principle of law. Offences should accumulate differential penalty points to reflect the more serious nature of some.

When it comes to thresholds, however, it is reasonable for the Assembly to consider whether, given the difference in penalty points for minor and major offences, there should also be different time frames within which those penalty points could be endorsed on a certificate of registration. That was a reasonable question, and it is a reasonable debate for the Assembly to have. It is the view of the Executive and, therefore, my view that the Bill is correct: a court could endorse penalty points on a certificate of registration if the same offence was committed twice within three years, and it could take into account any points accumulated over a three-year period. However, I hear what the Assembly is saying, and it is for the Assembly to decide how it wishes to proceed.

Amendment Nos 9 and 10 would allow a young person under 18 to be in the bar area of a sporting club until 11.00 pm, as supported by Mr McCann and Mr Brady, or until 10.00 pm, as supported by Mary Bradley and Tommy Gallagher. The existing 9.00 pm curfew applies to all licensed premises and registered clubs. Sporting clubs provide a valuable service to the community in many different ways. The Executive have their view of the Bill, but it is fair to comment on points raised by Members who contributed to the debate.

I confirm that the amendments tabled by Mr McCann and Mary Bradley would impact only on sporting clubs. That is an important point to understand fully. A further question was raised about the need to be consistent. It is already the case, under clubs legislation in Northern Ireland, that sporting clubs are treated differently from other clubs. Under current licensing legislation in Northern Ireland, owners of licensed premises must apply to the court for what is known as a children's certificate to allow minors to be in certain parts of those premises. However, the children's certificate provision does not apply to sporting clubs because they are already deemed to be different under the law. Therefore, there is a *prima facie* argument that to be consistent with that current law, which exempts sporting clubs, we should consider whether the licensing hours for sporting clubs should also have a different provision from any other licensed premises. That is a matter for the Assembly to consider. It is not a matter for me to influence one way or the other. As a member of the Executive, I cannot take a position on any of the amendments tabled by Mr McCann or Mrs Bradley. I hold to the Executive position that the

appropriate time for children to be on licensed premises in sporting clubs is up to 9.00 pm and not thereafter.

As has been stated by various Members, amendment No 11 is a different matter entirely. The amendment to article 38 of the Registration of Clubs Order will mean that, when advertising a function, clubs must ensure that the advertisement states clearly that the function being advertised is for members only. Failure to do so will constitute an offence. I am pleased to say that, following Executive approval for such an amendment, I am happy to support that amendment.

During the Bill's legislative passage, I met the clubs' leading representative body, the Northern Ireland Federation of Clubs, on a number of occasions. It believes that registered club membership, especially in larger sporting clubs, is spread over areas too wide to be easily reached via notices placed in the premises. The federation believes that, to maximise their fund-raising capacity, clubs should be able to notify their members of functions by advertising them in the media. There are, however, safeguards. Article 30 of the Registration of Clubs Order specifies conditions for functions in registered clubs. The policy intention is that all registered clubs should have their specific objects and their members' interests at heart and should not operate on a commercial basis. I believe, therefore, that the legislation should not contain any unnecessary barriers to clubs' important fund-raising activities, and I urge Members to support that amendment.

I want to reassure Members, in particular Mrs Anna Lo and the Chairperson of the Committee, and confirm that, further to the passage of the Bill, in the event that the new clause is accepted by the Assembly, the Department will issue guidance about the advertising of functions. The advertising of functions shall state "for members only". I reassure Members that that will be included in the guidance notes issued to clubs in respect of the exercise of that matter.

In today's debate and at Consideration Stage, mention was made of the Civil Service club. I checked out that matter with an official from the club, who is, in fact, an official in DSD. The irony there is very rich. That official came back to me on the matter and put to me the argument that, having taken legal advice, the club was of the view that what it was doing was indeed



permitted under current law. The club did not take legal advice in the past couple of weeks; it had taken legal advice prior to that.

**The Chairperson of the Committee for Social Development:** I find that very interesting. Does the Minister agree that that proves the point that I was trying to make, which is that there is huge confusion in respect of the matter? Although the Civil Service club may have the resources to take legal advice, that is probably not available to many other clubs in Northern Ireland. Does he agree that that highlights the fact that there is huge confusion about what is and is not permissible and that clear guidance and a tidying-up of this law is very much required?

**The Minister for Social Development:** It demonstrates three things. First, it demonstrates that there may be confusion, or, secondly, it may demonstrate that, if people ask a lawyer to give them the right answer, they will get the right answer. Thirdly, it confirms that there is a need to create certainty and avoid any doubt. The new clause on the advertising of functions in clubs for club members only and the guidance that will be issued on that will create certainty and avoid doubt. It will ensure that the Civil Service club is, without any difficulty, on the right side of the law. I welcome the fact that Members have broadly endorsed that shift in the character of the Bill, and I want to acknowledge the role of Mr McCann and Mr Brady in creating the opportunity for the Executive to go in that direction.

I also acknowledge the comments of Mr Hamilton and his party colleague Mr Craig on the issue of whether it should be one, two or three years when it comes to endorsement of the certificate of registration. I acknowledge Ms Anna Lo's comments in that regard as well. Two years has the potential, in the view of the Assembly, to be more balanced, while I obviously hold to the Executive's position.

I commend to the House the amendment on the advertising of functions and reiterate the view of the Executive on the other two matters. I understand why Members have tried to scope the issue of endorsement of the certificate of registration and the issue of minors being on sporting licensed premises after 9.00 pm. I commend my amendment to the House.

**Mrs M Bradley:** I support the amendments that I have before me. Amendment No 10 would amend article 32 of the Registration of Clubs Order 1996 to allow young people to be on

sporting clubs' licensed premises until 10.00 pm, not 9.00 pm. The young people who play for these clubs deserve the opportunity to be appreciated on club premises the same as everyone else. They are young players who need encouragement, and they will be doing that in the company of their parents and the club stewards, who are very responsible people. The amendment would mean that young people could remain on the premises of a sporting club — only a sporting club — until 10.00 pm, not 9.00 pm. I support all the amendments.

**Mr Deputy Speaker:** Amendment No 1 has not been moved, so I will not call it.

*Amendment No 2 made:* In page 16, line 43, leave out "3" and insert "two". — [Mrs M Bradley.]

*Amendment No 3 not moved.*

*Amendment No 4 made:* In page 17, line 7, leave out "3" and insert "two". — [Mrs M Bradley.]

*Amendment No 5 not moved.*

*Amendment No 6 made:* In page 17, line 24, leave out "3" and insert "two". — [Mrs M Bradley.]

### **New Clause**

**Mr Deputy Speaker:** We come now to the second group of amendments for debate. With amendment No 7, it will be convenient to debate amendment Nos 8, 12 and 13. The amendments deal with the regulation of irresponsible drinks promotions and alcohol pricing for registered clubs. Amendment Nos 12 and 13 are consequential to amendment Nos 7 and 8.

**The Minister for Social Development:** I beg to move amendment No 7: After clause 9, insert the following new clause:

#### **"Irresponsible drinks promotions**

**9A.** After Article 31 of the Registration of Clubs Order insert—

#### **'Irresponsible drinks promotions**

31A.—(1) Regulations may prohibit or restrict a registered club from carrying on an irresponsible drinks promotion on or in connection with the premises of the club.

(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 obtain or consume a larger measure of intoxicating liquor than the person had otherwise intended to obtain 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) Regulations may modify paragraph (2) 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.

(4) If any provision of regulations under this Article is contravened—

(a) the registered club,

(b) every official of the club at the time of the contravention, and

(c) any other person permitting the contravention,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) 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.

(6) In this Article “drinks promotion” means, in relation to the premises of a registered club, any activity which promotes, or seeks to promote, the obtaining or consumption of any intoxicating liquor on the premises.’’

The following amendments stood on the  
Marshall List:

No 8: After clause 9, insert the following new clause:

**“Pricing of intoxicating liquor**

**9B.** After Article 31A of the Registration of Clubs Order (inserted by section (Irresponsible drinks promotions)) insert—

**‘Pricing of intoxicating liquor**

31B.—(1) Regulations may prohibit or restrict a registered club from varying the price at which intoxicating liquor is supplied on the premises of the club during such period or hours as are specified in the regulations.

(2) If any provision of regulations under this Article is contravened—

(a) the registered club,

(b) every official of the club at the time of the contravention, and

(c) any other person permitting the contravention,

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.’’ — [The Minister for Social Development (Mr Attwood).]

No 12: In schedule 2, page 25, line 25, at end insert

“31A(4)	Contravention of regulations as to irresponsible drinks promotions	5-6
31B(2)	Contravention of regulations as to pricing of intoxicating liquor	5-6”

— [The Minister for Social Development (Mr Attwood).]

No 13: In schedule 3, page 26, line 24, at end insert

“ . In Article 2(2) (interpretation) in the definition of ‘regulations’ after ‘subject’ insert ‘(except as otherwise provided in this Order)’ . ” — [The Minister for Social Development (Mr Attwood).]

**The Minister for Social Development:** As I did at Consideration Stage, when a similar group of amendments was moved dealing with other licensed premises, save clubs, I apologise to the Assembly for the late introduction of amendment Nos 7 and 8. This is unusual practice but, as Members are aware, the issue of irresponsible drinks promotion became more crucial and critical during the latter part of last summer, in particular. Consequently, I was minded to do an urgent consultation on a proposal to ban irresponsible drinks promotions, with the consequence that the amendments at Consideration Stage were tabled without there being full scrutiny. Similarly, the amendments before the House today have been tabled without full scrutiny.

However, the amendments aim to ensure that there is the same law across the spread of licensed premises and, subsequently, that the same regulations will apply, if it is the will of the Assembly, across the range of licensed premises. Today's amendments are consistent with the amendments approved by the Assembly at Consideration Stage, except that these amendments apply to licensed clubs.

## 2.00 pm

During Consideration Stage on 1 February, I introduced amendments that provided for new powers in the Licensing (Northern Ireland) Order 1996 to allow my Department to make regulations to prohibit or restrict irresponsible drinks promotions and other specified pricing promotions. The original policy intention was for that provision to be applicable to premises licensed under the 1996 Order and to clubs registered under the Registration of Clubs Order 1996. That intention was clearly stated in the consultation document on irresponsible promotions, in briefings provided to the Social Development Committee and during my speech at Consideration Stage.

Due to timing and resource constraints, the provisions to be included in the Registration of Clubs Order 1996 could not be finalised in advance of Consideration Stage. Not wishing to delay the progress of the Bill, I stated during Consideration Stage my intention to introduce measures into the Registration of Clubs Order 1996 by way of this amendment at Further Consideration Stage. In effect, therefore, amendment Nos 7 and 8 mirror the provisions included in the Registration of Clubs Order

1996 when the House discussed the Bill on 1 February. Amendment No 7, therefore, provides a power for DSD to make regulations to prohibit or restrict irresponsible drinks promotions. It defines what is meant by a drinks promotion and specifies activities regarded as irresponsible drinks promotions. Irresponsible promotions — those that encourage recipients to consume greater amounts of alcohol than they might otherwise choose to under more normal circumstances — can lead to problems, including health problems, crime and disorder.

I recognise that most registered clubs are well run and their management committees would never permit irresponsible promotions. However, it is important that irresponsible promotions of alcohol are restricted or prohibited on any premises permitted to sell or supply alcohol. It would not be appropriate, therefore, for registered clubs to be permitted to hold promotions that would be illegal if held in pubs. That is the essence and intention of the amendments. I do not intend to outline what might be regarded as an irresponsible drinks promotion. That is included in the Bill as advised by the Office of the Legislative Counsel. It will fall to the Minister for Social Development, whoever he or she may be, to come before the House to table regulations to prohibit or restrict a registered club from varying the price at which intoxicating liquor is supplied on its premises during such period or hours as specified in the regulations. That includes happy hours, as amendment No 8 refers to.

Provision has not been made in the Registration of Clubs Order 1996 to restrict promotions where two or more alcohol products are included in a package. That provision is primarily targeted at off-sales premises, with supermarkets often selling multipacks of canned beer cheaper than water. As registered clubs are not permitted to sell alcohol for consumption off the premises, I believe that provision for that in the Registration of Clubs Order 1996 is not necessary at this time.

I recognise that bulk selling might present an issue for on-trade premises, which may, for example, provide five shots for £5 where the price of one is £3. However, I am satisfied that an activity such as that is covered by other examples of irresponsible promotions as provided for in amendment No 6. Furthermore, when making regulations, my Department will be able to modify them or extend or restrict their application and, therefore, has the facility

to, if necessary, amend the list by subordinate legislation in light of experience. In line with provisions in the Licensing (Northern Ireland) Order 1996, it will be a level 5 offence for any premises to hold an irresponsible drinks promotion, and the new penalty points provisions will be amended accordingly.

Amendment Nos 12 and 13 are consequential. Amendment No 12 amends the table of offences with penalty points in schedule 2 to include the penalty points attributable to the offences that relate to the contravention of the regulations governing irresponsible and specified pricing promotions. Amendment No 13 amends schedule 3 to provide that the regulations governing the irresponsible promotions and specified price promotions must be approved in draft by a resolution of the Assembly before being made.

I will make one further comment about a matter that was referred to earlier. It is about any licensed premises that, in a previous regard in respect of advertising, may be on the wrong side of the current law, whatever it might mean. I will reiterate what I said during Consideration Stage: this week, I and Minister Ford are due to meet the Chief Constable, Matt Baggott, about licensing matters that cover the range of licensed premises, not just clubs, where allegations have been made and where there appears to be prima facie evidence of breaches of the current law. We will have that meeting if Minister Ford is available, and he may not be because of a family bereavement in England.

I assure Members that my officials and, no doubt, Mr Ford's officials, through the assistance of those in licensed premises who are working on the right side of the law, have provided to us prima facie information and had previously provided that evidence to the PSNI on what they considered to be breaches of the law around advertising — although that might not be such an issue in the future — opening hours, closing hours, events that have been run in various licensed premises, and so on. Quite a volume of information and evidence is available in that regard and, as I indicated previously, I shall bring all those matters to the attention of the Chief Constable. I shall urge upon him that, with that level of offence, the PSNI and the other regulatory authorities, including the courts, should take a view and take all necessary and reasonable measures to ensure that the law, in all aspects, is being complied with.

**Mr F McCann:** When many clubs have their general meetings, they present tickets to members that allow them to get free drinks on one day a year. Is that caught in the legislation so that clubs are stopped from doing that?

**The Minister for Social Development:** I thank the Member for that intervention. The law enables a future Minister for Social Development to bring regulations before the Assembly. The regulations will define irresponsible drinks promotions. During Consideration Stage, I spoke at some length about what may well be viewed as irresponsible drinks promotions, subject to the approval of the Assembly. I also indicated what might not be viewed as irresponsible drinks promotions, and although it is a matter of judgement and, ultimately, a matter for the Assembly to make a call on, guided by the Minister and subject to the consideration of the Committee, there will be a clear view of what is on the wrong side of being irresponsible and what is on the right side of being responsible.

I do not want to pre-empt the view of a future Minister on the matter that the Member referred to, but if that is a once-a-year or very rare occasion, I would be surprised if a Minister or the Assembly were minded to consider that that was on the wrong side of what is or is not an irresponsible drinks promotion. It is quite clear, however, that there are many other examples of what could be considered irresponsible, and I have no doubt that, in the fullness of time — sooner, rather than later, and, I hope, in a matter of months — a Minister will come to the Assembly to seek its endorsement to rule various promotions as being on the wrong side of the legislation, if the Bill receives Royal Assent.

Where there are allegations of a breach of the law, whether in pubs, clubs or other licensed premises, and, moreover, where it has been claimed that the PSNI is not fulfilling its obligations to enforce the law, I shall bring chapter and verse to the attention of the Chief Constable on Wednesday. I hope that where there is clear evidence of breaches, the police will act in a proportionate manner and will ensure that the law is upheld. I ask the House to support the amendments.

**The Chairperson of the Committee for Social Development:** As I indicated during Consideration Stage, the Committee gave some consideration to irresponsible drinks promotions and how they



affect alcohol-fuelled public disorder and other important social problems. The Committee took the view that the whole of the retail alcohol trade, whether on-sales or off-sales, needs to take the issue very seriously.

The amendments relate to irresponsible promotions in the registered club sector. I remind the House that the Committee noted evidence from the Police Service of Northern Ireland that alcohol-fuelled disorder issues were rarely associated with the registered club sector. The question then follows: why should the amendments be considered or agreed? During the Committee's deliberations, members considered evidence on the competitive tensions between registered clubs on the one hand and pubs and hotels on the other. Some members felt that registered clubs were unfairly and wrongly competing with pubs and hotels, while other members argued that registered clubs made a positive contribution to their communities and were concerned that clubs are struggling to survive.

The Bill, as amended at Consideration Stage, introduced wide-ranging powers to restrict many different kinds of alcohol promotions in licensed premises such as pubs and hotels. The amendments put forward today are designed to ensure that those kinds of promotions will be subject to an equal level of restriction in registered clubs. The Committee generally feels that the amendments are necessary to ensure that registered clubs will not have an unfair advantage over pubs and hotels.

As I said at Consideration Stage, it is regrettable that the regulations of the type proposed by the amendments are felt to be necessary. I call again on those few irresponsible retailers to change their ways. On behalf of the Committee, I encourage the whole licensed trade to bring forward its own code of practice, which will curb all irresponsible promotions, particularly those that may lead to public disorder.

As I indicated at Consideration Stage, the Committee's support for the amendments in question is dependent on its review of the subsequent regulations and their application to truly problematical alcohol promotions with wider social or public order consequences.

Moving away from making comments as Chairperson of the Committee, I welcome the comments made in the latter part of the Minister's introduction about his upcoming meeting with

the Chief Constable. That is particularly important in the context of the Bill and the wash-up that is included because it has enlightened me, the Committee, the Minister and the whole House on some of the issues that are prevalent in the licensed sector. Evidence in the Committee's report includes a representative of the club sector freely acknowledging that breaches of the licensing regime happen on a very regular basis. The point is that we either have a licensing regime or we do not. The current conditions exist for very good reasons, not least to ensure that no particular advantage is given to one sector or that it does not encourage bad behaviour. Therefore, I think that that meeting is very important.

I do not think that anybody here is getting particularly het up about infractions that occur because of an oversight or misunderstanding about the law, but we are particularly concerned about repeat offences and breaches of the licensing laws, which are happening regularly by repeat offenders, probably in the full knowledge of what they are doing. There is an important need to stress that we value the current regime, otherwise, legislating as we have elsewhere in the Bill to have the penalty points regime is pointless. If we are going to have a penalty points system to enforce certain aspects of the law, it needs to be backed up by robust action taken by the police and the courts. Otherwise, we are legislating for fun. There is no point in us legislating if the people whose job it is to enforce the law do not take it seriously. Given some of the evidence that the Committee and the House has heard in previous stages of debate, there are questions about how seriously the current regime is being taken. Therefore, I particularly welcome the Minister's comments.

The second group of amendments are, effectively, just being consistent with what is happening for pubs, hotels and bars. That is to be welcomed, not least because we do not want to have any sort of distinction. An irresponsible promotion is such whether it is in a registered club or in a pub. I do not think that we can make any exceptions. We have to be very clear that if a promotion is irresponsible, we cannot have the situation in which it is permitted in one establishment but not in another. I reiterate the point about what constitutes an irresponsible promotion. Following an intervention from Mr McCann, the Minister seemed to indicate that the type of promotion that Mr McCann was talking about, where you can drink all you can

for free for a day, was not irresponsible. Equally, it could be interpreted that encouraging people to drink all that they can for free because they are club members has very much been caught by the Bill. It highlights the need for the Assembly to be clear.

That is why the Bill is good. It gives examples of what might be considered irresponsible promotions, rather than being definitive. The Member or, indeed, his successor, in bringing forward future regulations, needs to be careful that, in trying to catch what are transparently irresponsible promotions, he does not catch others that would not be regarded by most people to be irresponsible or, certainly, were not intended to be so and were not taken up irresponsibly by individuals.

### 2.15 pm

The big message that should come from the amendments should be the Assembly's encouragement of all sectors, including registered clubs, pubs and hotels, to act responsibly by their own accord. The Assembly is about to take a power to outlaw irresponsible drinks promotions. Sectors need to realise that they must act. As I said at Consideration Stage, in many respects, it would be best if the Assembly did not have to make regulations to outlaw irresponsible drinks promotions and the sectors took it upon themselves not to behave irresponsibly. The Minister or, indeed, his successor is being armed to go to the pub sector, the hotel sector and the registered club sector to tell them that the Department now has the power to outlaw irresponsible drinks promotions and that it is up to them to take it upon themselves to act voluntarily. That would be more welcome than the Assembly having to bring in regulations.

I am very much attracted by some examples of good behaviour, such as ongoing work by the alcohol forum in the north-west and Foyle. That is a good example of local authorities and others engaging on a voluntary basis those who sell alcohol in the community and trying to work out some of the problems that are addressed in the Bill. That approach is preferable in the longer term than simply outlawing things. It is to the Assembly's advantage to take that power. Hopefully, it will not need to use it and sectors will behave responsibly, but, at least, that power will exist.

I seek clarification from the Minister. Although I understand the situation, I believe that it may be worth putting it on record. The clubs sector is concerned about its advantage in being able to sell alcohol at lower prices due to members' fees and having lower overheads than pubs. The Bill does not affect its ability to do that. There may be future legislation on minimum pricing that may affect it. However, the Bill does not. It is worth putting on record that the Bill does not impinge on pricing policy — at this stage, anyway — but, rather, deals with how clubs promote the sale of alcohol on their premises. With all those issues considered, I very much welcome the second group of amendments.

**Mr Deputy Speaker:** I call Mrs Mary Bradley.

**Mrs M Bradley:** I do not wish to speak.

**Mr Deputy Speaker:** I call the Minister for Social Development to make his winding-up speech on the second group of amendments.

**The Minister for Social Development:** I thank the contributor to the debate on the second group of amendments. I will make one or two comments. First, I concur with the Committee Chairperson that what the licensed industry does of its own accord to positively encourage its members and licensed premises to act responsibly is important. As I said at Consideration Stage, we saw proof of that last summer, when Pubs of Ulster moved positively to deal with what was viewed to be irresponsible drinks promotions by a licensed outlet in the city of Belfast. At Consideration Stage, Mr Ramsey indicated that he was aware of what he considered to be ongoing irresponsible drinks promotions in the city of Derry, which had occurred the very week prior to the Consideration Stage debate. Therefore, although the licensed trade does intervene positively to encourage responsible practice, it remains the case that there are examples — hopefully, not many — of when the positive encouragement of the licensed trade falls on deaf ears when it comes to certain licensed premises. That is why it is very important to put in place a legal regime, as we are doing today, to mitigate the actions of those who, despite positive encouragement from their peers, continue to fall on the wrong side of the law or good practice when it comes to drinks promotions. That is why this week's meeting with the Chief Constable is important. Beyond the positive encouragement of the licensed trade and the legal regime

that the Assembly might vote for, we need to have the right enforcement. Without the right enforcement, bad cases will go unpunished and bad practice that will have bad outcomes for the quality and welfare of people's lives will begin to embed itself in what will, hopefully, be a very small sector of the licensed trade.

Simon Hamilton also raised the issue of minimum pricing. The Minister of Health and I are very close to signing off the consultation document on minimum pricing. I hope that that consultation document will go out quickly and will receive a generally positive endorsement. I can confirm to the House that the licensed trade, its representatives and the various trade bodies, as well as some of the major commercial outlets in the North, are watching this issue closely and making firm representations about their views on minimum pricing.

Without anticipating the outcome of the consultation, I believe that the Assembly, a future Minister and the Executive will have to be very strong on this matter, because there is going to be a lot of pressure brought to bear. In being strong, we should try, not only to get minimum pricing over the line and be the first jurisdiction on these islands so to do, but to make sure that the minimum price is effective, not set too low, and set sufficiently high so as to ensure that a new discipline is created, especially around bulk purchases. That will ensure that the worst impact of excess alcohol and any impact of excessive alcohol are mitigated. I endorse the amendments.

**Mr Deputy Speaker:** 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.

*The debate stood suspended.*

**2.30 pm**

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

## Oral Answers to Questions

### Finance and Personnel

**Mr Deputy Speaker:** Questions 5, 7 and 8 have been withdrawn. A written response is required for questions 7 and 8.

#### Capital Budgets 2011-12

1. **Mr A Maskey** asked the Minister of Finance and Personnel for his assessment of the recent joint statement by the First Minister and deputy First Minister, and the First Ministers and Deputy First Ministers of Scotland and Wales, which asserts that the planned cuts in capital budgets for next year will put the recovery of the economy in jeopardy. (AQO 1021/11)

#### The Minister of Finance and Personnel

**(Mr S Wilson):** Members will be aware that the spending review revealed a major cut of 40% in our capital spending over the next four years. That will have an impact on the local economy, particularly the construction sector, which now relies heavily on contracts placed by the public sector. About 56% of employment in the construction industry now depends on public sector contracts.

We took a number of steps in the draft Budget. We switched £252 million from current to capital spending. We also sought to supplement the resources available to the Executive through the sale of public assets, divesting ourselves of assets that we believe we no longer require. That will give us about another £450 million of assets to put into capital expenditure. Hopefully, by doing that, by the end of 2014-15 we will be spending £1.5 billion in that year on capital projects. That is in keeping with the long-term trend of capital spending for the Executive.

**Mr A Maskey:** I thank the Minister for that response. Does he agree that there is a need for additional fiscal powers to enable this Administration, and perhaps others, to better promote economic recovery and greater accountability, particularly of the banking sector? I heard representatives of the Scottish

and Welsh Administrations make the point that there was a need for additional fiscal powers.

**The Minister of Finance and Personnel:** We have to be very careful. As we saw in the debate about corporation tax, the Treasury will be happy in some instances to give more fiscal powers to the Executive. However, that always comes at a price. Those fiscal powers will never be granted without a monetary attachment.

If you are granted a fiscal power, but money is taken from you so that less is available in the block grant, the overall impact could be negative. We have to look within our existing resources to see the best way to release more money. I have also been exploring with people in the construction and insurance industries other ways in which we might draw money into the Executive without impacting on the block grant.

**Ms Ritchie:** The 10-year capital expenditure programme agreed by the former Prime Minister was not honoured by the coalition Government and is, I understand, going to the dispute resolution process of the Joint Ministerial Committee in London. Is the Minister optimistic about a successful outcome, and when will we know whether the Treasury will reverse the 40% cut to our capital budget?

**The Minister of Finance and Personnel:** It is not a case of reversing the 40% cut but of honouring the pledge to make capital spending available in Northern Ireland over the 10-year period. That pledge was made because we ran down our infrastructure during the Troubles, because money was diverted to spend on the security of Northern Ireland. As a result, we have been left with an infrastructure that is, in many cases, creaking and in need of repair. That is why the investment package was there.

We will simply be aiming for a recommitment that the £18 billion that was promised over the period will be delivered. Under the current spending plans open to us, there is no way that that £18 billion commitment will be met over the budgetary period.

We have to ensure that the Treasury and the Government stand by their commitments. My officials are discussing several issues with them. First, they are asking how they reached their figures. Secondly, they are asking how they expect us to spend £4 billion in the last two years of the investment plan, which is what we would have to do to meet the £18 billion target?

Thirdly, they are discussing how we can ensure that the resources are spread more evenly so that we can have a proper planned investment of capital over the remaining Budget period?

**Dr Farry:** How would the Minister respond to sections of the business community that have criticised the Executive for being too timid in transferring money from current expenditure to capital expenditure? Will he seek to avoid making a bad situation worse by blocking those Ministers who want to raid their already poor capital budgets to pay for current expenditure during the next year?

**The Minister of Finance and Personnel:** I have a lot of sympathy for the point that is being made by the business community. One of the reasons why we switched £252 million from current spending to capital spending was because of the arguments that were made by the business community.

I listened to a programme on Sunday as I was driving down the road, and steam started coming out of my ears. Business pundits were talking about the Executive being too timid, not switching enough into capital spend, and everything else. Yet, at the same time, they were saying that we must spend more money on health, training and education. I will probably not make too many friends in the business community by saying this, but they cannot have it all ways. We have a finite budget. If they want to switch money from current spending to capital spending, sacrifices will have to be made. It is very easy for the armchair critics to sit back and say that we have been timid, but all that they suggest is spending more money, not how to relocate the existing amount of money.

I hope, because it was a considered decision by the Executive to switch from current to capital, and it was the right thing to do, that we hold to that decision and that Ministers will not take the easy way out and try to put some of their capital fund back into current spending. I hope that Ministers look at some of the things that they have to do in their Departments to ensure that they cut back on current spending so that we can deliver on the capital programme, which is so important in the long run to delivering a good economic infrastructure in Northern Ireland.

**Mr Givan:** The Government also made a pledge, as part of the devolution resettlement, to allow access to Treasury reserves for any bid made for policing requests. As the Minister with lead



responsibility for negotiations, can he update us on any progress on the £200 million bid that the Chief Constable made to the Treasury?

**The Minister of Finance and Personnel:** I do not think that the £200 million access to the contingency fund was ever in any doubt. Indeed, the Westminster Government made it clear that they would honour it. At one stage, they went a wee bit shaky on it and said that access to the fund would be granted only after we had looked at our own resources. The suggestion was that we would get access to the fund only once we had gone through our monitoring rounds and looked at our reduced requirements to see whether we could, within our existing budgets, meet the demands of the Chief Constable. The Treasury has since firmed up on that and made it quite clear that the £200 million is available.

The second issue was whether or not the Chief Constable could guarantee that money and build it into his planning because of the dissident and security threat that his force was facing. The argument that the Treasury made was that the commitment was always going to be year on year, and that funding would have to be applied for annually, which would not necessarily have guaranteed that the money was spent in the best way. There have been extensive negotiations on that. My officials have been in discussion with the Treasury. We are going in the right direction, and we will be able to have not only access to it, but access in advance so that proper planning for that money and how it is spent can take place.

## Presbyterian Mutual Society

2. **Mr Girvan** asked the Minister of Finance and Personnel to outline the current position in relation to the resolution of issues surrounding the Presbyterian Mutual Society. (AQO 1022/11)

**The Minister of Finance and Personnel:** The ministerial working group, the First Minister, the deputy First Minister, the Minister of Enterprise, Trade and Investment and I, on behalf of the Executive, have managed to secure from the Government the resources necessary, first, for a £175 million loan and, secondly, for a £25 million contribution to the mutual access fund. Of course, as the Member will know from the Budget discussions that we have had, we have already allocated £25 million from our own Budget in Northern Ireland to that fund. We are also expecting a contribution of at

least £1 million —although I hope that it will be substantially more than that — from the Presbyterian Church, which has a responsibility in all of this, so that we can ensure that the small savers get a large proportion of their money back in the first instance.

The arrangements and details of the fund are being worked out by DETI. As far as repayment is concerned, a scheme will be put forward for acceptance by the savers. The £175 million will have to be repaid first, because it is a loan that the Executive have taken out. Once the property starts to be sold, the savers will get their money, and the repayment to the mutual access fund will come after that. If there is any surplus, the administrator will decide how it is to be distributed.

**Mr Girvan:** I thank the Minister for that information and breakdown. Investors seem to feel that there is some ambiguity about whether they will have to pay back the £25 million contribution from the Northern Ireland Budget.

If devolution were not in place, could the deal have been delivered? I am talking about the overall package of £175 million.

**The Minister of Finance and Personnel:** From the very start, we have sought to ensure that the Executive would help those who were hurt financially as the result of the collapse of the Presbyterian Mutual Society (PMS). Had we not had devolution and the commitment from the Ministers whom I mentioned earlier, there would have been no rescue package for the Presbyterian Mutual Society savers; their money would have been long gone. Considerable resources are involved. I know the resources that my Department discussed at official and at ministerial levels. I also know about the political capital that the First Minister and the deputy First Minister expended and the tireless efforts of the Minister of Enterprise, Trade and Investment in dealing with the problem. That would not have happened had we not had devolution.

There are those who I think wish that we had not been successful in getting this arrangement. I am talking about the kind of whingers that we have in the TUV, who scrutinise every statement to see how they can unsettle the savers in the Presbyterian Mutual Society. I think that they would prefer for those savers to lose out so that could make some cynical political capital from that.

He has been talked about as the Mr Nasty of Northern Ireland politics, but he is also the Mr Grumpy and the Mr Cynical of Northern Ireland politics. Of course, we all know who we are talking about — the leader of the TUV, who leads a party with very few followers. He is looking for a platform —

**Mr Deputy Speaker:** Minister, your two minutes are up.

**The Minister of Finance and Personnel:** He thinks that he can somehow or other capitalise on the misfortune of savers to give himself a political platform.

**Mr O'Loan:** We all hope that a sound rescue plan for the PMS savers can be put in place. Does the Minister agree that, if the Assembly is to lend £200 million to the scheme, Members, who will vote on the matter, are entitled to have the full details of an independent assessment of the risk involved in the scheme, not merely an assurance from the Minister?

**2.45 pm**

**The Minister of Finance and Personnel:** The Minister is required to do the due diligence exercise, which the Department has carried out. Believe you me, given the hoops that we have had to jump through for the Treasury, it has not been an easy exercise. We said all along that this is a 10-year deal, which shows the Executive's commitment. However, it depends on what happens in the property market. It is not without risk, and I do not want to be accused of trying to hide the risks involved. Members will have to vote on it on the basis that there is no guarantee at the end of the period that 100% of the commitments will be realised.

However, that is true of any situation that relies on the sale of property that has been devalued and in which there is a 10-year period over which that value has to be recouped. Neither the Minister of Enterprise, Trade and Investment, the First Minister and deputy First Minister nor I have ever tried to hide that, which is why we wanted the mutual access fund and the contribution from Westminster, which we have been able to secure.

**Mr McNarry:** There are many Mr Men about in politics from time to time, including Mr Funny. In light of some of the questions, I do not detect Members being begrudging on the issue, except

what the previous Member to ask a question was driving at.

Will the Minister confirm that the status of the very welcome contribution by the Northern Ireland Executive is not a loan?

**The Minister of Finance and Personnel:** There are three parts to the Executive's contribution. First, there is the £175 million that we will raise through the RRI: that is a loan that has to be repaid, and interest will be attached to it. Secondly, there is a financial contribution of £25 million from the Executive, which is contained in the Budget: that is a loan that will have to be repaid. The third element is a £25 million contribution from the Treasury: that is a gift to the Northern Ireland Executive, not a loan to the Presbyterian Mutual Society. Should money be available to cover that at the end of the period, it is up to the administrator as to how it is distributed.

### **Schools: End-year Flexibility**

3. **Mr Elliott** asked the Minister of Finance and Personnel, given the withdrawal of end-year flexibility, where the funding will come from to allow schools to access carried-over resources. (AQO 1023/11)

**The Minister of Finance and Personnel:** It is important to clarify that there was never an expectation of the Executive having to make an immediate payment from the accumulated reserves saved in the schools sector. Although the Executive may have lost access to all their accumulated end-year flexibility (EYF) stock through the unilateral and punitive actions of the Treasury, that does not undermine the prudent scheme that operated in the education sector. As the Member knows, school boards of governors were encouraged to exercise their function under the local management of schools (LMS), which enabled schools to carry savings from one year to the next. It was good budget practice, and it enabled them to save for two or three years for large items of expenditure that were required and that they could not achieve in one year. Such practice can continue into the forthcoming Budget period, and we assured schools that they can do that. Indeed, we assured schools that we want them to continue to do that. If the issue had been handled differently, the concerns of schools might not have arisen in the first place.

**Mr Elliott:** There has also been an indication that the Minister of Education may be preparing to convert some capital finance to resource finance. Is that feasible and practical in the current framework, and, if so, does it need the approval of the Executive or the Department of Finance and Personnel?

**The Minister of Finance and Personnel:** It is technically feasible because, as I stated in an earlier answer, we switched £252 million of our current spending into capital spending.

Normally, the money that the Treasury gives us for capital spending cannot be turned into current spending, but, because we voluntarily made that switch, we can switch it back if we wish. However, Ministers cannot simply do that; they must ask permission because the Budget statement makes it clear that the money has been switched into capital. If it has to be switched back, Executive approval is required.

Is it desirable? In an answer I gave previously to a Member, I indicated that it is not the situation that we would like to see. Only after a lot of consideration did we switch the current money into the capital purse. We did that for very good reasons, which, as far as I am concerned, still pertain. I would like that amount of money to be left intact.

**Mr McCartney:** Gabhaim buíochas leis an Aire as a fhreagra.

Does the Minister agree with me that, to challenge the British Treasury's smash-and-grab tactics, discussions with his Scottish and Welsh counterparts will assist him in ensuring that we can move forward on a joint platform?

**The Minister of Finance and Personnel:** I will not rise to the bait that my colleague on my left would like me to in discussing "smash-and-grab tactics" and everything else. I know that he is being mischievous and that he would like me to be mischievous. Most times, I would not mind indulging him, but I will not today.

The Member has made a very important point. He is right. Ours is not the only area to have suffered. Wales lost £385 million in the raid on in-year flexibility reserves. Scotland lost considerably less than that, but, nevertheless, it lost money. All three Finance Ministers have collectively raised this with the Treasury. Only last week I signed off on a letter from all three of us to the Treasury on the issue.

A new scheme will be introduced in the March Budget, and that fact shows that its withdrawal was a cynical exercise. The Treasury knows that we have to have some way of carrying some money over from one year to the next; otherwise all we will do is blow the money on things that are perhaps not necessary and not good expenditure. Sometimes, towards the end of the year, a capital scheme may slip, and we need to have the flexibility to carry over that money. The Treasury knows that we need such a method. Good, prudent management of resources indicates that we need it, and that is why the Treasury will reintroduce the scheme. I suspect that the only reason that the Treasury stopped it was because it saw that there was probably £800 million in the three devolved Administrations and decided to have some of it.

**Mr Bell:** I declare an interest as a governor of Regent House Grammar School and Donaghadee Primary School. Does the Minister agree that the savings were made through the good financial stewardship of schools that were prepared to make some short-term gain in the long-term best interests of the pupils? It is vital, as has been said, that that money is guaranteed, as schools have been let down by the Conservative Party — a party that the questioner campaigned for at the last election.

**The Minister of Finance and Personnel:** As I have made clear, it is important that schools have that flexibility. I have given an assurance, and people have asked how I can do it. My assurance is that not only will schools have access to the money that they have already saved, they will be able to continue to behave as they have in the past, saving up to 5% of their school's budget every year and carrying it over.

That can be done because the scheme is self-financing. Some schools will save money. Others, which have saved money, will spend their savings. By and large, over the period in which this has been operating, the amount of money that flowed in from new schools saving was offset by the schools that decided to spend what they had saved. Therefore, there has never really been a draw. In some years, there might be a small imbalance. Maybe more savings will be withdrawn than will be put in, or more will go in than go out, but that can be dealt with in the in-year monitoring rounds.

There is nothing for schools to fear. Even without end-year flexibility, we can do things

internally in Northern Ireland. I want to get that message over to schools, because I do not want them to feel that they have to squander money at the end of the year and not adhere to the sound financial planning to which the Member referred.

### **Banks: Business Lending**

4. **Miss McIlveen** asked the Minister of Finance and Personnel for an update on discussions he has had with local banks regarding increasing lending to local businesses. (AQO 1024/11)

**The Minister of Finance and Personnel:** I met representatives of local banks and the Institute of Directors on 6 December 2010 to discuss actions that could be taken to improve access to business finance and customer relations. The meeting was attended by representatives from the British Bankers' Association, Barclays Bank, Ulster Bank, Bank of Ireland, First Trust Bank, Northern Bank, Santander and HSBC. We discussed the implementation of the recommendations contained in the British Bankers' Association's business finance task force report. That report included 17 recommendations, not all of which are particularly applicable to Northern Ireland, but we wanted to determine which of them could be applicable and whether they would be applied in context. We hope to have a second meeting to discuss progress on the implementation of the report.

**Miss McIlveen:** I thank the Minister for his answer. Does he believe that the recent bail out in the Irish Republic will have any negative consequences for the Northern Ireland banking sector?

**The Minister of Finance and Personnel:** We have great concerns, which I have already raised on a number of occasions with Brian Lenihan, the Minister for Finance. My two concerns are as follows: first, the recent bail out indicates that there has to be a restructuring of the Irish banks. That could mean some branches being sold or the representations of Irish banks in Northern Ireland being reduced. There will be implications for jobs, for the banking network and for competition.

My second concern is that, as a result of the bail out, the banks have been told that their reserves are much too low and that they have to get their balance sheets in a healthier position and get their reserve levels up. That means that

any cash that comes in has to be used to build up reserves, with the result that there is less money available for lending. That will have an impact on Northern Ireland businesses.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle. The Minister is well aware that, when it comes to bank lending to businesses, although very often what is counted is the total amount that is lent to businesses to allow them to secure and grow, the terms that are applied and the interest rates that are attached are often what really counts.

**Mr Deputy Speaker:** The Member must ask a question.

**Mr Callaghan:** What discussions has he had with the banks to improve those conditions for local businesses?

**The Minister of Finance and Personnel:** I have had extensive discussions, although I am not always happy with the explanations that I am given. For example, it stretches the imagination as to how one local bank can now charge 11.49% over the Bank of England base rate for overdraft facilities. Out of the blue, some banks have forced people to pay huge fees to renegotiate their terms, even though they have been paying their loans or keeping their overdrafts within limits. I have never had a satisfactory explanation from the banks as to why that is being done. Some businesses are so badly down on their knees that the banks do not go after them, and I am worried that the banks go after businesses that are viable and have prospects, because they can get cash from them. The banks pursue those businesses, and the danger in doing so is they are going to damage good, viable businesses in Northern Ireland and put them in a situation in which they cannot grow or continue to operate.

## **Health, Social Services and Public Safety**

### **Motor Neuron Disease**

1. **Mr McKay** asked the Minister of Health, Social Services and Public Safety whether his Department is conducting any research to advance the drug treatments available to those suffering from motor neuron disease. (AQO 1035/11)



**3.00 pm**

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** No studies on drug treatment for motor neuron disease are under way in any of our health and social care trusts. Furthermore, health and social care research and development, which is in the division of the Public Health Agency that allocates research funding provided by the Department of Health, Social Services and Public Safety, is not currently funding any such studies.

Research into new treatments, including new drugs, is typically undertaken by the pharmaceutical industry or in specialised institutes and laboratories across the world. If new treatments were to become available in the UK, the National Institute for Health and Clinical Excellence (NICE) would be expected to assess them. NICE rigorously and independently assesses drugs and treatments and provides guidance to my Department on their use. That guidance is then assessed for its applicability to Northern Ireland.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Is his Department being proactive in co-operating and keeping abreast of developments through its counterparts in the South? Beaumont Hospital in Dublin, for example, is taking part in international trials for new drugs that may benefit sufferers of motor neuron disease. If those are approved, will the Department make them available to sufferers in the North?

**The Minister of Health, Social Services and Public Safety:** I was not aware that those trials were ongoing specifically in a hospital in Dublin. Trials are typically ongoing in a number of hospitals and in a number of countries. However, if new treatments become available after research, they will be assessed by the National Institute for Health and Clinical Excellence. It is on its recommendation that the Health Service is then able to fund particular treatments.

I understand Mr McKay's questions. It is a particularly difficult condition with a poor life expectancy. Work on the condition is ongoing. If we got the appropriate drugs that gave sufferers any anticipation of progress, I would not be slow in coming forward.

**Mrs D Kelly:** Will the Minister advise the House whether he agrees with the Belfast Trust's

decision to close neurology beds at the Royal Victoria Hospital? Does he have any concerns that it took that decision without consultation?

**The Minister of Health, Social Services and Public Safety:** There have been changes to the neurology unit in the Royal Victoria Hospital. Those have not altered the hospital's capacity to deliver the care that it delivers regionally. There have been ongoing discussions which, I believe, have been presented to the Health Committee. One of the big issues about the neurology clinic is the state of the building, which certainly needs investment. However, I am assured that the reconfiguration of beds in no way limits that clinic's capacity.

## **NHS: Interim Management and Support**

2. **Mr McLaughlin** asked the Minister of Health, Social Services and Public Safety how many times interim management and support (IMAS) has been called into trusts in the last three years. (AQO 1036/11)

**The Minister of Health, Social Services and Public Safety:** At the request of the trusts concerned, the interim management and support team made one-day visits to the A&E departments at Altnagelvin and the Royal Belfast Hospital for Sick Children. IMAS reported the findings of each visit in a letter to the respective trusts. IMAS separately provided input to the Northern and Southern Trusts in respect of the implementation of the service reforms.

I understand that IMAS is also working with the Health and Social Care Board and trusts in respect of the development of mental health services. When I established the Health and Social Care Board, I gave it responsibility for all performance management and improvement across health and social care organisations. I also expect all trusts to continuously look to improve how they deliver services to patients.

During 2009-2010, the board worked with trusts to secure improvements in performance against set standards for waiting times in A&E departments. As part of that process, additional external support for trusts was made available in the form of the IMAS team. I do not need to be advised about all that work as it is normal business and should be treated as such. I expect and require to be told of any serious issues or incidents. However, in respect of the

IMAS visits, there were no unresolved issues of which I needed to be formally advised.

**Mr McLaughlin:** I thank the Minister for his detailed answer. It cost almost £10,000 for IMAS to review the Belfast Hospital for Sick Children. Does that mean that the Minister has come to the view that that was not proper? What is the position on asking the RQIA to carry out such a review, given that it has been used quite extensively in the past?

**The Minister of Health, Social Services and Public Safety:** I think that the figure for all of the IMAS work in Northern Ireland is £11,000. If I am incorrect about that, I will write to the Member. My information is that the cost of IMAS going into the Royal Belfast Hospital for Sick Children was more like £3,000, but we will not fall out over a few thousand pounds. As I say, I will write to the Member about that.

The IMAS recommendations are part and parcel of the work done in the Health Service to seek constant improvements and efficiencies and to benchmark against actions that are undertaken in other parts of the UK. The interim management and support service, which is available to all trusts throughout the UK, makes recommendations on a frequent basis. It looks at certain procedures and makes recommendations. It looked at the procedures in Altnagelvin hospital, for example, and decided that those were worth taking to other parts of the United Kingdom.

**Mr Campbell:** Following the IMAS review and the discussions held between it and the Health and Social Care Board, will the Minister outline what reports he has received as a result and whether Assembly Members or the Health Committee will have sight of those?

**The Minister of Health, Social Services and Public Safety:** I normally expect to see reports of a serious nature and those about serious incidents. That is part and parcel of the routine work done in the Health Service. The performance management and improvement sector in the Health and Social Care Board is very much about delivering efficiencies and better practice. It does not simply measure what is done but looks at ways to do things better. If it discovers a serious incident, I expect it to report that to me.

Routine work such as that — there are reviews ongoing all the time, such as value-for-money

audits the whole way through — is normal practice. Indeed, the RQIA, which was mentioned, routinely goes into nursing and residential homes and fashions reports. If the RQIA sees something seriously adverse, I would see its report about that. That is part and parcel of what we look at in business. I spent many years in business, so I am familiar with that sort of routine performance management and improvement and with seeking productivity gains.

**Mr Callaghan:** The Minister said that he expects to see IMAS reports about serious matters. Does he agree that Members of the House should not read in the local newspapers about serious matters being investigated by IMAS? In what circumstances does he believe that such reports should be shared with Members?

**The Minister of Health, Social Services and Public Safety:** I have nothing further to add to the answer that I gave to Mr Campbell other than to advise the Member that just because something is in a paper does not mean that it is true. Just because a paper says that something is serious does not mean that it is. For example, a recent headline in a local paper stated that the A&E at the Royal Belfast Hospital for Sick Children was unsafe. IMAS never said that, but that was the interpretation used. So, I think that Members need to guard against that type of headline.

Reports go routinely to the board, and the board meets monthly and always in public session. I report routinely to the House, as I am doing today, and to the Committee, so there is constant reporting. If reports are serious, we will, of course, bring those reports forward. I expect to be told about such reports, and, when I am not told about them, I get upset, as does the House. However, please do not assume that because something is in a newspaper it is true.

### Western Health and Social Care Trust

3. **Lord Morrow** asked the Minister of Health, Social Services and Public Safety what action he intends to take to restore public confidence in the Western Health and Social Care Trust following recent negative reports. (AQO 1037/11)

**The Minister of Health, Social Services and Public Safety:** Members are aware that the Regional Health and Social Care Board recently carried out a review of aspects of the performance of the Western Health and Social

Care Trust. That review concluded that the performance standards that the trust is required to meet in respect of those issues have now been fully restored. The trust and the board took appropriate, responsive and proportionate action to make sure that issues were resolved and that there was no ongoing risk or danger.

**Lord Morrow:** I thank the Minister for his reply. I am sure that he would agree that the confidence of the public is paramount to trust in the trust. Will the Minister give an assurance today that we will see a turnaround in the future from, to put it mildly, all that bad publicity? In the past, the Western Trust has received a considerable number of negative comments. Will the Minister assure the House that we have heard the last of those negative comments?

**The Minister of Health, Social Services and Public Safety:** I say to Lord Morrow that I cannot give him that assurance, because of what I have already said in answer to Mr Callaghan's question. I cannot legislate for or determine what people are liable to read in the newspapers or the comments made in the newspapers. However, I can tell the Member that, for example, we have responded to that business in the Western Trust. There were a number of issues, and I can go through them as required. There was a full review of imaging in Altnagelvin. Let me also assure him that we had a governance review. What we concluded on top of that is that there are no concerns about the quality of the professional performance of the doctors, nurses and health professionals, who all perform well.

As far as some of the issues are concerned, some of the headlines were disgraceful. However, there are a couple of issues. For example, the issue at the reporting stage of X-rays is completely unacceptable. I have said to the House that that is not acceptable and I will not tolerate it. That is why we have taken the steps that we have.

**Ms M Anderson:** Go raibh maith agat. I appreciate what the Minister said. I remind him that, last week, he also said that he would be shocked if it were true that two of the four patients who had a delay in their cancer diagnosis were informed of that only on the day that the board and the trust appeared in front of the Health Committee. The Minister has probably discovered that that was, in fact,

the case. Given that the reviews that he talked about are carried out internally —

**Mr Deputy Speaker:** Question.

**Ms M Anderson:** This is a very important matter. The question is: will the Minister extend the independent review of oral medicine that he spoke about last week to include the debacle at Altnagelvin hospital? We still do not know how many patients the 18,500 X-rays represent.

**The Minister of Health, Social Services and Public Safety:** I have ordered the Regulation and Quality Improvement Authority to inquire not simply into reporting at Altnagelvin but reporting throughout all the trusts to ensure that we have a uniform and consistent high standard. That should give confidence to everyone.

Since Ms Anderson made her comments last week, I have enquired into when patients were told. I am assured by the trust that no patient was notified of their diagnosis as late as 3 February. Indeed, all diagnoses were available. I am told that patients were advised of their late diagnosis and that there were concerns about four of those patients on 8 July 2010, in September 2010, on 14 October 2010 and in November 2010. I am very interested to know whether the Member has information to show that the information that I have been given is incorrect. That is what I was assured by the trust. Patients have a right to be told immediately, and it is important to ensure that that happened.

The Member is also aware that Altnagelvin had a requirement for 13 consultant radiologists and got nine. At that stage, equipment needed to be replaced, and that has since been done. There have been improvements, and, clearly, the service is where it should be now.

**3.15 pm**

**Mr Gallagher:** Will the Minister admit that thousands of employees of the Western Trust and other trusts that have been the subject of controversial reports are dismayed and demoralised about those reports? They are not high earners; they are the lower paid and very hard-working employees —

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

**Mr Gallagher:** What consideration has the Minister given to their problems?

**The Minister of Health, Social Services and Public Safety:** Mr Gallagher makes an important point: staff are frequently dismayed and demoralised by the frequent criticisms and comments about their performance. If someone comments on trusts or hospitals, it is the people who work in those trusts or hospitals they are talking about, and, if someone complains about a service, the people who deliver that service are being complained about. All too often as I work through complaints, I discover that they are routinely unfounded. Where those complaints stand up, we will deal with them.

I will repeat what has been discovered in the considerations and what I have reported: there are no concerns about the quality of professional performance. We have very good staff throughout our Health Service, and we should be proud of them. They need, deserve and merit our support, instead of what I see as constant, almost guerrilla warfare against the Health Service from some sectors, particularly some parts of the media. I regret that because it has an effect on morale.

Around 70% of costs in the Health Service are wages. Around 80% of the staff are female and are overwhelmingly low-paid. They do a huge job, and they do not do it for the money. They do it to provide a service. I empathise with the sentiments behind Mr Gallagher's remarks.

**Mr Elliott:** Does the Minister have any progress reports from the Western Health and Social Care Trust on the developments at the south-west hospital and its progress?

**The Minister of Health, Social Security and Public Safety:** The south-west hospital is a major investment that I was able to announce in July 2007. It will be an acute hospital in that area that will deliver services for generations to come. There is much more to be done. The capital infrastructure of health in Northern Ireland is extremely poor. Many of our hospitals are 50 years old or older, and many of the mental health institutions that we operate in are 100 years old or older.

The Member will be aware that I prioritised four major capital projects: the Ulster Hospital ward block; the maternity unit at the Royal; and the Omagh local hospital and Altnagelvin radiotherapy unit in the Western Trust area. However, I need support from the House to enable me to provide adequate resources to

deliver the four major capital projects that I am looking at.

### **Mater Hospital, Belfast: Accident and Emergency**

4. **Mr Sheehan** asked the Minister of Health, Social Services and Public Safety whether the future of the accident and emergency facility at the Mater Hospital, Belfast is secure.  
(AQO 1038/11)

**The Minister of Health, Social Services and Public Safety:** The Mater Hospital, including the accident and emergency department, will continue to be an essential part of the network of hospitals that provide high-quality care to the people requiring the services of the Belfast Health and Social Care Trust.

**Mr Sheehan:** Go raibh maith agat. Ba mhaith liom buíochas a ghabháil leis an Aire as an fhreagra sin. I thank the Minister for his answer. I am sure he is aware that speculation is doing the rounds that the accident and emergency facility at the Mater Hospital is to be downgraded as a prelude to closure. Can he reassure us on that? Has he given the Belfast Trust a directive that the accident and emergency facility should not be downgraded and should not be closed?

**The Minister of Health, Social Services and Public Safety:** The way Mr Sheehan spoke was almost as if the accusation was that we are downgrading the A&E and that the hospital was closing. That is the sort of speculation that goes around, and I think Mr Sheehan has a strong role to play in ensuring that such speculation does not take hold. I have said many times in the House that the Mater Hospital plays a key and integral role in the delivery of hospital services in Belfast. Although the recommendation in the Developing Better Services strategy is for a local hospital, I have made the point that we see it very much as part of the Belfast delivery through the Royal, City and Mater Hospitals. The Mater Hospital is the regional centre for ophthalmology for the whole of Northern Ireland. It has a theatre block that, frankly, surgery in Belfast could not survive without. The future of the Mater Hospital is absolutely assured, and I have had discussions with the authorities about that.

I have no plans whatsoever at the moment to close A&E at the Mater. It will continue. It has



around 40,000 visits a year, which is a number that we could not replicate as things stand. We can take comfort from that. As the service evolves, there will be changes. I cannot say that this, that or the other will be there for ever and a day. I am still the Minister, and I will be for a number of weeks yet, Tom Elliott permitting — *[Laughter.]*

**Mr Storey:** And the voters.

**The Minister of Health, Social Services and Public Safety:** There will be no changes to the A&E department. I am confident of the voters, as is Mr Storey.

**Mr Humphrey:** Will the Minister provide certainty and clarity to the House on the retention of all medical care at the Mater as it currently exists?

**The Minister of Health, Social Services and Public Safety:** I could not say that about any hospital in Northern Ireland, including the Royal, the City and Altnagelvin. The delivery of services is evolving all the time. We will see changes, as I have said repeatedly. If, for example, a patient has cancer, they will not go to the Royal, the main regional hospital, they will go to the City because that is where the specialism is. If, on the other hand, someone, God forbid, were to go through the windscreen of their car on the way home, they will not go to the City. The chances are that they will go to the Royal. It is about specialism as well. We have specialism in delivering services because patients do better that way. That is what achieves the best outcomes.

**Mr A Maginness:** I warmly welcome the Minister's reassurances on the Mater accident and emergency unit and the hospital at large. I remind the House that a previous Minister, Bairbre de Brún, had major plans to diminish the Mater Hospital. Thank goodness that that was prevented by me and other Members.

Will the Minister consider the sharing of psychiatric services between the City Hospital and the Mater? A decision has been made to transfer, in part at least, psychiatric services to the City Hospital.

**The Minister of Health, Social Services and Public Safety:** That decision will be very much informed by the Bamford review of mental health. The proposal is for a single acute mental health hospital for the city of Belfast. There is also a strong lobby for such a unit to be on an acute

site because of the stigma associated with mental health. It should be seen in the same way as any other type of acute medicine. There is a consultation and, in due course, the report will be made public. I do not want to pre-empt it. However, with or without the acute psychiatric hospital, the Mater Hospital's future, as far as I can see, is assured. It has a very important role to play in the delivery of hospital services in Belfast. I see it very much as an extension of the Royal and the City complexes in Belfast and as a regional centre for ophthalmology and a number of other services and specialities.

## Home-Start

5. **Ms Purvis** asked the Minister of Health, Social Services and Public Safety if he will issue a directive to ensure that funding for Home-Start schemes continues beyond March 2011. (AQO 1039/11)

**The Minister of Health, Social Services and Public Safety:** Since the children's fund came to an end in March 2008, I have provided resources from my budget to continue to assist projects that were previously supported by the fund. Activities that contribute to the aims and objectives of my Department are being carried out. Those included four locally based Home-Start schemes: Down district; Armagh and Dungannon; Newry and Mourne; and Ards, Comber and peninsula area. I am committed to providing funding for those schemes until the end of the current financial year. As the Member knows, the Executive's draft Budget is out for public consultation. Until it is agreed, work on the detail of my Department's budget cannot be finalised. That means that, at this time, I am unable to give guarantees to any groups about the availability of funding beyond March 2011.

**Ms Purvis:** I thank the Minister for his answer. The Minister will agree that Home-Start is a good example of preventative spending on an early intervention programme for vulnerable families that keeps children out of care, thereby improving their lifetime opportunities and actually saving the public purse the cost of services — potentially £300,000 a child — in later life. What priority has the Minister given to such preventative spending measures in his budget?

**The Minister of Health, Social Services and Public Safety:** Ms Purvis will be aware that I place great store by preventative spending. One of the proofs of that is, of course, the

establishment of the Public Health Agency and all the work that it does, including the funding of more than 600 projects along those lines.

I should also say that, when the children's fund was abolished, all Departments had an opportunity to step in and pick up the funds that they saw as essential. As far as I know, my Department was the only one to step in, which we did in the case of Home-Start. We have funded around 25 Home-Start projects throughout Northern Ireland. Most of those are funded by money that comes from the trusts. Four of them were funded through the Department with project money, and they were told to seek alternative sources of funding by the end of March 2011. I understand that three of them — Down district, Armagh and Dungannon, and Newry and Mourne — have done that and are getting funding from the trusts. Furthermore, the trusts have assured them that they will continue to buy their services come April 2011. The fourth Home-Start scheme has still to make the step, and I am encouraging and will continue to encourage it to do so. As the only Minister who stepped in to support the type of activity that was previously provided through the children's fund, I feel that my record on the importance of Home-Start is clear.

**Mr Beggs:** Since the demise of the Executive programme fund for children, how are cross-cutting issues that affect many Departments being gauged effectively to ensure that benefits are shared? Does the Minister agree that gaps have arisen since the Office of the First Minister and deputy First Minister decided to axe Executive programme funding?

**The Minister of Health, Social Services and Public Safety:** I agree entirely with Mr Beggs. The children's fund was set up by the previous Executive and carried on through the direct rule interregnum until we came back into office, at which point the abolition of the children's fund was one of the first things to happen. I regret that, because so many of its projects were of real value in the area of prevention. That is why my Department stepped in to support the Home-Start schemes. I regret that a number of schemes that would have provided great support for children in need have gone by the wayside.

**Mr Lyttle:** I share my colleague for East Belfast's regard for the Home-Start scheme. In the absence of such schemes, how will the

Minister provide early intervention measures for hard-to-reach families and children?

**The Minister of Health, Social Services and Public Safety:** Home-Start is by no means the only arm with which we approach the delivery of children's services. In addition, we provide children's services in a number of areas, particularly around family intervention and children's support. That is not to say that I do not value Home-Start; I do, and it has an important role to play.

**Mr Deputy Speaker:** I ask the House to take its ease for a moment or two.

3.30 pm

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

## Executive Committee Business

### Licensing and Registration of Clubs (Amendment) Bill: Further Consideration Stage

**Mr Deputy Speaker:** We return to the debate on the Further Consideration Stage of the Licensing and Registration of Clubs (Amendment) Bill.

#### **New Clause**

Debate resumed on amendment Nos 7, 8, 12 and 13, which amendments were:

No 7: After clause 9, insert the following new clause

#### **“Irresponsible drinks promotions**

**9A.** After Article 31 of the Registration of Clubs Order insert

#### **‘Irresponsible drinks promotions**

31A. (1) Regulations may prohibit or restrict a registered club from carrying on an irresponsible drinks promotion on or in connection with the premises of the club.

(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 obtain or consume a larger measure of intoxicating liquor than the person had otherwise intended to obtain 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) Regulations may modify paragraph (2) 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.

(4) If any provision of regulations under this Article is contravened

(a) the registered club,

(b) every official of the club at the time of the contravention, and

(c) any other person permitting the contravention,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) 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.

(6) In this Article “drinks promotion” means, in relation to the premises of a registered club, any activity which promotes, or seeks to promote, the obtaining or consumption of any intoxicating liquor on the premises.’” — [The Minister for Social Development (Mr Attwood).]

No 8: After clause 9, insert the following new clause

#### **“Pricing of intoxicating liquor**

**9B.** After Article 31A of the Registration of Clubs Order (inserted by section (Irresponsible drinks promotions)) insert

#### **‘Pricing of intoxicating liquor**

31B. (1) Regulations may prohibit or restrict a registered club from varying the price at which intoxicating liquor is supplied on the premises of the club during such period or hours as are specified in the regulations.

(2) If any provision of regulations under this Article is contravened

- (a) the registered club,
- (b) every official of the club at the time of the contravention, and
- (c) any other person permitting the contravention, 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.’ — [The Minister for Social Development (Mr Attwood).]

No 12: In schedule 2, page 25, line 25, at end insert

“31A(4)	Contravention of regulations as to irresponsible drinks promotions	5-6
31B(2)	Contravention of regulations as to pricing of intoxicating liquor	5-6”

— [The Minister for Social Development (Mr Attwood).]

No 13: In schedule 3, page 26, line 24, at end insert

“ . In Article 2(2) (interpretation) in the definition of ‘regulations’ after ‘subject’ insert ‘(except as otherwise provided in this Order)’ . ” — [The Minister for Social Development (Mr Attwood).]

Question, That amendment No 7 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 8 made: After clause 9, insert the following new clause

**“Pricing of intoxicating liquor**

**9B.** After Article 31A of the Registration of Clubs Order (inserted by section (Irresponsible drinks promotions)) insert

**‘Pricing of intoxicating liquor**

31B. (1) Regulations may prohibit or restrict a registered club from varying the price at which intoxicating liquor is supplied on the premises of the club during such period or hours as are specified in the regulations.

(2) If any provision of regulations under this Article is contravened

- (a) the registered club,
- (b) every official of the club at the time of the contravention, and
- (c) any other person permitting the contravention, 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.’ — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

**New Clause**

**Mr Deputy Speaker:** I call Mr Fra McCann to move formally amendment No 9. The Member is not in his place, so amendment No 9 is not moved.

**New Clause**

Amendment No 10 proposed: After clause 11, insert the following new clause

**“Young persons prohibited from bars**

**11A.** (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 ‘10’.” — [Mrs M Bradley.]

Question put.

The Assembly divided: Ayes 50; Noes 28.

**AYES**

Ms M Anderson, Mr Armstrong, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Dallat, Mr Doherty, Mr Elliott, Dr Farry, Mr Gallagher, Mr Gardiner, Mrs D Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr McDevitt, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Neeson, Ms Ní Chuilín, Mr O’Dowd,



Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey,  
Ms S Ramsey, Ms Ritchie, Mr K Robinson,  
Mr Savage, Mr Sheehan, Mr B Wilson.

Tellers for the Ayes: Mr Brady and Mr Gallagher.

## NOES

Mr S Anderson, Mr Bell, Mr Bresland,  
Lord Browne, Mr Buchanan, Mr Campbell,  
Mr T Clarke, Mr Craig, Mr Easton, Mr Frew,  
Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton,  
Mr Humphrey, Mr Irwin, Mr I McCrea,  
Miss McIlveen, Mr McQuillan, Lord Morrow,  
Mr Moutray, Mr Newton, Mr G Robinson, Mr Ross,  
Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr Bresland and Mr Hamilton.

The following Members voted in both Lobbies  
and are therefore not counted in the result: Mr  
Attwood, Mr Ford, Ms Gildernew, Mr G Kelly, Mr  
Kennedy, Mr McCausland, Mr Murphy, Mr Poots.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

## New Clause

**Mr Deputy Speaker:** I call Mr Fra McCann to  
move formally amendment No 11.

Amendment No 11 not moved.

## Schedule 2 (Schedule to be substituted in Registration of Clubs Order for Schedule 6)

Amendment No 12 made: In page 25, line 25,  
at end insert

“31A(4)	Contravention of regulations as to irresponsible drinks promotions	5-6
31B(2)	Contravention of regulations as to pricing of intoxicating liquor	5-6”

— [The Minister for Social Development  
(Mr Attwood).]

## Schedule 3 (Amendments)

Amendment No 13 made: In page 26, line 24,  
at end insert

“ . In Article 2(2) (interpretation) in the definition  
of ‘regulations’ after ‘subject’ insert ‘(except

as otherwise provided in this Order)’. ” — [The  
Minister for Social Development (Mr Attwood).]

**Mr Deputy Speaker:** That concludes the Further  
Consideration Stage of the Licensing and  
Registration of Clubs (Amendment) Bill. The Bill  
stands referred to the Speaker.

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

## Welfare of Animals Bill: Further Consideration Stage

**Mr Deputy Speaker:** I call the Minister of Agriculture and Rural Development, Ms Michelle Gildernew, to move the Bill.

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

**Mr Deputy Speaker:** Members 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 is one group of amendments, and we will debate the amendments in turn. The single debate will be on amendment Nos 1 to 8, which deal with the docking of dogs' tails. Once the debate on the group is complete, any further amendments 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.

We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 8, which deal with the docking of dogs' tails. Members will note that amendment Nos 2, 3 and 4 are mutually exclusive. Amendment No 5 is consequential to amendment No 1, and amendment No 8 is consequential to amendment No 7. I call Mr Peter Weir to move amendment No 1.

### Clause 6 (Docking of dogs' tails)

**Mr Weir:** I beg to move amendment No 1: In page 4, line 20, at end insert

*"or;*

*(c) for the purposes of showing a dog."*

*The following amendments stood on the Marshalled List:*

No 2: In page 5, line 5, leave out subsections (12) to (18). — [Mr Weir.]

No 3: In page 5, line 5, leave out subsections (12), (13) and (14). — [Mr Weir.]

No 4: In page 5, line 13, leave out subsection (14) and insert

*"(14) It is a defence for a person accused of an offence under subsection (12) to show that—*

*(a) that person reasonably believed—*

*(i) that the event was not one for which that person paid a fee or to which members of the public were admitted on payment of a fee;*

*(ii) that the removal took place before the coming into operation of this section;*

*(iii) that the dog was one in relation to which subsection (13) applies; or*

*(b) the dog's tail was removed in the circumstances described in subsection (3)(a) or (b)." — [Mr Beggs.]*

No 5: After clause 6, insert the following new clause

*"Regulations specifying breeds of dog*

*6A. The Department may by regulation specify breeds of dog bred for the purposes of showing to which section 6(1) and (2) do not apply." —*

*[Mr Weir.]*

No 6: In clause 31, page 19, line 14, leave out "and (12)," . — [Mr Weir.]

No 7: In clause 59, page 33, line 10, leave out "section 56," and insert "sections 6, 56," . — [Mr Weir.]

No 8: In clause 59, page 33, line 11, at end insert

*"(2) Section 6 shall not come into operation until two years after Royal Assent." — [Mr Weir.]*

**Mr Weir:** I presume that you are also looking to me to address the amendments?

**Mr Deputy Speaker:** That would be very useful.

**Mr Weir:** I am delighted that you have given me the opportunity.

These amendments concentrate on tail docking. There was a wider debate of the issue at Consideration Stage, when the majority view was in favour of a ban, and amendments specifically relating to working dogs were accepted by the House. This is an attempt not to reopen that wider debate, although there is a range of views on tail docking, but to look at specific issues that have been raised by those involved in dog trials. I am sure that a lot of Members have received lobbying from many people involved with show dogs. These amendments try to address those concerns. There is a range of amendments, and I suppose that they are in descending order of preference.

Mention has been made that, in many ways, this legislation brings us into line with what has happened in respect of tail docking in England, Scotland and Wales. There is no doubt that registered breeders have seen a reduction in the numbers of those breeds that would normally have been docked. Figures from the Kennel Club show the difference in the number of registrations between 2006 and 2009-2010. Some of the more popular breeds that would normally have been docked, such as Rottweilers, Dobermanns, boxers and King Charles spaniels, have been fairly dramatically affected. For example, Rottweiler registration has gone down by just over 70%, Dobermann by 53%, King Charles spaniel by 40% and boxer by just over 37%. Indeed, some breeds that were customarily docked are in danger of extinction, with only one pinscher registered in 2009-2010.

There is a danger that this could be a vicious circle to a certain degree. It could drive down dog numbers because those animals are not bred, and that could lead to a situation in which the numbers are massively reduced or breeds are driven to extinction. It strikes me as being very strange: if the effect, particularly in the area of show dogs, is to drive down dog numbers because there is no market for them, it is somewhat beyond me how that can fit in with the general concept of the welfare of animals. Ultimately, it leads to a lot fewer dogs of particular breeds.

Concern has also been raised that this legislation will lead to economic loss for Northern Ireland. At the moment, for example, five championship shows are held at the King's Hall. That leads to direct income. In addition, bringing the pets in and getting them ready generates a substantial amount of income. About 37% of the entrants to those shows come from traditionally docked breeds. The secretaries who run those shows have confirmed that, should the number of entrants from docked breeds fall to the same level as on the mainland, it may become financially unviable to continue with the shows. That would lead to a large-scale reduction in income. There is also the potential that a range of native Irish breeds, such as the Glen of Imaal terrier, which is already on the endangered list, will be in danger of extinction. Consequently, amendment No 1 looks for an extension of the exemption to dogs that are for the purpose of show trials: for example, dogs that are with registered breeders. Regulations can be brought into place to cover that.

With amendment Nos 2 and 3, amendment No 2 is our preferred position, and if it falls, we will seek to push amendment No 3. The Bill seems to draw a distinction between a dog show at which a fee is paid and one at which it is not. That will have a major impact on dog exhibitors from Northern Ireland, Southern Ireland and Europe. Again, it is about removing tail docking as an offence. Our preferences have been indicated, particularly from an international perspective. A lot of EU countries do not have this prohibition and, consequently, it will disadvantage dog breeders here by comparison with breeders from those countries. Making this a specific criminal offence is not particularly helpful.

Amendment No 2 goes further than amendment No 3. Obviously, if amendment No 2 goes through, it will have a knock-on effect, as the Deputy Speaker said, on amendment Nos 3 and 4. We see a certain amount of merit in Mr Beggs's amendment. We prefer ours, because it goes further, but, in the event of our amendment being unsuccessful, we have no problem with Mr Beggs's amendment.

The other amendments look again, depending on other events in connection with this, at the position. If we are unsuccessful in excluding this as a category, the Department should have the opportunity, as a fallback position, to look at those breeds that traditionally are involved with tail docking and bring forward regulations from a show trial point of view. That is the purpose of that amendment.

In the wider context, people will undoubtedly make the case for a ban on tail docking. As anyone who has gone into this issue in any detail will know, that may be a reasonable position for many dogs but does not cover all dogs. For many dogs, the least cruel thing is actually to ensure that there is docking at an early stage. A number of dogs are greatly inconvenienced and in great pain at a later stage with a fully grown tail, which they then face the amputation of. This is an opportunity for us to provide a nuance to the general position that the Assembly has established.

Amendment Nos 6 and 7 are largely consequential on earlier ones. Finally, amendment No 8 does not directly impact on the issue of show dogs, but it at least creates a bit of breathing space by delaying the commencement Order. Again, that is not our preferred position. Action should be taken in

this legislation to look at the specific position of show dogs. However, at least a delay would allow the Department some opportunity to look at the issue again and bring forward regulations. As I understand it, the Department is not in a position to do that immediately anyway, so, effectively, this would slightly lengthen the delay. However, if we obtain what we want and get some of the earlier amendments accepted by the Assembly, amendment No 8 becomes redundant. It is very much our final issue.

There is a lot of emotion tied up in this issue. It is a very complex subject for anyone who looks at it. Our intention is simply to get it right and not to leave those involved in show trials in Northern Ireland at a disadvantage against anywhere else in Europe, and to ensure that we do not achieve something that we least desire: if this Bill goes through unamended, it will lead to a massive reduction in numbers for certain breeds of dog. I fail to see how the destruction or non-breeding of a range of dogs is in the broader interest of the welfare of animals. I commend the amendments to the House.

**The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray):**

I advise the House that the Committee has not had the opportunity to discuss these amendments. My opposition, as Chairperson of the Committee, arises from the fact that they are contrary to the Committee's policies on tail docking, the showing of dogs with docked tails and the showing of dogs where the tail has had to be amputated following injury.

Those policies have been agreed by the Committee and, importantly, by the majority of the House following a vote on the amended clause 6 on 1 February.

**4.00 pm**

Amendment Nos 1 and 5 are two different ways of attempting to achieve the same outcome. Amendment No 5 is consequential to amendment No 1. Those amendments seek to offer protection against offences if a dog has had all or part of its tail docked for the purposes of showing a dog and, as a consequence, to reintroduce the cosmetic docking of tails. The amendment will seek to allow the routine or cosmetic docking of a dog's tail for no other reason than for the showing of a dog. It is not so much a back-door attempt to allow cosmetic docking as the opening of the floodgates to the unnecessary practice of cosmetically docking a dog's tail.

Members have decried the use of the term "cosmetic" as emotive. However, let us not beat about the bush: show dogs are bred to be put on show against breed standards, among which is that the tail should be docked. However, that is not a requirement placed in the standards by the Kennel Club but rather an option that is applied by owners. Breed standards are principally about the appearance of a dog, and tail docking is about improving the appearance. The 'Oxford English Dictionary' defines "cosmetic" as a treatment intended to improve appearance. It is cosmetic docking, pure and simple.

There are claims that the docking of show dogs' tails is prophylactic or preventative in the same way as working dogs' tails, as currently specified, can continue to be docked for welfare reasons through veterinary certification. The argument is now being made that show dogs' tails are docked for welfare reasons, and the Bristol University report 'Risk factors for tail injuries in dogs in Great Britain' is cited as proof. That report indicated that 36% of tail injuries were in-house and that 14.4% were a result of being caught in a door. On the face of it, those are worrying statistics until one delves deeper. The statistics are based on the number of reported tail-related injuries, which totalled 281; that is 281 out of a population of some 138,000 dogs surveyed — 0.23%. That equates to 101 dogs out of 138,000-odd that have had in-house injuries. When further information was sought, it was found that 30 cases out of a sample size of 138,212 required amputation.

I in no way wish to trivialise the pain that those dogs suffer, and I have no doubt that reputable owners and breeders value highly their animals' welfare. However, let us not create a smokescreen by saying that welfare is the justification for allowing routine docking of a tail. It is not. Many in-house injuries are the result of human interventions, such as closing a door on the tail. That does not justify the docking of a tail as distinct from the docking of working dogs' tails, which is permitted on the basis of the natural conditions in which it works. Indeed, in some circumstances, the pest that is being hunted can cause the damage.

The overriding objective for showing a dog is its appearance, and the removal of part or all of the tail to adhere to a breed specification results in the cosmetic docking of tails. It is not appropriate to alter the appearance of a dog to achieve a cosmetic outcome. The Kennel Club



and show dog owners state that it should be left to them to take the decision to dock or not. In other words, they support the elective docking of the tail. That is further proof that welfare is not the priority in the decision, unlike in the case of working dogs, but that the appearance of the dog is paramount.

**Mr Weir:** If the net effect of the passing of the current legislation is a massive reduction in the number of dogs, presumably the welfare of a dead dog is not particularly good in that regard. If the dog does not exist in the first place, that would surely actually go to the welfare of it. It is not just a cosmetic issue.

**The Chairperson of the Committee for Agriculture and Rural Development:** I thank the Member for his intervention; I will cover that as I continue. The Committee is totally opposed to cosmetic docking, and I was delighted that the House indicated at Consideration Stage that it too was opposed to it.

I now turn to the second and third amendments. The former seeks to remove subsections 12 to 18 from clause 6, and the latter seeks to remove subsections 12 to 14. The issue is whether it would be an offence to show a dog with a docked tail. As previously explained to the House at Consideration Stage, the Bill allows for dogs to be shown if the tail is docked before the ban is enacted. It will be an offence to show a dog if its tail is docked after the ban is introduced. The Committee has been very clear when it has said that, if you accept that the cosmetic docking of tails is wrong, it is also wrong to allow the continuation of events that perpetuate that practice. Those two amendments seek to do that, as they seek to allow dogs with docked tails to continue to be shown despite the removal of a docked tail as a requirement by the Kennel Club.

In addition, amendment No 3 would remove the vitally important offence of providing false information to a veterinary surgeon in respect of certification. As I indicated, the Committee's position is that you cannot ban the cosmetic docking of dogs' tails yet allow the showing of dogs that have been put through that unnecessary elective practice. The Committee is content that working dogs with legally docked tails can continue to demonstrate their working ability at dog shows, as the primary objective for docking the tail is on welfare grounds.

**Mr T Clarke:** In the early part of the Member's statement, he suggested that the Committee has not had the opportunity to discuss the amendments, so how can he, as Chairperson of the Committee, now say that the Committee has a view on various aspects? The Committee has not had an opportunity to discuss the amendments, which are a change from the position that was agreed in the House.

**The Chairperson of the Committee of Agriculture and Rural Development:** The Member will be well aware that there were opportunities to put amendments before this point, and the Bill has to move on.

As indicated, the Committee supported and indeed strengthened subsections 12 and 14 of clause 6 in Committee during Consideration Stage. The proposed amendments seek to undo what has been agreed, and the Committee stands opposed to them.

Amendment No 4, which is in the name of Mr Beggs, seeks to allow the showing of a dog whose tail has been damaged and has, unfortunately, had to be amputated. That was also discussed previously in Committee, and the Committee agreed that it should continue to be an offence. I make it clear that the overwhelming majority of breeders and owners value their dogs, and, as has been pointed out by other Members, they often spend more money on the dogs than on themselves. However, it is unfortunate that there are a few in society who would deliberately set two dogs on each other to make a profit, and I have no doubt that there are those who would deliberately damage a dog's tail so that it would be surgically removed, in order to make a profit.

Let us be clear: the proposed amendment is not limited to mature dogs but incorporates all ages of a dog from a newborn puppy upwards. How much more likely will be instances of damage to a pup's tail with the excuse that it was the bitch that damaged it when the reality is that it was damaged deliberately to secure a higher profit? The amendment will create a loophole that will allow that heinous act to be carried out. The Committee did not wish to see that loophole created. Our priority is to protect the dog from the few who would undertake those actions. Therefore, I hope that the House will agree with the Committee and oppose this amendment.

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

**The Chairperson of the Committee for Agriculture and Rural Development:** No, I have already given way twice. Members will all have an opportunity to speak.

Amendment No 6 seeks to remove the showing of a dog with a docked tail as an offence. Hopefully, the House will agree with the Committee position that cosmetic docking is wrong and that the showing of dogs with cosmetically docked tails only perpetuates that practice. The Committee believes strongly that the practice needs to be discouraged and is content that an offence be created. It is accepted in England and Wales that the showing of dogs with docked tails promotes the cosmetic docking of dogs' tails.

**Mr T Clarke:** On a point of order, Mr Deputy Speaker. How can the Chairperson of the Committee represent that as the Committee's view, given that the Committee has not had an opportunity to discuss that?

**Mr Deputy Speaker:** Thankfully, that is not a matter for this Chairperson but for that Chairperson.

**Mr Molloy:** Further to that point of order, Mr Deputy Speaker, this discussion has taken place time and time again. The Committee has not had an opportunity to discuss the amendments, yet the Chairperson is giving an opinion on them. In fact, he is even using deliberate damage as justification. How can the Chairperson represent the Committee when the issue has not been discussed?

**Mr Deputy Speaker:** I have already given my view on the matter.

**The Chairperson of the Committee for Agriculture and Rural Development:** The position that I have given is the Committee's latest position.

The final two amendments seek to delay the commencement of the tail-docking clause until such times as the Department brings subordinate legislation for a period of two years after Royal Assent. The Committee sought to defer the commencement of clause 45 regarding enforcement of the Bill by local government, and the Department has agreed to that. That has an impact on clause 6, as the penalty offences created in it would be enforced by dog wardens. That action was taken for positive reasons; namely, to allow

for further discussions on the Bill's impact on local government. The Committee agreed a period of a year to undertake those discussions, conscious that the issues needed to be addressed as soon as possible to allow for the introduction of all parts of the Bill.

The proposed amendments are negative. They seek to delay the introduction of necessary and timely welfare legislation aimed at protecting dogs. They could lead to further welfare problems, because, if the House agrees to a statutory start date, it will create a demand for dogs with docked tails, with only a few being successful enough to be shown. That will create a surplus of dogs in Northern Ireland that either will have to be rehomed or will end up as strays, impounded and subsequently euthanised. There is no concern for welfare; rather, there is support for the promotion of docked tails at shows. The Committee has an assurance from the Minister to defer and is content with that arrangement.

Accusations have been made that the Committee has not listened to the owners of show dogs, and they feel that they have been unrepresented during Committee Stage. On 2 March 2010, the Committee took evidence from Show Dogs Ireland. Although the organisation came to talk about the principles of the Dogs (Amendment) Bill, it gave an extensive presentation on tail docking and the showing of dogs. The Committee also received written evidence from the Council of Docked Breeds, and that evidence is contained in the report. Members will undoubtedly be aware of the content of that submission. Therefore, the Committee is content that appropriate representation has been made to and received by the Committee.

Docking the tails of farmers' dogs, which are used for herding or driving cattle and sheep, began early in Georgian times in England. The practice exempted the owner from a tax levied on working dogs with tails. Many other types of dogs were also docked to avoid the luxury tax. Even when the tax was repealed, the tradition of docking continued, and it does so today. However, community standards change, and legislation must reflect that. The practice of docking dogs' tails was acceptable and known as routine, elective or cosmetic, but it is no longer acceptable. After many hours of debate, the Committee accepted that. The House accepted it on 1 February, which is barely

two weeks ago. The Committee's position on its policies on the matter has not changed. It hopes that the House maintains its position again and opposes the amendments. I also repeat the Committee's established position as contained in its report.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. First, I agree with the Committee Chairperson. We discussed many aspects of the Bill on 1 February, including the Committee's amendment coming to the House. Overall, there is support for the amendment, but I did not agree with it from the outset. I would have preferred the more focused amendment that the Minister was proposing, because I saw a greater ability in it to enforce the legislation. The wider the debate becomes, the more groups are sought to be included, and the more reasons and opportunities are sought to allow more dogs' tails to be docked, the more it does a disservice to the House to continually look for ways to bring that forward.

#### 4.15 pm

One main aspect of the legislation is to protect non-farm animals and to prevent cruelty. That is what we are discussing today. We accept that exemptions have to be made for a number of working breeds, such as pointer retrievers, and that such calls were also made for terriers, spaniels and combined breeds. There is an understanding that there is real concern that worse damage can be done to a dog's tail through its work in undergrowth. That was clear in evidence to the Committee. A lot of lobbying and discussion has taken place on cosmetic docking, which is an emotive phrase. I agree with the Chairperson and his dictionary reference that it is docking that is carried out to improve appearance. It is not carried out on welfare grounds. It is carried out purely for appearance. Therefore, from that point of view, there is no way that I will support any of the amendments.

The Chairperson is correct to say that the Committee looked at ways to close loopholes that would allow dogs with docked tails to be shown, as has happened across the water; for example, when car parking fees were charged as a way to get round the legislation. Some people who argued for that now seek loopholes that would allow that to happen. I speak as a member of the Committee for Agriculture and Rural Development. We discussed that

issue at length over many weeks. It seemed like groundhog day. We went over the issue continually. Not once did I hear anyone in the Committee call for cosmetic tail docking. That never happened. People can look at the records. All Members are on record as saying that the matter is not about cosmetic tail docking: it is about benefitting the welfare of working dogs and allowing them to work. I heard that continually.

At the beginning, when I came to the matter, I was opposed to tail docking. After I heard the evidence, I was persuaded that there are some well-founded reasons for it. However, we simply cannot change our position. All parties were engaged at Committee Stage. Not once did I hear them call for exemptions for cosmetic tail docking. I put that on record. Some material was distributed —

**Mr T Clarke:** The Member has made several references to cosmetic tail docking. Can he show me exactly where that is referred to in the amendments? Perhaps prophylactic docking has been suggested. However, nowhere is it suggested that docking be permitted for cosmetic reasons.

**Mr W Clarke:** The Member may call it what he wants. At the end of the day, you cannot say that there should be exemptions for working dogs. Nobody has given me a clear rationale for allowing more dogs to have their tails amputated on medical grounds. That is what we are talking about. It causes pain. The matter is about animal welfare. The Member says that there is no reference to it. Throughout Committee Stage, it was referenced continually that exemptions were necessary purely on welfare grounds.

**Mr Ross:** I am missing the Member's argument. However, I am cognisant of the fact that the Assembly debated hare coursing. Perhaps, it would be useful if the Member reminded the Chamber of how his party voted in that debate, given the sudden importance that it attaches to animal welfare and to not wanting to cause animals pain.

**Mr W Clarke:** I am not here to talk about —

**Mr Deputy Speaker:** Order. I know that it is St Valentine's Day, and we are all going to like each other, but we cannot debate two Bills at the one time. We are debating the Welfare of Animals Bill, not the hare coursing Bill.

**Mr I McCrea:** On a point of order, Mr Deputy Speaker. I am not questioning you on the wider issue of debating one Bill or another, but surely the issue is animal welfare. If animal welfare is part of this Bill, and if hare coursing has an impact on animal welfare, surely it is the same issue.

**Mr Deputy Speaker:** I am sorry, Mr McCrea, but it is definitely not. We are on the Welfare of Animals Bill, and if we depart from it, we will be here until this time tomorrow.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. We are discussing animal welfare, and it has been pointed out that it is not part of this legislation. Hunting is not part of this legislation. The Bill that is before us today should be discussed purely on welfare grounds.

I am conscious of time, Mr Deputy Speaker, and I know that you want to get through this as quickly as possible. Members are talking about what is acceptable and about how we can allow docked dogs to be shown. That is basically what the Bill is about. It is about how we can extend the legislation to allow docked dogs to be shown. Under the current proposals, dogs that have had their tails docked before the new legislation comes into statute will be allowed to be shown. Therefore, that number of dogs will be allowed to be shown for their lifetime.

**Mr T Clarke:** Given that those dogs will be permitted to be shown for their lifetime, will the Member take Mr Weir's point that the numbers of a breed will continue to decline, if, for welfare reasons, people decide not to continue to breed that animal. Once those animals reach a certain age and are no longer shown, there will be no more of those breeds brought to shows, if people stop breeding them. That will bring about a decline in numbers.

**Mr W Clarke:** I do not think that there will be a decline in numbers. The dog-showing fraternity will have a sizeable time in which to prepare and look at their shows in a different manner. Why not have breeds of dogs with tails on show? In any case, all dogs on show would have tails. I do not see the reason for cosmetic tail docking. Nobody has stated that reason.

Members say that what happens should continue to happen. Slavery used to exist until some people decided that it was wrong and that legislation was required to end it. That is

what we are supposed to do here. We are here to improve legislation, improve the welfare of animals and prevent cruelty.

**Mr Ross:** I hate to return to the point, but the Member is now making a comparison between tail docking and slavery. However, he will not give the House any reason why he draws a distinction between tail docking and hare coursing. I invite the Member to explain why his views on animal welfare differ when he is talking about the Bill and tail docking from when he is talking about hare coursing.

**Mr W Clarke:** I draw the comparison to show that good legislation, when needed, has to be made, even if a number of people think that it is unpopular. I am sure that Francie Molloy will explain the distinction when he makes his contribution, if the Deputy Speaker permits him.

**Mr Ross:** The Member voted in favour of hare coursing. Therefore, I am asking the Member why he draws the distinction between hare coursing and the docking of tails.

**Mr Deputy Speaker:** Again, I advise the Member to discuss the amendments before us, which are about the docking of tails. I am not sure whether a hare has a tail; it is questionable. Will you continue, please, Mr Clarke, and we will try to get through this.

**Mr W Clarke:** I do not mind about the Members who were not on the Committee. That is what democracy is about — they can put down amendments. However, there were people on the Committee who voted on the Committee report and never raised any concerns, but they come to the House now to say that they have major concerns, which were not expressed before.

**Mr T Clarke:** I assume that the Member is referring to me. Is it not a defence that some people who wanted to give evidence had their meetings cancelled on more than one occasion and were never given the opportunity to come to the Committee to defend their position in relation to having dogs' tails docked?

**Mr W Clarke:** The running order of the Committee is not my responsibility. However, everybody had an opportunity through the public adverts to make written submissions on their position. That was clearly done.

**Mr T Clarke:** Will the Member not accept that I am not making any excuse for the general public about making representation to the Committee



on the Bill? My point is that there was a group of people who wished to make a presentation on the legislation, but were refused the opportunity. They were offered an opportunity, but the meeting was cancelled on no fewer than two occasions, thus preventing them from coming to give evidence to the Committee to put their case forward so that members could come to their own conclusions about what they had to say.

**Mr W Clarke:** I agree that there were groups of people who wanted to give information and, for one reason or another, the Committee could not fulfil that wish. On two occasions, members did not turn up to the meeting. When the meeting was organised, we could not get a quorum to attend it. That gives some insight into how seriously certain members were taking the issue; they would not go to the meeting. I think that the meeting in Ballymena was to meet the Dogs Trust and to look at microchipping, but that is straying into another piece of legislation. I will stay focused.

In my opinion, there was ample opportunity, except for having a public hearing, to provide the information to the Committee. At Committee Stage, all members knew about showing dogs. They were au fait with that aspect of the legislation and the impact that it would have on that fraternity.

**Mr T Clarke:** Will the Member give way?

**Mr W Clarke:** This is the last time, and then I am giving up.

**Mr T Clarke:** How would the Committee have had the opportunity to be au fait with everything, given — you have not answered the question — that they were never given the opportunity to listen to the evidence provided by those groups and to ask questions on it? It also seems strange that those groups came from one side of the argument. We got more than one opportunity to hear evidence from those in favour of docking, but we did not get to hear from the same number of people against tail docking.

**Mr W Clarke:** I do not agree with that. Again, it is not my position to organise the meetings. If, when that meeting in Ballymena was postponed, members had raised serious concerns at that time and said that they wanted to hear that oral evidence, they should have called for a meeting of the Committee to put proceedings in place.

**Mr Molloy:** Does the Member accept that, last week, I asked for the Committee to sit to hear that evidence, even if it was late? I was told that it was set in stone that this debate had to go on today. Nothing is set in stone if we are talking about the democratic rights of people. We should be in a situation where the evidence could have been taken by the Committee, even at a later stage, so that amendments could be made by the Committee for today's debate or for a debate later in the month. There is no reason why it had to be held today. Last week, the Committee would not facilitate the opportunity for the dog show people and others to give evidence that would have influenced amendments that could have come forward.

**Mr W Clarke:** I take on board what the Member is saying, but we are time bound by the legislation going through the House, and the slots have been allocated. The whole process —

**Mr T Clarke:** Will the Member give way?

**Mr W Clarke:** No. I am going to finish this point first.

We are limited in taking evidence. We had a Committee meeting last Tuesday. Members then wanted people to have an opportunity to present information orally before Thursday morning, when amendments had to be tabled. It was a very limited window of opportunity. We had Tuesday afternoon. We would have had to contact people who live in Spain and get them across to Ireland to give their evidence on the Wednesday, assuming that members would even have the time to get to that meeting to have a quorum. There are limits to what can be done.

#### 4.30 pm

**Mr T Clarke:** I accept that we have a very tight time frame as we come near to the end of this mandate. It is right and proper that we try to push as much legislation through before we get to that stage. As the Member's colleague Mr Molloy said, however, there was a possible opportunity to take evidence from that group, although I accept that it would have been at very short notice. However, would it not have been a useful exercise to give that organisation the opportunity, even on Wednesday? That would still have given the Committee ample time to table an amendment by 9.30 on Thursday morning. So, although we might have given that organisation short notice to come

here by Wednesday, we would have given it an opportunity to make its case heard.

**Mr Deputy Speaker:** I remind Members that we are not here to discuss process but the amendments. I hope that that is helpful. Thanks.

**Mr W Clarke:** I will briefly respond to that. Those people were given the opportunity to come on the Wednesday, but that was just not possible to arrange. So, we will put that one to bed.

After lengthy discussions, it was agreed that there would be exemptions. I think that that is what was stated. I know that the whole Committee was opposed to cosmetic tail docking. What is now happening in the Chamber is a smokescreen to cover the opening-up of that to other breeds. I am opposed to that as the Sinn Féin spokesperson and from a personal point of view. I will leave it at that.

**Mr Beggs:** Amendment No 4 deals with an issue on which I was lobbied by a dog owner who greatly enjoys showing her prize animal. She expressed concern that, should a show dog have an accident or infection requiring treatment that means shortening its tail, the owner would potentially be prevented from showing their dog, even if the tail was shortened by a short amount. Given the degree to which that owner values her outings with the show fraternity, I feel that the issue is worthy of a second look. I mentioned at Consideration Stage that the issue was starting to arise and that I would consider it at this stage.

Amendment No 4 simply adds another option to clause 6 that would not stop an owner from showing a dog. The first part of the amendment at paragraph (a) is essentially what is in the Bill. The addition is (14)(b), which states that there would be an exemption if:

*“the dog’s tail was removed in the circumstances described in subsection (3)(a) or (b)”.*

The exemptions in clause 6 (3)(a) and 6 (3)(b) apply if a tail has been shortened:

*“(a) by a veterinary surgeon for the purpose of medical treatment; or*

*(b) in order to prevent or remove an immediate danger to the life of the dog in circumstances where it is not reasonably practicable to have the tail, or, as the case may be, any part of the tail, removed by a veterinary surgeon”.*

So, we are talking about very restricted circumstances in which the exemption would apply.

**Mr T Clarke:** My colleagues have suggested supporting the Member’s amendment if our amendments do not make it through, and I will do that. When the Member was being lobbied by the dog owner, did he get any indication of how many dogs might be affected by amputation of their tail?

**Mr Beggs:** If I had been given more time to put this over, the Member would have heard me say that my information is that the exemption would affect a relatively small number of dogs. The Kennel Club, in its monthly gazette, lists dogs in its shows that may have had such an injury. That list may only number nine animals, of all breeds, in a month throughout the United Kingdom.

In evidence given to the Committee on 22 June 2010 with departmental officials, Mr Irwin, one of the Member’s colleagues, asked:

*“Does that mean that dogs that have their tails docked because of injury cannot be entered for a show?”*

The departmental official replied:

*“You are talking about an exemption that will apply on very few occasions.”*

So, clearly the officials believe that it would apply on very few occasions, which is supported by the number of exemptions granted by the Kennel Club at its shows. So, to be clear, the exemption will only be applied in exceptional circumstances where a difficult judgement has to be made.

We need to be careful that we do not place the owner or the vet in an impossible situation. The owner of a dog with a damaged tail might greatly value showing, so there is a potential for this to start affecting decisions about the treatment process. An owner may want their dog to have the best treatment, but they may also not want to risk losing part of the dog’s tail and not being able to show the dog. So, an owner may express a preference to try to save the whole tail when the veterinary advice is that the tail should be shortened in the best welfare interests of the dog. I am concerned that there could be a tension between the owner and the vet there.

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

**Mr Beggs:** I will just finish this point.

One of the reasons why I did not table the amendment at Committee Stage is that I recognise that there is a danger that unscrupulous dog owners could deliberately damage their dogs' tails. However, the experience of the Kennel Club in England and Wales is that the exemption is not being abused.

I also look positively at most dog owners. I do not think that the dog-owning fraternity would deliberately damage their animals' tails in order to shorten them. The risk of that happening is very low, and the figures back that up. One has to make a judgement on all of this. To get balance on the subject, I favour the dog owners, because the evidence is that there have not been large numbers of dogs gaining exemptions to show in England and Wales as a result of medical treatment. Therefore, we too should not preclude any dog that has suffered, be that through infection or an injury, and its owner from a show that is greatly valued by both of them.

I hope that Members understand my reasoning.

**Mr Molloy:** I welcome the Member's late conversion. Unfortunately, in Committee he did not move in this way. When I tried to say that dogs that are exempt should be allowed to be shown, because working dogs can also be shown, he was not supportive. In fact, the Member put forward proposals on parking charges at shows to cover what he called a loophole. He wanted the legislation to be even stronger than the Department wanted it to be. I cannot understand why the Member has tabled an amendment that would bring the Bill back to a different stage. Is he just responding to lobbying, or does he actually believe what he is saying?

**Mr Beggs:** The Member will recall that the Committee received evidence from the dog-showing fraternity that it uses a loophole in the legislation to show dogs that have had their tail docked. If we knowingly introduce legislation that has loopholes that can be abused, we will create bad legislation. For that reason, the Committee and I sought to close those loopholes. However, as I stated, I subsequently received information that an amendment for dogs that had their tail docked as a result of medical treatment was needed. I also received information that the number of dogs that gain an exemption for that in England and Wales is low.

When the amendment was discussed in Committee, I was concerned that it may have opened up the floodgates and a potential

for abuse. Therefore, I did not agree with it. However, having received further information and lobbying on the issue, I found that, on balance, there is a relatively low risk and there may be a higher welfare risk to dogs in not tabling amendment No 4. For that reason, I tabled it.

**Mr T Clarke:** The Member said that there might be a higher welfare risk to dogs if we do not accept his amendment, and, to a certain degree, I can accept that. However, there is an even greater risk if the amendments tabled by the DUP are not accepted. Pups are taken when they are five days old and given prophylactic amputations or whatever people want to call them as a preventative measure. The word "prophylactic" comes from the Greek for "advanced guard", and it means a preventative measure or something that fends off diseases or other unwanted consequences. Does the Member accept that a prophylactic procedure could safeguard those pups even further and prevent them having to go through amputation?

**Mr Beggs:** The amendments that have been tabled in the name of Peter Weir and his colleagues give a range of options with different effects. However, I have exposed the thinking behind them. Amendment No 1 will amend clause 6. Clause 6(3) states:

*"A person does not commit an offence ... if the whole or any part of a dog's tail is removed -*

*(a) by a veterinary surgeon".*

Earlier, I outlined the other exceptional circumstances covered by that clause, so that, if a dog is in danger, its tail can be removed by some other treatment or by someone who is not a veterinary surgeon. Amendment No 1 will amend clause 6 by adding:

*"or;*

*(c) for the purposes of showing a dog."*

Some Members said that the issue is not about appearance, yet amendment No 1 specifically allows docking so that a dog can be shown. It would allow people who wanted to dock their dog's tail a way to do so, simply by saying that they wanted to show it. If that is not removing a dog's tail for cosmetic purposes, I do not know what is.

**Mr T Clarke:** I remind the Member what I said earlier: "prophylactic" means "an advanced guard".

**Mr Beggs:** Amendment No 1 is not about an advanced guard; it is about allowing people to dock a dog's tail if it is being shown. Any Member who votes for that amendment is in favour of allowing a dog's tail to be removed by people who want to show their dog without a tail. That is what the law will say if amendment No 1 is accepted, and I ask Members to consider that carefully. It will negate many of the animal welfare provisions in the Bill. How on earth can medical treatment with a veterinary surgeon or emergency treatment that could affect the life of a dog be compared with the DUP amendment to allow tail docking for dogs that are shown? Whoever thought up that amendment has really shown their hand, because it is about showing dogs to maintain the look of a dog. The legislation would give effect to that if the amendment is accepted, and I am opposed to it.

#### 4.45 pm

The other amendments gradually come down the scale, essentially moving a decision further down the pipeline. Some of the other amendments pass the decision to the Minister at a future occasion, so that we will have to come back here and make the decision. The final amendment simply puts it off for two years. Essentially, we either avoid making the decision, or we delay the decision.

I remind Members what happened during Consideration Stage. It was made clear that any dog that had been docked prior to the introduction of the legislation would not be affected and could continue to be shown. We are talking about the showing of dogs after the introduction of the legislation and what would happen should their tail be docked. There will be a run-in period. The legislation forces people to make a decision on when they decide to dock their dogs.

We must bear in mind the fact that we have widened greatly the original legislation and included many breeds of working dog that have a higher risk of damaging their tail because they are working dogs. There are risks in having widened the legislation, as the decision to dock a tail must be taken very early on in the life of a dog. It must be decided early on whether the dog will be a working dog or not. If the amendments, particularly amendment No 1, were to go through, the owner of a young pup would be able to make an easy decision

to dock its tail and be able to show the dog as well as work it. On animal welfare grounds, the Committee made a strong argument for including working dogs in those that could be docked. However, there is the danger of opening that up to abuse. Someone could say that they are going to work a dog but, essentially, might just end up showing the dog because they like the look of a docked tail, rather than having it done on animal welfare grounds. For that reason, I propose amendment No 4 and oppose the other amendments.

**Mr T Clarke:** The Member again referred to the look of a dog. If a dog is one of the working breeds that are exempt, as has been discussed, surely, as the legislation stands and regardless of whether the Member's amendment is made, that dog cannot be used for show purposes. Someone who owns a gun dog cannot show that dog.

**Mr Beggs:** If someone decides that their dog will be a working dog, they will be able to show it in a working environment. There are criteria in the legislation allowing for that dog to be used for demonstrating purposes. However, if a dog's owner wanted it to be shown for cosmetic purposes, for its visual image, I agree that that would not be allowed. On animal welfare grounds, if someone wishes to breed dogs for showing purposes, they may well decide not to work the dog and keep it for showing purposes. In fact, a member of the dog fraternity told me that on frequent occasions there may be different bloodlines. There is the beautiful dog that is the image of what the breed should look like, and there is the dog that can retrieve the game and do the work. It is very rare that the categories flow together. I ask Members to support amendment No 4.

**Mr P J Bradley:** I declare an interest as an honorary member of the British Veterinary Association Northern Ireland. I am disappointed that anyone should, at this late stage, make an attempt to undo the very complementary work that the Committee for Agriculture and Rural Development, the Minister and her officials have put into the Welfare of Animals Bill over a long and testing period. It has been going on for quite a while, and a lot of work has been done. Thankfully, there were never any real political divisions during the debates. From time to time, some Committee members expressed personal concerns on specific issues, but most times reluctant acceptances were the order of the day.



We have reached this point in the Bill's progress because of the amicable agreement in the Agriculture Committee, which is made up of representatives of the DUP, SDLP, Sinn Féin, the Alliance Party and the Ulster Unionist Party. The DUP amendments surprised me a little. We were guided through the debates on the Bill by two members who, in my view, did an excellent job: the former Chairman, Ian Paisley Jnr, and, latterly, Stephen Moutray, whom I must congratulate on his earlier presentation, which represents the Committee's view or certainly my understanding of it.

Ian Paisley Jnr and Stephen Moutray could not be faulted in their respective roles, and they helped get the Bill to this stage. Other DUP members — Jim Shannon, William Irwin and, in recent times, Simpson Gibson — contributed to the Committee's efforts, and I have no recollection of any of them seeking to implement the suggestions now included in the amendments. I am a little surprised and baffled as to why my Committee colleague Trevor Clarke has lent his name to the amendments. I predict that, unless the DUP Chief Whip imposes a whip on the vote —

**Mr T Clarke:** Will the Member give way?

**Mr P J Bradley:** I will not. I will do as the Speaker does. I will look at the Hansard report in the morning and see what Mr Trevor Clarke had to say, and I will get back to him. All the amendments will be defeated heavily unless the DUP Chief Whip uses the whip.

As the SDLP representative on the Committee, I wish to express my opposition to the eight amendments on the Marshalled List, and I will make brief comments on each of them.

Amendment No 1 takes us right back to square one. As we have heard from other Members, if the amendment is successful, there would be nothing to prevent any dog owner taking his or her dog to the vet to have its tail docked on the pretence that he or she plans at some time in the future to enter the animal in dog shows. Therefore, I oppose that amendment.

I oppose amendment No 2, which would leave out six key subsections of clause 6, subsections (12) to (18). It more or less seeks to rubbish a lot of time spent in lengthy discussions and the conclusions reached by the Committee. That valuable work should not be sidelined on a mere whim.

I oppose amendment No 3, through which the Member seems to take a second bite of the cherry. As I stated previously, the SDLP is opposed to the exclusion of subsections (12) to (18) of clause 6. That includes subsections (12), (13) and (14), referred to in amendment No 3.

As to amendment No 4, I accept that Mr Beggs has only recently joined the Committee, and therefore I do not expect him to be fully au fait with all that took place during the Committee debates on the issue. I cannot support amendment No 4, because, if agreed, as he more or less said himself, it would create a loophole that would allow an unscrupulous owner to deliberately damage a dog's tail. I have no doubt that, if this amendment succeeds —

**Mr T Clarke:** Will the Member give way?

**Mr P J Bradley:** I will not give way. I heard enough earlier.

If amendment No 4 succeeds, some unscrupulous owners will be the first to take advantage of the loophole. That is a given, so I am opposed to that amendment as well.

Amendment No 5 has to be opposed simply because it reverses practically everything that has gone before, not only in Committee but everything presented to the full Assembly and agreed to by the full Assembly, as we heard from the Chairman in this very Building on 1 February. I will not refer to the other amendments.

**Mr Lunn:** I am not a member of the Committee, but I have followed the debate with some interest. At least Mr Beggs has become a member recently.

Because I spoke in the last debate, I have now had the full fury of the dog breeders and dog show fraternity heaped on my shoulders over the past couple of weeks. I listened with great interest to the previous debate and to what has been said today. I have read all the submissions and listened to phone calls from people involved and interested in the subject, and I have not heard one thing that makes me want to change my mind about the way the Alliance Party voted the last time, which was in favour of amendment No 2.

As other Members have said, amendment No 1 is nothing more than an attempt to allow the dog show fraternity to continue to dock their dogs' tails. I hear the word "cosmetic" used. The word does not matter much. "Cosmetic" means appearance. Why else would people who

want to show dogs dock their dogs' tails unless it is a requirement of the dog show and one that is based on appearance? I wonder how far I will get before Mr Clarke intervenes. It is just a question of appearances or beauty.

**Mr T Clarke:** The Member has read the amendments. Can the Member see where the word "cosmetic" is used? I asked Mr Willie Clarke that question earlier. As I said, prophylactic docking is used to prevent unwanted diseases or consequences.

**Mr Lunn:** I have heard the Member make that point several times today. Of course I cannot find the word "cosmetic", but I do not need to. *[Interruption.]*

**Mr Deputy Speaker:** Order. Members have been very good at giving way. That is much better than interventions across the Floor.

**Mr Lunn:** I do not need to find the word "cosmetic" to understand what this is about. It is about appearance. I wonder how many dog owners have dogs that are neither show dogs nor working dogs. I would have thought that the vast majority of dogs in this country do not belong in either category. I very much doubt that many of them have their tail docked except for the reason of occasional injury. I do not follow the argument in any way, except to say that it is purely to do with the narrow interests of dog show operators and people who show dogs, who want to keep things the way they are. I appreciate that it is a tradition and that things have been done in a certain way for many years, but that does not make it right. Sometimes we have to change things, and we have an opportunity to do that.

**Mr Molloy:** Will the Member explain whether his views are Alliance Party policy? In the Committee for Agriculture and Rural Development, his colleague Kieran McCarthy had an entirely different opinion. Are the Member's views party policy or his own opinion?

**Mr Lunn:** It is the opinion of our group.

**Mr T Clarke:** He has been whipped.

**Mr Lunn:** Hold on. I am sorry; was that an attempt at an intervention?

Kieran McCarthy is our spokesperson on these matters, but he has gone AWOL again today. *[Laughter.]* I have not read the Committee minutes, nor do I know what he said in

Committee. I do not think that he is trying to avoid the issue, but it has been left to me, and I am telling the House what the opinion of the Alliance Party Assembly group is. It is absolutely clear: we will oppose all the amendments, except for amendment No 4, as we have some sympathy for Mr Beggs's approach.

I hear the argument that a consequence of the Bill will be a massive reduction in the breeding of certain types of dog. Are all the Dobermanns in this country kept purely for showing? Does none of them have a tail? I do not believe that. I see plenty of Dobermanns, and they are being kept as pets. There is no regard in the amendments for normal practice, for the way in which people treat their dogs when they just keep them as domestic pets. Most of those dogs do not have their tail docked. There is no reason to do it, unless the dog is going to be shown or is a working dog. In the case of working dogs, we do not have a problem. It seems to be perfectly good sense.

I will not go on any longer, Mr Deputy Speaker. That is the way that we feel about the amendments. We will oppose all the amendments, except for amendment No 4.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. This debate is a repeat of the previous one. It is unfortunate that, when members discussed the matter in the Committee for Agriculture and Rural Development, we did not get the same arguments as those that Mr Beggs is putting forward now. In fact, he wanted to reinforce things and deal with the matter even more severely than the Department.

There is no evidence to support the statement that Mr Beggs and the Chairperson of the Committee made that unscrupulous dog owners would deliberately damage dogs' tails. Saying that members of the Kennel Club in particular and people who show dogs would do that shows clearly that the Member does not understand what those involved in the showing of dogs are about. If he did, he would know that they think more of their dogs than they do of themselves. They look after their dogs and show them with pride. The idea that someone would injure a dog's tail in order to have it medically treated does not stand up.

**Mr Beggs:** If the Member had listened carefully to what I actually said, he would have recognised that other people have told me that

that was a reason for not doing what I have done. However, because I believe that dog owners would not unscrupulously damage their pet's tail, I have tabled my amendment. It is not because of what the Member is saying; it is because I do not believe that dog owners, in general, would do such a thing.

The evidence in England and Wales indicates that the number of dogs that have been able to be shown because of medical intervention is relatively small.

**5.00 pm**

**Mr T Clarke:** I want to clarify what Mr Beggs said. A look back at the Hansard report will show that he said in Committee that there may be unscrupulous people who would damage dogs' tails so that they could go through the procedure. If Mr Beggs wants to check the Hansard report and correct me on that, he may do so. However, I am 99.99% sure that that is what Mr Beggs said. I do not know whether Mr Molloy recalls that.

**Mr Molloy:** I do recollect that statement. I also recollect Mr Beggs talking about unscrupulous people who show dogs and organise dog shows using a loophole by charging for car parking, thereby getting around the legislation deliberately. Mr Beggs was going to reinforce the legislation and make it even stronger and more draconian than it is at present. I can understand why Mr Beggs is pulling back from that now. He is under pressure from constituents of his who show dogs and who, on reading the Hansard report, cannot believe some of what he has said over the past number of months.

**Mr Beggs:** Does the Member accept that there are unscrupulous puppy farmers who do many things to their animals? In putting forward legislation, one has to try to deal with all sorts of people. I have stated clearly today that, on balance, I do not believe that dog owners or pet owners would do it. That is why I tabled the amendment. Does the Member not accept that it was the dog-showing fraternity that indicated, in its publication, that it used the loophole of the car parking fee? It was not me who said that unscrupulous people would do that. In fact, it was the showing fraternity that indicated, in its news-sheet, that it does that.

**Mr Molloy:** We have heard all that before. Unfortunately, there was nothing new.

The reality is that this legislation is unnecessary and unnatural. The idea of trying to govern shows is outside the Department's remit. It should never have stepped into that arena. It is unnecessary to try to force the legislation on people who are involved in shows and those who are involved in the welfare of animals in that way. It would have been better if the Department had stuck to the welfare of animals that are within its control.

We have faced two issues. The first is that we have had very little or no consultation with councillors. They will be the people involved in the enforcement of dog licensing, because enforcement has been offloaded onto councils without consultation on the costs or implications. All councils were opposed to the offloading of legislation onto them in that way. Secondly, it has been exposed that the Committee system of taking information and consulting members of the public is inadequate. The Committee system of scrutinising Bills is inadequate. Members need to listen to what the public are saying on a number of issues, even if they do not agree with all that they hear. All that we have heard about is enforcement —

**Mr T Clarke:** The Member is absolutely right. I know that it seems strange that I have agreed with him in Committee so many times. The Member has just said that Committee members should listen. Would it not have been useful for them to have been given the opportunity to listen? Mr Lunn said today that he has read bits and pieces, and heard arguments. I reinforce the point that the Committee never had an opportunity to speak to people who support the continuation of this practice. Although the Member has said that we should listen, it has been very difficult to listen to those people. Mr Beggs has said that one person contacted him. Wow — one person contacted him. Does that person speak for all the people who have traditionally docked dogs' tails?

Like me, I am sure that Mr Molloy feels very disappointed that the Committee did not get the opportunity to listen to the hundreds of people who wanted to put forward their cases.

**Mr Deputy Speaker:** Order, please. I have been extremely patient. It really is time to address the amendments and the Bill.

**Mr Molloy:** I accept that ruling, Mr Deputy Speaker.

One of the issues is the process, which I know the Member spoke about earlier. If that process is flawed, the legislation will not be good, and that is one of my problems at present. The legislation that is being forced through is not good because it does not deal with the issues that the public are concerned about. At Committee, we did not get the opportunity to hear from the various different councils, organisations and people who are concerned about shows and tail docking and who have something to say about the Bill.

**Mr Deputy Speaker:** Order, please. You really have exhausted my patience. Will you please address the amendments?

**Mr Molloy:** Mr Deputy Speaker, I am addressing the amendments, which deal with the docking of dogs' tails and are a variation of the amendments that were tabled before. Mr Beggs's amendment deals with the legislation itself, and the legislation deals with the docking of dogs' tails. We did not get the information that we needed from all those concerned about tail docking and about how the legislation will affect that. I want legislation that is beneficial to those who look after the welfare of dogs.

The way in which Mr Beggs's amendment has come about is unfortunate. It is a reversal of his original position on shows and takes the legislation a step further than it needs to go. There is no justification whatsoever for that in the present set-up. Those who have issues with the showing of dogs have not been given the opportunity to make their presentations. At last week's Committee meeting, I said that we needed an opportunity to hear those people's voices, but that did not happen. Instead, it was indicated that those people had cancelled plans for them to attend last week's meeting. However, on their behalf, I want to make it clear that they did not do so. They wanted to give evidence, and the Committee should have been flexible enough to deal with that. That information has now, unfortunately, been lost, because it was not heard by the Committee and did not become part of the Committee report. That is a sad situation.

On a number of occasions at Committee, Mr Clarke exposed the issues dealt with by the other amendments tabled today. However, it is unfortunate that Mr Weir was not there as Whip to instruct all the other members to follow suit,

because better legislation would then have come through the Committee.

**Mr T Clarke:** I thank the Member for being complimentary about the DUP. However, I have to say that it is a pity that the Member was whipped to vote against the removal of clause 6 the last time that Members went through the Lobbies. He has been complimentary about our structures today. However, it is disappointing that he was whipped to go down the other Lobby the last day.

*(Mr Speaker in the Chair)*

**Mr Molloy:** As I said last week in the debate about coursing, there is no whip too long. I was not in any way criticising the DUP for its whipping process. I was simply saying that had we got support from across the Committee, we would have better legislation.

If I were the Minister or anyone else here today, I would not be taking great comfort from P J Bradley's commentary or support, because it will be short-lived. It will be only a matter of weeks before he is criticising the Department in some other way. The fact that he is a member of the Veterinary Association was never raised at Committee at any time whatsoever, so it is useful that that came out during this debate.

The issue that we have dealt with the past number of times is very important.

**Mr P J Bradley:** On a point of order, Mr Speaker. Was the Member referring to me?

**Mr Speaker:** Quite obviously, he was. I am sure that the Member would be happy to clarify that.

**Mr P J Bradley:** I will leave it up to him to check the Hansard report.

**Mr Molloy:** The Member can check the Hansard report, and so will I. In Committee, when this was being debated, the Member never stated that he was a member of any veterinary association.

**Mr T Clarke:** I have to come to the Member's defence. Although Mr P J Bradley was quite happy to slap me down today, I recollect that he did make reference to being an honorary member of the British Veterinary Association. I have to put that on record in his defence. However, while I am on my feet, I have to say that, given that he is an honorary member of the British Veterinary Association, and given some



of the comments that Mr Molloy and I made about vets, he will know that it is better for them that the Bill goes through, because they will make more money.

**Mr Speaker:** I suggest to all sides of the House that we get back to the amendments.

**Mr Molloy:** Let me be very clear, Mr Speaker, that when the debate happened in Committee, Mr Bradley did not clarify that issue around the Veterinary Association.

It is unfortunate that today's amendments were not put through at Consideration Stage. They are in front of us now, late in the day, and, unfortunately, the legislation is going through in that way.

**Mr Kinahan:** I am extremely pleased to be speaking on the Welfare of Animals Bill. At the risk of being holier than thou, I start by saying that some people are amazed by how much time we spend on smaller issues such as this rather than on life's more important matters. However, I am concerned that today we are trying to put too many rules on dog owners. Therefore, I will address all the amendments. I am amazed to see all the amendments that are going through, given the many other excellent clauses and actions in the Bill.

I got interested in the Bill only when it started on the matter of omitting working dogs from the tail docking ban. However, if Members think about it, they will realise that the issue of tail docking affects many other dogs. We have heard today that many of those dogs' owners were not consulted or given the chance to put their case. We have probably overstepped the mark in all this. We heard from one person that the Kennel Club was the right body to make a decision on tail docking, and it probably remains the right body to do that, rather than the Assembly trying to put it in legislation. The Kennel Club knows, from all breeders of all types of breeds, what should be happening with dogs. It is because of that that I decided to stand up and speak on the matter.

### 5.15 pm

We all know that it is best to dock a tail when an animal is very young, just as many things that we humans do to ourselves are better done when young. Given some of the things that older people, particularly in the film star world, do to their bodies, perhaps we are spending too much

time on the wrong thing. We are here for the welfare of animals.

I will read from one letter that I received. A Member has already said that one letter does not necessarily count as a lobby. However, it is our job to listen to everybody. I am sure that one or two other Members received this letter. It says:

*"Whilst attending a well known and respected veterinary practice in County Down 12 months ago, I heard an agonised screaming in the recovery room. I asked the vet what was creating such a terrible noise and he informed me that it was an adult Boxer in recovery from a partial tail amputation. To make matters worse this was the 2nd partial amputation the Boxer had undergone in 6 months for self inflicted tail damage. The vet proceeded to voice his disgust that this traditionally docked dog had been left with a tail and had so endured 2 surgical amputations, 2 anaesthetics and 2 very slow, extremely painful recoveries, due to a law passed by politicians who plainly had no knowledge of the subject they were legislating."*

I go back to my point that, if tail docking is to happen at all, it should happen at a very early age.

All of us who have dogs know that dogs wag their tails and will constantly amaze us by happily welcoming us home when, perhaps, we are not in the best of moods. They are still pleased to see us. They will wag their tails, and, in this modern world, they will damage them. When Members are knocking on doors canvassing and see dogs shut up in small back yards, think of the stone, wood and other things against which they will bang their tails. Dogs were not designed for the modern world that we have put them into. The Bill does not seem to look at how cruel it is to shut dogs in courtyards, to muzzle them and to damn them always to be on a lead. However, we are not talking about that today.

I am trying to get Members to think that we should leave this as a simple mechanism. We should allow dogs' tails to be docked, if the owner wishes, when they are small dogs, whether for cosmetic or prophylactic reasons. It is best to dock a dog's tail when it is very young.

I was an owner of miniature and giant schnauzers, which were neither show nor working dogs. When I was small, they arrived with their tails docked. Later, we got one from Scotland that had a tail. I had so much trouble with that dog. It was not a show dog or a

working dog, but when I took it for a walk, its tail would fill with burrs and other things. Members should try brushing those out of a dog's tail. That dog bit me every time I tried to do so, and yet it was my best friend.

We are concentrating on the wrong matters. We should leave this issue nice and simple so that it can be decided by a vet or by the Kennel Club. I know that this is an emotive subject, but we are going completely down the wrong track. I support the stronger amendments and, as Members can see, the Ulster Unionist Party is having a free vote.

**The Minister of Agriculture and Rural Development (Ms Gildernew):** Go raibh míle maith agat, a Cheann Comhairle. I will start by reflecting on what happened in the Chamber two weeks ago when we debated the amendments that were proposed at Consideration Stage. Eighty Members voted on the question that the amended clause 6 on tail docking stand part of the Bill; an overwhelming majority of 61 voted in favour. That sent out a clear message that the barbaric procedure of the cosmetic docking of dogs' tails is totally unacceptable in the North of Ireland.

For Members' clarification, prophylactic docking is non-therapeutic. It is the docking of a dog's tail as a precautionary measure, based on the premise that the tail may suffer damage in later life when the dog is working. Cosmetic docking is non-therapeutic and is performed so that a dog conforms to the breed standard and/or what the breeder may consider normal for that breed.

I am amazed that Peter Weir, Michelle McIlveen and Trevor Clarke have proposed amendments, which, if accepted, will allow cosmetic docking to continue, not just by the back door but straight in through the front door. I welcome the comments of many Members, particularly those of the Chairperson of the Agriculture Committee, which I found to be consistent with the Committee's report, and other Committee members, such as Willie Clarke and P J Bradley, concurred.

A key aim of the Bill is to prevent animals suffering unnecessary pain and distress, and docking a dog's tail for cosmetic reasons causes unnecessary suffering. It is not done for a dog's welfare. It is done purely for the sake of appearance. The Bill, as introduced, made it an offence to show a dog at an event to which members of the public are admitted

on payment of a fee if the dog's tail had been docked on or after these powers come into force. The Committee for Agriculture and Rural Development proposed an amendment to strengthen that offence and close any loopholes to prevent show organisers trying to circumvent the legislation by not charging an entry fee. I was grateful to the Committee, and that amendment has been made to the Bill.

How time — just two weeks — can change things. Trevor Clarke, a member of the Committee, has put his name to these ridiculous amendments to clause 6. Amendment Nos 1 and 2 are designed purely to allow cosmetic docking for show dogs; they are totally unworkable and would be impossible to police or enforce. Francie Molloy talked about councils enforcing that. However, they would have a far bigger headache if the amendments are passed today, as they would allow cosmetic docking to be done on any dog. Trevor Clarke's aim is to make clause 6 useless and to achieve what he failed to achieve at Consideration Stage when he tried to have the entire clause voted out of the Bill.

If amendment Nos 1 and 2 are made, the effect will be to negate clause 6, which would leave us in a worse position than before we introduced the Bill. When the clause is commenced, the current power in the Welfare of Animals Act 1972 will fall. If amendment Nos 1 and 2 are voted through, we will no longer have any powers to require pups to be docked before their eyes open. It will also be totally impossible to enforce the requirement that only a veterinary surgeon may undertake the procedure for show dogs. Amendment No 2 also makes it impossible to certify any exemption for working dogs. The North of Ireland will become the docking capital of these islands, which would send out the message that the welfare of dogs here is of no importance. I cautioned Members that that would be the result when Trevor Clarke tried to vote down the clause at Consideration Stage, but, of course, he has ignored that advice. He obviously does not care whether pups or dogs suffer.

One may well ask why show dogs are docked. Let us be very clear: there is no evidence or justification to support a case for docking dogs' tails for the purposes of showing. Show dogs are not docked to enhance the health or welfare of the dog, but to meet out-of-date breed standards that the Kennel Club has now changed. Allowing the showing of a dog with a docked tail is supporting and promoting

cosmetic docking. It will do nothing to change the mindset of breeders, puppy farmers — as other Members have highlighted — or show organisers. It will do nothing to change the fact that that should be the standard of that dog. The purpose of the Bill making it an offence to show a dog with a docked tail is to send out a clear message to breeders and the showing fraternity that tail docking causes unnecessary pain, suffering and distress to pups and must be stopped. It is also to send out the message that it is perfectly natural for a show dog to have a tail and that it is, frankly, barbaric to cut off a dog's tail just for presentation purposes.

From the debate, it is clear that the majority of right-thinking Members are opposed to cosmetic docking. In banning the showing of dogs with docked tails, the House is saying that the unacceptable practice of cosmetic docking must stop.

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

**The Minister of Agriculture and Rural Development:** No.

I also caution against Members taking what they may think is an easy way out and voting in favour of amendment No 3, which is designed to remove the provision that makes it an offence to show a dog with a docked tail. I understand why someone who currently owns a docked dog would want to be allowed to continue to show that dog. That is already catered for in the Bill. Any dog that has been docked before these powers are commenced can be shown for the rest of its life; there is not a problem with that.

If amendment Nos 1 and 2 are rejected today, we will have banned cosmetic docking in the North of Ireland. However, if amendment No 3 is voted through, we must ask where the docked dogs to be shown will come from. It would have to be from Europe and beyond because cosmetic docking is already banned in Britain, and we have heard that the South is heading in a similar direction. Anyone who votes for amendment No 3 needs to be aware that they will be encouraging the transportation of very young pups with docked tails on long journeys from Europe and beyond. Although most people will bring those docked pups into the North legally, others will not. If we encourage that trade, we will risk the introduction of rabies and other diseases to these islands and consign young pups to further pain and suffering as a

result of not only the tail docking procedure but the long journeys that they will have to endure.

Members have expressed concern that our economy would suffer if dog shows were relocated to other places because dogs with docked tails cannot be shown at dog shows in the North. However, the Department of Agriculture, Fisheries and Food in the South, as part of its proposed new animal health and welfare legislation, has already consulted on a proposal to ban mutilations of animals, including the docking of dogs' tails. As part of the all-island animal health and welfare strategy, we are committed to ensuring that our respective animal health and welfare legislation is as compatible as possible. The South of Ireland is already moving in the same direction as us, so it is very unlikely that shows will be relocated. In addition, the Chairperson of the Committee for Agriculture and Rural Development advised the House two weeks ago that the EU is looking at banning the showing of dogs with docked tails, so it is obvious that the EU is also concerned about the practice.

It is also important to remember that a ban on showing dogs with docked tails was introduced in England and Wales nearly four years ago, and it has not impacted on the running of dog shows in Britain. As I listened to Roy Beggs, I felt that he was a bit confused about that, because he said that his proposed amendment was not being abused in England and Wales. However, there is no such exemption in England and Wales, where people have been banned from showing dogs with docked tails for the past four years.

The Chairperson of the Committee for Agriculture and Rural Development advised the House at Consideration Stage —

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

**The Minister of Agriculture and Rural Development:** No. After what I have listened to, I am in no humour to give way.

The Chairperson of the Committee for Agriculture and Rural Development advised the House at Consideration Stage that the Kennel Club had expressed its view to the Committee that, for the purpose of clarity, we should introduce an immediate ban on the showing of dogs with docked tails.

Amendment No 5 would give the Department the power to make regulations specifying the breeds

of dogs for the purposes of showing. Am I missing something here? Surely all breeds of dogs can be shown. Why would we waste taxpayers' money on making meaningless legislation?

Amendment Nos 7 and 8 — again tabled by the aforementioned DUP Members — are designed to delay the introduction of a ban on cosmetic docking for two years. No plausible explanation for delaying the implementation of those powers has been given to us, in spite of numerous interruptions to other Members' comments by the Members who tabled those amendments or, for that matter, anybody else. I listened very carefully to everything that was said today. Why should we allow the barbaric practice of cosmetic docking to continue for one minute longer than necessary, never mind two years?

I turn now to amendment No 4, which was tabled by Roy Beggs and would allow dogs that have had their tails amputated because of injury to be shown. Although I appreciate why the amendment was tabled, it has not been fully thought through. I understand that it was Mr Beggs who suggested an earlier Committee amendment at Consideration Stage to close loopholes around the showing of dogs with docked tails, so I am sure that he does not want to introduce inadvertently a different and more serious loophole

Some Members commented on the fact that amendment No 4 would create a loophole for unscrupulous breeders and owners to find a way around the ban on showing a dog with a docked tail. I have no doubt that the majority of people who show dogs genuinely care about their animals and would not dream of injuring them. However, let us be clear: there are other unscrupulous people who would do anything and might even be prepared to injure a dog's tail deliberately to ensure that it has to be amputated, thus making the dog eligible for showing. That is a genuine concern that I have with Roy Beggs's amendment, so I ask Members — the Alliance Party said that it is thinking about voting for it — to think very carefully. Amendment No 4 would create a loophole for unscrupulous people to deliberately injure dogs' tails, and the thought —

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

**The Minister of Agriculture and Rural Development:** I will on that one.

**Mr Beggs:** Does the Minister accept that, in its shows in England and Wales, the Kennel Club grants an exemption to members where fees are not paid and, therefore, not legislated for? In other words, the Kennel Club grants the dog-showing fraternity an exemption, although the number of exemptions granted is very low.

#### **The Minister of Agriculture and Rural Development:**

I do not understand the rationale behind that. There is no exemption in England and Wales. A person's ability not to pay into a show because he or she is showing docked dogs is irrelevant in this case.

I genuinely believe that, if amendment No 4 is brought forward, it will create a loophole for unscrupulous people. The thought might be shocking, but it will become a reality if the amendment is voted through. In addition, I can guarantee here and now that we would have a dramatic increase in so-called tail injuries to dogs such as Dobermanns, Rottweilers and boxers, to name but a few. I am sure that we can all picture a situation in which a person claims that his or her young pup has had its tail injured by children or in which the breeder claims that the bitch lay on the pup's tail and broke it, requiring it to be amputated, when, in reality, the pup was always destined for the show ring and the exhibitor's preference was to show it without a tail.

If Members agree to amendment No 4, we will put the veterinary profession in an untenable position, because vets will be called on to amputate an injured dog's tail when they suspect that the tail has been damaged deliberately just to facilitate showing the dog with a docked tail. At the same time, there will be insufficient evidence to do anything about it. Worse still, we will see a dramatic increase — believe me, this does go on — in laypeople removing a dog's tail to prevent or to remove a so-called immediate danger to the life of the dog.

#### **5.30 pm**

We have to be realistic. We should not make legislation to accommodate what is likely to be a very small number of show dogs that genuinely injure their tails during their showing life. To do so would create a major loophole in the legislation that would leave the way open for unscrupulous people to injure dogs to ensure that they end up docked. If we stand firm on this, it will become socially unacceptable to show a dog with a docked tail, irrespective of



why it has been docked. Ultimately, that is what we want to do.

I also cannot imagine why anybody would want to show a dog that has had its tail amputated because of injury. Whether a tail, a leg, an ear or whatever, surely showing is about demonstrating the best qualities of a breed, and how can a dog with no tail demonstrate the best qualities of a breed that is meant to have a full tail? Make no mistake, the amendments tabled by some DUP Members are a blatant attempt to legitimise cosmetic docking and to deliberately overturn the decision that the Assembly made on 1 February 2011 to ban cosmetic docking. Peter Weir mentioned dog trials. Dog trials are for working dogs to show off their skills, not for show dogs, so, again, there is a wee bit of confusion creeping in.

As I said, although amendment No 4, which was tabled by Roy Beggs, is well-intentioned, it basically introduces a loophole in the legislation through which a horse and cart could be driven. It will encourage unscrupulous individuals to deliberately injure the tails of pups and adult dogs to ensure that they are amputated, thus facilitating selfish and callous owners who do not care about the dog's welfare but want to show a dog with a docked tail at any cost.

I remind the Assembly that this is the last opportunity that we have to amend the Bill. Any late, ill-considered changes that are voted through today will be on the statute book for a long time. Some of the amendments are certainly ill-considered. They remove offences from the Bill but leave in the penalties for the offence.

Members, we have before us a good piece of animal welfare legislation. Let us not destroy it today and make us a laughing stock in Europe. I am sure that we want other countries to see us as legislators who make good, evidence-based policy and legislation.

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

**The Minister of Agriculture and Rural Development:** No, thanks.

We should not let ourselves be pushed into making knee-jerk amendments to good legislation in response to sustained lobbying from one or two individuals. I urge Members to oppose all of the amendments. In opposing the amendments, I remind Members that I am reflecting and maintaining the agreed policy

position of the Executive on tail docking. Go raibh míle maith agat.

**Mr T Clarke:** By this stage, everyone probably knows my position, so I do not think that I have to go into it in detail again. However, I would like to summarise what some of those who spoke in the debate said.

Peter Weir, who moved most of the amendments, was right when he said that not all of the evidence was taken. That is why I am fearful. Although the Minister outlined that this is our last opportunity to amend the Bill, whether she likes the amendments or not, everyone should be given an opportunity to put forward their opinion or case. I want to put on record that I am disappointed that we did not have the opportunity to take representations from people who own docked breeds.

I also agree with what Mr Weir said about registered breeders. The statistics are there. There has been a range of decline from 37% to 70% in the numbers in England since the ban came in there, and the same is likely to happen in Northern Ireland. Therefore, the Minister's statement that the matter will not cause any economic problems in Northern Ireland is totally misleading. The statistics are there in England. Although she can use figures from the Republic, where they are looking at something currently, the fact is that England has been through the process and the decline has been anywhere between 37% and 70% in some of the given breeds. Therefore, the provisions will drive numbers down and will, in turn, cause some loss to Northern Ireland.

I turn now to the Chairman of the Agriculture and Rural Development Committee, who is a member of my party. Although he referenced in his remarks his chairmanship of the Committee, most of his speech focused on a consensus on something that the Committee had agreed on. I have to disagree with that, because the amendments were tabled only last Thursday. The last opportunity that the Committee had to meet was last Tuesday, so it never had the opportunity to discuss the amendments put by Mr Weir or Mr Beggs today. For the Committee Chairperson to suggest that the Committee has come to a position on the matter is wrong.

Then we came to Willie Clarke, who one could believe was likened to the Minister's poodle, because he has toed the line ever since this Bill has come to the —

**Mr Weir:** Maybe his tail has been docked.

**Mr T Clarke:** I think that more than his tail has been docked, possibly.

Most of his time speaking — and I am sure that you are disappointed, Mr Speaker, that you did not actually hear his contribution —

**Mr Speaker:** I remind the Member not to personalise the debate. That is important.

**Mr T Clarke:** I am sorry for referencing the poodle, because it is a slight on the poodle.

**Mr Speaker:** Order. I say to the Member to be very careful. I asked the Member not to personalise the debate, and he should not do so.

**Mr T Clarke:** I am not personalising it: I am saying that it was a slight on the poodle.

**Mr Speaker:** Well, you are coming very close to doing it. So, just be careful.

**Mr T Clarke:** Most of his time was spent talking about animal welfare, Mr Speaker, and I know that you were not in the House during that time. Although he was very passionate about animal welfare, and I think that it is right that any Member should express concern about animal welfare, he was asked on one, two, or possible three occasions and could not give reasons why, when it came to hare coursing, he was not concerned about the welfare of that particular animal.

**Mr Ross:** Will the Member express concern that the Minister made the same argument when she said in her address at the end of the debate that this is a good piece of animal welfare legislation and that, if we do not pass it, we will be a laughing stock in Europe? Is Sinn Féin not a laughing stock, given that it has today opposed the amendments proposed by this party on the grounds of animal welfare yet only last week it brought forward its own amendments to allow the continuation of hare coursing? Is that not the biggest hypocritical position that Sinn Féin has taken in recent times?

**Mr T Clarke:** Yes. One could suggest that it is the biggest U-turn that they ever had. But, there we have it. We do not get consistency where Sinn Féin is concerned. Even in Committee, as we can see here today, there was a difference of opinion within Sinn Féin, and it is interesting to note that one of its Members, who is probably more likely to be in favour of our amendments,

has left the Chamber. During the whole debate in Committee, Mr Molloy and I were allied in trying to continue the practice of tail docking while wanting some protection placed on the welfare of animals by making sure that it is done by a veterinary surgeon. The Member was consistent.

**The Minister of Agriculture and Rural Development:** Will the Member give way?

**Mr T Clarke:** No. The Minister would not give way when she had her opportunity, and she had more than ample time to speak. I must say that it was difficult to listen to.

It is interesting that, on the previous occasion when Mr Molloy had the opportunity to vote this clause out, he was whipped into place by the Minister to do as he was told. We have seen that practice time and again by Sinn Féin. In the past, it has probably been known to do more than whipping.

I move to P J Bradley's comments, and I must clarify that he did, whether Mr Molloy agrees or not, declare an interest in Committee that he was an honorary member of the Veterinary Association. However, I think that that was a problem in a sense, because, as I said in Committee, I think that the fact that we are removing the opportunity for tail docking and are moving towards the possibility of more amputations is playing into the hands of the Veterinary Association in Northern Ireland, which could create more work for itself.

Mr Kinahan considered that his contribution was not valuable: I think it was. His colleague suggested that only nine dogs a month in the UK are affected by the amputation of tails, yet Mr Kinahan read out a letter from a dog owner in County Down whose dog has had two amputations. I think he made a very valuable contribution. The letter sets out very clearly the problems of a dog that has not had its tail docked. He said that it has to be done at an early age. The legislation suggests that it should be done within the first five or six days, which is something that we can all support.

**Some Members:** Will the Member give way?

**Mr T Clarke:** I will give way to Mr Beggs.

**Mr Beggs:** Will the Member recognise that my comment was in respect of dogs involved in the showing fraternity?

**Mr T Clarke:** Yes, but I also put on record, as Mr Molloy said previously, that you did suggest in Committee that some unscrupulous owners would damage their dogs in order to have their tails amputated. It seems strange that you are coming with this amendment late in the day. However, it does go some way, and if our amendments are defeated, I will support your amendment.

#### **The Minister of Agriculture and Rural**

**Development:** On a point of order, Mr Speaker. It is incumbent on me to point out that the Member is unaware of the impact that his amendment would have. His proposal would ensure that dogs' tails do not have to be docked before their eyes are open.

**Mr Speaker:** That is not a point of order. I have to say to the Minister that it is quite obvious that the Member has no intention of giving way, so I do not think that the Minister, or any other Member, should persist in trying.

**Mr T Clarke:** That is right, Mr Speaker. I will not give way, because the Minister was less than democratic when a few Members asked her to give way. She also refused to give way. The debate is not time driven, so we have as long as we want to speak on the subject. We were not stealing any time from the Minister, so she had the opportunity to come back to her points.

I support all the amendments that were tabled in my name and in the names of Peter Weir and Michelle McIlveen.

*Question put, That amendment No 1 be made.*

*The Assembly divided: Ayes 32; Noes 53.*

#### **AYES**

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Rev Dr Robert Coulter, Mr Craig, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kennedy, Mr Kinahan, Mr B McCrea, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir, Mr S Wilson.

*Tellers for the Ayes: Mr T Clarke and Mr I McCrea.*

#### **NOES**

Ms M Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley,

Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Mr Cree, Mr Doherty, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr McClarty, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan, Mr B Wilson.

*Tellers for the Noes: Mr Boylan and Mr Brady.*

*Question accordingly negated.*

*Amendment No 2 not moved.*

*Amendment No 3 proposed: In page 5, line 5, leave out subsections (12), (13) and (14). — [Mr Weir.]*

*Question put.*

*The Assembly divided: Ayes 31; Noes 55.*

#### **AYES**

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Rev Dr Robert Coulter, Mr Craig, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kennedy, Mr Kinahan, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir, Mr S Wilson.

*Tellers for the Ayes: Mr T Clarke and Mr I McCrea.*

#### **NOES**

Ms M Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Mr Cree, Mr Doherty, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, 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 McCartney, Mr McClarty, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill,

Ms Purvis, Mr P Ramsey, Ms S Ramsey,  
Ms Ritchie, Ms Ruane, Mr Sheehan, Mr B Wilson.

Tellers for the Noes: Mr Boylan and Mr W Clarke.

Question accordingly negatived.

Amendment No 4 proposed: In page 5, line 13,  
leave out subsection (14) and insert

*“(14) It is a defence for a person accused of an  
offence under subsection (12) to show that—*

*(a) that person reasonably believed—*

*(i) that the event was not one for which that person  
paid a fee or to which members of the public were  
admitted on payment of a fee;*

*(ii) that the removal took place before the coming  
into operation of this section;*

*(iii) that the dog was one in relation to which  
subsection (13) applies; or*

*(b) the dog’s tail was removed in the circumstances  
described in subsection (3)(a) or (b).” — [Mr Beggs.]*

Question put.

The Assembly divided: Ayes 36; Noes 51.

## AYES

Mr S Anderson, Mr Armstrong, Mr Beggs, Mr Bell,  
Mr Bresland, Lord Browne, Mr Buchanan,  
Mr Campbell, Mr T Clarke, Mr Cobain,  
Rev Dr Robert Coulter, Mr Craig, Mr Cree,  
Mr Easton, Mr Elliott, Mr Frew, Mr Girvan,  
Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey,  
Mr Kennedy, Mr Kinahan, Mr I McCrea,  
Miss McIlveen, Mr McQuillan, Lord Morrow,  
Mr Newton, Mr Poots, Mr G Robinson,  
Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey,  
Mr Weir, Mr S Wilson.

Tellers for the Ayes: Mr Beggs and Mr Kinahan.

## NOES

Ms M Anderson, Mr Attwood, Mr Boylan,  
Mr D Bradley, Mrs M Bradley, Mr P J Bradley,  
Mr Brady, Mr Burns, Mr Butler, Mr Callaghan,  
Mr W Clarke, Mr Doherty, Dr Farry, Mr Ford,  
Mr Gallagher, Ms Gildernew, 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 McCartney,  
Mr McClarty, Mr B McCrea, Mr McDevitt,  
Dr McDonnell, Mr McElduff, Mr McFarland,  
Mrs McGill, Mr McGlone, Mr M McGuinness,  
Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy,  
Ms Ní Chuilín, Mr O’Dowd, Mr O’Loan, Mrs O’Neill,

Ms Purvis, Mr P Ramsey, Ms S Ramsey,  
Ms Ritchie, Ms Ruane, Mr Sheehan, Mr B Wilson.

Tellers for the Noes: Mr Boylan and Mr Brady.

Question accordingly negatived.

## New Clause

**Mr Speaker:** I will not call amendment No 5, as  
it is consequential to amendment No 1, which  
was not made.

## Clause 31 (Penalties)

**Mr Speaker:** I will not call amendment No 6, as  
it is consequential to amendment No 3, which  
was not made.

## Clause 59 (Commencement)

**Mr Speaker:** Amendment No 7 is a paving  
amendment for amendment No 8.

Amendment No 7 proposed: In page 33, line 10,  
leave out “section 56,” and insert “sections 6,  
56,”. — [Mr Weir.]

The Assembly divided: Ayes 34; Noes 53.

## AYES

Mr S Anderson, Mr Armstrong, Mr Bell,  
Mr Bresland, Lord Browne, Mr Buchanan,  
Mr Campbell, Mr T Clarke, Mr Cobain,  
Rev Dr Robert Coulter, Mr Craig, Mr Cree,  
Mr Easton, Mr Frew, Mr Girvan, Mr Givan,  
Mr Hamilton, Mr Hilditch, Mr Humphrey,  
Mr Kennedy, Mr Kinahan, Mr I McCrea,  
Miss McIlveen, Mr McQuillan, Lord Morrow,  
Mr Newton, Mr Poots, Mr G Robinson,  
Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey,  
Mr Weir, Mr S Wilson.

Tellers for the Ayes: Mr T Clarke and Mr Givan.

## NOES

Ms M Anderson, Mr Attwood, Mr Beggs,  
Mr Boylan, Mr D Bradley, Mrs M Bradley,  
Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler,  
Mr Callaghan, Mr W Clarke, Mr Doherty, Mr Elliott,  
Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew,  
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 McCartney,  
Mr McClarty, Mr B McCrea, Mr McDevitt,  
Dr McDonnell, Mr McElduff, Mr McFarland,  
Mrs McGill, Mr McGlone, Mr M McGuinness,  
Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy,



*Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan, Mr B Wilson.*

*Tellers for the Noes: Mr Boylan and Mr Brady.*

*Question accordingly negatived.*

**Mr Speaker:** I will not call amendment No 8, as it is consequential to amendment No 7, which was not made.

That concludes the Further Consideration Stage of the Welfare of Animals Bill. The Bill stands referred to the Speaker.

I ask the House to take its ease before we move on to the Final Stage of the Transport Bill.

**Mr P J Bradley:** On a point of order, Mr Speaker. During the debate, a Member accused me of not declaring an interest as an honorary member of the Northern Ireland Veterinary Association. He was referring to discussions on the Bill as it went through Committee Stage. I ask him to check with the Committee and to report the findings to the House.

**Mr Speaker:** I thank the Member for his point of order; he certainly has it on the record.

## Executive Committee Business

### Transport Bill: Final Stage

**The Minister for Regional Development (Mr Murphy):** I beg to move

*That the Transport Bill [NIA 29/09] do now pass.*

It is not my intention to address the specific provisions of the Bill today. Instead, I will concentrate on the main purpose of the Bill, which is to provide new arrangements for the delivery of public passenger transport services in the North and to ensure our compliance with European law.

The current legislation governing the provision of public passenger transport services was established in 1967 in a very different set of circumstances. It needs to be revised to allow for the delivery of modern services that meet passenger need and to provide for innovation in the market, including the introduction of rapid transit services in Belfast. It will also allow the Department to work closely with stakeholders and local councils in the development of local public transport plans, which will inform the specification of contracts and deliver services that meet individual passenger needs, regardless of where they live. The passing of the Bill will allow for the creation of structures that will drive that change.

The legislation is designed to encourage passenger growth and to make public transport people's first choice, not the last resort. Members can also be assured that the reorganisation of structures and functions in my Department will provide the mechanisms to ensure more efficient provision of services through better allocation of resources according to public priorities.

The Bill is underpinned by reform proposals, which have been developed over the past four years in consultation with key stakeholders in the transport, community and business sectors, and informed further by a major public consultation exercise. I thank those stakeholders for their invaluable contribution to the development of this important legislation. I also thank the Chairperson of the Committee for Regional Development and the Committee members for their detailed consideration and scrutiny of the Bill during its Committee Stage,

and for their recommendations, which have now been incorporated into the Bill.

The Bill will assist in creating 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 commend the Bill to the House.

**The Chairperson of the Committee for Regional Development (Mr Cobain):** I express the Committee's thanks to the witnesses who provided evidence, to the Minister and the departmental Bill team for their co-operation and assistance during the passage of the Bill, particularly during Committee Stage, and also to the Assembly's Bill Office team and the Committee staff for their work in producing the report on the Transport Bill. I personally want to thank Committee members for the efforts and commitments that they brought to the pre-legislative stage and Committee Stage of the Bill.

### 6.30 pm

The issue before us is whether the Assembly is content to endorse the Transport Bill. As Members are aware from previous debates, the purpose of the Bill is to create an effective, efficient and sustainable public transport system that contributes to the Executive's transportation, environmental, social inclusion and equality objectives.

The Committee welcomed the opportunity to take forward the Committee Stage of the Bill. It considered the evidence received during its clause-by-clause scrutiny and agreed to all the clauses. The Committee's report made recommendations to improve the Bill. I am pleased to say that 12 amendments were made at Consideration Stage. All of those were agreed by the Committee and the Minister, signed jointly by myself and the Minister and passed by the Assembly. The Committee made other recommendations not involving amendments to the legislation. For the sake of brevity, I, like the Minister, do not propose to rehearse those today.

I thank the Members who contributed to the debates on the Bill. I am happy to advise that the Committee for Regional Development commends the Transport Bill to the House and recommends that it do now pass.

**Mr McDevitt:** I echo the thanks of the Minister and the Chairperson of the Committee to those from inside and outside the House who participated in the debate about and finalisation of the Bill. I also thank the Bill team and the Committee team, who did most of the work, as is always the case, to ensure that the legislation was in a fit state to be before us today.

I welcome the Bill, as amended. The amendments were important and substantial. They strengthened the Bill and put it in an appropriate context that considers not just the economic and social needs of our region but the need to ensure that public transport services are accessible to the people of this part of Ireland and that we design our public transport infrastructure and services in a way that meets the sustainability requirements of our region.

As the Bill becomes law, we must ensure that the resources are available to the House and the Minister, whoever he or she may be, at the Department for Regional Development, so that it can fulfil its potential. Tragically, that has not been so over the past few years. The financial commitment to sustainable transport has not met the statutory desire to see growth in sustainable transport.

I acknowledge the Minister's willingness to engage in a constructive debate with the Committee. I acknowledge his policy commitment to promote a more sustainable transport environment in our region, and I encourage him to continue to advocate that that be matched by the necessary investment to ensure that what we make law can become a reality for all our citizens.

**Ms Lo:** As the Minister said, the Bill is aimed at encouraging people to use public transport as their first choice. It is disappointing, though, that the Budget for the next four years does nothing to encourage people to use public transport when 86% of the Department for Regional Development capital spend will be on roads, which will encourage more cars, congestion and pollution.

The reduction in subsidy to Translink and community transport will also add to the negative impact on people using public transport and increase isolation, particularly for older people, young people, women and people with a disability. I am very disappointed about that. We may have the Bill, but we need the resources and budget to follow it.

**The Minister for Regional Development:** I thank Members for their contribution to the debate and their support for the Bill. I have no desire to elongate proceedings any further. The last two Members spoke about resources. Of course, we want to ensure that we have resources to go forward with the Bill and to encourage the development and promotion of public transport. An amendment has been tabled to the motion for the next debate that would take some money away from DRD. That is not consistent with arguing that we need more resources.

**Mr McDevitt:** I am grateful to the Minister for raising that point. I want to put it on the record, as it will be when the amendment is moved, that the amendment will not take any money away from sustainable transport; it will be focused entirely on reducing consultancy costs and senior executive costs in the Department. I am keen to assure Members that the amendment will not, in any way, undermine the Minister's ability to deliver public transport services.

**The Minister for Regional Development:** That remains to be seen, and whether that amendment is passed is a question for the next debate. Previous propositions from a number of years back talked about taking money from the Departments and putting it into social housing. It is useful that the debate that follows this will address the issue of resources.

Certainly, the last Member who spoke is aware, from being a member of the Committee for Regional Development, of the very substantial hit on the Department's capital budget proposed in the draft Budget. Given that my Department is probably the biggest capital spender in the Executive, he will be aware of the difficulties that that reduction has presented for us and the implications of it. He will know that we had to look at some major capital projects to transfer and free up some money to put into the public transport side, which we did. Those are unpopular decisions with the people who would have liked to see those major capital projects go ahead. Nonetheless, that is the proposition that we put forward, and obviously the budget will be debated and finalised at the end of the consultation process. We want to ensure that we have sufficient resources. We all recognise that we have a very difficult task in balancing the books.

The Member should also recognise that, given that the vast bulk of our public transport uses

roads, it is not simply a case of investment in roads versus investment in public transport. Investment in roads supports and encourages the use of public transport as well as other types of investment.

I thank Members for their contributions to the debate. I particularly thank the Chairperson of the Committee and Committee members for their support of the Bill. I look forward to continued engagement with the Committee as the implementation of the public transport reforms progresses.

*Question put and agreed to.*

*Resolved:*

*That the Transport Bill [NIA 29/09] do now pass.*

## Spring Supplementary Estimates 2010-11 and Vote on Account 2011-12

**Mr Speaker:** The next two motions relate to the Supply resolutions. One amendment has been selected to the motion on the Vote on Account and is published on the Marshalled List. As usual, I propose to conduct a single debate on both motions, during which it will also be convenient to debate the amendment. I shall call the Minister to move the first motion, after which the debate will begin. When all who wish to speak have done so, I shall put the Question on the first motion. No further debate will take place. After the second motion has been moved by the Minister, the amendment will be formally moved. The Question will be put first on the amendment and then on the motion, regardless of whether it is amended.

The Business Committee has agreed to allow up to four hours and 30 minutes for the debate. The Minister will have up to 60 minutes to allocate, at his discretion, between proposing and winding. All other Members who wish to speak will have 10 minutes. If that is clear, I shall proceed.

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

*That this Assembly approves that a total sum, not exceeding £15,345,417,000, be granted out of the Consolidated Fund for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 and that total resources, not exceeding £16,233,236,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 as summarised for each Department or other public body in columns 3(c) and 2(c) of table 1 in the volume of the Northern Ireland spring Supplementary Estimates 2010-11 that was laid before the Assembly on 7 February 2011.*

The following motion stood in the Order Paper:

*That this Assembly approves that a sum, not exceeding £6,654,663,000, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 and that resources, not exceeding £7,336,432,000, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2011-12 document that was laid before the Assembly on 7 February 2011. — [The Minister of Finance and Personnel (Mr S Wilson).]*

The following amendment stood on the Marshalled List: At end insert

*“; subject to a reduction in requests for resources for the following Departments:*

£0.7 million	Department of Culture, Arts and Leisure
£0.5 million	Department of Finance and Personnel
£0.7 million	Department of the Environment
£7.0 million	Department of Justice
£3.8 million	Department for Regional Development
£9.4 million	Office of the First Minister and Deputy First Minister

*; and requests the Minister of Finance and Personnel to consider the allocation of the resultant reductions to the Department of Education for the promotion of community relations, to the Department of Enterprise, Trade and Investment for tourism development, to the Department of Health, Social Services and Public Safety for frontline health and social care services, to the Department for Employment and Learning for student finance and to the Department for Social Development for tackling poverty; and calls on the Minister to consider the identification of further financial resources for these purposes prior to the publication of the Main Estimates 2011-12 and the related Budget Bill.” — [Ms Ritchie.]*



Before we proceed with the debate — I hope that he is not going to flee the Chamber — perhaps the Member for North Belfast, Mr Cobain, who is also a member of the Business Committee, ought to issue an apology on behalf of that Committee to the wives, girlfriends, lovers and partners of Members, staff and pressmen who must stay here tonight, instead of going out for romantic evenings and candlelit dinners. It has been described as the cruellest cut of all; I do not know whether that is true. However, I hope that the Member for North Belfast bears that in mind, and, if he speaks in the debate, perhaps he will say something about it.

Two weeks ago, during the take note debate on the draft Budget, the emphasis was on planning for the future and for the next four years in particular. However, today's debate is about the final spending plans for the current financial year, the last year of the Executive's first Budget, 2008-2011. The first Supply resolution seeks the Assembly's approval of the Executive's final spending plans for 2010-11, as detailed in the spring Supplementary Estimates (SSEs) that were laid before the Assembly on 7 February. The second resolution requests interim resources and funding for the first few months of 2011-12 in the form of a Vote on Account. I request the levels of Supply set out in the resolutions under section 63 of the Northern Ireland Act 1998, which provides for the Minister of Finance and Personnel to make recommendations to the Assembly leading to cash appropriations from the Northern Ireland Consolidated Fund.

The amounts that I ask the House to vote in supply are considerable: over £15 billion of cash, over £16 billion of resources and over £2 billion of accruing resources for spend and use by Departments and other public bodies in Northern Ireland. The first Supply motion sums up the spring Supplementary Estimates that are before the House for approval. I remind Members that those SSEs reflect all the in-year changes that were made since the Main Estimates were approved by the Assembly last June. They reflect the departmental expenditure limit (DEL) changes that were agreed in the monitoring rounds in June, September and December, as well as the annually managed expenditure (AME) funding that was agreed by the Treasury since the approval of the 2010-11 Main Estimates last June.

This is the debate, as the financial year 2010-11 draws to a close, in which I want to pause and look back over the past financial year. With your indulgence, Mr Speaker, I want to take a few moments to reminisce. The expenditure plans for 2010-11 were first set in the Budget in 2007. This time last year, those plans were reviewed and revised by the Executive, and they were agreed by the Assembly last April. Members will remember clearly that the Chancellor's announcement on 24 May of £6 billion of savings in public expenditure in 2010-11 resulted in a £127·8 million reduction in the Northern Ireland allocation. That caused much consternation in the House, but the Executive discussed the options and were able to address that pressure through the monitoring rounds process. In addition to addressing the £128·7 million pressure, the monitoring rounds also facilitated Departments to declare reduced requirements and the Executive to reallocate that funding to high-priority areas.

As to the current expenditure position in 2010-11, the amount of current reduced requirements in the first three monitoring rounds was again much reduced, with some £45 million in comparison to £90 million, £135 million and £176 million in the three preceding financial years respectively. On that note, I voiced my disappointment today that that good performance did not continue into the February monitoring round.

#### **6.45 pm**

I will not repeat the details, but suffice it to stress that Departments must practise good financial forecasting and management and not leave the surrender of reduced requirements until the February monitoring round. That puts the Executive in a difficult position, as it is often too late, at that stage, for other Departments to use the resources that have been unspent. Therefore, they are lost to Northern Ireland.

On the capital front, the big issue exercising Members at this stage last year was the £200 million shortfall in DARD's budget arising from the Crossnacreevy site. Members predicted all sorts of doom. Although I assured them that we could handle the £200 million shortfall in monitoring rounds, many did not believe it. However, the outcome was that the Executive were able, in the June monitoring round, to address the shortfall from slippage and other projects such as the strategic waste

infrastructure and the Royal Exchange project. The purpose of monitoring rounds is to reallocate reduced requirements from one area to another area of need.

Leaving aside the slippage in the two large projects just mentioned, the remaining capital reduced requirements in the first three monitoring rounds amounted to only £62 million, which is a sign that, by and large, the delivery of capital projects is being progressed on the ground as planned. Of those capital reduced requirements, the Executive decided in December, through the Treasury end-year flexibility arrangements, to carry forward £23 million into 2011-12 in light of the very difficult capital position next year.

Despite the restrained financial position in current and capital during the three in-year monitoring rounds, some significant allocations were made to Departments, hence the revised Estimates before the Chamber today for approval in the first motion. Members will recall that, in June, £20 million was allocated to the Department of Health, Social Services and Public Safety under the first call on available resources, and that was established in the 2008-2011 Budget settlement. That was to provide the Health Department with certainty, at an early stage in the financial year, of the full £20 million allocation and to facilitate effective planning in its use of resources.

In December, £3.6 million of capital was also allocated to equipment and capital works; £1.9 was allocated to meet the increased cost for some Departments of new functions or the expansion of functions arising from the devolution of policing and justice; and £2 million was allocated to DARD for animal disease compensation, which was a statutory and therefore inescapable cost for that Department. DARD also received £4.6 million in respect of modulation match funding for the Northern Ireland rural development programme, the woodland grant scheme and environmentally sensitive areas, and £2.6 million towards the Agri-Food and Biosciences Institute pensions.

To address the flooding difficulties encountered in Fermanagh last year, OFMDFM was allocated £1.4 million after a cross-departmental bid. The Department of Education was allocated £16 million towards capital works in light of concern over the level of investment in the schools infrastructure, ever mindful of the additional

benefit that that support would give to the construction sector during the recession.

The Department for Employment and Learning received £16.5 million to address the statutory student finance pressures arising from a greater uptake as a result of the economic downturn, and £1 million for health and safety works in the further education sector. The important Bombardier CSeries project was allocated £28 million, with the resultant impact on jobs and investment for Northern Ireland, and my Department received £2 million towards the cost of the 2011 census and £6.1 million for the accommodation costs of Northern Ireland Departments.

The Executive were also able to give £2 million to DOE to contribute to the significant pressures caused by the shortfall in planning receipts and £1.6 million for the e-PIC planning system. In addition, a capital investment allocation of £2 million was given to DOE in assistance to local government for the cost of new recycling and composting infrastructure.

The Department for Regional Development was allocated £5.1 million for provisions, £7.5 million of capital for roads structural maintenance and the A2 Broadbridge Maydown to City of Derry Airport project. DETI pressures amounting to £3.7 million for remedial work on abandoned mines and inescapable Harland and Wolff employee liability claims were also met. With the economic benefits associated with contractually committed urban regeneration projects in mind, the Executive allocated £10 million in the June monitoring round to DSD, and, of course, the cash cost across Departments of addressing the equal pay liability of £120 million was met in-year.

Those are just some of the departmental expenditure limit allocations in the monitoring rounds, but Members must not forget that, in addition, provision was made in the AME exercises and the SSEs in 2010-11 for, among other things, £2.8 billion of non-contributory and income-related social security benefits to the most vulnerable in our society. That funding provides mainly for expenditure on disability benefits, income support, pension credit, jobseeker's benefit and housing benefits, which are all very necessary support for families and people in need in Northern Ireland in these difficult economic times.

Before leaving the detail of the SSEs, I want to inform the House that some additional headroom has been built into them over and above the December monitoring position. At the preparation of the SSEs in January, it was thought prudent — as the SSEs in the Budget Bill are the final statutory ceiling on spending plans — to include headroom amounting to around £20 million to provide the Executive with the flexibility in the February monitoring round to make allocations if resources became available. That forward thinking was particularly important this year in the light of the closure of the end-year flexibility scheme, which means that any resources not used in 2010-11 cannot be carried forward and will be lost to the Executive. The SSEs also include a few technical adjustments that were processed in the February monitoring round. Such adjustments do not give additional spending power to the Executive. I emphasise to the House that such headroom has been included on the condition that the resources, if allocated in February monitoring, must be used only for the agreed purpose. Virement approval will not be given later to cover excess spending in any other areas. I am sure that Members will appreciate the wisdom of that course of action, and the February monitoring outcome has borne that out.

Let us turn to the second part, which is the Vote on Account; that is, turning from the current year and looking ahead to 2011-12. The second motion before the Assembly seeks approval to the issue of cash and resource Vote on Account to ensure the seamless continuation of services into the next financial year. I stress to the House that the amounts of cash and resources proposed are totally unrelated to the current Budget 2011-15 process; rather, they are an advance of around 45% of the final 2010-11 provision. That is to enable services to continue into 2010-11 until the Main Estimates reflecting the first year of the Budget 2011-15 are prepared and presented to the Assembly for approval.

I commend to Members the 2010-11 spring Supplementary Estimates, the 2011-12 Vote on Account and the Supply motions tabled. At the end of today's debate, I will endeavour to deal with any issues that have been raised on the spring Supplementary Estimates and the Vote on Account.

**Mr Speaker:** I call Ms Margaret Ritchie to address the amendment.

**Ms Ritchie:** I take this opportunity to summarise the position of the SDLP on the Supplementary Estimates and the Vote on Account, associated with the Executive's draft Budget.

The spring Supplementary Estimates are, in effect, a tidying-up of the finances for this year, the year that we are in. Although it is a little confusing, particularly for our friends in the media, it is little to do with the Budget for the next four years. Again, the Vote on Account is a resolution to supply resources to allow initial spending into the first year of the Executive Budget. We think that it is the first stage of a flawed Budget and a flawed process, but, whatever we think of it, we will not vote to leave public services unfunded at the start of the next financial year.

Nonetheless, we are advised that the procedure is such that, if any party or Member in the House wishes to amend the draft Budget, they must first amend the Vote on Account. Given that the Vote on Account relates only to a very small part of our draft Budget, the SDLP's technical amendment is representative of the type of change that we want to see in the overall Budget for the next four years. We, of course, welcome the fact that we have a draft Budget, as it means that people now have some idea of what the future holds. However, there are fundamental deficiencies in the draft Budget, and, although we can and must put them right, let me tell the House what is wrong and what needs to be fixed.

First, the draft Budget is largely the application of what was handed down by the coalition Government. The settlement envisaged cuts of some £4 billion, and, when we net out receipts and a rates increase, the draft Budget envisages cuts of £3.2 billion. Bizarrely, one party that negotiated the draft Budget, including the £3.2 billion in cuts, is still inviting us to fight the Tory cuts. It agreed to those cuts, but wants us to fight the cuts. Is that stupid or dishonest, or is it both?

We can mitigate the cuts. The SDLP has produced a Budget document entitled '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 pretended that the draft Budget already contains billions in new revenue. That is not true. When

we strip away normal receipts, there is little new money. In fact, it amounts to less than 1% of the total draft Budget.

The Budget is crucial for the economy 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 draft Budget must be about much more than which Ministers are winners and which are losers, although it is easy to see the DUP/Sinn Féin carve-up even at that level. However, it must deliver on an economic strategy. That is our second criticism: the draft Budget is not related to any economic strategy.

All economic commentators recognise the need to rebalance the Northern Ireland economy. That means reducing the public sector and making it more efficient; focusing on job creation; and investing scarce capital in the right areas. In fact, we look forward to the coalition Government's proposals for doing that for Northern Ireland. However, where are the proposals in this draft Budget to move assets and activities from the public sector to the private sector? Where is the plan to generate jobs in the short term and get the economy moving? Again, the SDLP's 'Partnership and Economic Recovery' document provides many answers.

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

Let us sell the DRD car parks. They would do better in the private sector, generating a major receipt to fund other priorities. We should dispose of other assets that have a revenue stream. We also suggest looking at the Port of Belfast, among other areas. Indeed, consider Northern Ireland Water. The solution to the problem of making Northern Ireland Water perform better does not simply lie in bringing it back into DRD, as the Minister for Regional Development proposes. Is it really going to 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 job creation? There needs to be more investment in the tourism and construction sectors, which are indigenous and job rich.

## 7.00 pm

Our third criticism is that the draft Budget is simply not joined up. Each Department has been given a haircut, but there has been little thinking outside 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 have been in a much worse place if the DUP and Sinn Féin had failed to reach meaningful agreement, because they have failed to reach agreement on parading, education, minority languages and North/South co-operation, to name a few. We are all paying the price for that. I welcome the fact that they have reached agreement, albeit on a seriously flawed Budget.

However, we now have a Health Minister who says that he has been allocated a capital budget to build a radiotherapy centre in Derry, but not the budget to run it. Only today, we were told that there are major delays in ambulances' delivery of patients to A&E centres, which is also because of the budget deficit. I understand that the Health Minister was treated disgracefully by the First Minister and deputy First Minister at the last Executive meeting.

In education, we have inadequate provision for the schools modernisation programme, which is of huge importance if we are to tackle the real failures and inequalities in our education system. We face the unacceptable prospect of hiking student fees, which is entirely avoidable and will only start to make third-level education the preserve of the rich once again. Our amendment will ensure the capping of student fees and no hike.

Another issue is, of course, housing. With the 40% overall reduction in capital, the housing budget has been cut by — would you believe it? — 40%. That means that, instead of building perhaps 2,000 houses in each of the next four years, we will now build only 50% of that — 1,000 houses. We have not reprioritised our capital programme, but just spread the pain around. Incidentally, if anyone can identify an area of investment that does more to stimulate jobs, reduce human misery and meet important social policy objectives than investment in newbuild social housing, let us find more money for it.

Despite such shortfalls in housing, education and student finance, there is £80 million for a new Sinn Féin-inspired community fund. The so-called social investment fund is to be directed



to the party's chosen groups. I can only call it a slush fund. It is a disgrace, and the House should not tolerate it.

How do we sort all this out? We should forget about personalities and do what is genuinely best for the North. We should abandon the silo approach. The SDLP will not be territorial about the Budget. Our objections to the Budget reach far beyond the confines of DSD. We have listed some of the areas in which more resources are needed. As a party, we have shown how that can be achieved. I do not believe that anyone in the House truly believes that the DUP/Sinn Féin draft Budget cannot be significantly improved on.

I hope that the Executive will heed what we are saying and work to arrive at a final Budget that my party can support. In the meantime, as a start, we today call for a reduction in expenditure on corporate overheads, consultancy, travel and overtime, and a reallocation of resources to front line health, student financial support, job creation in the tourism and construction sectors and anti-poverty measures. We call on the Executive and the Minister of Finance — he is not listening at the moment — to make a greater effort to find additional sources of revenue and capital.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his opening remarks and his explanation of the spring Supplementary Estimates and Vote on Account.

At its meeting on 2 February, the Committee for Finance and Personnel took evidence from DFP officials on the spring Supplementary Estimates for 2011 and the Vote on Account for 2011-12. Though routine, those are, by necessity, complex matters, and I thank the departmental officials for assisting the Committee. The spring Supplementary Estimates, the Vote on Account and the associated Budget Bill give Departments the authority to spend and to set control limits on which they can be held to account by the Assembly. The Committee has approved accelerated passage for the Budget Bill, which will be introduced by the Minister later today. I have written to the Speaker to provide confirmation of that.

The opening Budget position for 2010-11 was agreed by the Assembly on 20 April 2010, following the review of the Executive's spending proposals that were set out in the 2008-2011

Budget. The spring Supplementary Estimates reflect the changes that have been made to that opening Budget position as a result of the monitoring rounds in June, September and December. Additionally, some headroom has been built in to facilitate any allocations made by the Executive in the February monitoring round, the outcome of which was announced earlier today.

The Committee previously considered the inclusion of headroom in the spring Supplementary Estimates and understands that although Estimates need to be taut and realistic, that is a necessary measure, because the outcome of the February monitoring round is not normally announced until early March. Given that the Budget Bill, incorporating the spring Supplementary Estimates and the Vote on Account, must be passed by the end of March, it is not possible to wait until that time to finalise the Estimates. However, in their evidence to the Committee, DFP officials explained that, in view of the removal of end-year flexibility, it was particularly important to ensure that sufficient headroom was built in this year to ensure that any reduced resources declared as part of the February monitoring round could be reallocated and used in this financial year, rather than being surrendered back to the Treasury and lost to the Executive.

Members also understand that headroom is not indicative of the amount of reduced resources that may be declared in February. For those Departments that indicated an intention to bid for resources in February, and where those bids have initially been assessed as reasonable, the upper limit to which they can spend is increased by building in headroom. The Department in question will then have the Assembly's approval to spend up to that limit if, and only if, any additional funding is allocated to it. The departmental officials stressed that DFP's Supply division will monitor the allocations to ensure that they are used only for the agreed purposes.

The Committee for Finance and Personnel has again undertaken an active role in scrutinising the quarterly monitoring rounds throughout the 2010-11 financial year. The Committee has received timely briefings on the Department's position prior to each monitoring round, followed up with written responses to queries raised. In addition, following the Minister's statements in plenary sittings on the outcome

of each monitoring round, the Committee was briefed by DFP officials on strategic and cross-departmental issues relating to public expenditure and on the implications for DFP as a Department. The Committee recognises the value of monitoring rounds in allowing funds to be reallocated in-year. However, the ability of that process to cope with a significant amount of new or emerging spending pressures is limited, particularly in view of the declining amount of reduced requirements being surrendered in the monitoring rounds. That issue will need to be examined, going forward.

I turn now very briefly to the motion on the Vote on Account for 2011-12. That practical measure, which provides interim resources at approximately 45% of the 2010-11 provision, enables Departments to ensure that public services continue during the early part of the financial year until the Main Estimates 2011-12 and associated Budget are debated before the summer.

A LeasCheann Comhairle, I would like to speak briefly from a personal and party perspective, particularly about the SDLP's amendment. I listened to Margaret Ritchie's opening statement, and I think that the SDLP needs to answer quite a few questions, particularly about the detail of its amendment. I listened to Ms Ritchie's robust defence of the Health Minister, Michael McGimpsey, which in itself is indicative of the SDLP/UUP/Tory alliance that seems to be emerging. Furthermore, her attack on the fund for the worst-off communities in our society was nothing short of disgraceful. It is nothing short of disgraceful that that fund, which would go towards the worst-off communities in each and every one of our constituencies, is being attacked by the SDLP. That is yet another aspect of the Tory agenda.

**Mr McDevitt:** Does the Member agree that, if the Executive were genuinely serious about a fund to work on behalf of the most marginalised and poorest in our community, they would allow the Department with lead responsibility, the best expertise and understanding of the needs of the most marginalised and needy in our community to lead on that fund? That has not been the case, and it is for that reason that the fund has little credibility.

**Mr Deputy Speaker:** Before Mr McKay answers that, for Members' information, where you do give way, an extra minute will not be given.

**The Chairperson of the Committee for Finance and Personnel:** Conall McDevitt has let the cat out of the bag. He said that the SDLP is attacking OFMDFM because DSD did not get the money. That is the SDLP's political agenda. The party says that it is attacking the fund because it is a slush fund, but really it is because DSD did not get more money. That is the reality of the situation, which is, quite simply, disgraceful.

The SDLP needs to bring detailed proposals to the House. If the SDLP is serious about passing its amendment today, where are the details? What is going to happen to the Justice Department and the £7 million —

**Mrs D Kelly:** I throw a challenge back to the Member. Where is the Sinn Féin fight against the Tory cuts in this Budget?

**The Chairperson of the Committee for Finance and Personnel:** The way in which we challenge the cuts, as the Member should know, is by trying to mitigate them. This Budget has been handed down by the British Government. We need to face up to that challenge and mitigate cuts by using revenue-generating proposals, which the Executive have discussed —

**Mrs D Kelly:** Will the Member give way?

**The Chairperson of the Committee for Finance and Personnel:** I am not going to give way again, because I have only three minutes left.

The SDLP, which is so serious about coming to the House with its revenue-generating proposals to save us from this deficit and cut, did not come to the House until December. When the SDLP came forward with its proposals, they included ideas that Ministers had been discussing at the Budget review group. Therefore, it is misleading —

**Ms Ritchie:** Will the Member give way?

**The Chairperson of the Committee for Finance and Personnel:** No, I will not give way.

The amendment is indicative of the kind of politics that the SDLP has adopted with regard to the Budget, the Assembly and the Executive. It is mischievous, and it is simply wrong. It is absolutely mischievous to come to the House today to propose that we take £7 million out of the Justice Department, £3.8 million out of the Department for Regional Development and nearly £10 million out of OFMDFM. How many jobs would that cost? What impact would

that have? If the SDLP wants us to back those proposals, it has to outline the details. The SDLP cannot come here, throw figures in front of the House and expect to get any support. The SDLP needs to go back upstairs to its offices — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Chairperson of the Committee for Finance and Personnel:** The SDLP needs to go back upstairs to its offices, do its homework and come back to us. We will then consider its proposals. You have to take this issue seriously.

**Mr Deputy Speaker:** Order. Mr McKay, please refer all your remarks through the Chair. If other Members wish to listen to the argument, they should please remain silent.

**The Chairperson of the Committee for Finance and Personnel:** Members of the SDLP need to catch themselves on. There is a better way to mitigate Tory cuts. The Budget review group is taking forward proposals for additional revenue, which should be allocated to front line services. That work must continue, and that is how we will mitigate cuts. We will not mitigate cuts by coming into the House and throwing down figures that are not thought out and have no detail whatsoever. Members of the SDLP need to catch themselves on. I look forward to the rest of the debate.

**Mr Hamilton:** Some of us on this side of the Chamber would quite happily sit back and let this domestic carry on all evening. To use the old saying: we do not get involved in domestics. However, this issue is much too serious for us to do that, as entertaining as the very adult debate that was going on for the past five minutes was.

As others, including the Minister, said, what is usually a technical, tidying-up exercise has today, unfortunately, been made into a bit of a mess. We are well used to attempts at political point scoring and grandstanding on occasions such as this. There was a previous attempt by another party to take a penny off the Estimates to try to make a broader point. Other parties at times said that they would oppose the Estimates going through on the Vote on Account, even though the ramifications of that opposition would be that money would run out in Departments very early into the next financial year.

## 7.15 pm

I was thinking as I listened to the SDLP leader introduce her party's amendment that, if a creature from Mars came into this Chamber and listened to what she was saying, they might conclude that there is no intelligent life on this planet. They may also believe that the SDLP has had absolutely no role whatsoever in any matter to do with Budgets, finances and public spending in Northern Ireland. In fact, they may even conclude that the SDLP has no Members in the Executive. Perhaps that party's opposition to the Budget will lead to it leaving the Executive.

The SDLP has the right to oppose the Budget and should just go ahead and do that, if that is what it wants to do. Margaret Ritchie also indicated that she was not going to speak about the draft Budget. She said that the discussion today was about the Estimates and the Vote on Account. When she proceeded, I waited — two minutes passed, three minutes passed, five minutes passed — and I thought, surely now, she will turn to the amendment. Seven minutes passed, eight minutes passed, nine of her 10 minutes' speaking time passed, and there was still no reference to the amendment, which, whatever one may think about it, involves serious ramifications.

Having said that she was not going to spend any time talking about the draft Budget and then ignoring that by talking about it for about nine minutes and 50 seconds, I thought that the Member would at least have shown the House the courtesy of addressing the amendment before us to give Members some detail behind what is an absolutely detail-less amendment.

This may be very technical, very dry and, dare I say it, quite boring stuff, but when the Finance Minister comes before this House, he brings considerable detail. It is not as if he moves the motion, we debate it and everything carries on. There are details behind it. I know that I am not allowed to use visual aids, but while the Deputy Speaker is distracted, I am going to wave this document around nonetheless. It is not a best-seller; I accept that. I do not know whether it is downloadable in Kindle format. I am sure that if one could download or purchase it, it would not be very popular, but there it is. I accept that it is not a well-read document, but the detail is there. I dare say that once it is printed, probably nobody goes through it and tots up the totals

again, but that is the detail. That is what the Finance Minister produces and gives to us. What we have in contrast is a few lines of an amendment with no detail.

**Mr McDevitt:** I understand the point the that Member is trying to make, but the fact is that, as unpalatable as it is to bring an amendment to the Supply resolution and Vote on Account, if you do not do that, you are not in a position to exercise your democratic right to seek to influence the outcome of the Budget. It is painful and no one particularly wants to do it, but if you do not do it, you have no rights procedurally in this House. I am sure that if the Deputy Speaker wants to confirm that, he can do so.

Secondly, the Business Office issued specific guidelines as to how people should address the debate and how they should address speaking to the amendment. Further guidelines were issued to state that the debate should not be just on the amendment; even the proposer of the amendment must address the full debate. I agree that it is a difficult and technical way to go about this, but it is the only way to go about it, and the Member must at least acknowledge our right to do so.

**Mr Hamilton:** I thank the Member for his intervention; he did at least try to give some explanation. Perhaps now he should stop writing leader's speeches for the SDLP and start giving them. It was certainly more useful than the contribution that was made. The fact is that, whatever the technicalities, the Member cannot expect the House to take the amendment seriously, no matter how serious his intent may be.

**Mr A Maginness:** You do not understand the procedure.

**Mr Deputy Speaker:** Order.

**Mr Hamilton:** We are being asked to vote for what is before us. On the one hand, we have this document from the Finance Minister and, on the other, we have this amendment from the SDLP, in which there is no detail. The fact is that we are well used to this approach in the Assembly. We are well used to Members coming forward with limited information. They ask for the world but give no information in return.

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

**Mr Hamilton:** Hold on a second. Let me continue.

To be fair, what is before us is a little better than some of the other things that we get. It is a slightly more sophisticated approach than that which the Health Minister, for example, takes. He wants more money for health but does not give any explanation of from where that might come. At least the SDLP is saying which Departments the money should come from, but that is not without consequence. It says that it will take money from this Department, that Department and the other Department and that it will give it to certain Departments for certain types of expenditure, and that is fine. The easy part is saying where the money goes to, but saying where it comes from is a bit more difficult. That has not been answered. I will give way very briefly.

**Mr McDevitt:** I will be very brief. If you feel it appropriate, Mr Deputy Speaker, you may wish to advise the House as to the fact that very specific guidelines were given as to how the amendment must be prepared and the fact that it must identify very specifically the way in which one must go about proposing an amendment on the Supply resolution and the Vote on Account. I wish that the system were different, but the fact is that if a party wants to exercise its right to try to promote a positive debate, it must go about it in this way.

**Mr Hamilton:** Yes, but whatever about —

**Mrs D Kelly:** Further to that point of order, Mr Deputy Speaker.

**Mr Deputy Speaker:** Order. There was no point of order.

**Mrs D Kelly:** On a point of order, Mr Deputy Speaker. Further to Mr McDevitt's intervention, will you ask the Speaker's Office to confirm that the direction that was given to our party was that no opportunity would be given to provide a detailed analysis of the draft Budget? Ms Ritchie was able to make only a few remarks in her contribution and could not go into the detail. However, if the Speaker wishes to change the direction that was given, our party will be happy to provide a full and detailed response in a motion to the House.

**Mr Deputy Speaker:** Thank you for that point of order. The Member and her colleagues have every opportunity to explain their amendment



throughout the debate. However, the Speaker will be duly notified, and if he needs to respond, he will. I call Mr Simon Hamilton.

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

**Dr Farry:** Will the Member give way?

**Mr Hamilton:** If he is very brief.

**Dr Farry:** Does the Member agree that this is not about questioning the procedure of what the SDLP is doing today but about questioning why a party on the Executive would want to seek influence in the House rather than around the Executive table? Moreover, why would the SDLP table an amendment that, if made, would have major consequences yet not explain any of those consequences?

**Mr Hamilton:** If I had known that it would be such a sensible intervention, I might have afforded the Member more time. The fact is — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Hamilton:** The fact is that I could not care less about the process — *[Interruption.]* There is some sort of sideshow going on at the minute.

I could not care less about the process. The mover of the amendment had 10 minutes in which to explain in detail the effect on the Department of Culture, Arts and Leisure, the Department of Finance and Personnel and the Department of the Environment. The SDLP proposes to take £7 million from the Department of Justice, £3.8 million from the Department for Regional Development and £9 million from the Office of the First Minister and deputy First Minister. It had ample time to explain what it would do, from where it would take that money and what the ramifications would be. Everybody knows that all the Departments that I have mentioned —

**Mr A Maginness:** Will the Member give way?

**Mr Hamilton:** No.

Everybody knows that those Departments are under pressure now and going forward. There is no explanation of from where that money might be taken. There is plenty of explanation about where it is to go to but nothing about from where it is to be taken. It could hit front line services. There is no rationale whatsoever for a single —

**Mr A Maginness:** Will the Member give way?

**Mr Hamilton:** I am not giving way.

**Mr A Maginness:** The Member is misleading the House.

**Mr Hamilton:** I noted something there, Mr Deputy Speaker, that you may want to take up with the Speaker. I will raise it with you later. The point is that there is not a jot of detail anywhere in the amendment about the effect on the Departments that are listed —

**Mr A Maginness:** It is there.

**Mr Hamilton:** With respect to the Member, it is not in any way the detail that is required to take a decision. The SDLP comes forward with proposals that would militate against any increase in student fees. They are proposing to take £20 million from various Departments to fill a £40 million gap.

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

**Mr Hamilton:** That does not add up in anybody's language. Even the SDLP can work out that sum: £20 million does not fill a £40 million gap. The fact is that no detail is coming before us. We are being asked to vote on a pig in a poke, and they should be ashamed of themselves.

**The Chairperson of the Committee for Regional Development (Mr Cobain):** I am sure that the Minister is glad that another two Members of the Business Committee have arrived: Mr Pat Ramsey and Lord Morrow, who he was attacking a short while ago. I stood up for you, Lord Morrow. *[Laughter.]* I proposed 45 minutes for this debate to the Business Committee, but I was outvoted by the SDLP, the DUP and Sinn Féin, all of which wanted four and a half hours. I just wanted to put that on record. *[Laughter.]*

As the Chairperson of the Committee for Regional Development, I am pleased to contribute to the debate on the spring Supplementary Estimates and the Vote on Account for 2011-12. Last week, the Minister for Regional Development wrote to the Committee, setting out the main changes arising from the 2010 monitoring rounds, as reflected in the 2011 spring Supplementary Estimates. In the Department's spring Supplementary Estimates, provision has been included for an allocation in the February monitoring round of up to £8.6 million for the City of Derry Airport. The bid

was made on ministerial direction, and the Committee is seeking additional information on the proposed allocation. This morning, the Minister alluded to the fact that there is no business case for that amount of money. That disturbs the Committee.

The Committee for Regional Development scrutinised the quarterly monitoring rounds in 2010-11 and responded to the Department on specific bids and easements in each monitoring round return. Based on its monitoring round scrutiny work, the Committee has two issues to raise: the need for flexibility in managing funding to deliver large-scale roads and waste-water infrastructure projects and the need for adequately resourced roads structural maintenance. Those issues are of strategic concern, not just for the Committee for Regional Development but because they cut across and underpin the economic and social well-being of the whole economy and all the people of Northern Ireland.

I turn first to funding for structural maintenance. The Committee has continually raised the need to provide funding for structural maintenance that is adequate and timely. It has done that in comments on the DRD monitoring round returns and on the Floor of the House during previous debates on the Budget and the Programme for Government. The quality of our roads infrastructure obviously and directly influences journey times and reliability; enhances or detracts from the tourist experience; enables or hinders access to rural education and training opportunities and to cultural, sporting and leisure services; enhances or hinders the competitiveness of Northern Ireland businesses; and, through its multiplier effect directly and indirectly on the economy, supports employment in Northern Ireland. Structural maintenance spending also has road safety implications, on which the Committee's views are well rehearsed.

Funding for structural maintenance must approach the levels set out in the Snaith Review. Professor Snaith recommended funding of approximately £112 million per annum for structural maintenance and additional yearly allocations to address the backlog in structural maintenance of over £700 million. Each year, we underspend in that area and, therefore, contribute to the backlog. After this year's prolonged period of winter weather, the need for

roads structural maintenance is more pressing than ever.

I recognise that the Department is responding to the Committee's concerns on the issue by bidding for more structural maintenance funding at earlier stages in the monitoring round. However, allocations are not approaching the levels recommended by Professor Snaith, and the problem looks set to worsen in the next Budget period, when we will move from a record level of £92 million allocated in 2011-12 to two years of allocations of less than half the recommended level: £52 million and £56 million, respectively.

That is simply not acceptable, and that level of underfunding simply cannot continue. The Committee will, of course, continue to pursue this matter during the draft Budget process and in the Budget debates.

### 7.30 pm

The second point of concern that I wish to raise relates to the need for flexibility on in-year and end-year funding allocations for large-scale infrastructural projects, such as water or road schemes. The Committee noted that, in the February monitoring round, Northern Ireland Water surrendered £13 million. Severe weather delayed work by two weeks in December and two weeks in January. Looking forward, 70% of the allocations for road schemes in the draft Budget are ring-fenced, and year two and year three allocations to Northern Ireland Water are only two thirds of the level agreed by the Utility Regulator's price control final determination. Unless some flexibility is introduced into the system of managing in-year funding, there is a danger that even more funding will be lost to those vital investment areas. I think that we can all agree that every effort should be made to support and facilitate investment in our water and sewerage infrastructure.

I want to make two or three points on the Budget as a member of the Ulster Unionist Party. To say that people who are socially and economically marginalised will not be influenced by this Budget is nonsense. We all know that, as far as the housing commitment is concerned, we need 2,500 new social homes every year. To keep pace, we will build 4,000 over the next four years, and that, obviously, has an impact on homelessness figures. People will be driven out of the social sector into the private-rented sector.

Mr McKay, who is just leaving, made the point that there will be increased rents, increased rates, increased bus and rail fares, an increase in child poverty and pensioner poverty, an increase in the level of social exclusion, and on and on. Therefore, to say that socially and economically marginalised people will not be affected by this Budget and that people are working to soften the impacts is nonsense. However, those are issues that we can discuss in more detail.

**Mr A Maginness:** Does the Member also accept that there are serious pressures on the health budget that have prompted the Chief Medical Officer to say that there may be serious redundancies in the Health Service? Furthermore, the head of the health board has indicated that the Health Service will be minus £1 million a day, which will lead to very severe consequences for the Health Service in Northern Ireland.

**The Chairperson of the Committee for Regional Development:** I thank the Member for that intervention. I think that everyone knows that people who rely on and are affected by public services most are those who are most vulnerable, so any resource implication for the Health Service would have a major effect on such people. However, as I said, we can discuss those issues in more detail when we come to the Consideration Stage of the Budget Bill.

**Dr Farry:** I support both the Supply resolutions. In doing so, I stress that the Alliance Party has its own clear views on the best way forward. Indeed, we set those out in our own paper, 'Shared Solutions'. However —

**Mr A Maginness:** Will the Member give way?

**Dr Farry:** That is a bit brief. OK, fire away.

**Mr A Maginness:** Does the Member recall that the leader of the Alliance Party, Mr Ford, recommended this Budget to the public; a Budget that you yesterday referred to as being full of holes? *[Laughter.]*

**Dr Farry:** No more than 20 minutes ago, the SDLP leader said that she welcomed the fact that a draft Budget was published before Christmas; a draft Budget that the SDLP did not do anything to get out. How can you welcome something that you did not play a role in getting out to people? Frankly — *[Interruption.]*

**A Member:** Will the Member give way?

**Dr Farry:** Oh, steady on, let me move on a bit; in a minute. There will be plenty to interrupt in a minute.

It is important that we recognise that we have five parties in the Executive. Parties have to decide whether they are part of that Executive or not. You cannot be inside and outside the Executive at the same time. People are crying out for leadership, not for Members to play games with the most important decision that the Assembly and Executive will have to take over the forthcoming weeks — the most important decision of the four-year mandate.

When proposing its amendment, the SDLP referred to the Executive as though they were some distant body with which it had no relationship and no contact. The Executive are the SDLP as much as they are the Alliance Party, the Ulster Unionists, Sinn Féin or the DUP. The Executive comprise every one of the parties in here.

**Mr D Bradley:** Will the Member clarify the Alliance Party's change in position? When it came into the House at the beginning of the mandate, the party trumpeted itself as the official opposition. Will the Member state clearly that his party is no longer the official opposition and is part of the Executive?

**Dr Farry:** When the Alliance Party entered the House it was not part of the Executive. For Mr Bradley's benefit, he may recall that, last April, David Ford was elected by the House to be the Minister of Justice and to join the Executive. That is the evidence; I do not need to clarify it for the Member.

We are clear that we are members of the Executive; we are not playing games with this matter. We have considerable concerns about the detail of the Budget, but the way to address those concerns is around the Executive table. If a party cannot live with what is finally negotiated and approved by the Executive and brought to the House, it has to consider its position in the Executive. You cannot be inside and outside the Executive at the same time, especially on the most important issues that go to the coherence of any Government: the striking of the Budget and the Programme for Government. You are either in or out, particularly on the Budget, and the SDLP and the Ulster Unionists have a big decision to take over the coming weeks.

The amendment is in order; I have no difficulty in accepting that it is sound, procedurally. What confuses me is that the SDLP seeks to address the matter on the Floor of the Assembly rather than by briefing its Minister to fight his corner at the Executive table. If the SDLP is unhappy with what is agreed, it should withdraw from the Executive and fight the Budget on the Floor of the House. That is the only honest and coherent approach to take; otherwise it is simply gesture politics. Indeed, the fact that there was no explanation of the amendment gives further cause for concern, because, quite frankly, bringing something of this magnitude to the House today merits a proper explanation, particularly when one thinks of the consequences for the Departments concerned.

Perhaps SDLP Members will put meat on the bones of the amendment as the debate goes on. However, it is bizarre that the person who moved the amendment did not address that point. They are doing things the wrong way round. I have to draw attention to the cuts proposed for justice at a time when the Executive, and the Justice Minister in particular, are fighting for additional money from the Treasury to address the security threat in Northern Ireland. Indeed, the SDLP wants to give more powers to the police in Northern Ireland, because it wants to transfer intelligence gathering from MI5 to the PSNI. The party is entitled to make that argument, but in doing so, and if it is successful, that will mean putting more resources into the PSNI.

**Mr McDevitt:** The Member may or may not be aware that the Department of Justice has a bit of a problem with its spending on consultants and, in particular, its spending on lawyers. In fact, the sum mentioned in the amendment is but a drop in the ocean of what the Department of Justice, by the Member's own Minister's admission, could save on extraordinary expenses for outside bodies that are not core to the delivery of justice services in this region.

**Dr Farry:** Yes; and the Alliance Justice Minister is incredibly serious about addressing the problems of the cost of justice and legal aid. However, the way to do so is through a departmental spending plan, which the Justice Minister was one of the first to provide before Christmas, rather than arbitrarily mucking around with the figures. One cannot address those problems overnight.

**The Minister of Finance and Personnel:** Does the Member recognise that the main danger in the proposal is that once we start to tamper with the Department of Justice's budget, which is ring-fenced specifically to ensure that the Treasury does not count it as part of the general Northern Ireland Budget and gives it special treatment, we will open the door for the Treasury to renege on promises that it made on EYF, contingency fund applications, etc?

**Dr Farry:** The Minister is quite right. Of the 12 Departments, the Department of Justice is unique in having that special arrangement. The judgement call was made that ring-fencing its budget would be in the Department's best interests over the coming years. It is important to stress that ring-fencing does not mean protection of the budget; the two are distinct concepts. Ring-fencing means that expenditure in the Department of Justice will follow the flows of that of the Home Office in London on justice matters. On balance, it works out that it is in the Department's best interests to pursue that avenue. Ring-fencing is something that people should tamper with only with great discretion, so, given that, I think that the amendment is particularly reckless.

There is no doubt that tomorrow we will have a chance to discuss the Budget in further detail. However, I stress that my party has concerns about the approach that has been taken to the expenditure profile in Northern Ireland in recent years and to what we are seeking to do over the coming years. There is a way that my party will want to make its views known. I fully expect that changes will be made to the draft Budget, which was published in December, when it finally emerges from the Executive in the coming weeks. We are going down the route of having a consultation process. We have to take that process seriously, and a lot of constructive feedback will come through that will need to be taken into account.

I would like to make one comment in response to some of the remarks that Mr Cobain and some SDLP Members made about the Budget being socially unjust. That may be the case, and the level and pace of the cuts coming from the UK Government are certainly having a disproportionate effect on the poorer regions of the UK, including our own. I must say that the four other parties in the Chamber are actually making that situation worse through the populist role that they are playing on the issue



of revenue raising. In particular, I identify with people who talk about the Health Service and its need for more money. I identify with them not in a reckless manner that says that more money should be poured into the Health Service, but in a manner that says that pouring money into it can be done sensibly while demanding greater efficiency levels. If people are not prepared to bite the bullet on revenue raising, however, in keeping with what happens in the rest of the UK, they cannot turn around and demand that investment in the Health Service should also follow the same levels as those in the rest of the UK. The two have to be done synchronistically.

I have one other comment to make about revenue raising, and I will make it to see whether the SDLP rises to the bait. Can I welcome the support that the SDLP has given tonight to water charges? That is a very brave step for it to take, given that it is a change of position. Whenever that party talks about the mutualisation of Northern Ireland Water —

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

**Dr Farry:** I have no time, unfortunately. The Member can come back to that point.

I happen to agree with the mutualisation of Northern Ireland Water, but the consequences would be that Northern Ireland Water would be self-financing, which means that there would be water charges. Therefore, I welcome that party to reality, given its conversion.

Indeed, the same logic applies to the Ulster Unionist Party, with the exception of its deputy leader. He is the brave man in the party who can talk sense, once in a blue moon. With that, I had better stop.

**The Chairperson of the Committee for Agriculture and Rural Development**

**(Mr Moutray):** I will speak as the Chairperson of the Committee for Agriculture and Rural Development. Given the time of night, I intend to keep my remarks brief.

The Committee continues to examine the proposed budgets for the next year, and it will make a detailed response to the Department in due course. The Committee has expressed its disappointment at the Department's failure to secure a hardship package for potato and vegetable farmers following the adverse weather conditions that were experienced

around this time last year. Indeed, in the lead-up to Christmas, such weather conditions hit the same sector and small sheep farmers in severely disadvantaged areas. The Committee believes that, given the easements that have been made at departmental and Executive level, an intervention could have been made that would have provided a much-needed boost to the sector.

The Vote on Account will obviously introduce the Department into a budgetary period in which it is proposed to relocate the main policy branches from Dundonald House to some, as yet unknown, location outside greater Belfast. I reiterate that the Committee is in favour of the relocation of jobs to outside greater Belfast. However, this is not the time for "testing viability" or enacting a "personal commitment", as the Minister previously indicated. Rather, it is a time for being prudent, as is being asked of the rest of the economy.

**7.45 pm**

The Committee is also concerned about the impact that the transfer of responsibilities from veterinary surgeons to lay testers and the continuation of a failed TB policy will have on animal health in Northern Ireland. It is imperative that the high standards of animal health currently employed in Northern Ireland are maintained, because they go directly to the competitiveness of the agriculture sector.

The Committee is scrutinising and will continue to scrutinise the Department's budget to ensure that money is used in the most efficient and effective manner.

**Mr McLaughlin:** That was brief. Well done.

We must acknowledge that many issues in what we call a Budget debate have still to be addressed and reformed. In many instances, our process is more about dividing resources, particularly when the block grant is interfered with during the Budget period or Programme for Government term. When we are faced with predictable and progressive reductions in the block grant, it becomes all the more difficult to describe this as a Budget process.

However, what emerged during the too-short time frame that we gave ourselves to agree a Budget was that we started to develop procedures that will stand the test of time. The Budget review group, which involves Ministers

from each party on the Executive, will address three essential tasks. First, the group will scope out suggestions based on the draft Budget. In doing so, it will examine the proposals from different parties and stakeholders, and advise the Executive accordingly. The group will then move on to examine the revenue-raising proposals, some of which will require legislation and others that can be deployed and developed properly only over a four-year period. The group's third key task is that of examining arm's-length bodies, quangos, etc, and helping to drive out further efficiencies. In circumstances in which we do not have fiscal control, those are, necessarily, the tools that we have to deploy.

Every party had the opportunity to make its input, which is interesting, given the tabling of tonight's completely gratuitous and self-serving amendment. The SDLP was a beneficiary of that process and produced its own economic proposals a week before the publication of the draft document. Obviously, the SDLP had been listening carefully and put its hand up to say: "This is nothing to do with us, governor." The SDLP produced its document on the basis of strategic development, which I support and hope will continue to develop. The senior group of Ministers from key Ministries can do a service, and not just for the remaining term of this Assembly. It can lay the groundwork for the successful completion of another term.

**Mrs D Kelly:** Will the Member give way?

**Mr McLaughlin:** I have been watching the SDLP Members, and they are having a ball. If they do not mind, maybe I will not give way. I always enjoy listening, but this business of the SDLP popping up and down is not helping the debate. I would be interested in hearing the SDLP explain the rationale behind its amendment, and it might need as much time as it can get for that.

Let me make just one point, because the SDLP might want to pick up on it. I thought all along, until tonight, that the SDLP was in favour of consultation. SDLP Members may complain about whether enough time was left for the public consultation. I accept that it could have been better. However, the SDLP want to scrub all of that. It tabled an amendment that, if adopted by the Assembly, would rubbish the consultation process. That is a strange position for the SDLP to adopt. I look forward to the SDLP explaining how it will tell people that it does not really want to hear what they have to say and would prefer

to dictate, be prescriptive and put it to the Assembly —

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

**Mr McLaughlin:** No, sorry. The Member will have his chance to answer when he is called to speak.

Why did the SDLP abandon the idea? Even if it was a truncated consultation period, we still have two more days to go to make the best use of it, but the SDLP does not seem to be interested in seeing that process run its full course. That point should be addressed by the SDLP when it has the opportunity.

Stephen Farry made a very interesting point. I do think that the SDLP has either made a terrible mistake or it has, in fact, signalled a change in direction. The initiative that it is suggesting leads inevitably towards the introduction of water charges. Let me say for my party —

**Mr O'Loan:** Will the Member give way?

**Mr McLaughlin:** No, sorry, I have already explained why I am not giving any more ground to the SDLP Members from that party have had and will have ample opportunity to explain themselves.

Our position is that we will go before the electorate on 5 May, and we will defend our political position and our political decision. We took a decision. We listened to all the naysayers and the wise pundits who tell us to introduce water charges. Everyone knows that, even if the Assembly acceded to that, it would not go anywhere near to addressing the deficit caused by the decision that was taken at Westminster to take £4 billion out of the Executive's funding.

So we have to address the question of it driving out further efficiencies. We have an inescapable duty to address the question of devising revenue-raising funding so that we can help to bridge the gap. Four billion pounds is a very significant challenge, one that requires all parties to pull their weight. There must be no semi-detached parties — the SDLP used to be very critical of the DUP in that regard — in the Executive. Parties are either in the Executive or they are not.

**The Chairperson of the Committee for Education (Mr Storey):** As the Vote on Account 2011-12 foreshadows and includes elements

of year 1 of the Department of Education's expenditure in the context of Budget 2010, it is only right that a number of issues are laid before the House. We are in a situation in which we will face difficulties in the delivery of service because of the current structure of the financial settlement.

I note the Department of Education elements of the Vote on Account on page 2 of the paper before the House. On 31 January 2011, during a debate on the take-note motion on the Executive's draft Budget, I reported to the House that the Committee for Education was awaiting the draft spending proposals from the Minister and that some Committee members had serious concerns that the Department's draft Budget document contained little information on how the proposed savings would be achieved and on the actual impact of savings, particularly in relation to front line services. There can be no service in education that is more front line than the classroom. That is where we will see the impact of what is really going to happen as regards education. We can talk about restructuring and various arm's-length bodies. We can have ideas about how we can do things more efficiently. However, it behoves us all, irrespective of the political ideology that we aspire to and regardless of the differences that we had in relation to how we got here, to give serious consideration to what the impact will be.

Let me put it in context: I do not think that any Member will be able to escape dealing with the consequences in their local area. It will not be enough just to say that it was one party or another that was responsible; it will ultimately be the judgement of the people of Northern Ireland that we were collectively responsible for delivering the reductions that challenge our education system.

Unfortunately, the Committee still awaits spending proposals and the essential information on those proposals. We will meet again tomorrow to discuss the issues further in relation to the draft Budget. It is very difficult, if not nigh impossible, for any scrutiny Committee of the House to provide substantive views to any Minister when there is a lack of clarity — not on what is proposed to be saved but on what is actually proposed to be spent.

However, on the basis of the information that is available, the Committee did provide an interim response on the Budget to the Finance and

Personnel Committee, as requested, on 28 January. It is available for Members to view on the Committee's web page. I want to highlight an important element of that response as regards a savings proposal that is of concern to the Committee: the aggregate schools budget. That is the money that goes directly to fund our schools and classrooms. The saving in year 1 — 2011-12 — is almost £27 million. It builds up to a colossal £184 million in year 4 of the Budget period. That is almost one fifth of the cuts to the school budget. We might all ask how that sits with the Minister's admirable desire to ensure that front line services are protected. If we are to have such an attack on the aggregate budget, which pays for the teachers, the heat and the lighting — as core as front line funding can get — then that gives us some sense of how this Budget will challenge us all.

**Mr P Ramsey:** Does the Member accept that early years education is vital if young people across Northern Ireland are to achieve the attainment levels that we are all aiming for — particularly in Protestant schools, as well? Significantly less money is provided here. It is £2,000 per child in Britain and £630 per child in Northern Ireland. The Minister of Education tells us that early years funding will be protected within her budget, but there is no information on where it is going to be spent. Does the Member agree that there is worry and concern in the voluntary sector and among schools about where this early years provision is going to come from?

**The Chairperson of the Committee for Education:** The Member makes a valid point. This is where we all have to realise that the rhetoric must meet and match the reality. The difficulty with the Budget as it currently sits is that the rhetoric is not meeting the reality of the finances, either in the current draft or in what will ultimately be published as the final piece of work. The Member makes a valid point in relation to early years. I am concerned — speaking as a Member, not as Chairperson — that we are seeing what has been referred to by other members of the Committee as a situation where early years as an overarching representative group is being divided. The Member will be aware that we have statutory provision and voluntary and community provision.

There is now an increasing issue out there, and people are coming to us and saying that they do not know where the financial allocation has come from, where it is going to or how it

is being structured, and that it seems to be hit and miss and does not seem to be a coherent overall policy. We must remember that it took us a long time to get the early years (0 – 6) strategy, and there is no consensus out there on an overarching early years policy. So, again, if we are missing the foundations — we have not been able to find a coherent policy that everybody has agreed to — it will compound the problems and make the situation far worse.

### 8.00 pm

When the Committee asked how the savings in particular lines in the draft Budget were to be achieved through school rationalisation, it was informed by the Department:

*“No detailed plans or estimates are in place to reshape schools provision through rationalisation and restructuring.”*

Even if we get to the stage where there is an agreement on how to reshape or restructure, there are, according to the latest information from the Department, no detailed plans or estimates in place. It seems as though rationalisation is a stab in the dark, and it seems to be a case of crossing our fingers and hoping that it does not take place.

As I said, the Committee will meet again tomorrow to finalise its response not only to the Finance Minister but to the Minister of Education. That final response will, I trust, reflect the main points and the concerns. Furthermore, I hope that some proposals put forward by stakeholders will be made available to Members, because I take the point that it is easy for us all to say what should not be done but a bigger challenge for us all to say what should be done.

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

### The Chairperson of the Committee for Education:

It is imperative for us all that, if we value the future of this Province and this country, we value our children and ensure that, through the decisions that we make in this House, we do not hinder their future.

**Mr B McCrea:** I must confess that, in listening to the measured tones of those who spoke before me, I wonder what message we send to the people of Northern Ireland. As I have listened to the debate rage over the past number of weeks, a number of things have struck me. The debate on health seems

to illustrate that, if nothing else, Northern Ireland, in this case, is severely challenged in comparison with its need.

I am also struck by the education issues that Mr Storey has just spoken about. I really cannot understand why the debate is not even more robust on the issue of education because, in comparison with health, the education budget has been slashed. There has been a huge reduction from a significant budget, yet there is relatively little comment about it. I agree with the Chairman of the Education Committee that the problem is that we get relatively little detail about how the Minister proposes to deal with the issues. I have reached the conclusion that one of the problems in the entire process is that many Ministers feel that they will not be in post after the election and, therefore, are stating an ideological position and saying, in the words of some other people, that there is no money left. That is no way to treat the process or the children in all our communities.

I do not have an overview of every Department, but I was privy to a brief from the Department for Employment and Learning, which also feels that it is in particularly challenging straits. So, if we are in a situation where Northern Ireland appears to be doing less well than other parts of the United Kingdom in the big-spending budgets of health, education and employment and learning, you have to wonder who is making money.

Of course, we all knew that there would be cuts, because that is coming from a general downturn in money from the Treasury, but it seems that we are not really finding a way of putting more money where we think our priorities are. The education capital budget concerns me greatly. The plan is to transfer £41 million, which is all that remains of the capital budget, into revenue just so that a way can be found of managing redundancies. I have never heard of that happening before. It was a big issue that that money could be transferred from revenue to capital, but it seems really strange that it would be transferred from capital to revenue. We will pay for the knock-on effects of that for generations.

When I pressed the Department of Education on how much money it was likely to want, it came out on the record that, to make people redundant to the levels that we might conceive are necessary, £200 million will be required. A bid for that £200 million was made to DFP but it



was not met. It is an unfunded liability, and the Department will not be able to make redundant the people whom it needs to make redundant to make the savings because it has to spend £200 million to save £150 million.

Somewhere along the line, someone has to explain what the better way forward is. I realise that I am skating on thin ice, but I heard Jim Wells talk about health issues. I put out a similar issue when I asked whether we wanted to make people redundant or whether we wanted to find a better, negotiated way forward. There is no doubt that, in constrained financial circumstances, a creative, constructive and progressive dialogue is needed with all the stakeholders.

What worries me most about the education budget is that it will result in compulsory redundancies, compulsory closure and compulsory mergers. It will be totally and utterly unplanned. It will be chaotic and will be to the detriment of Northern Ireland for generations, and every pupil who is at school now will bear the brunt of our decision making or, rather, our lack of it.

I wonder about the Budget process. Many people have said to me that this is only the fluffy stuff to get us through the next election. It is smoke and mirrors to keep people happy. The real eye-watering cuts will come after the election because the money is simply not there. If we seek to be the Government, all of us are beholden to speak up and to explain to the people of Northern Ireland what we are really going to do.

**Mrs D Kelly:** Does the Member share my concern and acknowledge that the Budget process, such as it is, flies in the face of best international advice and is against DFP's own guidelines in that there is no Programme for Government and no investment strategy, which should have come before the Budget?

**Mr B McCrea:** I thank the Member for her intervention. I have no doubt that she will talk further on that issue.

It seems that the Programme for Government is where it is; it is so general, so banal and, in this case, so absent that we can plan for nothing. Mitchel McLaughlin said that you are either in the Executive or you are not. Actually, we were supposed to work for a Programme for Government — *[Interruption.]* If the Member for

Lagan Valley wishes to intervene, I am more than happy to accept his comments; otherwise, I shall continue.

The silo mentality is an issue: we do not have one Budget but 12. People work individually in circumstances that are not known to anyone else and, therefore, one cannot rely on the decision-making process. Mrs Kelly mentioned international comparison. When I look at how other countries manage their financial processes and seem to have better outcomes for the money that they spend, it seems to me that they take the long term into consideration. Whether health, education or any of the other major spending programmes, they are not done on a simple three- or four-year timescale but on a much longer one. That is the only way that you will see some improvement.

Mervyn Storey said that it is easy for all of us to point out deficiencies and deficits and to say what we would do differently, but I am totally convinced about the value of early intervention in almost every sphere that we look at — whether it is justice or education. It is about getting in early, and we should fund that as a priority.

**Mr McCallister:** Does the Member agree that early intervention is key, not only in education and justice terms, but in what has happened with the Public Health Agency? Investing early and proactively to prevent crises before they happen is absolutely key to formulating Government policy, but, sometimes, early intervention does not always fall neatly into one Department or another.

**Mr B McCrea:** I take the Member's point. We need to get away from the silo mentality into cross-cutting, cross-departmental working. We need to focus more on outcomes than on processes. That is at the heart of Northern Ireland's problems. We are utterly obsessed by process, even if it does not deliver the outcomes that we want. We should be outcome-focused, and, in education, we should be child-focused.

In conclusion, there are particular issues that we need to look at. I am completely convinced that the voluntary grammar principle is the right way to administer education. That is a different debate from the debate on whether we want academic selection or anything else, and we will deal with that another time. However, devolving budgets, the curriculum and control of schools to their headmasters and headmistresses is the right way to go. We cannot do it from some

bureaucratic, centralised function that delivers nothing.

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

**Mr B McCrea:** I am sorry, but I do not have time. I will finish by saying that statutory nursery provision is the way to go. It has to be long term with proper education and proper standards.

**Mr O'Loan:** The draft Budget that has been brought before the Assembly is poor and needs to change. I agree with Stephen Farry, who said yesterday that it is deeply flawed. Others in the Chamber think likewise, and it will be interesting to see what response they make to it.

The motion, which is the Supply resolution for the Vote on Account, is the first formal motion to come before the Assembly that deals with the draft Budget as presented. The SDLP's amendment puts down a marker that the draft Budget is not satisfactory and needs to change. The construction of the amendment is straightforward. It suggests the removal of a very modest proportion — something like 1% — of the administrative costs of certain Departments and a larger percentage from OFMDFM, represented by its contribution to the social investment fund. We put that down simply as a marker of dissatisfaction with the draft Budget. We understand that the final Budget will be presented to the House on 14 March, and we hope that it will be a very different presentation. I hope that the Minister is genuinely listening. All Members should take the opportunity to reinforce what we are saying about the need for change. Members who think that the draft Budget is not at its best and needs to change should take the opportunity to demonstrate that by supporting the amendment.

We want to see change over the four-year period. We want to see a Budget that will be presented annually, that will be reconsidered and that will meet the needs of the time. The Minister has referred to the Budget as being a living document, and the First Minister has expressed a welcome for a Budget that will alter in relation to conditions.

However, when I have probed the Minister and his officials on that issue in Committee, he has resiled somewhat from that position and has referred to what can be done in monitoring rounds, which is a weak mechanism for strategic improvement of the Budget. That is unfortunate, and it reinforces my concerns that the current

consultation phase may not actually bring about much change in the draft Budget. I hope for better.

**8.15 pm**

The first thing that I look for in the draft Budget, and, indeed, in almost any document that comes in front of me, is its basis. I recall my days in teaching — the Minister probably recalls his, too — when I advised my students that when they meet any new piece of theory, any teacher explains something new to them, or when they go off to university and hear lecturers introduce a new topic, they should listen to the introduction — the foundation stone of the new piece of theory and the principles on which it is built — more carefully and acutely than anything else and put forward a challenge, if it is needed, at that point. Ask the difficult questions then. I have done the same with the draft Budget. I find that it does not meet that test.

Compare where we are now with where we were four years ago when there was a new Assembly, a very new political dispensation, and people wondered what would come out of it. Even in that difficult situation, we produced a substantial Programme for Government. There was some basis on which the Budget was built. It was not a perfect Budget. Indeed, my party opposed it at the time. We can, however, concede that there was Programme for Government.

Four years later, we should all be in a better position. We have a lot of experience under our belts. We know that things that were not thought of then have been thought of since. We should present better documentation and offer to the electorate more considered proposals as examples of what can be achieved during the next four years. Devolution has bedded down. The Assembly should know what it wants.

**The Chairperson of the Committee for**

**Education:** I thank the Member for giving way. Many elements of his comments relate to structures and processes. Will he not admit in the House that structures that relate to the number of Departments, for example, are the very thing that his party has failed to join with the rest of the House to change? The former leader of his party used to say that we cannot cherry-pick the Belfast Agreement. Everybody knows that the foundation that he and his colleagues laid for devolution was, ultimately, flawed. It is up to him and his party to bring forward proposals to change it.

**Mr O'Loan:** As regards proposals and details about the Budget, no one has presented more detail than my party. I hope that before the end of my speech, I will be able to comment on that.

We have a Budget that the Minister himself agrees with me is "made in Whitehall". I find it surprising that a DUP Minister who has been quick to condemn the Ulster Unionists for their cohabitation with the Conservatives is, apparently, entirely happy to welcome the offspring of that cohabitation into the Assembly. We have a Budget that simply passes on Tory/Lib Dem cuts to Northern Ireland. It is an inconsistent position. Sinn Féin's position is equally inconsistent. It said that it would not accept Tory cuts. However, in the presentation of the Budget, it does exactly that.

**Mr O'Dowd:** Will the Member give way?

**Mr O'Loan:** I have little time left, so I will not.

The Minister actually said that, at the end of the day, it is about sharing out money among Departments. There is potentially much more to a Budget than that. External critiques of the Budget have been quite serious. PricewaterhouseCoopers, reporting for NICVA, said that to some degree, the Budget looks like a patch-and-mend approach, rather than fundamental reform of the structure of government and the public sector. Queen's University's School of Sociology, Social Policy and Social Work's poverty and exclusion in the UK project found that job losses and cuts in the value of key benefits will reduce living standards and increase poverty. That absolutely opposes what we thought every party in the Assembly stood for. The project team proposes a Budget that will protect living standards at the lower end and improve the quality of life of those most affected by the recession. That is the potential of a good Budget.

There is so little provided in the Budget for the economy, so I will refer to 'The Jobs Plan' that was presented by the eight major business bodies in Northern Ireland. That plan says that we can produce 94,000 jobs by 2020. The draft Budget is most certainly not a 2020 vision. If we were to ask whether the Budget stands the test of producing that jobs plan, we would quickly concede that it does not. 'The Jobs Plan' states that decisive political leadership is required to create stability and confidence. I noticed at a Committee meeting that the Minister condemned the Health Minister for not

being collegial in his approach. Is this a Budget that was created by a collegial process? We know the answer. Had we been at the table, seriously, around the delivery of the Budget, it would have been a very different Budget.

One of the key points that the eight business organisations want to see in the Budget is the reforming and re-engineering of how public services are delivered to enhance productivity and outcomes. Yet there is no joined-up thinking in the Budget on how our public sector will change to respond to what was being offered at Westminster.

We call for something different, and we have provided the material for that. As I say, no party has produced more detail. In our document, 'Partnership and Economic Recovery', we state how the Tory/Lib Dem Budget can be altered. We can find the money that they have taken out of the Budget. We can find efficiency savings that will produce £1.5 billion. We can find expenditure reductions that will produce £0.4 billion.

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

**Mr O'Loan:** We can replace all the budgetary cuts and more, and we can use those to shield vulnerable households and to support economic growth. I call on the Minister to provide a Budget that will do those things.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. I rise to speak against the amendment, and I do so for several reasons. I have read the amendment carefully. When I picked it up from my pigeonhole on Thursday night, I looked through it and accepted the fact that the SDLP or any other party certainly has the right to bring forward an amendment. However, it is the reason for bringing forward an amendment or a motion that is always most important. This is clearly not a serious attempt to reallocate any budget or funds within any Department. Tonight, we are dealing with sums in the region of £6.5 billion to Departments.

**Mr O'Loan:** Will the Member give way?

**Mr O'Dowd:** I will not, thanks.

The SDLP figures in front of us are £21 million. There is a bit of a difference between £21 million and £6.5 billion; there is a major deficit there. I will read further through the SDLP amendment.

**Mr McDevitt:** On a point of order, Mr Deputy Speaker. Mr O'Dowd might want to consult with the Business Office on the modalities of making an amendment to the Supplementary resolution and the Vote on Account, which requires —

**Mr Deputy Speaker:** Order. That is not a point of order.

**Mr O'Dowd:** I will read further through the amendment. It requests that the money be allocated in a certain way. The SDLP talks about allocating money to the Department of Education for community relations. The Department of Education's budget is over £300 million short. The community relations element of the Budget was somewhere in the region of £1 million, so the SDLP proposals leave the Department of Education £299 million short. However, that is the amendment. The SDLP has brought it forward and is telling us that it makes economic sense.

I accept the calls from the SDLP Benches that the Business Office told them to bring the amendment forward this way. However, that does not stop any Member outlining the rationale behind an amendment in a speech. It does not stop any party in the Chamber producing documentation to back up its amendment or motion and circulating it among the membership.

None of those things has been done. What we are seeing is a frivolous attempt to gain more speaking time in the Chamber, to gain media attention and to say that they opposed the Tory cuts. However, as my colleague Daithí McKay pointed out, during the leadership speech at the SDLP conference, the SDLP told us that one of the parties that it can do business with is the Ulster Unionist Party. The Ulster Unionist Party is the sister party of the Tory Party, yet the SDLP tells us that it is prepared to do business with those people. They are full of contradictions.

The one common thread that I have found in tonight's speeches — and Margaret Ritchie let it slip — is the privatisation agenda. They tell us that if we privatise DRD car parks, it would be a good thing, and if we privatise the Water Service, it would be a good thing. Of course, none of that is backed up with any detailed argument.

**Mr O'Loan:** Will the Member give way?

**Mr O'Dowd:** I will not. It struck me, when they were talking about the privatisation agenda, that

perhaps the reason why they were so keen not to name their corporate donors is that some of those donors may have an eye on the odd car park here or there or the odd water service here or there. Perhaps those are the people whose interests they are now serving.

**Mr McDevitt:** Step outside and say that.

**Mr O'Dowd:** No problem.

They also tell us that, according to their source in the Executive, the Health Minister was treated disgracefully by the First Minister and deputy First Minister at the last Executive meeting. I thought that Executive meetings were confidential, but it appears that they are not for the SDLP. It appears that a detailed briefing is given to the SDLP after each Executive meeting. I doubt that those briefings are accurate because I doubt whether either the First Minister or the deputy First Minister treated the Health Minister disgracefully.

I will tell you who has been treated disgracefully: the patients who have been waiting for 18,000 X-ray results, the 118 patients of the Royal School of Dentistry, and the children and their parents who rely on the children's hospital at the Royal. If the SDLP and others paid more attention to those issues rather than the feelings of the Health Minister, our whole system might be in a better shape.

I believe that the Health Department and the health budget deserve more support, but I do not have any confidence in our Health Minister. I believe that it is not a case of our Health Minister walking out of the Executive, rather that he needs to walk into the Executive to start working as a Minister in a collective along with the rest of his Executive colleagues, instead of going out and selling scare stories to any radio or TV presenter who is prepared to give him airtime. It is disgraceful that we have a Health Minister who is prepared to target front line services instead of looking at efficiencies within his Health Service. That is an Executive responsibility.

**Mrs D Kelly:** Will the Member give way?

**Mr O'Dowd:** I will not, thanks.

That is what being a Minister and being in Government are about. We hear much from some of the Benches about solo runs, but the only way that we are going to work our way through the current economic crisis is if the Executive



work together. We have been criticised for us and the DUP coming forward with a draft Budget, but surely that is a sign of progress. If other parties had put their shoulders to the wheel and entered those discussions in good faith, I agree that we could have had a better Budget.

It is a draft Budget. I believe that it can be improved. In fact, I believe that calling it a Budget is somewhat unfair, because it is a draft. It is an allocation of funds from the British Exchequer, ungraciously known as the block grant, ignoring the fact that billions of pounds of tax flow from this island into the British Exchequer.

Some people in the Chamber say that Sinn Féin said that we would oppose the Tory cuts, and here we are, introducing a draft Budget. The alternative is this, and it is very simple: either we do our best with what we have been given and we try to raise extra resources, or we collapse the institutions.

That is the alternative. The SDLP is not giving us any other alternative. It produced a document on the eve of the draft Budget being published.

### 8.30 pm

The British Chancellor stood up around 20 October 2010 and announced the cuts to our Budget. From that date until the draft Budget was published, the SDLP and others lectured and lambasted Sinn Féin for not agreeing a Budget straight away. They told us: "Give us a Budget, give us any Budget, just give us a Budget". We said, "No, we will not give you just any Budget. We will sit down and work this through as best we can and see what we can come out with at the other end".

**Mr McNarry:** Who with?

**Mr O'Dowd:** Who with? Everyone. We published proposals in late autumn, put them out to everyone and asked for meetings with one and all. The Budget review group is going through those in detail. The SDLP knows the detail; it published most of it in its policy document. We now need to progress and not bring forward £21 million of adjustments. We need to bring forward imaginative thinking.

As an Irish republican, I believe that we have to grab hold of our economic destiny. As a people on this island, we have to move forward collectively. The only way forward is through an all-Ireland economic recovery plan brought forward through the North/South Ministerial

Council for the people of this island rather than relying on the ungraciously known block grant so that we become masters of our own destiny.

That is not talking about turning our backs on our nearest neighbour. We should have a relationship with Britain based on mutual respect, not subservience, and based on mutual economic benefit, not on one economy dominating the other. If we continue to talk in the Chamber about how we divide up the block grant, we are going nowhere. We need to start building an economy that works for the people and is not based around privatisation for certain donors to the SDLP. That is the future for this society: we take control of the reins of our economic destiny, or we still have mock debates about a block grant.

### **The Chairperson of the Committee for Justice (Lord Morrow):**

Many issues could be raised in the debate, and I hope that, when I have said my bit as Chairperson of the Committee, there will be time left to deal with some of the issues that we have had to listen to today.

I am pleased to take part in the debate as Chairperson of the Committee for Justice and to support the Supply resolution for the 2011-12 Vote on Account. I am concerned — I know that the Committee will share my concern — about the amendment, which calls for a reduction in resources for the Department of Justice of £7 million. If Members have any difficulty in accepting that, they should read the Committee's unanimously agreed submission, although, from listening to some Members today, you would think that they had not attended that Committee meeting.

The Committee for Justice considered in detail the Department of Justice budget proposals for 2011-12 and beyond. The Committee did not come to the conclusion that the draft budget for 2011-12 was overly generous or provided capacity to take money out of it without having implications for the delivery of front line services, including front line policing. It is proposed that the Department of Justice budget is ring-fenced in 2011-12. The result would be that the Department of Justice budget would receive the direct Barnett consequentials arising from changes in the level of funding of the Home Office and the Ministry of Justice as a result of the UK spending review settlement for Whitehall Departments. The effect of that would be an overall reduction in its cash baseline of £82 million or 7.2% by

2014-15. Taking account of inflation, the real term impact is significantly greater. It is, therefore, clear that the Department of Justice is facing a very challenging budgetary period in 2011-12 and beyond.

To meet that challenge, the Department has skewed its budget proposals towards the priorities of policing and security. So, for example, the PSNI has the lowest percentage baseline reduction of all areas, and the directorate that provides back office support in the Department of Justice will be expected to deliver the biggest savings. In nearly all the draft savings delivery plans seen by the Committee, there are references to achieving savings by suppression of posts, redeployment in headcount, workforce modernisation, absorbing vacancies, natural wastage, reductions in office equipment, reductions in training costs and reviews of the frequency of research work, etc. In addition, two bodies that largely deliver front line services, namely the Probation Board and the Police Ombudsman's office, have indicated that there may need to be redundancies for them to achieve the savings that they are being asked to deliver.

The position that I have outlined does not suggest that the budget has a lot of fat in it. I note that the Member suggested that the reduction should come from spend on corporate overheads, such as travel, consultancy expenditure and legal advice expenditure. The Committee questioned the Department on its approach to reducing consultancy spend and received a commitment that it would cut as much as possible, if not all, of its use of consultants. The Department said that it aimed to get as close to zero spending as possible in that area. Anything over the value of £10,000 will need ministerial approval.

The specific issue of spend on legal advice was also raised. Officials indicated that the Department by and large uses in-house legal services from the Departmental Solicitor's Office but pays for them through an in-house hard charge. External solicitors are generally used for such things as conveyancing, buying and selling and the setting-up of contracts. Again, officials confirmed that that area would be scrutinised closely to ensure that any savings that could be made would be made.

Given those commitments and the situation that will arise as a result of the draft savings delivery

plans, there is no evidence that there is the capacity to take a further £7 million out of the Department of Justice's budget. I also ask how that would be done if the budget is ring-fenced, and I ask the Member to clarify her position on the ring-fencing of the DOJ budget and whether she supports it.

**Mr O'Loan:** Will the Member give way?

**The Chairperson of the Committee for Justice:** I will give way in a moment or two.

Finally, I want to draw Members' attention to one other very important issue, which, if it is not resolved in our favour, will have serious implications for the Department's proposed budget and the Executive Budget as a whole.

**Mr O'Loan:** I have known Lord Morrow for some time, and I am, therefore, slightly surprised by what he is saying. When officials come before him, does he always accept what they say at face value?

**Ms Ní Chuilín:** I am also a member of the Justice Committee. At no stage did I hear any of Mr O'Loan's colleagues on the Justice Committee talking about their concerns around the budget or about making savings. In fact, I heard them argue quite forcefully for making sure that the budget was ring-fenced. So, I am also at a bit of a loss at the SDLP's amendment. It is pure politicking. Fair play to you, but that is what it is.

**The Chairperson of the Committee for Justice:** Ms Ní Chuilín makes the point admirably when she says that there was absolutely no contention from the SDLP members of the Justice Committee about the budget. Indeed, they were quite enthusiastic and fought with the rest of us to ensure that the budget was maintained and that policing remained at the fore.

Before I was interrupted by Mr O'Loan, I was talking about the bid for £200 million from the Treasury reserve to fund exceptional security pressures identified by the Chief Constable over the next four years. The bid has been with the Treasury for some time, and the Department is still waiting for confirmation that it has been successful. The implications of that bid not being met or being only partially met are such that to propose reducing the Department of Justice's budget by £7 million at this time appears to be neither sensible nor logical.

Some of the stuff that Members from the SDLP have trotted out today beggars belief. The party adopts a semi-detached approach. Its attitude is to embrace good news stories but to stand back, howling and growling, when difficult decisions must be taken. The SDLP will not get into a position in which its Members must take responsible decisions.

In its amendment, the SDLP has cobbled together the figure of £22.1 million of reductions. I suspect that it is only a coincidence that the amendment does not call for any money to be taken from DSD. I wonder why that is. Some day the party may explain that, but I suspect that it will not be today. The SDLP has tabled an ill-thought-out amendment that gives no rationale, contains no sensibility and has no credibility, yet its Members have the audacity to come to the House and try to defend it. Consecutive Members who spoke took Members from that party and shot their fox to pieces, yet they still feel that the amendment is something with which it should push ahead.

If the SDLP wants to be taken seriously, it is going to have to have a rethink. I suggest that that rethink includes withdrawing the silly bit of work that it has put together and recognises that it is ill thought out, has no basis and cannot possibly work. Quite frankly, all that that party is doing is playing silly, stupid politics, and this is too serious a matter to play politics with. SDLP Members should hang their head in shame and tell the House that the amendment was a regrettable move and that they now see that it lacks credibility.

The SDLP adopts the approach of being in and out of the Executive. One day it is there, and sometimes it is not. What sort of an approach is that? The party owes the House an apology today for wasting its time with such nonsense.

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

**The Chairperson of the Committee for Justice:** I call on the SDLP to do the decent thing and acknowledge that it has got it wrong yet again.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak to the House on behalf of the Committee for Culture, Arts and Leisure. Cuirim fáilte roimh an díospóireacht.

The Committee has advised the Department on the management of its annual budget, both capital and revenue, through the mechanism of the quarterly monitoring rounds. Sessions were held with departmental officials in June, September, December and February about the monitoring rounds and the revised spending plans. During those evidence sessions, the Committee was updated on a range of adjustments that affected spending profiles as the year progressed. It took an active scrutiny role throughout the 2009-2010 budgetary year, and the Department briefed the Committee on its position prior to each monitoring round and provided detailed written responses to queries that Committee members raised. On all occasions, the Committee robustly challenged the Department to explain its reasons for making bids and surrendering resources.

The Department proportionally has the smallest budget, and even small changes to its baseline can have a disproportionate effect on major capital projects and smaller projects that are designed to deliver across the spectrum of culture, arts, libraries and sports. Indeed, that is a crucial point in the context of the recommendation in the amendment that there be a £0.7 million cut in the Department's budget. DCAL accounts for 1% of the Executive's total expenditure, and it is sustaining proportionally the second largest cut — £14.5 million — in the current spending round. Public spending on culture, arts, leisure and sport equates to other Departments' underspend. To mitigate the impact of reduced requirements, the Committee has consistently asked the Department to consider having a range of other projects in a state of readiness in cases, for example, in which money cannot be spent in-year.

In the context of the February monitoring round, the Committee asked the Department to consider establishing a contingency fund for such circumstances. In September, the Committee was briefed on a reduced requirement of over £4 million for the 50 m pool and a reduced requirement of £8.15 million bid for stadia development. The Committee was concerned at the potential impact that those reduced requirements could have on the development of much needed sporting infrastructure. That is why the Committee welcomed the draft Sport NI capital budget of £133 million, which will enable those important projects to progress. That is good news for sport. The Committee acknowledges the

long-term benefits that that will bring to the development of sport in this region.

### 8.45 pm

The Committee notes that the spring Supplementary Estimates for DCAL detail plans to surrender £897,000 in capital and that DCAL made no bids in the February monitoring round. The Committee will continue to encourage the Department to maximise its spend and ensure that capital projects progress as quickly as possible.

On a final note, the Committee remains of the view that the overall allocation to the Department of Culture, Arts and Leisure is inadequate. DCAL is still suffering from the legacy of the past, during which the British direct rule Government consistently undervalued the contribution that sport and the arts make to all sectors of society, including health — particularly preventative health and mental health — the economy and tourism, to name but a few.

In the amendment, there is the suggestion of reducing DCAL's resources by £0.7 million. During the debate, I thought that those in the SDLP who tabled the amendment were going to outline a list of projects and programmes that they would happily see go to the wall, should that money not be required. I thought that Mr O'Loan, the Deputy Chairperson of the Committee for Culture, Arts and Leisure, would have outlined what projects he thought could easily go to the wall to allow that £0.7 million cut to take place. We are consistently hearing that more, not less, is needed if we are to retain jobs in the community arts sector, for example. The particularly popular Places for Sport programme, which allowed sporting clubs at community level across all sports to build up essential infrastructure, was shelved by the Department recently. The Committee has consistently asked the Department to bring back such a contingency.

**Mr O'Loan:** I thank the Member for giving way. I presume that he is not speaking for the Committee but expressing his own view. He will have heard clearly the rationale that the SDLP presented for how the amendment was constructed. Does he agree that no reason has been given why the Department of Culture, Arts and Leisure received a 17.7% cut in its budget, the second worst of all Departments? Curiously, the administration side of the Department, as opposed to the funding for arm's-length

bodies, was cut by a much smaller percentage. Therefore, there might well be an argument that there is fat to be trimmed. Does he also agree that the effect of the very substantial cut in the DCAL budget will be to produce cuts at arm's length, because the primary mechanism by which it delivers its services is through arm's-length bodies? Does he further agree that, as well as the creative industries, the whole standing of Northern Ireland in the international community is very much influenced by the quality of the arts and museums sector?

### **The Chairperson of the Committee for Culture, Arts and Leisure:**

I thank Mr O'Loan for his contribution. Throughout the debate, it seems that Declan wants to take up the speaking time of every Member, having had a lengthy opportunity to present his own case. However, I genuinely wanted to draw out from Mr O'Loan some of the very points that he made during my contribution, because he did not make them during his own contribution. I thought that it was useful to ask him to elucidate some of his thinking about what projects may or may not go to the wall.

When you are asking for an increased and enhanced budget for the Department of Culture, Arts and Leisure, it seems ridiculous to suggest a £0.7 million cut to that very Department. It lacks logic, which is something I used to attribute to people such as John Hume and Seán Farren, who are mathematicians. They seemed to have expertise in such disciplines.

I heard a little more from Declan O'Loan regarding where exactly the cuts might be exacted in the Department of Culture, Arts and Leisure. However, I certainly do not want them to fall on community sports infrastructure or the community arts sector, and I would like Mr O'Loan's support for that. There should be more, not less, for the Department of Culture, Arts and Leisure, because investment in culture, arts and sport is a wise investment. The Arts Council said that every £1 invested in the arts delivers £3.60 for the wider economy. We want more, not less, for culture, arts and sport.

Any suggestion to reduce the budget of the Department of Culture, Arts and Leisure, which is the smallest budget of them all and takes a disproportionately large hit, is a very negative message to send out to the very people who should be inspiring us.



**The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):** I welcome the opportunity to relate to the House the Committee's view on the draft Budget. At this stage, the Committee is in a position to put forward only an interim response to the proposals set out in the draft Budget. There are two main reasons for that: the lack of detail supplied by the Health Department to date; and the lateness of the limited information received. The draft Budget for 2011-15 was published by the Department of Finance and Personnel on 15 December. However, the Health Department published its own consultation only on 13 January. That has resulted in the Committee having a mere two weeks to formulate views on what is probably the most significant set of public spending plans that we have dealt with in the past 20 years.

Furthermore, the information that the Department published on its website and on which it briefed the Committee does not contain a detailed breakdown of either the proposed expenditure or savings delivery plans. That is despite the fact that the draft Budget document states that Ministers are expected to provide that information as part of the public consultation exercise.

The Committee took oral evidence from the Department on the draft Budget on 13 and 20 January. Further information was requested from the Department following both those meetings. However, it did not arrive until 27 January. Indeed, it arrived in the middle of a Committee meeting, which is not acceptable because it does not afford the Committee the opportunity to carry out a detailed and thorough scrutiny of the draft budget, which is one of the key functions of all Statutory Committees of the Assembly. Over the past 19 months as Chairperson of the Committee, I discovered that a recurring theme is the lack of willingness of the Department to bring information to the Committee and to give it adequate time to scrutinise the budget. The Department spends 40% of Northern Ireland's entire block grant, and you would have thought that this would have been an absolute priority as far as the Minister is concerned, but he has been extremely dilatory in that respect.

I now turn to the key issues that the Committee wishes to highlight about the draft Budget. First, I acknowledge, on behalf of the Committee, the fact that health and social care have historically

been underfunded in Northern Ireland. Spending on health and social care should be maximised where possible. However, funding needs to be matched to identify priorities. Secondly, the Committee is of the view that we must not fall into the trap of putting so much focus on money for health services that we forget about social care and public safety. All three are vital areas of work for the Department. At times, there is a tendency for some people to view social services in particular as the Cinderella service, and that simply cannot be allowed to happen. Furthermore, the Committee is concerned that at present only 1.6% of the health budget is spent on the public health agenda. It is the Committee's view that, if the population's health is to be improved in the long term, we need to prioritise public health so we can cut the number of people with conditions such as cancer, heart disease and diabetes.

The Committee also discussed the funding allocated to the Department in comparison with allocations made in England. It received a briefing paper from the Assembly Research team on that issue.

I will now turn to the more technical aspects of the draft Budget. In previous years, as the House will know, the Executive committed the Department of Health, Social Services and Public Safety to having first call on the available in-year money to the limit of £20 million.

**Mr McCallister:** Given that there has been so much debate about coalition cuts and given our current position, I wonder whether the Chairperson of the Committee for Health, Social Services and Public Safety will elaborate on the distinction between the allocation by the coalition Government in England and the allocation in Northern Ireland. That is central to the debate.

**The Chairperson of the Committee for Health, Social Services and Public Safety:** There is a bit of grey area and some confusion there. I had asked the Department of Health, Social Services and Public Safety to check the sums, as it were, to determine whether, as we have been told, the allocation is the same as in England and whether the statistics bear that out. That is the best that we can say at present, because there is some dispute about the accuracy of those figures. However, I ask the Minister of Health, Social Services and Public Safety to give us an assurance on the issue of

the £20 million monitoring round money. There was some confusion in the Health Committee about the issue, but I understand that the agreement that had been reached with the Health Department has ended. Therefore, I ask whether the Department is now in a position to bid for in-year monitoring round money as any other Department can, and, were pressures to arise, whether it could bid. Until now, in return for the £20 million allocation, the DHSSPS has not been bidding in the normal monitoring rounds. It would be helpful if the Health Minister could clarify that because that may provide some easement of the pressures that may arise. The Committee has also asked for clarification of whether the arrangement on the £20 million could be resurrected.

When officials briefed the Health Committee on the draft Budget, they emphasised that, at present, there were considerable cash flow difficulties in year 1. The Committee understands that there may be some flexibility to move money from capital to revenue. I ask that that be looked at as a potential solution to assist the Department to meet year 1 pressures. John Compton, the chief executive of the Health and Social Care Board, made the point that some flexibility may enable the Department to overcome some of the difficulties that it faces. To move capital into revenue, at least in year 1, might help matters. I suspect that a few other Departments may be asking for the same level of flexibility, but I want the Health Minister to let us know what discretion the Department has in that field.

Although that may be one solution, the Committee believes that the Department needs a more proactive attitude towards looking at where efficiencies could be made. The Committee has identified a range of areas that the Department should be exploring to find efficiencies. One of the main areas is the purchasing of drugs. We spend £600 million a year in Northern Ireland on the purchase of drugs for hospitals and GP surgeries. In the prescribing of drugs, it is important to err towards the use of generic drugs rather than branded products.

Efficiencies could also be made by looking at senior salaries in the Department, the appointment reminder systems, the overuse of agency staff, innovations and improvements in the use of IT and the clinical excellence awards for consultants, which are better known as

consultants' bonuses. Time after time, we said that, at £11 million a year, there is a serious question mark over whether those should remain. That additional money could be used for front line care. More recently, we discovered that we were paying skilled tradesmen bonuses amounting to £1 million a year to retain electricians, plumbers and joiners. We know that we do not need those bonuses any more, because any advertisement in the newspapers for any of those positions would attract hundreds of applications, given the downturn in the construction industry.

Unfortunately, the Department seems to have paid little attention to the matter of potential efficiencies. In particular, little reference was made to the forthcoming performance and efficiency delivery unit (PEDU) review of the Department and what efficiencies it could be expected to yield. Indeed, the Committee had expected PEDU to complete its report before the draft Budget was published. We are disappointed to learn that little progress has been made on that exercise.

The Committee looked carefully at the bids that the Health Department submitted to the Department of Finance and Personnel before the publication of the draft Budget. We enlisted expert assistance for that task and took evidence from two academics who work in health economics. The Committee has concerns about the Department's bids for pay increments. Given the size of the Department's workforce, the sums are staggering. Some £78 million is required by year 4.

The Department's position is that pay issues are agreed at a national level in GB, and it is contractually obliged to pay the increments. However, it is fair to say that the Committee has concerns with the notion that a devolved Assembly has no power to negotiate locally. If it is a choice between potential redundancies and finding pay increments, I know where many of us would place our vote.

#### **9.00 pm**

The Committee also has queries about the bids put forward for the Department regarding the funding to meet demographic changes. The Department emphasised that Northern Ireland has an ageing population, which will put significant strain on health and social care services because older people cost the Health Service nine times more than a person

of average age. However, the evidence that the Committee received from the two expert witnesses queried the Department's position on that matter. For example, it is not clear whether the Department's figures take into account the potential savings associated with healthier ageing or whether it factors in the dominant effect in respect of need, particularly if acute care is determined by the proximity to death and not age per se. The number of deaths in Northern Ireland is predicted to fall over the next five years. Therefore, the effect of ageing on demand for acute services over that period is likely to be more modest than the Department suggested.

The Department advised the Committee that the current draft Budget proposals could result in 4,000 job losses. However, when we sought further information such as the function, location and grade of those job cuts —

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

**The Chairperson of the Committee for Health, Social Services and Public Safety:**

That information was not forthcoming. There seemed to be a lack of clarity on whether the Department is proposing natural wastage or redundancies. I emphasise that the Committee does not wish to see further redundancies but requires more clarity on the issue.

**Mr McElduff:** On a point of order, Mr Deputy Speaker. Will you just hear me out on this brief point of order? When I asked how many Members are left to speak, I noticed that there is a plate of small mints in front of you. Given the late hour and the fact that it is Valentine's evening, I thought that Love Hearts may have been more appropriate.

**Mr Deputy Speaker:** Mr McElduff, thank you for that point of order, which is not a point of order. The Member knows full well that those sweets were not provided this evening. I understand that the Member has organised a table for him and his wife, but that she does not play snooker. *[Laughter.]* Having listened to the Member, who is a proponent of the draft Budget, I am very disappointed that he has not raised that issue with the Minister of Finance and Personnel prior to now.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Tá áthas orm páirt a ghlacadh sa díospóireacht seo. Ba mhaith liom

mo chuid cainte a dhíriú ar sheirbhísí thús líne san oideachas. I will direct my remarks towards the education budget and focus, in particular, on the effects that the Budget will have on front line services.

As the Chairperson of the Education Committee pointed out earlier, the aggregated schools budget is that which serves front line services right down to the classroom. It is the budget that provides for teachers and classroom assistants. However, in the education budget, we see a reduction of £26 million in the first year, £85 million in the second, £114 million in the third, and £180 million in the fourth. That is a devastating blow to front line services in education.

It is quite clear from the answers that the Minister of Education gave in response to my colleagues Margaret Ritchie and Thomas Burns during Question Time on 1 February 2011 that the Education Minister is not prepared to say openly and honestly what effects the cuts will have on front line services, including teaching and classroom assistant jobs. A major teaching union told us that it estimates that the cuts will equate to the loss of 5,000 teaching jobs. In response to that, the Minister said:

*"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."*  
— *[Official Report, Bound Volume 60, p410, col 1].*

I told the Minister that it is time that she came up with estimates of the job losses that will result from the cuts.

*(Mr Speaker in the Chair)*

It is also time that she began to put herself in a position to gain extra funds for her Department, rather than standing on the sideline looking on while others try to make the case on her behalf. Those estimates from the teachers' unions were confirmed by the management side when the CCMS said that it was an accurate estimate that 5,000 jobs could be lost from the teaching force because of those cuts.

The Minister is telling us that she will not be in a position to assess the impact of her cuts until the remaining £840 million of revenue has been allocated. She says that only at that stage can the impact on all educational services be properly assessed. However, the fact of the matter is that the £842 million to which she

refers has already been allocated and will not be available to be bid for, so where will she get the additional money from? Does the Minister expect us to believe that she is proposing deep cuts to schools' budgets without knowing the potential impact? I contend that the public, the schools and the teaching profession have the right to know the answers to those questions. The Minister's "Live, old horse" attitude simply is not good enough.

The Minister of Finance and Personnel has said that £1.6 billion in revenue is potentially available. He has also told us that the £842 million to which the Minister of Education refers has already been allocated through the Budget. The remainder of that sum of £1.6 billion has not yet been realised and will not be available to be bid for until it is realised. In fact, during the Budget debate on 31 January, he said:

*"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."*  
— [Official Report, Bound Volume 60, p341, col 1].

So the Minister of Education is telling us that she is going to supplement her budget with money that does not exist. I think that she should come clean. I think that she is displaying a remarkable degree of ignorance about the facts of the budget and is creating a false expectation about future extra funding that is far from assured. She needs to tell the facts of her actions and tell the education community the truth about the budget situation. From where exactly will she get the extra resources that she says are there? Maybe she is thinking of redirecting £80 million from the slush fund into education. If she does so, I would certainly welcome that. We need to reshape the education budget.

**Mr McGlone:** Does the Member accept that the Minister of Education is not alone in doing that, given that the Minister of the Environment has based some computations in his budget around an imaginary £4 million that is supposed to be raised through a plastic bag levy, which in all probability will not be legislated for and will not exist, and that the Minister is, therefore, projecting cutbacks on the basis of imaginary moneys and 'Alice in Wonderland' budgets?

**Mr D Bradley:** I thank the Member for his intervention, and I could not agree more with him.

We cannot allow the education system to suffer the degree and depth of cuts to front line services that are contained in the Education Department budget. We must mitigate those cuts in every possible way. Therefore, I propose that we reshape the education budget. We must see the Minister's spending plans, which we have not seen as yet. We must remember that education is a key economic driver for the present and the future. If we sell education short, we will sell the economic prosperity of future generations short as well.

**Mr Callaghan:** Gabhaim buíochas leis an Chomhalta deis a thabhairt domh, tríd an Cheann Comhairle. An aontaíonn an Comhalta liom go ndearnadh an Buiséad i Sasana, i Whitehall i Londain agus go bhfuil sé ag tabhairt isteach na Tory cuts i dTuaisceart na hÉireann? Chomh maith leis sin, ba cheart náire a bheith ar Shinn Féin agus ar achan pháirtí anseo a thugann tacaíocht don Bhuiséad seo.

**The Minister of Finance and Personnel:** Tory cuts? Is there no Irish for that?

**Mr Speaker:** Order.

**Mr Callaghan:** Does the Member agree that this Budget was stamped "Made in England", manufactured in Whitehall and is being implemented here by Sinn Féin, the DUP and their new-found supporters in the Alliance Party who are doing the bidding of their spiritual leader, Mr Clegg? Does he agree that they should feel shameful in supporting such a Budget?

**Mr D Bradley:** I thank the Member for his intervention, brief and all as it was. I agree with him.

I will return once again to the education budget before I finish. As I said, this is an education budget that we cannot accept. The Chairperson of the Committee for Education has made that clear, and I agree with him. The SDLP has revenue-raising proposals, which are outlined very clearly in our document, 'Partnership and Economic Recovery'. I hope that the Minister of Finance and Personnel and the Executive as a whole will examine carefully those proposals and use them to raise revenue, which can be used to mitigate the deep cuts to education that



will have a severe impact on young people in Northern Ireland, not only now but in the future.

A Cheann Comhairle, tá mé fíorbúíoch díot as an seans a bheith agam labhairt sa díospóireacht seo.

**Mr Bell:** Today, many people are waiting to see the outcome of elections down South and the impact that that will have on the future of their banks. In church yesterday, I spoke to some people in the banking sector who are concerned about their jobs and are looking to the House for a collective and consensus approach that will lead to jobs being protected and secured, a reasonable chance at an economic recovery and a jobs-led economic recovery. What they are not looking for is the level of financial incontinence that is exhibited by the SDLP amendment.

Even with basic mathematics, one can see that the figures do not add up. A lot of claims are made for many millions of pounds, but nothing of detail is said. It is the poorest form of attempted opposition that I have witnessed in a long, long time. The amendment says that we should take £22.1 million out and then just look at the other things, but it does not say what needs to be cut. The amendment does not seek genuine consensus and does not say how it will protect front line jobs across the sectors. The amendment picks random figures out of the air, dresses them up as some sort of opposition and tries to take the half-pregnant approach, whereby the SDLP is not really in, not really out, just half pregnant. The SDLP is in the Executive, but not really part of the Executive. As Members saw in the Housing Executive debate, if the SDLP's own Minister had paid more attention to that executive rather than criticising this Executive, the whole of Northern Ireland may have been better served.

**Mr A Maskey:** Following Dominic Bradley's contribution and the intervention from his colleague, is the Member not surprised that we are in this predicament? The SDLP fought the last Westminster election campaign on the basis that it needed to be returned to Westminster because it was the party that would stop the Tory cuts that were promised well before that election. Given that we have SDLP MPs, I find it difficult to believe that we have had any cuts at all.

## 9.15 pm

**Mr Bell:** I think that the SDLP's claim that it was going to stop the cuts carries about as much intellectual weight as the proposed amendment. This is playing games with people's lives. We cannot not implement the Budget. If the SDLP wants to go down the Republican route of Newt Gingrich and say that it will oppose and stop the Budget, close down services, put people out of jobs and then say that it has done its job, that is highly irresponsible.

If it is pointing fingers at MPs in MLAs' sister parties, the SDLP should acknowledge the deficit created by its sister party, the British Labour Party. The Labour Party led us into the financial hole and deficit and refused to address it, and then, we are led to believe, when it left office, that party left a little note saying, "Sorry, there is no money left." The SDLP then comes to this House and point fingers at other parties.

**Mr McGlone:** I have a number of issues with that point. First, we take our seats and advocate and speak for people —

**Mr A Maskey:** It is a great job that you are doing.

**Mr McGlone:** Well, it is a lot better than some people do.

**Mr Speaker:** Order.

**Mr McGlone:** May I make the point —  
[Interruption.]

**Mr Speaker:** Order.

**Mr McGlone:** Perhaps the Member can outline what his party's Budget position will be on student fees. It has already advocated a position of utter opposition at Westminster. We are very anxious to hear from this side, because the DUP has already outlined very clearly that our students' future is paramount to the future of society. I am sure that the Member supports that. I am very interested to hear whether his party's support for this Budget will be a continuum —

**Mr A Maskey:** [Interruption.]

**Mr Speaker:** Order.

**Mr McGlone:** — of the views of his party at Westminster.

**Mr Bell:** I rise secure in the knowledge that it was not a member of my party who introduced student fees.

**Mr A Maskey:** Who was it?

**Mr Bell:** It was Seán Farren, if memory serves me correctly. It was the SDLP that introduced student fees. It was Mr McGlone's party that has caused every student in Northern Ireland to pay their £3,290 and now the party's employment and learning adviser —

**Mr Speaker:** Order. The Member should not point. If the Member wants to point at me, I have no problem with that.

**Mr Bell:** Sorry, Mr Speaker, I have been watching coverage of the House of Commons too much. People are allowed to point there.

It was the SDLP, under its Minister, that brought a bill of £3,290 to every student in Northern Ireland when it introduced student fees in contravention of what it had said previously. I will not take any lectures on this. Let me address the point head on, because the Member made a fool of himself. Look at the detail: the deficit in student fees is £40 million, and the SDLP's proposed amendment, even if that lunacy were to be accepted, is worth £22.1 million. The SDLP would have to explain to students why it is not going to try to finance the other £18 million. It is a £40 million deficit. I await Margaret Ritchie's response on that, perhaps after Conall McDevitt writes it for her.

We must ensure two things.

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

**Mr Bell:** No. I think that the SDLP has given enough away in student fees.

Vital for the future is ensuring that our universities are resourced properly, because students are leaving Northern Ireland. Somewhere between 25% and 30% of them are leaving, some to study in the Republic, although the vast majority are leaving to study in other parts of the United Kingdom. My fear is that that is not good and that they will not come back. We need to ensure that the universities here — both our universities — get an adequate resource.

I am not going to play the game. There is a budgetary cake that has to be sliced. It is the most immature and irresponsible of politics to say that I am going to take my slice out but that I am not going to say from where the extra part of my slice is going to come. That is what has got to be done. Contrary to what the SDLP might have pledged to do to stop the cuts, it has

not. It has failed. The Budget cake is smaller, and it should have been for every Member of this House to look at how we cut the cake, taking cognisance of other Departments that have to provide services and taking cognisance of the fact that there are other Departments — apart from the Department for Social Development — that may require money to keep their front line services running.

That was the job that the House was to do; it is the job that we are expected to do, but the SDLP has failed to do it. It will have to explain that job to people. It is a half-pregnant argument.

**Mr Callaghan:** I thank the Member for giving way. He referred to half pregnancy. I am not quite an expert on pregnancy, but it seems that the Member is half pregnant with ideas of economic competence. He has challenged the SDLP to put forward proposals to deal with the budgetary situation that we face. Our 'Partnership and Economic Recovery' document states clearly on page 7 that: "'Partnership and Economic Recovery' sets out how the £4 billion shortfall can be addressed so that further resources can be released to target key priorities."

Eighteen months before that document, the SDLP published another economic paper; it is widely available, including on our website, for the Member to review. It sets out other ideas of how to tackle the budgetary issue. It is utterly disingenuous for the Member to settle for the simplistic argument, which betrays the good people of the North, that it is simply a matter of cutting up the cake that Westminster provides us when better ways are available and could be acted on.

**Mr Bell:** We have heard a lot of the normal gobbledegook. I do not want to impersonate the honourable Member for South Belfast, but we hear about conversations and ideas. I hope that the SDLP, when summing up, tells us what front line jobs it will cut to finance that nonsense and what money it will take out of the other Departments to come up with this —

**Ms Ritchie:** Will the Member give way?

**Mr Bell:** I have 17 seconds left, so it is not possible.

**Ms Ritchie:** Will the Member give way?

**Mr Bell:** No. It is incumbent on people to be responsible, to protect front line jobs and not to grandstand.

**Ms Lo:** Since my party colleague Dr Farry has given an overview of our evaluation of the Budget, I will focus on the Department for Regional Development's draft budget. Even as the newest member of the Committee for Regional Development, I am aware of the many serious financial constraints on the Department, particularly on the capital spend. I welcome the many good income-generation ideas from the Department. However, the draft departmental budget on transport is a departure from previous priorities. It is a backward step on the Department's policies, especially on sustainable transport, public transport reform and rural and community transport.

Investment in roads takes the majority of the available money to the detriment of an integrated, inclusive public transport system; a disproportionate 86% of the Department's capital budget goes towards roads. Some of it could have been redirected to railways for new trains, for example. Such capital expenditure could reduce environmental impact. Of the total roads allocation, 70% is going to two projects: the A5 and the A8. The scale of those schemes means that there is no scope for allocation towards other necessary major road schemes, such as the A6 and the York Street flyover. Reducing the subsidy for Translink is unwise at a time when many Northern Ireland households, due to the recession and rising fuel costs, may look to sell the family car and depend on public transport. Added to that is the reduction in investment in community-led alternative transport solutions.

The impact, I am afraid, will be far reaching. The potential for an increase in —

**Mr Callaghan:** I thank the Member for giving way. The Member referred to the A6 project. If I picked her up correctly, she is suggesting that, in the face of budgetary constraints, many families are selling their cars and depending more and more on public transport. Although that might be the case, is the Member aware of the widespread dismay in the north-west at the draft Budget, which would mean, for example, that the A6 Derry to Dungiven upgrade will, in effect, fall off the table until after this Budget period, with hugely adverse consequences for

the economy and society in the north-west of the North?

**Ms Lo:** I thank the Member for his intervention. Yes, I hear what he is saying.

Increased fares and a decrease in services will force people into cars and will do nothing to stop pollution and congestion or to support sustainability. Many people who do not have access to cars or who do not drive face escalating social exclusion because they will no longer be able to access trains or buses. However, due to cuts to community transport and elsewhere, they will have no alternative. Surely, cuts to public and rural transport go against the long-term vision for transport in Northern Ireland, which is to have a modern, sustainable and safe transportation system that benefits society, the economy and the environment and that actively contributes to social inclusion and everyone's quality of life.

Such drastic cuts to public transport will do nothing to improve sustainability or benefit the environment because, as a result of declining service levels and price rises, car drivers will not be incentivised to give up their cars. The pathetic amount of funding to develop pedestrian walkways and cycle lanes will discourage active travel, which has tremendous cost-benefit gains, whereas building roads results in much lower financial gains.

Sadly, public transport cuts will have an obvious and far-reaching effect on the most vulnerable in our society, namely, older people, disabled people, young people, women, and the unemployed. All are less likely to have access to private transport and, therefore, they depend on public transport. Any reduction in unprofitable routes could cause those groups to be cut off entirely, resulting in serious levels of social exclusion.

Transport impacts on all aspects of our life. Where it is limited or not available, there is a negative impact on all aspects of life, making it difficult to access employment, healthcare and education. Given the financial climate, there is a clear need for joined-up thinking, to find new solutions to transport problems. The Health Department, the Department of Education and the Department for Regional Development need to work together to conduct a cross-departmental review of all transport expenditure in order to identify potential for sharing resources. Education and library boards

have buses that are idle during evenings and weekends. If those buses were to be shared with the health sector and used for public transport, there is potential for a very effective public transport system. Sharing resources creates clever and innovative solutions without the need to invest in capital purchases, saving money for the three Departments while improving access for all.

Cuts to the transport programme for people with disabilities and to the rural transport fund will lead to an increase in rural isolation, exclusion and deprivation by the end of the Budget term. Reducing the RTF by £1.7 million will, alone, result in as much as a 30% reduction in passenger trips; a small amount of money, but a huge impact on people. Funding reductions in the Shopmobility scheme and door-to-door services will limit access to transport for disabled and older people, further increasing their social isolation.

### 9.30 pm

DRD has targeted the Community Transport Association for cuts. As the regional infrastructure body for community and voluntary transport, it is an easy target. However, the impact will be a reduction in the quality of services. In delivering front line services, why not make sure that such services are of a quality and a standard that are suitable for vulnerable people and those with disabilities.

Finally, the Finance Minister's suggestion to transfer £30 million from the Belfast Harbour Commission can be seen only as a half-baked idea that has not been well thought through. According to the commission, there was no consultation on that proposal prior to its announcement. Even if that were to happen, the change may have to be made by primary legislation in Westminster. However, with taxation not being a devolved matter, money collected would go to the Treasury, with no benefit at all to Northern Ireland. We must take a serious look at how to balance building more roads, which will increase car use, with investing in public transport and cycle lanes to encourage more people to cycle or to take buses and trains.

**Mr Gallagher:** We have had quite a lengthy debate. A little bit of it has been constructive; quite a lot has been more about substituting rational argument around the SDLP amendment with what have been, in essence, smearing remarks.

It is not as if this is the first time that the Assembly has had a technical amendment tabled to the Budget. There is precedent for that. When the Budget was being set for 2001-02, the DUP begged to move the following amendment:

*“subject to a reduction of expenditure, as necessary, on the following spending areas —*

*North/South Body: Foyle, Carlingford and Irish Lights*

*North/South Body: Languages*

*North/South Body: Waterways Ireland*

*North/South Body: Trade and Business Development*

*North/South Body: Special EU Programmes*

*North/South Body: Food Safety Promotion*

*Tourism Company*

*North/South Ministerial Council Secretariat*

*Civic Forum”.* — [Official Report, Bound Volume 8, p79, col 1].

Lord Morrow —

**Dr Farry:** Will the Member give way?

**Mr Gallagher:** I will give way shortly; just give me another few minutes, please.

Lord Morrow said that our amendment was a shame and that we were a semi-detached party. It is quite clear that his was a semi-detached party at the time when the DUP amendment was tabled. I want to express my feeling that some amnesia has quite clearly overcome Lord Morrow. From the remarks of Members such as Mr Craig, a little epidemic of amnesia could be spreading. It also appears to have come across to this side of the Chamber, because John O'Dowd railed against the amendment and absolutely forgot that the draft Budget was signed up to by his ministerial colleagues as well. [Interruption.]

**Mr Speaker:** Order.

**Mr Gallagher:** Mr Hamilton was sent out to lead for the DUP and he resorted to the usual approach of some DUP Members, which is that they are right about everything all the time and everybody else is wrong. It is sad that some of them — [Interruption.]



**Mr Speaker:** Order. Allow the Member to continue.

**Mr Gallagher:** It is sad that some of them have not yet realised that the world does not work that way. The most amusing, if it were not a serious matter, intervention came from the Alliance Party through Mr Farry, who, again, supported Sinn Féin and the DUP. Of course, as we all know, the Alliance Party will always support Sinn Féin and the DUP in exchange for the justice job. That is a fact in the current Assembly.

I know that many members of the public agree that, fortunately, there is someone in the Executive to take a principled stand, and it is the SDLP Minister, Alex Attwood. He does not take such a stand only today; he took it weeks ago when he highlighted the elephant in the room in this debate, which is the £32 million secret fund in OFMDFM that the community and voluntary sector has not been told about. It will be interesting to see whether anyone is prepared to bring that out into the open this evening. The SDLP is consistent. We stand for openness and transparency.

**Mr Callaghan:** Is the Member aware that not only have we not been told — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Callaghan:** Is the Member aware that not only have we not been told the exact purpose of that social investment slush fund, but, apparently, certain selected groups have been invited to secret briefings that have not been made available to all community and voluntary groups?

**Mr Gallagher:** That is exactly why the public want openness and transparency from the Executive for a change. That is why we have consistently stood for those principles and why we will continue to ensure that the whole book, with respect to the Budget, is open to the public.

**Dr Farry:** I thank the Member for giving way, and I remind him that the Alliance Party is not the patsy of any party in the Assembly. Indeed, we have recently backed several SDLP motions and amendments, and were the only party to do so on those occasions.

Mr Gallagher talks about principled stances by the SDLP. In the interests of transparency, will he clarify for the House whether, in the event that Mr Attwood votes against the Budget at

the Executive table, the Minister and his party will remain part of the Executive? You cannot be inside and outside the Executive at the same time. That is not a matter of principle; it is a matter of political expediency.

I also stress that this is the fourth Member from the SDLP to speak in the debate. At what stage will anyone speak to the amendment? No one disputes the right of a party to bring an amendment to the Floor, but we want them to justify what they are doing.

**Mr Gallagher:** Mr Farry knows very well that we are at the beginning of the Budget process. We are on the first rung of the ladder — *[Laughter.]*

**Mr Speaker:** Order.

**Mr Gallagher:** We are not at the stage — *[Interruption.]*

**Mr Speaker:** Order. The Member must be heard.

**Mr Gallagher:** We are not at the stage of approving the Budget. All I can say is this: let us see how the argument develops. As I said — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Gallagher:** We submitted a technical amendment and we stand by it.

I am also my party's spokesperson for health — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Gallagher:** Although the DUP, all those years ago, thought that it would push aside the all-Ireland arrangements, I want to say a few words about the all-Ireland health strategy that the SDLP has always promoted here. To give the Finance Minister an example, I want to welcome the money-saving measures taken by the Belfast Trust when it bought computer equipment in Dublin and stored it securely there at a saving of at least £7 million over the next six years. By anyone's standards, that is a good example of co-operation, particularly in the Health Service. I welcome the fact that the Belfast Trust is engaging in innovative ways of saving money. I impress upon the Finance Minister that that is what all Departments should be seeking to do. If they also save £7 million over the next six years, it will mean that more money will be released for front line services.

My colleague Mr Farry asked what we are going to do. The SDLP did not vote for the previous Budget, because 3% of the efficiency savings that we were asked to vote for were about cutting front line services. We do not want to see any more of those front line services cut. We want a firm assurance this evening that this Budget will not have a further adverse impact on front line services.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):**

I will begin by making some remarks about the concerns that the Committee for Employment and Learning has about the Budget, and I will finish by making some personal and party remarks.

Over the next two weeks, the Committee intends to hold a special meeting to discuss the implications of the Budget on the Department for Employment and Learning. As many Members know, the recession has not yet ended here in the North. Unfortunately, the cuts that this Budget will impose mean that there will be consequences, such as further job losses and constraints on DEL. Again, as many Members know, there are inescapable pressures on DEL, because it has to provide employability skills training and job skills programmes, such as Steps to Work. It is inevitable that more people will require that assistance. One of the biggest concerns for many Committee members is the increase in tuition fees and how higher education in particular is being targeted. Indeed, some £40 million is being taken from that element of the Budget.

It is also true that Committee members are concerned because it appears that the Department will not make any savings until the final year of this Budget cycle. That is a concern, because we think that the Department should be leading by example on some matters.

Where tuition fees in particular are concerned, the Committee will be hearing later this week from Professor Gregson from Queen's University, Belfast and from presidents of the various student unions. We want to ensure that education remains available on the basis of the ability to learn, rather than the ability to pay. Many Members will rightly be proud of Northern Ireland's record in widening access for and participation of people from all community and socio-economic backgrounds. We wish to maintain that, and we are anxious that this Budget will have an impact on that.

The Committee is also concerned about the number of people who have lost their jobs and who will need assistance from the colleges so that they can retrain and further their own educational needs.

**Mr Dallat:** Can the Member tell us what is in this Budget for the 250,000 people in the North who cannot read or write and who, because they do not have any qualifications, cannot put them on a CV? Those people were promised equality under the Good Friday Agreement. What is in this Budget for those people, who are now unemployed and have no qualifications?

**The Chairperson of the Committee for Employment and Learning:**

I welcome the Member's intervention. In fact, when officials from the Department appeared before the Committee last week, we asked them that question, and we also asked them about the impact of essential skills training, given that it has to be picked up and paid for by DEL. A failure at education level is, therefore, being picked up later by DEL. We want to get it right first time.

Some of my colleagues commented that there needs to be much stronger investment in early years training. We all know that the prime time for children to learn is when they are under the age of seven.

Mr Speaker, I will move on to my concerns and those of my party, if I may. I listened carefully to what many Members said when they attacked the SDLP. It is quite clear that they did not listen to what the party leader, Margaret Ritchie, said in her opening comments when she was speaking to the amendment. Mr Speaker, you may now be aware of what we said about the Business Office's ruling on drafting an amendment. In fact, tabling an amendment is the only opportunity that any party in the Chamber has to have any influence on amending this Budget.

Some Members commented on the amounts of money that the party was suggesting should be surrendered at this stage, but that was just an example. Some Members tried to score petty points. Mr O'Dowd said that our party produced its document on the eve of the Budget. Mind you, some Members will find it strange that, in Upper Bann, Mr O'Dowd is dropping leaflets round people's doors titled 'Say No to Tory Cuts'. The leaflet shows a big picture of him beside a particular — *[Interruption.]*

**9.45 pm****Mr Speaker:** Order. Allow the Member to continue.**The Chairperson of the Committee for****Employment and Learning:** He let the cat out of the bag today and on 'The Stephen Nolan Show' within the past two weeks, when he said that they were now having to mitigate and that the only other thing that he could do would be collapse the institutions because that was the alternative. Why does he not tell the people that when he is throwing the leaflets into their houses? There is an old adage that you can fool some of the people some of the time but you can't fool all the people all of the time. Well — *[Interruption.]***Mr Speaker:** Order. Members must make their remarks through the Chair.**The Chairperson of the Committee for****Employment and Learning:** There is some interference in my ear. I am not really sure what it is, but it sounds like a lot of whingeing to me.**Mr McGlone:** Did I hear the Member correctly? Is Sinn Féin dropping leaflets urging people to stop the cuts that it is implementing?**The Chairperson of the Committee for****Employment and Learning:** Yes, indeed. The leaflet has a huge picture of Mr O'Dowd beside a huge poster with 'Say No to Tory Cuts' on it. Members will recall the posters that said no to water charges, and it is like those. A couple of years ago, those posters and billboards mysteriously disappeared practically overnight, when Sinn Féin removed them. I suspect that this leaflet will also disappear and become part of the selective memory. Of course, we all know that Sinn Féin is trying to fight an election in the South of Ireland by saying no to cuts, burning the bondholders and all sorts.

Last week, Queen's University produced an excellent paper that raised many concerns about social policy. The draft Budget will impact more adversely on women than on any other group. Welfare reform stands to lose more than £600 million each year right through to 2015. There are discrepancies in the draft Budget. I am sure that the Finance Minister will address the issue of the inflation rate. When the draft Budget was set out, there was talk of inflation at about 2% or 3%. Economists now predict an inflation rate of 5% by the end of the year, and that will also have an adverse impact.

Although Members talk about no compulsory redundancies or job losses, we all know that many posts are not being refilled. For those seeking employment, that has an obvious impact on the availability of jobs. It also means less disposable income for families across the North. Many who work in jobs that depend on people spending, particularly in the retail sector, stand to lose out. People are very concerned.

Unfortunately, Mr Farry has left the Chamber. I wonder does the Alliance Party concur with its colleague Seamus Close who, only yesterday, called the draft Budget a daft policy on BBC Radio Ulster. The consensus among Sinn Féin, the DUP and the Alliance Party on the Budget and many other decisions makes for a cosy corner indeed.

The draft Budget contains no Programme for Government or investment strategy. As I remarked earlier, the Minister's Department's guidelines state that there should be a Programme for Government and an investment strategy before a Budget. That is best practice within the European Union, yet the Assembly cannot do that. One must wonder why. Many of my colleagues referred to the social investment fund. In fact, some called it a slush fund. As a member of the Committee for the Office of the First Minister and deputy First Minister, I have asked on numerous occasions for the criteria to access that fund and the terms and conditions. I have yet to get an answer.

One of the main partners in the Budget likes to describe itself as a party of equality. There is no equality in this Budget. It does not look after the most vulnerable and disadvantaged in society. It looks after party political interests. Shame on them all, Mr Speaker.

**The Chairperson of the Committee for Enterprise,****Trade and Investment (Mr A Maginness):** The Executive have, quite rightly, put the economy at the very centre of government. That is an admirable objective, which I think all of us in the House support totally. However, if one looks at this Budget, one can see that, even though there is that aspiration to put the economy at the very centre, it does not do that in relation to the Department of Enterprise, Trade and Investment. The Committee for Enterprise, Trade and Investment believes that the proposed reduction in capital investment in DETI of 63.9% gives considerable cause for concern. If we have that substantial reduction, how can we revive this economy and work towards putting it at the very centre of government?

Invest Northern Ireland consumes approximately 65% of the Department's budget. It is the main engine for attracting investment into Northern Ireland, encouraging local investment and creating jobs. However, Invest Northern Ireland will be greatly affected by the proposed departmental allocation. The Executive's economic strategy is ambitious and plans to launch the economy on an upward trajectory. However, the strategy is completely at odds with the proposed Invest Northern Ireland allocation, which the Committee believes seems doomed to launch the economy into a downward spiral. My view is that, given the way in which it is manifest and expressed, if we do not improve this Budget and we allow it to remain as it is, not only will we remain in recession, but we could go into depression. That is a problem for all of us in the Chamber, and we should not take it lightly. We have to work our way out of recession, but this Budget does nothing to assist in doing that.

Invest Northern Ireland has a large number of future commitments that will have to be met prior to funding being provided for new business activity. Invest Northern Ireland is already committed, probably for the next two years. Where will the extra money come from to provide that which is necessary to attract further business into Northern Ireland, to revive and re-energise our economy and to give our people work? The proposed allocation will reduce significantly the level of new business that Invest Northern Ireland can support in future years. That is fact; I am not putting any spin on that. Those are the Committee's concerns.

The Committee is very concerned that the Budget will have a long-term negative impact on our economic recovery and future job prospects and, in the longer term, on achieving the step change that we need to drive our economy forward. We want our economy to move forward, but we want a step change. We want to attract high-value jobs to this part of the world. We will not do that on the basis of this Budget if we do not provide Invest Northern Ireland with the means of trying to attract new investment here.

All the pieces were, in fact, coming into place. Invest Northern Ireland and the Minister had been working tirelessly to bring new high-value investment to Northern Ireland, and they should be given credit for that. We are in the unique and enviable position of having our own US economic envoy. Declan Kelly has

done enormous work for all of us, and the First Minister and deputy First Minister have recognised that. Of course, the Minister of Enterprise, Trade and Investment has recognised it as well. All of us in the Chamber owe him a great debt of gratitude. We cannot let his good work and his good offices down; we have to enhance what he has done. We have to progress from where he has left off.

It is beginning to look as if we may have the powers, in the foreseeable future, to vary corporation tax and to reap the benefits that that can bring. That may be one way of assisting the Department and assisting the development of investment and jobs in Northern Ireland. Are we going to throw it all away when we are beginning to see the benefits that all this good work and commitment is bringing to us? At last week's meeting, the Committee discussed the need to increase the Budget allocation for Invest Northern Ireland, particularly in the first two years of the Budget period. The only alternative is to provide Invest Northern Ireland with the end-year flexibility that it needs to meet its commitments and still be in a position to provide support for new business activity. However, I fear that the Department of Finance and Personnel is refusing to concede that. It is something that I believe we can perhaps persuade the Minister to look at again positively so that we can have that flexibility.

**Mr D Bradley:** The Member referred to the end-year flexibility that the Minister is providing for the Education Department. I listened to what the Minister said about that scheme, and basically he is saying that the same money will circulate within the scheme and that we should live in hope that the receipts will be greater than the spend. Does the Member agree that that sounds very much like:

*"a Ponzi, or pyramid, scheme, a fraudulent investment venture whereby investors, for a while, receive unusually high or consistent 'profits' that mainly only come out of money put in by subsequent investors. The hierarchical payment structure eventually collapses, leaving many participants out of pocket."*

Such schemes are illegal in the business world and highly dubious in any setting, so does the Member agree that such a scheme is not very reassuring for school principals and boards of governors, who will want much more certainty from the Finance Minister? The Minister has



offered to explain the scheme to me in private, but I would much rather he did it in public.

**The Chairperson of the Committee for Enterprise, Trade and Investment:** I agree; I will leave that to the Minister to explain. *[Laughter.]* I hope that there is no suggestion that the Minister is another Mr Madoff. I assume that he is not going down that road.

The Committee welcomes the fact that the Minister intends to prepare a case for an improvement in the proposed allocation. We accept that and hope that that case will be persuasive.

In general terms — speaking as an SDLP MLA — I have heard little positive support for this Budget from any outside source. The academics are opposed to it, the various voluntary organisations are opposed to it, and the trade unions are opposed to it.

**The Chairperson of the Committee for Employment and Learning:** Sinn Féin is opposed to it.

**The Chairperson of the Committee for Enterprise, Trade and Investment:** No, you are wrong; John O'Dowd of Sinn Féin is opposed to it. The reality is that this is a Tory Budget.

Sammy Wilson is acting out George Osborne in this Assembly. He is doing his bidding. When we established devolution here, we thought that we could change things for the better. We did not want Westminster to force us to act as its proxy, and it is shameful that this Executive are acting as a proxy for the Tories. Mr Sammy Wilson has opposed —

**10.00 pm**

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

**The Chairperson of the Committee for Enterprise, Trade and Investment:** Mr Sammy Wilson has opposed the Tory Government at Westminster. Let him do that in reality here by revising the Budget substantially so that it can be acceptable.

**Mr Speaker:** I call the Finance Minister to conclude the debate. He has 45 minutes.

**The Minister of Finance and Personnel:** Believe me, they will get 45 minutes. I can tell you that much.

I thank Members for taking part in the debate. I thought that when having such a debate on Valentine's night, we would all look dewy-eyed

across the Chamber at each other and maybe get a few candles in the middle. Mr McElduff wanted Love Hearts to be given out to Members as well. I am glad that it did not go down that route, and, indeed, we have seen that there will not be too much loving between the SDLP and Sinn Féin on all this. However, I have enjoyed it. I have learnt that the Irish for Tory cuts is "Tory cuts". *[Laughter.]* The SDLP accuses me of engaging in some kind of pyramid selling scheme with the EYF. At least I do not try to engage in the feeding of the 5,000.

Let us look at the amendment. The amendment says that the SDLP wishes to save £22.1 million. What will it do with that £22.1 million? It will allocate money for community relations. That is dead easy because, as Mr O'Dowd pointed out, we only have to find £1 million. That seems perfectly feasible. It wants the Department of Enterprise, Trade and Investment to have more money for tourist development. Does it want that money to build hotels, for the Gobbins path or for the Giant's Causeway? We do not know how much money is there, but the sum is certainly getting bigger.

That £22 million will also save front line services and social care services in the Department of Health, Social Services and Public Safety. We are getting more ambitious. It will also pay for student finance, which we have quantified at £40 million, and it will pay for the Department for Social Development to tackle poverty. If the SDLP had even listened to its own Minister, it will know that he needs about five times that amount to tackle poverty. So, the amendment will provide the five loaves and two fishes out of which we will do all that, and, even better, we will have 12 baskets over to use for the education budget and the health budget.

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

**The Minister of Finance and Personnel:** I will finish in a wee minute.

That is the kind of miracle that we are supposed to expect from the SDLP amendment. I will give way to the speech writer for the leader of the SDLP.

**Mr McDevitt:** I presume that he is referring to me, Mr Speaker. I wonder whether the Minister is particularly concerned about what he thinks is the chicanery or three-card trickery that the SDLP is pulling off. He is obviously no longer concerned about the way that he was able to stand up in the House of Commons on 10

December and tell all his constituents that not a single penny extra would be paid on student fees and yet bring to the House a Budget that delivers increases to families in Northern Ireland.

**The Minister of Finance and Personnel:** I will deal with student fees later on in the speech when I get to some of the points that were made by the spokesperson of the Committee for Employment and Learning.

Let us put one thing to the side. Yes, the SDLP is perfectly entitled to bring an amendment to the House, and, yes, it is perfectly entitled to put figures in it. However, it is not entitled to pretend that, once it has £22 million, it can make it serve about £1 billion worth of spending. That is the trick that it is trying to pull off here today. *[Interruption.]*

Well, listen. The amendment:

*"requests the Minister of Finance and Personnel to consider the allocation of the resultant reductions".*

The resultant reductions are £22.1 million to do everything that I read out. We will not do that for £22 million or, indeed, for £222 million or, indeed, for £1,022 million, so it is a bit of chicanery. Let us face that fact: we know that it is a bit of chicanery.

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way in a moment or two, because I want to deal with some of the other issues that the SDLP spokespeople raised. We were told by the leader of the SDLP that she understood that the debate is not about the Budget and that it is about the money that was spent last year and the money for the Vote on Account for the first few months of this year. Since she said that, we heard nothing else but criticism of the Budget.

The SDLP was concerned not only that all those things were inadequately funded but that it was a DUP/Sinn Féin carve-up. The proposed amendment contains no reference to the Department for Social Development, because that Department is held by the SDLP. It contains no reference to the Department for Employment and Learning, because that Department is held by the Ulster Unionist Party. It has no reference to the Department of Health, Social Services and Public Safety, because that Department is held by the Ulster Unionist Party. Of course, the SDLP hopes that the carve-up in its amendment may entice some Members from the Ulster

Unionist Party to support its dopey amendment. I suspect that the Ulster Unionist Party, weak as it is at times, will not be taken in by that SDLP carve-up into which it is attempting to drag the Ulster Unionist Party. The SDLP criticises a DUP/Sinn Féin carve-up.

A number of SDLP Members said that the Budget is unimaginative and has not looked at ways to raise additional revenue. Of course, that ignores the fact that the Budget includes £842 million of additional revenue. As some Members rightly pointed out, I sought to be prudent in the Budget for next year. Although there were proposals for another £800 million, we have not included that because we cannot be sure that that money will be available.

Let us look at some of that revenue raising and some of the efficiency measures that the SDLP proposes to see whether it would leave us in any better position. The SDLP said that it has efficiency measures, one of which is to freeze pay for people in the public sector earning over £31,500 a year. Will that produce more efficiency than the Budget? I suppose that, with SDLP mathematics, it might. The proposal in the Budget is to freeze pay for anyone who earns over £21,000, but the SDLP's proposal is to exclude thousands of people from that pay freeze. Somehow or other, it argues that that proposal is likely to drive more efficiencies than the Budget proposal, or else we are already behind in the efficiency savings.

The SDLP says that that does not matter, because it has magic ways to raise more revenue. For example, it suggests that £280 million could be raised by refinancing the Housing Executive debt, which could be spread over a longer period.

What will that do, especially since the Housing Executive debt is coming down to the point where interest payments are getting substantially lower? We will find that revenue costs will be built into the Budget for a much longer period. It will not reduce the debt; it will increase it.

They then said that they will raise money from a £90 million bond, and, on top of that, the Executive will borrow £600 million. Perhaps they should have asked their former leader how public expenditure works, because if we had raised money from a bond and borrowed £600 million as an Executive, would that have been additional revenue to the Northern Ireland Executive? No, it would not, because the Treasury would have said that it would take

the £690 million that we had raised off our block grant. That is the beauty of it. We pay no interest on the money that we get in the block grant, but we would pay interest on the money that we borrowed for bonds or on Executive borrowing. We would lose £690 million. On top of that, we would pay interest on that £690 million. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Finance and Personnel:** The Member can shake his head all he wants, but that is a fact; that is how the Treasury works. The wonderful revenue raising that we were told would fill the gap, along with the 12 baskets left over after we had eaten the loaves and fishes, would cost us more money. The SDLP suggested that the capital realisation task force could raise asset sales of an additional £240 million over the Budget period. Most SDLP Members recognise that we are in a recession. Indeed, Mr Maginness believes that we will be in a depression by the time I have finished with the Budget. However, after listening to their leader, followed by other Members of the party, I was in a depression.

According to Mr Maginness, we will be in a depression in the middle of which we will sell not £100 million of assets but £240 million. We are going to raise all that revenue; we are going to borrow it and pay interest that we do not have to pay; we are going to refinance and pay interest for longer than we have to; and, in the middle of a depression, we are going to sell nearly two and a half times more assets than the Executive plan to sell. The Executive have taken a cautious approach.

Those are the SDLP revenue-raising measures, which, on top of the £22.1 million, will finance health and social services, student loans and the tourist industry and address poverty. I would not have moved such an amendment if those were the economics behind it.

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

**The Minister of Finance and Personnel:** I will give way to the Member. He is always good for a laugh.

**Mr McDevitt:** The Minister may not have wanted to move an amendment, but in 2001 Nigel Dodds was more than happy to come to the Chamber to move an amendment. Our amendment is nearly 200 words, but he managed only 64.

**The Minister of Finance and Personnel:** I love it when SDLP Members make interventions, because sometimes I forget what I want to say and they prompt me. I had forgotten that I wanted to deal with that point. The DUP brought forward such an amendment about cross-border bodies in 2001, but we did not suggest that, somehow or other, we could refinance the Assembly's whole Budget by cutting money on cross-border bodies, on the Civic Forum, and on some other structures of the Belfast Agreement that we did not like. At least, we were not ambitious; we just wanted rid of the institutions. We were not trying to finance the Budget by getting rid of them. *[Interruption.]*

Anyhow, the difference is —

**10.15 pm**

**Mr Speaker:** Order. The Minister must be heard.

**The Minister of Finance and Personnel:** The difference is this, Mr Speaker: we have neutered them now.

**Some Members:** Hear, hear.

**The Minister of Finance and Personnel:** We have also got efficiencies from them on a year-to-year basis; 3% cuts in their budgets and, even better still, support from the Dublin Government. Therefore, we have actually improved the situation.

Let me deal with some other points that were raised by the leader of the SDLP. She also complained — in fact, it came through in a number of SDLP speeches — that there is no provision for job creation anywhere in the Budget. Let us look at some facts.

Through looking at assets that we do not need and could dispose of and through other revenue-raising measures, we have raised £852 million, which will be available for the capital Budget. That will go into Northern Ireland's infrastructure. In order to build that infrastructure, construction jobs will be created. An infrastructure will be built that makes Northern Ireland's economy more attractive to investors and enables more effective communication within that economy. That is the kind of thing that industry tells us it needs to make the economy more attractive. Despite the fact that we have had 40% cuts in our capital budget, by the end of the period, in 2014-15, we will spend £1.5 billion on capital projects, which is equivalent to the long-term trend of capital spend. It is out of sync, of course, with

the peaks of the past two years. However, it is in line with the long-term trend for construction spending and capital spending in Northern Ireland. That is the first indication that we have put job creation at the forefront.

We have also given additional money to the Minister of Enterprise, Trade and Investment. As a result of that allocation, she has indicated that she will be able to create 4,000 additional jobs. We are putting money into — I find it difficult to say it — the green new deal. It is all about energy conservation. I will use the terminology that people understand. We have put money into that, which, in turn, when that fund is fully resourced, will create 3,500 jobs and will also help to reduce the impact of fuel poverty on households.

We have put money into the Department for Employment and Learning for assured skills training for graduates and so on. For what purpose? To attract exactly the kind of high-quality jobs that Mr Maginness mentioned. We have kept the cap on manufacturing rates at 30%. In doing so, we have released around £90 million in overheads to make manufacturers more competitive in a market where they say that they need to maintain competitiveness. We have made rates allowances for small businesses. I could go on and on. The nonsense that there is nothing in the Budget to create jobs is either the result of people not reading it, not understanding it, or closing their eyes because they would rather make political points.

**Mr Bell:** Write it in Spanish.

**The Minister of Finance and Personnel:** Perhaps, if it were written in Spanish or Irish, some of them would understand it a bit better. As I said, my understanding of Irish has improved tonight. I am pleased to be able to say that.

Let me move on to other points that were raised. I will come back to some of the SDLP's points later. The Chairman of the Committee for Finance and Personnel mentioned work that had been done with officials. I want to acknowledge the work that the Chairperson and the Committee has done with officials to look at spending plans and to review work that had to be done.

Mr Cobain, who is not here, talked about structural maintenance. This year, the Minister for Regional Development has had a capital budget of £54 million to address the defects

in the road network. In February monitoring, we have already allocated another £8 million for structural maintenance. Looking ahead, the DRD share of the capital budget is going to increase over the period, despite all of the reductions that there have been in the capital budget.

Mr Farry raised a number of points. At least he always brings some life to a debate. Just when the debate was flagging and when Members thought that they had enough, he brought some life to it. The one thing that I will say to him is this: the Alliance Party has recognised what is involved in being in the Executive. David Ford is no pushover when it comes to fighting for his budget, but he also knows where to fight for his budget. He does not do it on 'The Stephen Nolan Show' or in the pages of 'The Belfast Telegraph'. He does it in the places where the decisions are made. There is a place for Ministers to make a case for more money for their budgets.

**Ms S Ramsey:** Where is the UUP?

**The Minister of Finance and Personnel:** They are not here, of course. That is how interested they are.

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

**The Minister of Finance and Personnel:** I will give way in a minute or two. There are Ministers who believe that their budget allocation has not been sufficient. The place to fight that is at the Executive, where the decisions are made. I wanted to come to that point, because a number of Members raised it. There has been every opportunity at Executive meetings for Ministers to take a collegiate approach to the Budget process.

I learned something else tonight. According to Mr Gallagher, we are at the beginning of the Budget process. God help us if we are only at the beginning of the Budget process. We have about three or four weeks left before we have to allocate to Departments. That is how out of touch the SDLP is. It thinks that we are at the beginning of the Budget process. It started last June. Catch up; wake up and find out what is going on.

The Alliance Party Minister has fought his case and has fought it in the proper place. I will give way to Mr Callaghan, and I hope that he addresses me in English and not in Irish.



**Mr Callaghan:** I mBéarla amháin. Only in English. The Minister has told us about what a fine gladiator the Minister of Justice is in fighting for his budget, but have we not also been told on a number of occasions that the Department of Justice's budget is ring-fenced?

**The Minister of Finance and Personnel:** The Department of Justice's budget is ring-fenced, but do not forget that that is not what the SDLP would have done, because, despite the dissident threat and the threat from terrorists, it wants to take money away from policing. If we had a police service that could not provide safety in Northern Ireland, I am sure that one of the prerequisites for job creation would disappear.

Not only has the Minister of Justice had his budget ring-fenced, but additional finance has been made available to him. Through the Department of Finance and Personnel, he has also been fighting with the Treasury to ensure that end-year flexibility has been maintained and that the access to the contingency fund, which was to be on a year-on-year basis, would be available to him at the beginning of the four-year period so that he could properly plan his spending. He has fought his case. He has fought it in the Executive. He has got Ministers behind him, and he has fought it with the Treasury, along with Ministers. That is the way for Ministers to do their jobs. They should not go out carping in public, simply for the sake of grandstanding. If they are really interested in protecting their budgets, they should talk to their Assembly colleagues and try to persuade them and show them in some ways how the money can be found.

The issue of legal aid was also raised with him. *[Interruption.]* The Justice Minister was obviously sitting in his room listening to all the nice things that I was saying and thought that he should come down to bask in the glory of it all. Well, he is too late. I have finished with him now, so I am moving on. *[Laughter.]*

Mr Moutray, on behalf of the Committee for Agriculture and Rural Development, raised the issue of the hardship fund for potato farmers and sheep farmers who have suffered as a result of the last year's frost. Applications were made for those two groups in three monitoring rounds. However, they were the lowest priority bids that the Minister of Agriculture and Rural Development put in, and, given the pressures that there were in the monitoring rounds, it was

not possible to meet them. Yes, an application was made, but given the limited funds available and the priorities that the Minister attached to the bids, it was not possible.

Mr McLaughlin talked about a very important matter: the process of setting the Budget. He outlined very well the approach that we have taken. It answered — probably as effectively as I could — the criticism from the SDLP that somehow or other there were two Budget processes, one that went on between the DUP and Sinn Féin and one in which the rest of the parties were simply informed afterwards that that had happened. That was not the case. From the very start, when we met in Greenmount in July, we decided that this Budget was going to be of such significance that it could not be in the ownership of one party, one Minister or a couple of parties.

For that reason, we set up the Budget review group, which had one representative from all the parties on it, along with the First Minister and deputy First Minister. It met regularly and churned out ideas. Of course, as Members have pointed out, once some of those ideas were churned out, the SDLP stole them and put some of the good ideas in its document. Unfortunately, the SDLP put them in alongside so many bad ideas that they were all diluted anyway.

**Ms Ritchie:** Will the Minister accept the fact that, some 18 months ago, the SDLP was the only party to produce proposals on the Budget? I notice that the Member for Strangford Mr Bell is nodding his head. That seems to be all that he is — a bit of a nodding dog. *[Interruption.]* If I can continue, the SDLP was the only party to produce concrete proposals on 8 December 2010 that actually contained figures, numbers and detail. It was the first financial document brought forward by any political party. We were not cogging. *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ritchie:** It was the DUP and other parties that copied our proposals. *[Interruption.]*

**The Minister of Finance and Personnel:** I think that I have got the gist —

**Lord Morrow:** On a point of order, Mr Speaker.

**Mr Speaker:** Lord Morrow has a point of order.

**The Minister of Finance and Personnel:** We will have a point of order. Let me get the answer out, for goodness' sake. I think that I have got the gist. Some 18 months ago, the SDLP brought forward flawed proposals. It did not learn anything in the ensuing 18 months and then brought forward another set of flawed proposals. Yes, the proposals had figures in them, but I have just gone through some of the figures, which only make a mockery of the proposals. The figures are all about — *[Interruption.]* Mr Speaker —

**Lord Morrow:** On a point of order, Mr Speaker.

**Mr Speaker:** Lord Morrow is trying to make a point of order. Allow him to make a point of order.

**Lord Morrow:** I am now slightly confused as to who chairs the proceedings in here. *[Laughter.]* Is it in order for a Member to refer to a Member opposite as a dog? *[Laughter.]*

**Mr Speaker:** I did not pick it up. Let us look at Hansard and see.

**10.30 pm**

**Lord Morrow:** On a point of order, Mr Speaker, maybe the Member should be given the opportunity to think about whether she said it. Maybe she would have the courtesy then to withdraw the remark and save you having to look it up.

**Mr Speaker:** OK, maybe I will give the Member the opportunity.

**Ms Ritchie:** Mr Speaker, I would prefer that you examined Hansard. However, if there are suggestions that I said things that people maybe did not like, that is their interpretation. However, if I could have — *[Interruption.]*

**Mr Speaker:** Order. Let the Member continue.

**Ms Ritchie:** What I meant was that the Member for Strangford — I know that we are not supposed to gesticulate here — kept moving his head from side to side, and I wondered what that could possibly have meant. Maybe that Member could explain himself.

**Mr Speaker:** Minister, continue.

**The Minister of Finance and Personnel:** I do not know whether there are any dogs in the Chamber, but some of them are certainly barking on this side.

Let me move on to the points made by Mr Storey and Mr McCrea on the education budget. Nobody can deny that the education budget will be quite challenging over the next four years. The budgets that all Departments will have to administer will be challenging and will require Ministers to make some hard decisions. However — I have said this time and time again, so I am saying nothing new to the Chamber — if the budgets are challenging, it is even more important for Ministers to provide as much information as possible at this stage.

I reject one comment. An SDLP Member said that this was not the real Budget, that this was just the fluffy stuff and that we would see the real Budget after the election. The fact is that we have a four-year Budget that allocates cash sums to Departments, so it is totally transparent. We know the capital expenditure of each Department and what each Department will have in resource spending. So, the nonsense that somehow or other another Budget is lurking after the election is, once again, one of the scare stories that we expect from the SDLP. If the Members across the way want transparency, they should read the Budget document, and they will get the figures and be able to see where the money will be spent.

Of course, Ministers need to give details, certainly for the first year. Here, again, however, is where we get inconsistency from the SDLP. Over the past year, all I that I have heard from the SDLP is that the Budget set four years ago was far too prescriptive. The SDLP said that an economic recession requires the ability to dance and jig, and, therefore, there needs to be a bit of flexibility. Members of the SDLP cannot have it both ways: either they want something that is so prescriptive that they know line by line what will be spent over the next four years or they want something that is flexible, malleable and can respond to circumstances. They should make their mind up; they cannot have it both ways.

I must say that Mr O'Loan sends me into fits of depression. A black cloud hangs over his head, and he hopes that that black cloud will extend to the rest of us. I asked some Members, "Was that a speech or a gurn?". We heard from him that the basis is not right and there is no Programme for Government and no investment strategy. How, therefore, can we have a Budget? Had we had the luxury of having the Budget debate in May or June, maybe we would have had a Programme for Government against

which to measure it. His Minister can tell him that, when the Executive were considering the Budget, we looked at the long-term aims of the Executive, what we most wanted to protect and the objectives that we wanted to achieve. The Executive wanted to grow the economy, protect health and protect the vulnerable, all of which is reflected in the Budget.

When we were looking at the investment programme, my officials had long talks with the SIB about the things that should have priority investment. It is significant that a lot of the priorities that the SIB set are reflected in the investment programme. So, to say that there is no strategic thought behind it simply because there is no printed Programme for Government —

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will, but let me finish the point.

We do not have, as the SDLP wants, a new Programme for Government, but we do have the existing Programme for Government. Let us look at the objectives in the existing Programme for Government and hear what the SDLP would change. For example, would the SDLP not have growth of the economy as the top priority? According to the Member for North Belfast Mr Maginness, that is what he wants. According to Mr O'Loan, that is what he wants. Well, that is what is reflected in the Budget. Do they not want to protect the Health Service? I have heard nothing but "health", "health", "health" from some Members on the SDLP Benches tonight. Again, that is reflected in the Budget. They talk about protecting the poor. That is reflected in the Budget. So, what would be new in a new written Programme for Government?

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way, but only for an intervention, not another speech. The Member had ample opportunity at the beginning of the debate to make a speech and did not take it. She is not going to take up my time for speeches as well, so, if I interrupt her after 15 seconds, it is not because I am a charlatan and an ignoramus, it is just that I want to take a short intervention and then try to answer it.

**Ms Ritchie:** I thank the Minister for giving way. Does he accept that he acknowledged in an answer to me that there probably should

have been a Programme for Government? Is it not unusual for any Government or Cabinet to prepare a new Budget for a four-year period without first having a Programme for Government on which to base it?

**The Minister of Finance and Personnel:** I do not think that the Member even listened to me. We do have a Programme for Government; I even told her what the priorities in it were. I have challenged the SDLP to tell me —

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** No, I will not give way. We could have this Punch and Judy show all night, for goodness' sake. I have asked the SDLP what it would have in a Programme for Government that is different to the priorities that we have set.

**Ms Ritchie:** Will the Minister give way?

**The Minister of Finance and Personnel:** No, I am not going to give way. I want to get on.

**Mr Speaker:** Order. It is obvious that the Minister has no intention of giving way now, so the Member should not persist.

**Mr P Robinson:** Will the Minister give way?

**The Minister of Finance and Personnel:** On the basis that Margaret Ritchie cannot sack me and the First Minister can, yes, I will give way.

**Mr P Robinson:** What would be the sense in the fag end of the Assembly agreeing a Programme for Government as it goes into an election, when it will be the job of the new Assembly and the new Executive to set their Programme for Government?

**The Minister of Finance and Personnel:** If we had set a new Programme for Government, I suspect that the SDLP would have said that we were being presumptuous and that, given its economic recovery plan, the public would flock to the SDLP standard and return a massive SDLP contingent to the Assembly who would certainly not want to inherit a Programme for Government set by Peter Robinson or Martin McGuinness. The First Minister made the point and made it very well that the SDLP might well have been the first to complain that we were presuming that the electorate would return us with the same strength and we were, therefore, imposing our Programme for Government on it,

regardless of the democratic outcome of the election.

Mr McCrea talked about the capital to current switches and whether they were possible under Treasury rules. They are not possible under Treasury rules, but, given that some of the money that we have transferred from current spending to capital is available to us and we can do with it what we want, Ministers have the opportunity to make those switches.

I have dealt with a number of the points that Mr O'Loan made. He talked about the monitoring rounds being weak. Over the four-year period, we allocated about £2,000 million through monitoring rounds and the other adjustments that were made to the Budget. Therefore, I do not think that it is weak. Mr O'Loan also referred to —

**The Chairperson of the Committee for Health, Social Services and Public Safety:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will in a minute or two.

Mr O'Loan referred to the Budget being made in Whitehall, and, given that 90% of our money comes from Whitehall, it will of course impact on the Budget. He also said that a collegiate process was not used and that, had the SDLP been around the table, it would have been a very different Budget. I must tell Mr O'Loan that the Minister for Social Development was not only around the table but in the inner sanctum of the Budget review group. Maybe Mr O'Loan's faith in the Minister for Social Development is misplaced, but he was there. He had the chance to put his fingerprints on the Budget, and he did so. Therefore, if Mr O'Loan does not like the outcome, maybe he should take it up with the Minister for Social Development and not me.

**The Chairperson of the Committee for Health, Social Services and Public Safety:** It is unlikely that the Minister will get to my contribution in the time that he has left. He mentioned monitoring rounds, and he will know about the £20 million first call that health had on any available resources. My understanding is that that agreement has lapsed. Will the Minister confirm whether the Minister of Health, Social Services and Public Safety is able to pitch or apply for money in future monitoring rounds to relieve any pressures that may develop in his budget?

**The Minister of Finance and Personnel:** I will skip a few contributors; some of them are not in the Chamber anyway. The Chairman of the Health Committee raised a number of important points, and, given the controversy around the health budget, I should address some of those points. First, he is right: the £20 million first call for additional resources that was available over the four years of the Budget to the Health Minister has been withdrawn. However, importantly, there was a pay-off for that withdrawal. In the past, the Health Minister could make applications in monitoring rounds only if he could show that what he was claiming for was exceptional or unforeseen, and that restricted his ability to make applications. That will no longer be the case.

The Chairman of the Health Committee said that someone who gave evidence said that the important thing was to have some flexibility in the Budget. The Minister has flexibility to change money from capital to current. If money is underspent in one area, he can move it to another area and does not have to surrender it. That flexibility is worth an awful lot in a budget the size of the health budget. The Minister also has the ability to make applications during the monitoring periods for exceptional circumstances, and he has never found the Executive wanting when it came to such applications. Finally, the 5% savings that were required from the health budgets in other parts of the United Kingdom are not required from the Health Minister here for his budget over the four-year period. All that gives considerable flexibility and is probably worth far more than the £20 million first call on available resources that was previously available. Indeed, even with the withdrawal of that £20 million, additional moneys have been made available to the Health Minister. He was let off with £30 million worth of cuts — Tory cuts, as Mr McDevitt, the Member for South Belfast, would say — in September, and he was given an additional amount of almost £20 million in the monitoring rounds on top of the other £20 million that he received. Considerable generosity was shown, because we recognised the importance of the health budget and the need to deal with some of the pressures on the Health Minister.

That said, considerable efficiencies could and should be made, and we cannot simply keep pouring money in when a Minister does not look for savings. One need only look at the number of hospitals for each 100,000 of the population,



which is five times higher here than in parts of England and two and a half times greater than in Scotland. Furthermore, the number of hospital beds for each 1,000 of the population is about 33% higher in Northern Ireland, and the number of nurses for each 1,000 of the population is about 25% higher than other parts of the United Kingdom. All that shows that there are opportunities to make efficiencies.

#### 10.45 pm

I now come to my remarks on the final contributions made. Anna Lo talked about the public transport implications and the Harbour Commissioners. I want to set something straight about the money from the Harbour Commissioners: the suggestion about the money from the Harbour Commissioners came from the Minister for Regional Development. In discussions with the Harbour Commissioners, he reported to the Executive that there was the potential to release £125 million. We have sought to be as cautious as we can on that. We have not front-loaded the money but have put it into the final two years of the Budget, so that, if there is a requirement to change legislation, as Ms Lo rightly pointed out, we have time to do that and, therefore, find that we can get the money. We had a discussion with the Harbour Commissioners, and, even without a change in the legislation, they can contribute to infrastructure projects that will benefit the harbour. Therefore, over the next four years, they could contribute to any improvements in the road network close to the harbour without any change in the legislation. We have a double safeguard. Under the existing rules, projects may attract money from the Harbour Commissioners. If that is not possible, we have two years to change the law. If we were to do that, the money would not go back to the Treasury. The Member got that wrong. The money would come to the Northern Ireland Executive.

The Member also talked about the public transport implications of the Budget. I was surprised by her comments, given that, over the next Budget period, we will take delivery of 20 new trains and see all the improvements to stations to facilitate those changes. The Coleraine to Londonderry track will be upgraded, costing £11 million, and there will be a provision for bus replacement and bus service delivery.

**The Chairperson of the Committee for Employment and Learning:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way in a minute or two. Furthermore, the concessionary fares scheme —

**Mr Speaker:** I remind the Minister of the time.

**The Minister of Finance and Personnel:** Sorry. I would have given way, and I know that the hour is late. I suppose that people want to get home, and there are still two motions to get through.

In conclusion, I thank Members for their contributions. I recommend the spring Supplementary Estimates and the Vote on Account to the Assembly. I recommend the amounts of Supply in both motions before the House and ask Members to support them.

**Mr Speaker:** Before the Questions are put, I remind the House that the votes on the motions require cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That this Assembly approves that a total sum, not exceeding £15,345,417,000, be granted out of the Consolidated Fund for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 and that total resources, not exceeding £16,233,236,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 as summarised for each Department or other public body in columns 3(c) and 2(c) of table 1 in the volume of the Northern Ireland spring Supplementary Estimates 2010-11 that was laid before the Assembly on 7 February 2011.*

**Mr Speaker:** We now move to the motion on the Vote on Account and the related amendment, which have already been debated.

*Motion proposed:*

*That this Assembly approves that a sum, not exceeding £6,654,663,000, be granted out of the Consolidated Fund on account for or*

towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 and that resources, not exceeding £7,336,432,000, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2011-12 document that was laid before the Assembly on 7 February 2011. — [The Minister of Finance and Personnel (Mr S Wilson).]

**Amendment proposed:** At end insert

“; subject to a reduction in requests for resources for the following Departments:

£0.7 million	Department of Culture, Arts and Leisure
£0.5 million	Department of Finance and Personnel
£0.7 million	Department of the Environment
£7.0 million	Department of Justice
£3.8 million	Department for Regional Development
£9.4 million	Office of the First Minister and Deputy First Minister

; and requests the Minister of Finance and Personnel to consider the allocation of the resultant reductions to the Department of Education for the promotion of community relations, to the Department of Enterprise, Trade and Investment for tourism development, to the Department of Health, Social Services and Public Safety for frontline health and social care services, to the Department for Employment and Learning for student finance and to the Department for Social Development for tackling poverty; and calls on the Minister to consider the identification of further financial resources for these purposes prior to the publication of the Main Estimates 2011-12 and the related Budget Bill.” — [Ms Ritchie.]

**Mr Speaker:** I remind the House that the vote on the amendment does not require cross-community support.

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 15; Noes 65.*

## AYES

Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Callaghan, Mr Dallat, Mr Gallagher, Mrs D Kelly, Mr A Maginness, Mr McDevitt, Dr McDonnell, Mr McGlone, Mr O’Loan, Mr P Ramsey, Ms Ritchie.

*Tellers for the Ayes: Mr Callaghan and Mr McDevitt.*

## NOES

Ms M Anderson, Mr S Anderson, Mr Beggs, Mr Bell, Mr Boylan, Mr Brady, Mr Bresland, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Cobain, Mr Craig, Mr Cree, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gibson, Ms Gildernew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr I McCrea, Mr McElduff, Mrs McGill, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Mr Molloy, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O’Dowd, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson, Mr S Wilson.

*Tellers for the Noes: Mr Bresland and Mr Frew.*

*Question accordingly negatived.*

*Main Question put and agreed to.*

*Resolved (with cross-community support):*

*That this Assembly approves that a sum, not exceeding £6,654,663,000, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2012 and that resources, not exceeding £7,336,432,000, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for*

*Northern Ireland for the year ending 31 March 2012 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2011-12 document that was laid before the Assembly on 7 February 2011.*

## **Budget Bill: First Stage**

**The Minister of Finance and Personnel (Mr S Wilson):** I have lost my notes.

I beg to introduce the Budget Bill [NIA 11/10], which is a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the years ending 31st March 2011 and 2012; to appropriate those sums for specified purposes; to authorise the Department of Finance and Personnel to borrow on the credit of the appropriated sums; to authorise the use for the public service of certain resources for the years ending 31st March 2011 and 2012; and to revise the limits on the use of certain accruing resources in the year ending 31st March 2011.

*Bill passed First Stage and ordered to be printed.*

**Mr Speaker:** I inform Members that written notification has been received from the Chairperson of the Committee for Finance and Personnel confirming that the Committee is satisfied that, in accordance with Standing Order 42(2), there has been appropriate consultation with the Committee on the public expenditure proposals contained in the Bill. The Bill can, therefore, proceed under the accelerated passage procedure. The Second Stage of the Bill will be brought before the House tomorrow, Tuesday 15 February 2011.

## Committee Business

### **Damages (Asbestos-related Conditions) Bill: Extension of Committee Stage**

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

#### **The Chairperson of the Committee for Finance and Personnel (Mr McKay):** I beg to move

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 23 March 2011, in relation to the Committee Stage of the Damages (Asbestos-related Conditions) Bill (NIA Bill 10/10).*

The Damages (Asbestos-related Conditions) Bill completed its Second Stage on Monday 17 January 2011 and was referred to the Committee for Finance and Personnel for its Committee Stage. Before going any further, —  
[Interruption.]

**Mr Speaker:** Order, Members.

**The Chairperson of the Committee for Finance and Personnel:** I would like to place on record the Committee's concern and empathy for all those people who have been exposed to asbestos during their working lives and for their families who now face the future with uncertainty, having witnessed friends and colleagues suffer the consequences of that exposure.

I will not rehearse the history of how the Committee has sought to actively engage with the Department of Finance and Personnel on the Bill prior to its introduction and to encourage that the final Bill be brought to the Assembly early enough to facilitate full and proper scrutiny at Committee Stage. Members can read that for themselves in the Official Report of the debate at Second Stage. I will, however, remind the Assembly that the Committee was also proactive in taking the step of issuing its public call for evidence before formal Committee Stage had even commenced. Although that was an attempt to bring forward the first step in the Committee Stage process, the fact is that the formal scrutiny of the Bill could not start until Committee Stage had begun. Since the commencement of Committee Stage, the

Committee has continued to prioritise the Bill within its exceptionally heavy work programme, which includes among other things preparing a co-ordinated report on behalf of all Assembly Committees about the Executive's four-year draft Budget.

It is appropriate at this point to also remind the House of the unique purpose of the Committee Stage of a Bill. It is distinctive in that it provides an opportunity for an independent and in-depth scrutiny of the provisions of proposed primary legislation, and that involves a series of consecutive steps. Step one involves inviting written evidence from all interested parties, including the wider public, and, as explained, the Committee brought forward that step. Step two normally involves holding oral hearings, which importantly provide members with the opportunity to probe issues in detail. It is worth noting that such oral evidence sessions are not a feature of other engagements on proposed legislation, such as, in this case, the earlier DFP consultations on the policy and on the draft Bill.

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

Step three requires the Committee to undertake detailed analysis of the evidence, including identifying issues of concern, commissioning further research or advice where necessary and seeking clarification and resolution of outstanding concerns from the Department. Step four sees the Committee carrying out a careful clause-by-clause scrutiny of the Bill. Following all of that work, the final step involves preparing, considering and agreeing an evidence-based report that sets out the Committee's opinion on the provisions of the Bill to the Assembly and that may include proposals for amendments to the Bill that may be proposed at Consideration Stage.

Given the necessity for the steps that I outlined, it is hardly surprising that, aside from those Bills that properly receive accelerated passage, very few Bills have ever completed their Committee Stage in the Assembly within the period of 30 working days referred to in Standing Order 33(2). When making its decision to seek an extension to Committee Stage, the Committee carefully considered a number of options on how to take forward its scrutiny of the Bill. By seeking to undertake a full and proper scrutiny, members have chosen what is by far the most difficult and labour-intensive option. In seeking this extension, the Committee recognises that



the Bill may not complete its passage during this Assembly term. However, let me be clear: members have not arrived at that decision lightly. Indeed, bringing this motion before the Assembly this evening serves to highlight how seriously the Committee takes its scrutiny role and its wish to be given the opportunity to fulfil that role properly.

The Committee has already taken on board concerns raised about the Bill's impact on the human rights of some of the key players. Members are grateful to Monica McWilliams, chief commissioner in the Human Rights Commission, and her staff for taking the time to give evidence to the Committee and to help members to think through those issues. That is an example of just one issue that members are considering as they scrutinise the legislation, and it highlights the complexity of the situation that we are dealing with.

The Committee now intends to use this extended time to address the key gaps that it has identified in the evidence that it has received to date. In particular, members are keen to hear the personal testimony of those who have been exposed to asbestos and developed pleural plaques.

Before concluding, I advise the Assembly that I received a letter from the Minister last Friday afternoon asking that I seek approval from the Committee to amend the extension of Committee Stage from 23 March to 9 March to enable the Bill to go through the legislative process before the end of this Assembly's mandate. Given the procedures in Standing Order 15, such an amendment would not have been possible, even if the Committee had met today and agreed to rescind its previous decision of a 23 March deadline. That said, I am sure that the Committee will give the Minister's letter due consideration when it meets on Wednesday and will decide whether it is feasible to attempt to conclude the remaining evidence gathering and subsequent steps and bring forward the Committee report two weeks earlier. It will be for the Committee to decide how it wants to proceed on that matter, and I am sure that members will take the Minister's concerns and letter into account.

I assure the Assembly that allowing the Committee additional time to complete its work will not be in vain, even if the Bill ultimately does not pass through all stages during the lifetime of

this Assembly. There is nothing to stop the Bill from being reintroduced at the start of the next mandate, which is now only three months away. That initiative could be taken by either the Department or the next Committee for Finance and Personnel, if they are supportive of the proposed legislation and minded to do so. To take time now to do the Committee scrutiny work properly can only help to ensure that everyone is in a more informed position, which will be more beneficial to the Assembly in making any final decisions on the Bill, whether in this mandate or the next. I ask Members to support the motion.

**Mr O'Loan:** The hour is fairly late, so I will not speak at any length.

There is an important point of principle about how the Assembly does its business. I ask Members to take that very seriously. The Bill has been in gestation for a considerable time. From time to time, the Committee engaged with the issue and with departmental officials. However, it was only very late in the day that the Bill was presented to the Assembly and, after Second Stage, came before the Committee.

The Chairperson of the Committee outlined clearly how the Committee saw the issue. Essentially, only two options were open to the Committee. One possibility was to seek an extension, which the Committee has done. As the Chairperson pointed out, an extension is sought for virtually every Bill that comes before the Assembly. Indeed, I think that some consideration has been given to extending that natural period so that extensions do not have to be routinely sought. The full Assembly ought to be aware of that point. The other possibility was to terminate within the unextended period of 30 days and agree a short report that would state that we were unable to complete our work.

There is real work to be done. It is difficult to establish the principle of the Bill. To decide whether it is at all appropriate for a legislature to determine whether a particular occurrence to the human body should constitute a remediable injury is a significant and difficult point. That decision will require the Committee to take legal advice and opinion, as well as other types of advice. For example, we want to hear from sufferers of the condition, if "sufferers" is the right word for a condition that undoubtedly has an effect on the body but is symptomless and does not do harm to bodily function. Therefore,

it is not an easy Bill to engage with. I believe that the Committee was right to feel that it must give the Bill full scrutiny.

If we had gone the other route of not having an extension and had submitted a report that stated that it was not a full report because we had not had time to garner evidence fully on the matter, the Bill also ought not to have prospered. In those circumstances, if that were to be the Committee's report, it would not have been appropriate for a Minister to pursue the Bill.

Indeed, if any Minister were to bring forward a Bill in those circumstances, the Assembly ought to assert itself and say that it has not had the information needed in order to form a view. However, I am led to believe that that would not happen, which I think says quite a lot for the quality of this Assembly. We have to think about our democratic practice.

#### 11.15 pm

We are where we are. The Committee feels that further work and full scrutiny of the Bill needs to be done, which would require an extension of Committee Stage. That is the matter before the Assembly, and I believe the Assembly should accord with the Committee. I do not think that any such request that a Committee has brought before the Assembly previously has been challenged, and it should not be challenged on this occasion.

**Dr Farry:** It is unusual that we are debating the extension of a Committee Stage. It reflects the perception that the Bill is causing controversy. I am here to defend the decision of the Committee. If anyone needed proof that we have open and frank disagreements with the Minister, myself included, this is one example that would confirm that.

It is routine that the Assembly grants extensions to Committees. Very few Bills go through in the very narrow six-week window set out in Standing Orders. Apart from the Budget Bills and other matters that go through with accelerated passage, I think that only the Justice Bill managed to complete its Committee Stage in that period. That was a very short Bill on which political agreement had already been found.

The problem is not the fault of the Committee. The Bill was introduced at a relatively late stage, in December 2010. There has been no major difference in how officials have briefed the

Committee because of the nature of the Bill. The issue has been around for at least three years, so if we are in difficulties, it is because the Department only presented the Bill towards the end of December.

It is important that we, as a Committee, take our duties of scrutiny very seriously. This may be a test of the respect that the Executive have for the Committees and the process by which the Assembly legislates.

There is considerable controversy around the Bill. It is not simple and routine legislation that we all know will be nodded through. Significant concerns about the Bill have been raised by key stakeholders. I recognise that there are those who advocate in its favour, but there is clear opposition from the insurance industry and the business community, notably the Confederation of British Industry (CBI). One only has to look at its response to the draft Budget to see how strongly its concerns about the Bill have been expressed. Indeed, it wonders why the Executive and Assembly would create a financial liability at present when, arguably, they do not need to and when they are in a very difficult financial situation with a whole host of pressing concerns, including further investment in the economy.

The medical evidence that we have received to date has been very critical of the need to legislate, and the point has been clearly made that pleural plaques are asymptomatic. They are only a marker of exposure to asbestos. They do not indicate any higher risk of developing asbestosis. For example, if two individuals worked in a situation where asbestos was present, one may have pleural plaques and the other may not. They would both have the same risk of developing asbestosis; the one with pleural plaques would not have an enhanced risk. Concerns were also expressed about the impact the Bill would have on the Health Service, with people seeking scans, X-rays and so on. Also, fear would be spread in that people may falsely expect things to happen if they are diagnosed as having pleural plaques.

A whole host of other angles need to be explored. We need to hear about the cost implications from DETI officials, we need to hear directly from the CBI as a representative organ of business, and we need to hear from those who suffer from pleural plaques so that they can give their own

opinion on the matter and so that we can have a balanced view.

The most compelling factor that the Committee has to take into account is the inevitability that there will be a legal challenge to legislation that is passed by the Assembly, just as there is currently in Scotland. A situation in which we cut short a request from the Committee to address the issues and, subsequently, see the first example of a piece of legislation from this Assembly being challenged in the courts, would potentially undermine the reputation of the Committee and the Assembly. We need to act very maturely and give this matter proper scrutiny.

We are in the dying days of this Assembly. This is the first time that —

**Mr Deputy Speaker:** Will you bring your remarks to a close?

**Dr Farry:** OK. I will leave it there. Thank you.

**Ms Purvis:** It will probably come as no surprise that I do not support the motion. The Committee should not move to extend the Committee Stage because it would essentially kick the legislation into touch. I also find the Minister's reported disappointment and dismay at the motion slightly disingenuous.

I first raised the issue of constituents with pleural plaques with Peter Robinson when he was Finance Minister, not long after the House of Lords ruled that the condition was no longer considered eligible for compensation. At that time, Minister Robinson indicated that he was supportive of bringing forward legislation to reverse that ruling for Northern Ireland. When Mr Robinson's successor, Nigel Dodds, was Finance Minister, he announced that he would recommend a change to the law to allow those who had been negligently exposed to asbestos and diagnosed with pleural plaques to pursue claims for compensation. The current Finance Minister, in October 2009, stated that he would also support a change in the law. Three DUP Finance Ministers over four years all indicated that they would move on this issue, but the legislation was not brought forward until the week before Christmas last year. I find the Minister's assertions that the Committee is subjecting those who suffer from the illness to unnecessary delays highly disingenuous.

I also question the Minister's timing. He was well notified by the Committee last November that the delay in introducing the legislation put at risk its viability. In addition to the long delay in tabling the legislation, its arrival coincided with the draft Budget, which made it almost impossible for the Committee to manage such a workload. The Minister has to take some responsibility for that situation. That said, I do not support the decision that was taken by the Committee for Finance and Personnel, of which I am a member, to extend the Committee Stage and essentially kill the legislation. We could have found ways and means to facilitate the legislation, which, as I have described, has been under discussion for a long time.

**Mr O'Loan:** Will the Member give way?

**Ms Purvis:** I am coming to it. Options were outlined by Mr O'Loan. In Committee, I supported the option that would have terminated Committee Stage within the 30-day statutory period by agreeing a short report in the time available, but allowing the legislation to proceed through its further stages in the Chamber. I am always an advocate for and a proponent of careful scrutiny of draft legislation. In this case, however, the Committee has looked at the issue in a fair amount of detail, and we have precedent to consider in Scotland. I firmly believe that all the evidence and information that was available to the Committee and elsewhere would have been made available to Members. Additionally, many of those affected by the legislation are older or infirm. They have already waited for five years for legislative action to be taken.

I do not see what is gained by the Committee in continuing to scrutinise the Bill if the motion is agreed. I have stated in Committee that the legislation will fall at the end of this Assembly's term. There is no guarantee that the scrutiny or completed evidence will be considered or taken up by the next Finance Minister or the next Finance Committee. There is no obligation on either to do so. That is a lot of time and resources allocated to something that may bear no fruit.

Finally, I offer my apologies to those individuals, many of whom I have heard from first hand, who have the condition. I hope, at this eleventh hour, that we can keep the Bill on track in this mandate.

#### **The Minister of Finance and Personnel**

**(Mr S Wilson):** The Committee's motion asking for an extra four weeks' deliberation appears to be fairly innocuous, and I know that, as

Members have pointed out, such motions usually go thorough as a matter of routine with little or no concern. However, I believe that, as a number of Members have pointed out, the motion would sound the death knell for the Bill, and, in doing so, it will crush the hopes of many working men and women who see the Bill as their only way of accessing justice.

A number of Members complained that the introduction of the Bill was delayed and that they have not had sufficient time to test the issues. First, I wish to make it clear that there were a number of reasons for that, including the fact that there were legal challenges. Scotland led the way in that, and we wanted to see what happened to those legal challenges, which were successfully resisted by the Scottish Parliament and the courts. The Scottish Bill was shown to be competent; the courts ruled that it was perfectly reasonable, and, of course, our legislation is mirrored on it. Waiting was the right thing to do, because, had we brought our Bill forward sooner, I am absolutely sure that it would have been argued that we did not know whether the Scottish courts would throw the Bill there out. The Scottish courts did not throw it out, and the equivalent to the Attorney General in Scotland ruled that it was competent for the Scottish Parliament.

To the Members who complained that maybe the six-week window was too narrow and who wanted to be sure of the facts, I point out that the Committee has been involved right from the start. When the Bill was introduced, the Committee was kept at the heart of the process. It had sight of and was briefed on the initial policy consultation, and it was briefed on the consultation on the draft Bill. After each of those consultations, there were briefings from my departmental officials and from the Departmental Solicitor's Office (DSO). The Committee also had a pre-introductory briefing from DSO officials, and, as far back as October 2010, the Committee commissioned its own research paper, including numbers, costs and international approaches. Of course, that paper is available in the Assembly Library. In January this year, a follow-up research paper looked at the Bill.

To date, the Committee has taken evidence or received submissions from all those involved in the debate, including the Confederation of British Industry, plaintiffs' solicitors, defence solicitors, the Association of British Insurers,

the insurance industry, the Royal College of Physicians, individual medical experts, and even the Northern Ireland Human Rights Commission. One can hardly say that the Committee has not been briefed. Indeed, the Second Stage debate was one of the best that I have heard, with Members displaying greater knowledge of the Bill than they have displayed for many other Bills discussed here.

It must also be remembered that the process is not taking place in a vacuum, because, of course, there has already been considerable debate about pleural plaques outside Northern Ireland. I mentioned the legislative process in Scotland and the fact that its Bill has gone through the Scottish Parliament and the courts. In addition, three Bills have been introduced in the UK Parliament. Unfortunately, all those Bills fell when the UK Parliament was prorogued. Nevertheless, as well as the involvement that the Committee has had to date, all that background knowledge has been available to it.

The Chairperson of the Committee began by saying that the Committee has sympathy with those who suffer from pleural plaques. However, in this case, sympathy is not sufficient. Sympathy will be no good if, as a result of this extension, the Bill falls, and be in no doubt, it will fall; it will be consigned to the waste basket.

The only people who will be happy about the Bill being consigned to the waste basket are the insurance companies that have lobbied hard against it. They have used all kinds of tactics to evade their obligations. They are the same people who took the premiums from employers. They took the money to cover the liability, but now they do not want to pay out and they have sought to preclude access to the courts for victims. On many occasions, they have successfully resorted to the courts. They have tried to whittle away the rights of working men and women by arguing about the level of knowledge of exposure, challenging the concept of joint and several liability and labelling those with pleural plaques as the worried well who do not merit compensation. They have argued about the date on which the breach of duty that gave rise to injury occurred.

### **11.30 pm**

Let us be clear about it: the Bill will fall if this extension to Committee Stage is given. In my view, the Committee has had enough time for its members to reach conclusions on the Bill. If



it falls, the Bill may not be reintroduced if there is a change of Minister. Indeed, even were it to be introduced, given the way that the insurance companies have weighed this up, we can be sure that one of the challenges that they will make will be that so much time has passed, the Bill should not proceed. They will argue that there has been far too big a time lapse.

**Mr McLaughlin:** Would the Minister agree that because we know that the insurance companies will take this to court, one of the worrying, possibly fatal flaws in the process is that they will prevent money getting to victims? So, no matter how supportive we are of the principles in the Bill, we cannot deliver support to those victims to whom we would like to see it delivered. The fatal flaw on which the legal challenge may be upheld is that the Committee was not given enough time by you, the Minister, to complete its scrutiny process. It would be a very important and a very strong endorsement of the legislation for you to point to the fact that the scrutiny Committee had sufficient time and was content that it was allowed to examine all the evidence. We are not in that position.

**The Minister of Finance and Personnel:** First, how would such a challenge be mounted? The Committee will have sufficient time according to the Assembly's Standing Orders, which lay down the time that there should be for the scrutiny of a Bill. I have outlined to Members all the work that was done before the Bill ever reached the scrutiny stage. The scrutiny that there was —

**Ms Purvis:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way in a moment or two; let me finish the point.

The scrutiny included the policy document and the policy consultation, the scrutiny and the consultation on the draft Bill, the advice given by the Departmental Solicitor's Office and by officials, and the two research papers that the Committee received. No one can argue that the Committee has not informed itself about the issues.

Yes, the insurance industry might mount a legal challenge and it might stop money going out. However, I must make it clear to Members that the one thing that would help the insurance industry and be even more fatal would be if, as a result of a vote here tonight, the Bill were to fall. We would have aided and abetted that industry in its being able to say that it does

not just challenge the Bill, it challenges even the concept that the Bill should be allowed to proceed because of the passage of time. Then, there is no hope.

I say to the Member that, as far as court challenges are concerned, the insurance companies have not been successful in challenging the Scottish Act. Even were they to be successful in a subsequent challenge, we have time to amend our Bill. Therefore, all those things point us in the direction of not giving insurance companies the opportunity, and not aiding and abetting them in their stalling tactics, to deny ordinary people a just process.

I would just sum up —

**Mr O'Loan:** I thank the Minister for giving way. I think that another Member also requested that he give way.

It is worth repeating, I guess, where I think responsibilities lie, and I am somewhat concerned by the strength with which the Minister speaks about the Committee having examined this issue adequately. It is for the Committee to determine whether it has examined the matter adequately. It is not for the Minister, who happens to be the promoter of the Bill, to comment on that or to decide on behalf of the Committee that it has had enough time.

Secondly —

**The Minister of Finance and Personnel:** I am not —

**Mr O'Loan:** I am making a second point.

**The Minister of Finance and Personnel:** I am not taking a speech from the Member.

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

**The Minister of Finance and Personnel:** All I will point out is that I have already indicated the process that the Committee has gone through. The Committee may well argue that it has not informed itself sufficiently, but I say to any reasonable person that if the Committee had sight of the policy document and the consultation document and was briefed after that, —

**Mr Deputy Speaker:** We are running over time.

**The Minister of Finance and Personnel:** — briefed on the Bill, briefed on the consultation, done two reports and received all the information that was received, that is fairly substantial

information for the Committee to inform itself. I, therefore, ask Members to reject the motion.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Thank you, a LeasCheann Comhairle. Committee motions of this type are usually passed without much, if any, debate. However, this has provided a useful opportunity to highlight the complexity and controversy around the Bill and to underscore the importance of the Committee Stage in the parliamentary process. I thank the Minister and Members for their contributions and the many Members who have stayed behind to listen to the debate, particularly at this late hour.

I prefer to avoid entering into the blame game, but I have to respond to the fact that the Minister publicly criticised the Committee for making its decision to seek more time to scrutinise the Bill as that decision could prevent the Bill from becoming law during this mandate. I put on public record that as far back as November last year, the Committee expressed its serious concerns about the Department's tardiness in introducing the Bill to the Assembly. At that time, the Committee emphasised the need to expedite the proposed legislation if it was to be given a reasonable chance of completing its passage through the Assembly before dissolution. It is clear that those concerns have now been realised and the Department has made a crucial mistake in trying to rush the Bill through.

Indeed, under normal procedures, the timetable that the Department was following for the Bill to have completed its Assembly passage before dissolution would have required the Committee Stage to have been completed in 25 days and not even the 30 days set out in Standing Orders.

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

**The Chairperson of the Committee for Finance and Personnel:** I will not give way.

I have already explained how even the 30-day time frame is realistic only in the most straightforward and non-controversial cases. I also advise Members that if the Committee were asked to report prematurely and before the remaining evidence is collected, it would be required to tell the Assembly that the body of evidence it has received to date suggests that the legislation should not proceed. Even the Department's summary of responses to the draft legislation states:

*"It will be clear...that the majority of the respondents registered strong opposition to legislative change."*

That is why the Committee cannot be rushed or shoehorned into undertaking an incomplete scrutiny and producing a half-baked report.

I have explained that the Committee has been prioritising the Bill within an exceptionally busy work programme, and no doubt each Committee member will endeavour to ensure that the remaining scrutiny work is carried out as fully and as efficiently as possible. Indeed, over recent weeks, the Committee has been meeting for up to five hours at a time, while members are also mindful of their responsibilities to other Committees and to the Chamber.

The fact that there are key gaps in the Committee's evidence base has been highlighted. These must be addressed to ensure that Members are able —

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

**The Chairperson of the Committee for Finance and Personnel:** No, I will not.

These must be addressed to ensure that Members are able to take decisions based on a balanced body of evidence. I have already mentioned that the Committee hopes soon to hear first-hand testimony from the people with pleural plaques. There are also public liability matters to be considered, and I am grateful that officials from the Department of Enterprise, Trade and Investment have made themselves available to appear before the Committee later this week.

Similarly, there are implications for the business community, and members have yet to hear from the representative body, the CBI. Independent advice will also need to be received on what, if any, implications the proposed legislation will have on the law of tort or negligence.

At last week's meeting, the Committee heard from medical professionals, who, in their clinical opinion, considered that the Bill does not provide the most appropriate mechanism of support for people with pleural plaques. However, the Committee has sought to identify other medics who may take a different view, and so there must be time to hear the other side of that particular argument.

As I outlined in my opening remarks, time is also needed to carefully analyse all the emerging considerations from the evidence, to get issue-

by-issue responses from the Department, to seek to reach a Committee position on issues of controversy and to undertake clause-by-clause scrutiny before considering and agreeing a Committee report for the Assembly.

Finally, and Stephen Farry referred to this, I would like to say in passing that I should refer Members to the ongoing legal challenge to equivalent legislation that was passed by the Scottish Parliament and to the significant risk of a legal challenge here, should the Bill be enacted. That risk should not be underestimated. That prompted the Committee to ask what would happen to the Assembly's reputation if, under legal challenge, the process of scrutiny were called into question in a judicial review.

If the Assembly permits the extension to the Committee Stage, Members would in no way be suggesting that those who are experiencing hardship as a result of exposure to asbestos should not be fully supported. By allowing the Committee time to scrutinise the Bill properly — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Chairperson of the Committee for Finance and Personnel:** — and to consider all the issues, we can ensure that victims of asbestos exposure receive the most appropriate support, which they properly deserve.

I will now refer to Members' contributions, mainly those of members of the Committee for Finance and Personnel. Declan O'Loan outlined how important it is that the Committee receive full and appropriate information before it considers legislation. Stephen Farry said that it is also important that the Assembly and the Executive take the Committees and their scrutiny function seriously. He also outlined that insurance companies and the CBI oppose the legislation, and he referred to the medical evidence that has been received. It is important to emphasise again that we need to take more medical evidence, because there is another argument to be heard about that.

Dawn Purvis was very passionate, and she made her views very clear. She has raised the issue on behalf of constituents with various Finance Ministers over the past four years. She does not agree with the motion, and when there was a vote on the matter at the Committee, it was clear that the complexities of the legislation and the process around it mean that there was a mixture of views on it.

The Minister referred to the reasons for delay from the Department's perspective. He gave his view that the Bill would fall if the extension were agreed. Mitchel McLaughlin said that full scrutiny of the Bill is needed, and he said that a fatal flaw would be highlighted if the scrutiny process were incomplete and rushed through at this stage.

From a party perspective, I echo what Mr McLaughlin said. It is important that the Committee is given time to consider the Bill. There would be a possible flaw if the Committee were found to be at fault at a later stage, so it is important that we complete this process. As I said, there is a possibility that we could complete the process earlier than the date that was outlined. That matter will be discussed at the Committee later this week. I have no doubt that the issue will raise its head in the days ahead, and I urge Members to support the motion.

*Question put.*

*The Assembly divided: Ayes 36; Noes 40*

## AYES

*Ms M Anderson, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Dallat, Dr Farry, Mr Ford, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Lunn, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Dr Farry and Mr McKay.*

## NOES

*Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Cobain, Mr Craig, Mr Cree, Mr Easton, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Ms Purvis, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson, Mr S Wilson.*

*Tellers for the Noes: Mr Craig and Ms Purvis.*

*Question accordingly negatived.*

## Renewable Energy

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

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness):** I beg to move

*That this Assembly approves the report of the Committee for Enterprise, Trade and Investment on its inquiry into barriers to the development of renewable energy production and its associated contribution to the Northern Ireland economy; and calls on the Minister of Enterprise, Trade and Investment, in conjunction with her Executive colleagues and relevant bodies, to implement, as applicable, the recommendations contained therein.*

Before commenting on the substantive matter that is before the House, I express my gratitude to the people who assisted the Committee during its inquiry. In particular, I want to thank the Committee secretariat for its outstanding work in supporting the inquiry, as well as the Assembly's Research and Library Service for the very high quality of the research and analysis that was provided to us, the Hansard staff for their accurate reporting of evidence sessions with all those who came before the Committee to provide oral evidence, and the Printed Paper Office for its prompt and professional handling of the draft report.

The Committee is very grateful to all those who participated in its workshop on renewable energy, which launched the inquiry, and to everyone who provided written and oral evidence, including officials from the Department who assisted the Committee in the course of the inquiry. I thank my colleagues on the Committee for their constructive and positive approach to identifying what the Committee believes to be the main barriers to the development of renewable energy and the solutions that we need to implement to benefit business, consumers and, indeed, the economy.

Mr Deputy Speaker, it is not my intention to go through all the recommendations in the report. What I intend to do is highlight the key areas that we need to address and consider the consequences of not addressing them.

As we all sit here in this warm, well-lit Chamber, we do not always appreciate the constant heat and light that we take so much for granted. The saying that you do not miss the water until the well runs dry was never truer than this winter. Some people had intermittent supplies of water, some had no water for a few days and others were left without water for a very long period. That situation created considerable hardship for a great many people.

Think what it would be like to be without heat or electricity for long periods, without the prospect of any remedy. Can you imagine the circumstances, Mr Deputy Speaker, if throughout the year, none of us could rely on the electricity supply or the energy that we need to heat our homes in the winter time, or, indeed, on the heat and electricity needed to run schools, hospitals and businesses and to keep the economy moving? Imagine sitting in this Chamber in the sure and certain knowledge that, at any time, we might be left in the dark. I mean actually in the dark — metaphorically, we sometimes are in the dark. *[Laughter.]*

**Dr Farry:** Given the late hour, I remind the House that 40 years ago, one of my North Down predecessors, MP for Bangor, Bertie McConnell — who, as Members will know, had a career in politics despite being blinded during the Second World War, in which he was an artillery officer — was here when the lights did go out in this Chamber. The word went out for everyone to join hands with Bertie and to let his guide dog lead them out of the Chamber.

**The Chairperson of the Committee for Enterprise, Trade and Investment:** Thank you for that humorous anecdote.

This, however, is the reality for our future: an unreliable, unaffordable, unmanageable energy supply. That is the way it will be unless we take steps now to create our own vision for our energy future. That is the key recommendation from the Committee's inquiry.

Over recent years, we have increased our dependence on large-scale wind-generated electricity in an attempt to secure our energy future. We will further increase our dependence on wind in the years to come.

The target in the Department's strategic energy framework is that 40% of our electricity consumed should come from renewable sources by 2020. There is a huge reliance on wind energy to



achieve that target. However, the infrastructure and the interconnection needed to achieve the strategic energy framework target just nine years from now are nowhere in sight. We need to radically improve the grid infrastructure in the west to get the renewable electricity generated there into homes and businesses in the east. We need to build the North/South interconnector to balance and manage the peaks and troughs in demand. In fact, according to the Utility Regulator, not having the interconnector is costing us in the region of £20 million a year. That highlights the need to prioritise the public inquiry process —

**12.00 am**

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

**The Chairperson of the Committee for Enterprise,**

**Trade and Investment:** Give me a moment.

It highlights the need to prioritise the public inquiry process so as to ensure that key infrastructure projects such as the North/South interconnector are considered a top priority.

**Mr Weir:** As any sensible person would, I welcome the interconnector as positive way forward. However, does the Member not think that there is a slight degree of irony in the fact that, any time that issue is discussed at the Committee for the Environment, his party and Sinn Féin seem determined to block either the route of it or, indeed, the methodology used for the overhead cables? If they were strongly committed to that, they would take a different attitude.

**The Chairperson of the Committee for Enterprise,**

**Trade and Investment:** There is a debate to be had on that. I do not want to make any partisan political points. The important thing is to get the public inquiry under way. Let us have certainty one way or t'other. If there is a negative result, let us look at alternative routes and alternative technology. If there is a positive one, let us move forward with that. It is a top priority.

The Executive's energy remit is, unfortunately, spread across at least eight Departments with limited joined-up thinking and limited communication between policymakers and, worryingly, with very limited meaningful communication between policymakers and those who are regarded as experts in the field of renewable energy. To secure our long-term energy future, we need to develop a shared vision for renewable energy. We need to integrate our

energy remit, bring policy responsibility for energy under a single Department and drastically improve the way government communicates with the public, business and the renewable energy sector.

The Department has limited resources to devote to renewable energy. What resources it has seem to have concentrated largely on wind, because the Department has given itself a target and because, according to the Department, wind is a well-developed and mature technology. Officials informed the Committee that policy is not — I underline this — wind-driven but reflects what is happening in the marketplace. However, is it not the case that the market is driven by incentives that government provides for it? That has been demonstrated in other countries such as Germany and Denmark, which have thriving renewable energy industries. We need to provide incentives at appropriate levels to stimulate the development of renewable energy technology.

It is essential that developers are not overly compensated through incentivisation but equally important that incentives are provided at levels that give developers and investors an adequate return on their investment. That has not always been the case. Through appropriate incentivisation, many European countries have been able to develop renewable technologies other than wind, including anaerobic digestion, biomass and geothermal energy, to the extent that technologies considered to be emerging here are either well established or becoming established in other regions. In short, we are falling behind. Our energy future is not only about ensuring that we have a range of energy technologies in our energy mix but about ensuring that we maximise our potential to develop those technologies and bring them to market in Northern Ireland rather than having to rely on imports.

We must provide the appropriate incentives to potential renewable energy users. We must provide the appropriate support to renewable energy businesses, and we must provide the appropriate opportunities for renewable energy research and development. We must ensure that the renewable energy technologies that we need are developed here so as to avoid having to import products and services that have been produced in other regions and to maximise our potential for renewable energy-related exports.

Members may have heard the saying that there are three types of people: those who make things happen, those who watch while things happen and those who wake up one day and say, "What has happened?". We are at the forefront in large-scale onshore wind energy production. We are making things happen. In areas such as energy from waste, electricity infrastructure and research and development, we seem to be merely watching while things happen. With technology such as anaerobic digestion, biomass and geothermal energy, we are in danger of waking up some time in the not-too-distant future when those technologies are fully established across Europe and saying, "What happened, and how come we missed it?".

It is our responsibility, here in the Chamber, to make things happen to secure our energy future. No one else will do it for us. That is the challenge. We have to get it right ourselves, and there are long-term benefits for businesses and, indeed, the consumer. The job potential is substantial. Even conservative estimates talk about 15,000 jobs by 2015 in the renewable energy sector. That is a substantial number of jobs for our people, and they are sustainable jobs at that. That is the challenge. In areas such as research and development, there are wonderful opportunities for our people, our universities, our research institutes and so on. There are also wonderful opportunities in manufacturing the sort of equipment, such as plant machinery, that is necessary for the renewable energy sector. Finally, there are opportunities in producing green, renewable energy. In Northern Ireland, we have the right conditions to do that, but we have to focus our minds.

The recommendations from the Committee's inquiry are spread across many Departments. There are recommendations for the Executive, the Department of Enterprise, Trade and Investment, the Department of Agriculture and Rural Development, the Department of the Environment, the Department for Regional Development and the Department of Finance and Personnel. The recommendations are spread across so many Departments because the energy remit is spread across many Departments.

Central to the report and key to implementing the report's other recommendations is a recommendation that was alluded to in the Barnett review originally, which was supported by the Executive and the Assembly. That

recommendation was to bring all responsibility for energy policy and strategy under a single Department. If we do not achieve that, it is difficult to see how we can develop — never mind achieve — a long-term vision for our energy future. If we do not have a long-term energy vision, it could put our lights out, literally.

Colleagues from the Committee for Enterprise, Trade and Investment will address discrete areas in the report, and I look forward to hearing their contributions. The Committee has worked very well collectively in a non-partisan manner. The report is intended to be of assistance to government, not to batter government and the Department and criticise the Minister. It is focused on getting on with developing the renewable energy sector. We have to do that collectively, whether that is in the Committee, in the Assembly, in the Executive or in society at large. I am happy to say that this is the best report to have been produced in this mandate from the best Committee in the Assembly. I recommend the report.

**Mr Irwin:** The report has come about as a direct result of the circumstances that Northern Ireland finds itself in, mainly its high dependence on fossil fuels as a source of energy and the fact that the market for those fuels is prone to massive fluctuations. That has also added to the implications of the EU targets on how much energy we derive from fossil sources and our need to vastly decrease our dependence on such fuels.

The current energy situation cannot continue, and we have set a target to become 40% reliant on renewable energy sources by 2020. As well as presenting a challenge, it presents us with an opportunity to enable the Province to become more dependent on our energy production and to lessen our reliance on imported energy.

An area of energy production that interests me from an agricultural perspective is anaerobic digestion and biomass. In the past few days, there has been a welcome development in respect of the viability of anaerobic digestion, with double the support now being made available under the Northern Ireland renewables obligation. The Minister worked extremely hard to achieve that, and it will be widely welcomed by those who are at the forefront of the supply and use of renewable technology.

Anaerobic digestion is working well in other countries, and the report states that more

research is required to apply capacity for generation to Northern Ireland using waste water treatment sludge and agricultural waste and to assess how quickly we can establish such facilities. I welcome the report's recommendation to encourage the various Departments to pursue that issue with the Northern Ireland Authority for Utility Regulation.

Biomass is another area that has created a lot of interest in Northern Ireland. It represents a real opportunity to generate significant amounts of energy and to address another important issue: the disposal of agricultural waste, especially poultry waste, in an environmentally friendly way in order to meet EU directives.

The well-publicised Rose Energy plant not only has the capacity to create power but has generated a lot of public opinion against such facilities. We are living in an age where people agree on the need for renewable energy, just as long as it is not within five miles of their front door. As politicians, we understand their position all too acutely, but we must also understand the need for that type of technology. The negativity shown towards the physical hardware used in the production of renewable energy is another barrier to development, and there is a real need for the Department and the Executive to inform the public to a greater degree on the absolute importance of the 2020 target and what it entails.

I welcome the fact that the DOE has acknowledged that the planning process needs to be shortened, and the report contains a number of possible ways of cutting the time frame for that. I could comment on the highly controversial North/South interconnector, which is the subject of much debate in my constituency. However, it is late, and the issue will be debated at a number of levels in the future.

In closing, I welcome the report and the fact that it is an acknowledgement of the important issues that we need to sit down and address. I hope that the matters will be treated with the utmost consideration by each Department and agency that has an interest in the promotion and production of renewable energy. The next mandate will be an important one, and I am glad that the report has laid an important foundation on which to build.

**Mr Cree:** I welcome the opportunity to speak on an issue of major concern. Northern Ireland suffers from high energy costs and has done for a long time. Our dependence on coal and oil

has now given way to a dependence on oil and natural gas. Both are finite resources, and we need to find suitable alternative fuels to reduce our dependence on oil and gas in the future. We need to rebuild our generating capability and to explore other resources used widely across Europe. The Government's energy policy and the strategic energy framework need to be developed to include a wider mix of energy types and stretching targets. I fully support the development of anaerobic digestion, energy from waste, geothermal and renewable heat and wind energy. I want to concentrate on the latter.

### 12.15 am

We are on target to achieve our 2012 figure. However, the target of 40% by 2020 is more problematic. There are no milestones along the way. In promoting onshore wind energy, we have the difficulty of balancing the national need with the interests of local communities. There is also the problem of planning and the protracted time lapse owing to planning and the Planning Appeals Commission.

Denmark is recognised as having led the way on wind generation. It now has more than 6,000 wind turbines for a population roughly three times that of Northern Ireland. The national power company in Denmark has now stopped supporting new generators. Three reasons are given for that. First, there is the public backlash; communities have just had enough. Secondly, electricity prices in Denmark are the highest in Europe. Thirdly, the cost of subsidies paid to wind farm developers has been excessive. The wind does not always blow at peak times in Denmark, so it is not there when needed. At other times, surplus energy has to be sold to surrounding countries, often at a loss. Its carbon footprint has not reduced significantly, because conventional power plants continue to fire up to meet the shortfall. The intermittency of the overall operation causes major problems. Too much wind means that wind farms are turned off. No wind means that they cannot operate. Wind energy cannot be stored. Average production is around 30%.

Major investment is required to upgrade the grid to deal with the enormous number of new connections required by 2020. Much of that will be required in the west, where the new interconnector is planned. In Great Britain, the Government have announced that they intend to share the financial benefit of onshore wind

farms with communities. There is potential to consider a similar application in Northern Ireland.

A further downside of depending solely on wind turbines for electricity generation is the impact that they have on wildlife. Bats, birds of prey and large numbers of small birds are killed by wind turbines. Unfortunately, that is a negative impact of that form of green energy.

There is definitely an urgent need for wind generation, but it has to be managed. It is only part of the mix of alternative energies. The Committee for Enterprise, Trade and Investment took evidence from a wide range of interests. Its recommendations are worthy of support from the House. There is one Member from Strangford in the Chamber. In greater North Down, we have the first example of a working tidal generator. We need to exploit tidal and marine technologies, which are predictable and reliable. We need to encourage more action on renewable heat. At Duncrue in Belfast, there is an electricity generation plant powered by methane collected from the old waste site on ground adjacent to the harbour. Why is there only one such plant in Northern Ireland? There are many waste sites that have been closed for a long time. We need to take forward other renewable opportunities; for example, ground source heat pumps.

The target under the strategic energy framework is 10% of heat from renewable sources by 2020. However, targets alone do not deliver anything. Government must have determination to show how targets will be met. I commend the work of the Committee for Enterprise, Trade and Investment in researching and producing the report for this morning's debate. I trust that the House will support it.

**Dr Farry:** Good morning, Mr Deputy Speaker. I hate to break up the cosy consensus in the Committee and speak as a non-member. I apologise for the absence of Sean Neeson, who, as Members know, has been keen on this inquiry. I, too, pass on my party's congratulations to the Committee and its staff on the report. I will not go as far as the Chairperson and say that it is the best Committee and the best report that has been produced during the mandate. However, I, certainly regard it as an extremely comprehensive and impressive piece of work. I hesitate to say that it is a useful reference point for future debates, because it has to be more than that; it has to be a living document.

Its recommendations must be taken forward, and Departments must be challenged on their implementation of those over years to come.

The welcome investment in renewable energy in Belfast harbour, particularly in wind technology production, is a clear sign of Northern Ireland's potential to become a world leader in that regard. Given our industrial heritage of transforming and in light of our port facilities and the transportation problems that often exist, we may be able to take advantage of growing opportunities around the world.

It is important that we place the report in context. Although the Minister of Enterprise, Trade and Investment is here to respond to the debate, there is a need for an overarching strategy across the Executive on renewable technology and renewable energy. DETI has an important leadership role in respect of our overall targets and the economic support for renewable energy. However, it is also important that we acknowledge that there is a disparate set of Departments that bring different things to the table. For instance, OFMDFM has responsibility for sustainable development. The Department of Finance and Personnel has responsibility for the large government estate, control over building regulations and rates rebates for low- and zero-carbon homes. DOE has responsibility for planning policy, particularly PPS 18 and the supplementary planning guidance, and permitted development. DSD looks at housing, and DARD looks at the rural aspects. I have not been creative enough to think about how the Department of Justice interacts with this issue; perhaps we can talk about renewable prisons.

I will comment on some of those responsibilities. Some Members have touched on planning. We need to be serious about whether we are committed to seeing this through and forget about having any degree of Nimbyism. That is the case regardless of whether it is Belfast City Council saying no to an energy-from-waste facility or opposition to a North/South interconnector, particularly from those who are the strongest advocates of North/South co-operation. There is a strong economic argument for this. As we look to the future, it is also important that we engage in a degree of scientific rationalism. That extends from, at one extreme, avoiding a situation where we deny the realities of climate change to, at the other extreme, not buying into stories regarding the



health risks from overhead cables, when there is no scientific evidence to back that up. Let us have a balance and follow the evidence.

It is also important that we have some type of economic and environmental model for what we are doing across Departments. We must understand all the economic and financial levers and other policy levers that are at the disposal of the Departments and ensure that we have a clear understanding of where we want to go, how we get there and how we deliver those outcomes. In parallel with that, I stress that we talk a lot in the Chamber about the green new deal; it is a key part of the potential final Budget. All parties subscribe to it. At the moment, the green new deal is, perhaps, overly dominated by energy efficiency in homes, but it also extends to issues regarding renewables, the grid and, as a slight aside, how we invest in public transport.

I have read most of the Committee's report, and I have found it extremely useful and informative. I look forward to the recommendations being taken forward.

**Mr Frew:** It is of the utmost importance that the Assembly takes heed of the inquiry's recommendations. We are living in a time when the only certainty around energy prices is that they will increase. Given the pressure that will come down regarding EU targets for reducing the amount of energy that we consume from fossil fuels, it is vital that this is a live, working report that all sections of government will put into practice via the recommendations. The Assembly should welcome and embrace the report. As the Chairperson has done, I take the opportunity to commend the Committee, Committee staff and all parties and bodies who gave evidence on the issue.

The report reflects the importance of this issue, and it has the future very much in mind. Given the size of the report and the detail in it, it would not do it justice if I skimmed over all of the issues in the time given to me. That is why I will talk about only a few.

Grid infrastructure is something that has troubled me over recent years. Coming from the electrical installation sector, I know only too well of the capabilities, restrictions and weaknesses of our grid. Indeed, recommendations 18 and 19 state that a plan for infrastructure development must be prepared and implemented, with input from all key stakeholders. The timescales for

infrastructure development must be included and must plan for the appropriate infrastructure to be in place in time to meet the 40% target for renewable energy.

The Department of the Environment and the Planning Appeals Commission should prioritise the public inquiry process so as to ensure that high-priority, key infrastructure projects, such as the North/South interconnector, are dealt with as a top priority. It is clear to me, having heard and read the evidence, that there was consensus that the current electricity grid infrastructure required major investment for upgrading and reinforcing. In fact, there is a belief held by some that, in its present form, the grid cannot cope with the amount of renewable energy being generated now or within the next few years, with the projects coming forward.

Several respondents to the inquiry stated that the absence of a government grid infrastructure development plan is an obstacle, with limited evidence of a structured approach to grid development. I welcome the fact that ESB has promised £1 billion to achieve that end, and I would certainly welcome the Department's plans to work with NIE as it develops its options for grid development. It is vital that a plan for infrastructure development is prepared and implemented to assist in meeting the 40% target for consumption from renewable sources by 2020.

Several respondents told us of the need for further interconnection on the grid. Of course, we know that the Department considers the proposed North/South interconnector to be an essential requirement to meet its 40% target. The Utility Regulator informed the Committee that not having the North/South interconnector is costing the Northern Ireland economy approximately £20 million a year. I heard the Chairperson mention that figure.

Of course, we know that NIE submitted a planning application for the interconnector in December 2009. That was subsequently referred to a public inquiry, which may not be heard until late 2012. That is totally unacceptable, and the Department of the Environment and the Planning Appeals Commission should prioritise the public inquiry process so as to ensure that high priority, key infrastructure projects such as the North/South interconnector are dealt with as a top priority. Parties in the Chamber should have the conviction to know that that is right. We know that some parties object to the

North/South interconnector. It is urgent and essential for Northern Ireland that that should go ahead. Parties should have the conviction to back it, the way that my party had the conviction to back Rose Energy for the largest proposed waste energy plant. It is essential that that gets the go-ahead, and it is important that we look at the issue as a whole. The North/South interconnector is certainly something that we should look at.

Recommendation 25 is concerned with public buildings and renewable energy. Government must take a more active role in the promotion of renewable energy and in reducing public sector dependence on carbon-intensive energy sources. It is important that government is seen to lead by example. The Government should bring forward a plan —

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

**Mr Frew:** — to develop the renewable energy potential of public buildings. That must include targets and timescales for increasing the deployment of renewable energy right across the public sector.

### 12.30 am

**Dr McDonnell:** Like the Chairperson, I add my thanks and deep appreciation to all those across our society who contributed to this report, whether Committee staff, Assembly staff or, indeed, the public, who made contributions and submitted evidence.

I endorse the excellent inquiry report without reservation. Energy is the lifeblood of our economy and the cornerstone of our quality of life. If we forget that, we run the risk of a declining quality of life and a declining economy.

I thank you, Mr Deputy Speaker, for being here at this ungodly hour to chair the discussion. You obviously drew the short straw this morning and ended up with the graveyard shift. I also thank the Minister for being here at this unreasonable hour and for her insight and encouragement to all of us who have a deep interest in this subject.

The economy, employment and hope for the future are issues that occupy most people, and most people, whether young, middle-aged or senior citizens, are apprehensive about the economy. Beyond the veil of fear, underlying people's anxiety is the ever-increasing cost of energy. People know that the threat of high energy costs not only saps their sometimes

meagre income and creates fuel poverty, but saps our whole economy and potential to earn a living.

Fossil fuel will get scarce in the not-too-distant future and will eventually run out. China's insatiable appetite for energy may ensure that that scarcity comes sooner rather than later. We have no choice but to find alternative sources of energy if we are to sustain our economy and create the jobs that are necessary. Renewable sources of energy are many, and it is not appropriate to cover them here tonight. There is everything from wind power, tidal power, biomass, biogas and even bio-fuels to replace some of the fossil fuels. We have energy from waste, and heat pumps can tap into the Earth's heat miles below the surface.

However, renewable energy is not cheap. In most cases, it is a bit more expensive than using fossil fuels, but it will be much cheaper than oil and fossil fuels in a few years' time. What is important, however, is not just the cost of the energy but its availability. If we could harness the tides in this country in Strangford Lough, Larne Lough, Lough Foyle and Carlingford Lough, we could export energy.

If we could harness all the wind that we have out there — indeed if we could harness some of the wind that we have in the Chamber, and, God knows, there was a hell of a lot of it blowing in all directions earlier this evening — we could export energy. Biomass has potential, but we would need to quadruple the number of trees that we grow to ensure that there is enough to meet demand. The difficulty is striking the market balance and making sure that there is a supply. A lot of biomass is a chicken-and-egg situation. Biogas has great potential, but I will not go into that because I want to be as brief as possible.

Aside from the safety, security and sustainability of supply of renewable energy, the second great appeal is its potential to create jobs, often in rural areas where, perhaps, good-quality, sustainable jobs are scarce. Renewable energy opportunities are highly labour intensive, and much of the cost of renewable energy is challenged into labour costs.

The inquiry report is one of the most important pieces of work to emerge from the Assembly in this mandate, a point that I believe the Committee Chairperson made. I commend the report to colleagues across the Assembly and

urge them to read it and to pay attention to it. It focuses on insuring our people and economy against dramatically rising fossil fuel prices and on creating jobs, stability and sustainability. However, that is only a start. Our renewable energy industry is in its infancy and, as such, is fairly fragmented. In spite of that, it employs some 2,000 people in Northern Ireland and has a turnover in excess of £1 billion. However, if we got our act together and removed some of the barriers referred to in the report, the development of renewable energy would employ 6,000, 8,000, and perhaps 14,000 or 15,000 people.

There is much to be gained. I commend the report fully and urge the Minister to do all that she can to help us to remove the barriers that exist out there.

**Mr Givan:** I thank the Committee staff for their excellent work in pulling together a lot of this information and organising our evidence sessions. I hope that the report will not be put on a shelf and forgotten about, as has happened with many reports in the past. This report will be useful as we look to the future and develop the renewable energy sector.

Today, we hosted a delegation from Germany. One of the businessmen in that delegation said to me that he could see the potential for Northern Ireland to develop its economy through renewable energy opportunities. Good work has been taking place in that field, and there is good work that can go forward into the future. Renewable energy is an area of our economy that we will want to focus on.

I will briefly touch on the planning aspect of the report. The report highlights a number of recommendations on the consistent application of Planning Policy Statement 18 (PPS 18), which is the primary policy document that is used by planners to assess applications. A lot of those who gave evidence did not have a problem with PPS 18 and, indeed, welcomed it. Likewise, the supplementary planning guidance, which was something that was developed in conjunction with the Department, was welcomed. Wind-energy representatives whom I know have particularly welcomed the guidance that came with the planning policy statement.

It is important that the planners who adjudicate on the applications apply the policy in a consistent manner. Some people complained that that was not happening. We recognise that,

sometimes, people will make allegations about inconsistency. However, when it is put to them to provide evidence, I find that, at times, it is not forthcoming.

Action Renewables made the poorest presentation to the Committee. The allegation was made that the specialist unit that the DOE established to deliver and to consider planning applications on, for example, wind farms had been disbanded and that the good work and the expertise that had been gathered had been got rid of. Upon further investigation, it was found that that was not the case. So, the presentation was ill-informed and the allegation that was made was wrong. When groups come before Assembly Committees and want to make a case through a presentation, it is important that they get the facts right, particularly when they are going to engage in a lambasting exercise against some Departments and Ministers. So, it is important that we put on record that, when people come before Assembly Committees, they must make sure that they know their position before they make accusations. I was pleased to find out that the specialist unit is still in existence and that applications are being turned around at a quicker rate than they had been previously.

Members touched upon the priority that should be given to the interconnector. It has been given ministerial priority. The Committee made the point that the Planning Appeals Commission needs to develop ways in which it can hear article 31 applications concurrently rather than one at a time. Dealing with them one at a time is creating a delay in the system, and the Planning Appeals Commission, which is independent of government, needs to put mechanisms in place.

Political leadership is necessary. Nimbyism is something that we all have to battle with. When people come to us, we have to give them local representation. However, on some occasions, that has been to the detriment of applications related to energy-from-waste facilities. The Committee noted in the report its disappointment that Belfast City Council decided not to proceed with the energy-from-waste facility that was proposed by Arc21. That was regrettable. My colleague Peter Weir made the point that political representatives on another Committee are arguing vigorously against the interconnector. However, on the Committee for Enterprise, Trade and Investment, we are making the very clear point that the

interconnector is vital to our infrastructure. So, political leadership is needed on such issues, which will be important as we look forward to developing what can be, on some occasions, controversial applications.

I welcome the report and support its recommendations. It is something that the Executive will be able to draw upon as they drive forward this agenda.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** I am obviously delighted to be here with you all this morning. I was going to give the House my Valentine's Day speech, but it is too late. We have moved on, so I cannot now tell you how much I enjoyed being with you all on Valentine's night. Instead, we will talk about the report that is before us.

I welcome the publication of the Committee for Enterprise, Trade and Investment's report, following what was a thorough inquiry to identify the main barriers that are inhibiting the development of renewable energy production in Northern Ireland. I join with Members in thanking the Chairperson of the Committee and Committee members for their time and efforts over the months of the inquiry. I also thank the wide range of interested organisations and individuals that took the time to write and present evidence to the Committee. It would be remiss of me if I did not also mention my departmental staff, who spent a considerable amount of time preparing a detailed response to the call for evidence and in oral briefings with the Committee. They did so while progressing a significant volume of other high-priority work in the wider renewable and energy policy area. Dr McDonnell has told me on many occasions that the energy area in DETI is growing all the time, and that is a message that I hear loud and clear.

I will not go through all the detail and specifics in the report. I have only just received a copy of it, and it needs and merits detailed consideration. I will consider the report and respond fully to the Committee in due course. However, on a general note, it is reassuring to see that there are clear synergies between the Committee's recommendations and what the Department is doing now and plans to do in the future in a number of areas.

I am grateful to the Members who stayed behind to add to the debate. At one point, I thought that it would be me and the Chairperson of the

Committee on our own, but I am glad to see that other Members have stuck it out.

**Mr Bell:** You wish, Alban. *[Laughter.]*

**The Minister of Enterprise, Trade and Investment:** Yes, back to Valentine's night again. It is clear —

**Mr Bell:** That would not be a quorum.

**The Minister of Enterprise, Trade and Investment:** No, it would not be a quorum.

It is clear that there is cross-party agreement on this important issue. Members place a different emphasis on the different areas of renewable energy that interest them, and that came through in the range of speeches that we heard tonight. Some talked about anaerobic digestion, while others talked about wind energy, but it is important that we look at all the issues. Behind those issues is the need to create security of energy supplies, which the Chairperson spoke about at the very start of the debate; the need to reduce our carbon emissions in the electricity sector; and what I call the nice by-products of renewable energy — the opportunities for job creation. We have heard about such opportunities just recently. There was the announcement about DONG Energy and Belfast Harbour, and there were some smaller announcements, such as Harland and Wolff's very good announcement that it has a contract with Siemens to manufacture the substations for the Gwynt y Môr wind farm off the coast of Wales. Great opportunities are coming down the line, and they must be grasped.

That leads me to the strategic energy framework, which was approved by the Executive in September 2010. As we know, the framework was developed around four key goals: the building of competitive markets; ensuring security of supply; enhancing sustainability; and developing our energy infrastructure. Renewable energy hits on each of those four goals. It helps with the diversity of fuel supply and customer choice and adds to our security of supply and sustainability. As regards our final goal — developing our infrastructure — it brings huge challenges, for example, in the area of grid management and development, which Mr Frew referred to and to which I will return.

## 12.45 am

Throughout the development of the framework, it became evident that none of the key goals



exists in isolation and the success of each depends to a large extent on the achievement of the other three. In light of that, we have prepared an implementation plan that is aimed at mapping progress against all the actions that were identified in the strategic energy framework (SEF) 2010 document. I will now consider the recommendations that the Committee made in the report to see how they can be built into that action plan.

SEF sets out our strategic position on renewable energy and, as we know, sets challenging renewable targets of 40% of electricity consumption from renewable energy and 10% from renewable heat by 2020. Members will appreciate that our efforts are focused on providing the appropriate policy and legislative framework and incentives to assist those technologies that are most likely to be able to deliver the targets at the greatest benefit to the Northern Ireland economy. Large-scale onshore wind is the main source of our renewable electricity, not only because of our plentiful resource but because it has a very well-developed, mature technology. It is likely that large-scale wind installations will continue to provide a significant portion of renewable electricity to 2020. However, as the Department and I have said on many occasions, it is not the only technology that is available. Indeed, many Members made that point.

**Mr Bell:** I appreciate the Minister giving way at such a late hour. Will she look at the successful example, which has been mentioned, that was set in Strangford Lough with marine turbines there? As we know, Strangford Lough is a designated European Union special area of conservation, and what has been achieved there shows that work on renewable energy can be done, even in areas of outstanding natural beauty, in an environmentally friendly way that is effectively monitored, offers opportunities for renewable energy, supports renewable energy and maintains the environment.

#### **The Minister of Enterprise, Trade and**

**Investment:** I think that the Member and all the representatives from Strangford should be very proud of the marine current turbine in Strangford Lough. It is the first of its type in Europe, if not the world, and the way in which it has developed over the past few years will lead us to look at more new technologies in that area. However, the Member made a good point. Strangford Lough is our most protected piece

of water, yet we are able to put a renewable energy installation into it. Doing so involved DOE working closely with DETI and with the Department of Energy and Climate Change, as it now is, in Westminster to ensure that that could happen. We always have to take environmental assessments into account when looking at renewable energies, but we should not let that take away from some of the opportunities that there are for us.

We are working towards a call from the Crown Estate later this year that has the potential for at least 600 MW of offshore wind and 300 MW of tidal and wave in the medium term. A range of other technologies, such as anaerobic digestion, energy from water and geothermal, will also contribute to our targets. Members are aware that I made an announcement just last week about the development of anaerobic digestion in so far as state aid clearance has come through from Europe. That will allow us to give four renewables obligation certificates (ROCs) for anaerobic digestion, and I understand that that is the highest incentive anywhere in Europe. That is something that we should also be proud of. I have spoken to a number of farmers who are thinking about putting anaerobic digesters on their farms, and that clearance has given them the incentive to go forward.

Incentivisation, planning, infrastructure, which refers to the electricity grid, and, most importantly, public acceptance are barriers that we need to overcome. Many Members talked about Nimbyism. It is a huge issue for us, and it has been tackled by the sustainable energy interdepartmental working group, which is known as the SEIDWG. As I have often said, that is a very snappy name for the group that brings all Departments together to look at renewable energy issues. A paper was cleared recently at the Executive that will allow us to move forward with the marketing strategy for renewable energies and the need to communicate in a joined-up way. We hope to appoint a marketing agent in the first quarter of the 2011-12 financial year. The theme of the work of that marketing agent will be to deliver a joined-up message that partners outside of government can also join in with.

There has been much discussion in the House about the grid. The North/South interconnector is very much a part of that discussion on infrastructure, and the Committee makes a very specific recommendation on the interconnector

and urges its prioritisation by the Planning Appeals Commission. I am delighted to see that. Not only is the interconnector a vital element of our future infrastructure, but it will play a key role in facilitating growth to meet our 40% target in renewable electricity generation. It is also essential for competitiveness in the single electricity market and, therefore, improved consumer choices and prices. As the Chairperson of the Committee said, not having the interconnector in place is costing consumers at least £18 million a year. That is a significant cost that we need to take into account when we talk about the North/South interconnector.

We all know the difficulties that we have with the grid: the amount of wind that comes into the grid in the west of the Province and the fact that the grid is weakest there. The regulator will have a key role to play as we look at grid development in future. That must be done in a cost-effective way. There must be no gold-plating. Consumers are the people who pick up the tab, and I do not want to see any extraneous costs as a result of the upgrading of the grid. In fact, we would very much like to see the creation of a grid development working group — comprising officials of the Systems Operator for Northern Ireland (SONI), Northern Ireland Electricity, the Department, the Planning Service, and the Utility Regulator — as a first step in improving dialogue on grid infrastructure so that we can move the issue forward. Over the past couple of years that I have been in office, there has been much talk about grid infrastructure in the Chamber and in Committee, but there is now a need to get down to — if I can put it like this — the nitty-gritty, so that we can get on with working on grid development in the next mandate, because it is a vital issue that we really need to take forward.

As I said, I am content to take receipt of this report. It chimes very well with some of the work that the Department is carrying out and plans to carry out in the future. It is good, complementary evidence-based work. Therefore, I welcome the report and look forward to taking the matter forward, looking at it in detail and giving a fuller report to the Chamber.

**The Deputy Chairperson of the Committee for Enterprise, Trade and Investment (Mr Butler):**

Go raibh maith agat, a LeasCheann Comhairle. I thank everyone who took part in the debate. It started off on St Valentine's Day, 14 February,

and we are now in the early hours of 15 February. However, as the Chairperson has said, even though some of us have missed St Valentine's Day, I am sure that we would rather be here debating this very important report.

As Deputy Chairperson of the Enterprise, Trade and Investment Committee, I want to restate the Committee's appreciation of everyone who contributed to the inquiry. I reiterate the thanks of all the members to the Committee staff who did so much work to compile the report that we are debating.

The report provides the Committee with a valuable insight into the renewable energy sector and the barriers to its future development. In his opening remarks, the Chairperson of the Committee, Alban Maginness, highlighted the impact that there could be if we do not get our energy policy right. The Committee believes that if the Department adopts the recommendations in the report, it can only lead to a more certain and secure future for all of us.

A number of Members, including Stephen Farry, stressed the need for an overarching strategy for renewable energy across the Executive. It was also recognised that it is important to apply the principles of the green new deal, which has been mentioned in the Assembly.

The work of the sustainable energy departmental working group goes some way towards addressing one of the key recommendations of the report: the idea of a single Department driving the renewable energy debate.

The Department of Agriculture and Rural Development, through the Agri-food and Biosciences Institute, has been working over the past number of years to develop an anaerobic digestion market. However, the Committee for Enterprise, Trade and Investment believes that DETI has not put the appropriate incentives in place to drive the development of anaerobic digestion. Such problems demonstrate the requirement for a more joined-up approach to developing policies. The Committee also believes that communication between government and the public, and between government and the renewable energy sector, needs a more joined-up approach. Government's vision for the renewable energy sector has to include a way of providing consistent, efficient and easily accessible advice and support for business and for the public.

The strategic energy framework document was mentioned in the debate, and William Irwin stressed the importance of reducing Northern Ireland's dependence on fossil fuels. He said that anaerobic digestion and biomass can help to achieve the 2020 targets and that more work needs to be done to determine how best to apply technologies in the North. The Committee welcomes and endorses the strategic energy framework document but believes that much more is required to be done. Interim targets need to be put in place between now and 2020, and targets must be included for electricity from renewable sources other than wind.

Leslie Cree mentioned the need to have less reliance on wind energy and renewable heat. Key performance indicators and measures need to be put in place, and targets must be set well beyond 2020. We must have a longer-term renewable energy vision.

Several Members mentioned grid infrastructure and the interconnection problems. Paul Frew, who referred to his experience in the electricity sector, highlighted the need for a public inquiry into the issue to be publicised. Paul Givan also mentioned the issue. We need to make decisions on the required investments in our grid and the interconnection as quickly as possible. The Department of Enterprise, Trade and Investment relies on the interconnector to make up its 40% target for renewable electricity and to drive the single energy market. The interconnector needs to be built without delay. If it is not to be built, the Department must consider alternatives with the utmost urgency.

The Chairperson said that appropriate support for research and development in renewable energy must be brought forward. The Committee has always believed that opportunities were missed to take advantage of funding under the EU seventh framework programme. We have to be in a position to take full advantage of opportunities for funding and research and development in the renewable energy field under the next EU framework programme.

Several Members mentioned support for business. Paul Givan mentioned the German ambassador's visit today and the discussions that took place about opportunities for renewable energy here. Local small and medium-sized renewable energy enterprises need support in order to grow and to develop and to help to meet our energy needs. The green new deal will be a significant aspect of such support. That

issue was also raised by Alasdair McDonnell, who said that energy is the lifeblood of the economy, the economy needs to be sustained and our energy future needs to be secured.

Paul Frew raised the issue of renewable energy in public buildings. Small and medium-sized enterprises need more targeted advice and support. The Department of Enterprise, Trade and Investment and Invest NI must review the support provided to local businesses in the renewable energy field, including technical support for indigenous businesses to develop skills and to grow internal renewable energy markets.

I thank the Minister of Enterprise, Trade and Investment for her constructive comments about the Committee's report. She mentioned, for example, the need for security of energy supply and the need to reduce carbon emissions; job creation in the renewable energy field, which is very important; and the goals that were set out in the strategic energy framework document.

The Committee will very much welcome the Minister's comments, and those of her Department, about developing a renewable energy sector, which could bring maximum benefits to consumers, businesses and the economy. I commend the report to the House. I hope that the Minister will take on board what has been said and that action will be taken in the next mandate.

*Question put and agreed to.*

*Resolved:*

*That this Assembly approves the report of the Committee for Enterprise, Trade and Investment on its inquiry into barriers to the development of renewable energy production and its associated contribution to the Northern Ireland economy; and calls on the Minister of Enterprise, Trade and Investment, in conjunction with her Executive colleagues and relevant bodies, to implement, as applicable, the recommendations contained therein.*

*Adjourned at 1.00 am.*





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# Northern Ireland Assembly

Tuesday 15 February 2011

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Speaker:** Order. Before we begin, I wish to advise the House that a valid petition of concern was presented on Thursday 10 February relating to the votes on the clauses and the long title, whether amended or not, of the Armed Forces and Veterans Bill. The votes on those matters, which will be on a cross-community basis, may take place later today.

## Executive Committee Business

### Budget Bill: Second Stage

#### The Minister of Finance and Personnel

**(Mr S Wilson):** Morning, Mr Speaker. You are looking fresh and well after last night's long session. However, I see that some other Members have not made it here.

I beg to move

*That the Second Stage of the Budget Bill [NIA 11/10] be agreed.*

Accelerated passage of the Bill is needed to ensure Royal Assent as early as possible in March and, therefore, legal authority for Departments and other public bodies to draw down and spend the cash and use the resources in the Bill in 2010-11 and to ensure the continuation of public services into 2011-12.

As the House is by now well aware, preparation of the detailed Estimates and the related Budget Bill under consideration today, sandwiched between the December monitoring outcome announced to the Assembly as late as 17 January and the urgent need for Royal Assent of the Bill as quickly as possible to allow drawdown on the additional cash voted, is a difficult task for all concerned. I am, therefore, grateful that the Committee for Finance and Personnel has confirmed, in line with Standing Order 42, that it is satisfied that there has been appropriate consultation with it on the public expenditure proposals in the Bill and is content that the Bill may proceed by accelerated passage. I welcome and appreciate the assistance of the Committee in the matter.

I will now briefly outline the purpose of the legislation and draw attention to the main provisions of the Bill. The debate follows the Bill's First Stage yesterday, which, in turn, followed the debate on and approval of the

Supply resolutions for the 2010-11 spring Supplementary Estimates and the 2011-12 Vote on Account. The Bill's purpose is to give legislative effect to the 2010-11 spring Supplementary Estimates and the 2011-12 Vote on Account, which were laid before the Assembly on 7 February 2011. Copies of the Budget Bill and the explanatory and financial memorandum were made available to Members today.

I do not intend to take up valuable debating time with unnecessary repetition of the detail that I gave Members yesterday. However, in accordance with the nature of a Second Stage debate, as envisaged under Standing Order 32 and for the benefit of Members, I will summarise briefly the main features of the Bill.

The purpose of the Bill is to authorise the issue of £15,345,417,000 from the Northern Ireland Consolidated Fund in 2010-11. That is an additional £695,505,000 since the Main Estimates were presented last year. That cash will be drawn down on a daily basis as needed from the Northern Ireland Consolidated Fund, which is managed by my Department on behalf of the Executive.

The Bill will also authorise the use of resources totalling £16,233,236,000 by Departments and certain other bodies, which is some £631,768,000 more than was approved in the Main Estimates last March and June. Those amounts are detailed in part 2 of each spring Supplementary Estimate for 2010-11.

In addition, the Bill revises the 2010-11 limit on the amount of accruing resources that may be directed by my Department to be used for the purposes that are listed in column 1 of schedule 2. That limit includes operating and non-operating accruing resources or, in other words, current and capital receipts, and amounts to £2,356,226,000. Under section 8 of the Government Resources and Accounts Act (Northern Ireland) 2001, a direction on the use of accruing resources will be provided by way of a Department of Finance and Personnel (DFP) minute, which will be laid before the Assembly in March, following Royal Assent to the Bill. Therefore, not only will the Bill authorise the use of resources, it will authorise accruing resources, bringing resources for use by Departments and other public bodies to over £18.5 billion. The sums to be issued from the Consolidated Fund are to be appropriated by each Department or public body for services

as listed in column 1 of schedule 1 to the Bill. Resources, including the accruing resources, are to be used for the purposes that are specified in column 1 of schedule 2 to the Bill.

The amounts now requested for 2010-11 supersede the Vote on Account in the Budget Act (Northern Ireland) 2010, which was passed this time last year, and the Main Estimate provision in the Budget (No.2) Act (Northern Ireland) 2010, which was passed in March prior to the stage two devolution of policing and justice in the Budget (No.3) Act (Northern Ireland) 2010, which was passed by the Assembly in June.

The Bill will also authorise a 2011-12 Vote on Account for cash of £6,645,663,000 and resources of £7,336,432,000 to allow the flow of cash and resources to continue to public services in the early months of 2011-12 until the Main Estimates and related Budget Bill are approved later this year in June. Again, the cash and resources are to be appropriated and used for services and purposes set out in column 1 of schedules 3 and 4 respectively.

Finally, clause 5 authorises temporary borrowing by the Department of Finance and Personnel at a ceiling of £3,327,331,000 for 2011-12. That is approximately half the sum authorised in clause 4(1) for issue out of the Consolidated Fund for 2011-12, and is a normal safeguard for any temporary deficiency arising in the fund. I stress to the House that clause 5 does not provide for the issue of any additional cash out of the Consolidated Fund or convey any additional spending power but it enables my Department to run a very efficient cash-management regime.

There is little more that I can usefully add on the detail of the Budget Bill, but I will be happy to deal with any points of principle or detail that Members wish to raise.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Go raibh maith agat, a Cheann Comhairle. The Budget Bill provides statutory authority for expenditure as set out in the spring Supplementary Estimates 2010-11. The Bill also includes the Vote on Account, which allows Departments to incur expenditure and use resources in the early part of 2011-12 until the Main Estimates are voted on by the Assembly in early June.

Standing Order 42(2) states that accelerated passage may be granted for a Budget Bill provided that the Committee for Finance and Personnel is satisfied that it has been appropriately consulted on the public expenditure proposals contained in the Bill. At its meeting on 2 February, departmental officials briefed the Committee and took questions on the Budget Bill being debated today. That evidence session represented the culmination of a process of scrutiny by the Committee of the public expenditure issues of DFP as a Department and at a strategic and cross-departmental level throughout 2010-11. Following that evidence session, the Committee was content to grant accelerated passage, and I wrote to the Speaker informing him of the Committee's decision.

The forthcoming financial year will be the first year of the 2011-15 Budget, which is yet to be finalised and agreed by the Assembly. In line with convention, the Finance and Personnel Committee will publish a co-ordinated response to the Executive's draft Budget 2011-15 proposals. To inform its report, the Committee examined a range of strategic and cross-cutting issues. Those include, for example, the budgetary process, the presentation of the draft Budget document, the basis for the proposed allocations, savings delivery plans, longer-term efficiency savings, levers for rebalancing the economy, and preventative spending. In addition, responses to spending and savings plans for each Department have been received from the respective Statutory Committees and submissions have also been received from the Assembly Commission and the Audit Committee.

The Finance Committee expects to finalise its report tomorrow, and urges the Finance Minister to ensure that it is brought to the attention of the Executive at the earliest opportunity. The Executive must take full cognisance of the findings and recommendations contained therein before the draft Budget 2011-15 is finalised and laid before the Assembly.

Speaking from a party point of view, it is worth bearing in mind that the Budget shortage of £4 billion is a direct result of the British Conservatives and their colleagues in the Ulster Unionist Party, and their ideological position that deep public cuts somehow make economic sense and the private sector will balance the economy: a concept that I do not agree with. As we know, the cuts are far too deep. We want to

see small and medium-sized enterprises (SMEs) and indigenous businesses grow and develop, and we want a healthy balance between indigenous businesses and foreign direct investment (FDI), which will bring highly paid jobs and create more local jobs and more SMEs through the services sector, etc.

That is why concepts such as the devolution of corporation tax are so important. The Minister has expressed some concerns about corporation tax, and I recognise that there are concerns. We need to be careful in how we use those powers. We need to ensure that we adopt a strategy on corporation tax that is balanced and brings in money at the right time and that we present that in such a way that is successful for the local economy.

#### 10.45 am

We also want to see front line public sector jobs being protected. The education budget, in how it was drawn up, is a good example of how to protect front line services. That has been recognised by the Irish National Teachers' Organisation (INTO). The British Government have cut the Budget too deep, and the danger is that, by doing that, the wheels of the economy could grind to a halt. That is why we need to take responsibility for our own economic destiny.

I listened to a bit of 'The Stephen Nolan Show' on my way here. There was talk about the Ulster Unionist Party possibly walking away and Michael McGimpsey walking away as the Minister of Health, Social Services and Public Safety. I wonder whether anybody in the Health Department would notice if he walked away because we need to bear in mind that the Assembly shuts down next month for the elections. At the end of the day, it is about political posturing. If the Ulster Unionists run away from their responsibilities, someone with a backbone should tackle the absolutely obscene salaries that are being paid to consultants and senior managers in that Department and channel such moneys towards front line services. Michael McGimpsey should have done that job for the past four years, but, quite frankly, he has not been at the races.

**The Minister of Finance and Personnel:** I thank the Member for giving way. Does he also note a certain irony that the Health Minister and, indeed, the Ulster Unionist Party are threatening to walk away from the Executive but that they have waited for four years to walk away? They

have pocketed their salaries for four years, but perhaps they will sacrifice their last two days' salary. Does the Member think that the public will have a certain amount of cynicism about that?

**The Chairperson of the Committee for Finance and Personnel:** I fully agree with the Member. Last night, when I went home, I caught a repeat of the leadership debate from the Southern elections, in which the five leaders discussed issues such as the need for some of the Ministers down South to return the vast sums of pensions and bonuses that they will receive in the wake of stepping down. If the Ulster Unionist Ministers or Ministers from other parties step down, I think that the public will recognise that as Ministers running away from the job. As such, perhaps they should hand back some of the money because they have not done the job that they have been placed there to do. It is very petty for the Ulster Unionist Party to be playing politics with an issue as significant —

**Mr Speaker:** I encourage the Member to come back to the Bill, as far as possible.

**The Chairperson of the Committee for Finance and Personnel:** — as health because it is a vital issue. Health is a big part of this Budget, so it is important that we make those points.

I look forward to the debate ahead. The Executive and the Assembly —

**Mr Beggs:** The Member and his colleague opposite seem to be acting in unison in the DUP/Sinn Féin coalition leadership. As regards salaries in the medical profession, does he accept that there can be difficulties in attracting professionals to places such as Altnagelvin Area Hospital and the west of the Province, and that if salaries in this part of the United Kingdom for jobs that are in short supply were reduced below those in other parts, there would be even more calamity and shortages of essential posts? Is he prepared to accept the responsibility for the delays, such as in reassessing X-rays, which might follow?

**The Chairperson of the Committee for Finance and Personnel:** I am glad that the Member raised the issue of Altnagelvin and the north-west because we all know of the scare stories that the Health Minister has put out about the cancer centre in the north-west, which will be built but not staffed. There have been other stories about x thousands of jobs being lost, but the Health Minister has not provided any detail

to his Committee. To be honest, he has treated the members of his Committee like mushrooms because he has kept them totally in the dark. That is disgraceful.

Yesterday, in the debate on whether to extend the Committee Stage of the pleural plaques Bill, we discussed how Committees relate to the Executive and the Assembly. In this instance, the Committee for Health, Social Services and Public Safety needs to be treated with respect and provided with detail of the Health Minister's draft budget because, if Members look at the detail on the budgets from each Department — for example, there are about 40 or 50 pages worth of detail in the Department for Regional Development's (DRD) draft budget — there is very little detail in the Department of Health Social Services and Public Safety (DHSSPS) one. The Minister and the Member should reflect on that and ensure that, in future, when Ministers from the Member's party bring budget details to the House or to their respective Committees, they should provide full details. DHSSPS has around 50% of the entire Budget, so it is absolutely scandalous that the detail —

**Mr McDevitt:** The Chairperson makes a good point about the level of detail and the way in which Ministers present their budgets to the Assembly. Does he agree that we should allow Ministers to scrutinise one another's budgets and that we should have a budgetary Committee — separate from the Chairperson's Committee, which, as the Committee for Finance and Personnel, has broader responsibilities — that is capable of scrutinising budgets and exists just to do that? Does he agree that the system is broken and that, unless the DUP and Sinn Féin work to fix it, we will continue to have bad Budgets?

**The Chairperson of the Committee for Finance and Personnel:** It is important to recognise that each Department has a Committee to shadow it and that each Committee should have full details of its Department's budget and be treated with respect by its Minister. In this instance, that has not been the case.

**Dr Farry:** I am grateful to the Chairperson for giving way. Although I happen to agree with Conall McDevitt's comments about the importance of having a proper scrutiny process and, indeed, having a budgetary Committee rather than simply a Committee for Finance and Personnel, does the Chairperson agree that



central to making the system work across the board is parties taking seriously their place on the Executive and not playing games?

**The Chairperson of the Committee for Finance and Personnel:** I absolutely agree with the Member's comments, because one cannot —

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

**The Chairperson of the Committee for Finance and Personnel:** Let me finish my sentence first. I will give way in a moment.

**Mr B McCrea:** I just want to know whether it is my party that is playing games. Which party is it?

**The Chairperson of the Committee for Finance and Personnel:** I will give way. Go ahead.

**Mr B McCrea:** Who exactly is the Chairperson accusing of playing games? Who is playing games with the Executive? Who is playing games with the lives of the people of Northern Ireland?

**The Chairperson of the Committee for Finance and Personnel:** You are — short and simple.

**Mr B McCrea:** Me personally?

**The Chairperson of the Committee for Finance and Personnel:** No, the Tory boys in the corner generally.

**Mr Speaker:** Members should make their remarks through the Chair. Order. Allow the Chairperson to be heard.

**The Chairperson of the Committee for Finance and Personnel:** I recognise and agree fully with Mr Farry's comments. The Executive should act cohesively and coherently. Members from the Ulster Unionist Party and the member from the SDLP cannot continue to go into the Executive and mess about. In Michael McGimpsey's case, sometimes he does not bother to go in at all.

Another example is the way in which the SDLP went into the Budget review group, which was set up, collectively, to look at ways of generating revenue to mitigate the impact of the cuts. What did the SDLP do? It left the Budget review group, taking all the good suggestions, which it then put into a nice document that it released in December last year — two months after all the other parties released their respective proposals on the comprehensive spending review.

**Mr Callaghan:** I thank the Member for giving way. Perhaps he was not paying attention during

last night's debate, but is he aware that, in April 2009, the SDLP produced comprehensive proposals on the Budget and how to reform it to protect front line services and to create jobs? I shall quote from the 'Belfast Telegraph' at the time:

*"The SDLP proposals are most appealing in terms of employment protection, enhanced training schemes, a wage subsidy scheme and support for nursing jobs".*

Will the Chairperson point out which of those useful proposals the Executive actually adopted?

**The Chairperson of the Committee for Finance and Personnel:** I love how the SDLP refers continually to —

**Mrs D Kelly:** Ah.

**The Chairperson of the Committee for Finance and Personnel:** How are you doing, Dolores?

I love how the SDLP refers continually to its 2009 document and to how all its great ideas emanated from it. I remember one of its Members saying on the radio that the SDLP came up with the idea of the plastic bag levy — it was in its 2009 document, so everybody else copied the SDLP. When the SDLP's document was released in 2009, I and other members of Sinn Féin were drafting proposals for a Bill to introduce a plastic bag levy. Therefore, I will not accept anything from that document as fact, because although the SDLP was, at that time, putting forward what it sees as proposals, we were already implementing them, and that is a fact.

**Mr A Maskey:** Go raibh maith agat, a Cheann Comhairle. Again we are hearing SDLP Members' suggestions, allegations, assertions or whatever. Does the Member agree that during yesterday's lengthy debate on the SDLP amendment, not one member of the party who spoke addressed the amendment? It was so lacking in substance that SDLP members could not even address it, so they spent the day criticising everybody else. They told everybody what was wrong. Having tabled an amendment, they did not have the courtesy to address it, or I suppose they were intelligent enough not to do so.

However, on the SDLP's point that it wants to have a budgetary Committee or other ways of scrutinising the finances, is it not the case that there is an Executive subgroup on the Budget

on which the SDLP has a member? Is it not also the case that there is a Finance Committee in the Assembly on which the SDLP has members? Do we not also routinely debate all matters of finance in the Assembly? Will anybody tell me, or can the Minister or the Committee Chairperson tell me, whether there is any opportunity that the SDLP does not have to discuss and scrutinise all matters of finance? It has the same opportunities as everybody else, but the party lacks so much substance that it cannot address even its own amendments.

**The Chairperson of the Committee for Finance and Personnel:** I thank the Member for his intervention. I fully recognise —

**Mrs D Kelly:** On a point of order, Mr Speaker. Yesterday, in a point of order to the Deputy Speaker, our party asked whether you, as Speaker, would confirm that the advice given to our party on how we could bring forward an amendment was based on advice from the Business Committee, and that it was the only opportunity for us to raise —

**Mr Speaker:** Order. We are having a different debate this morning. All that I can say to the House is that the amendment that was tabled was competent. Let us move on.

**The Chairperson of the Committee for Finance and Personnel:** Go raibh maith agat, a Cheann Comhairle. I agree with what Alex Maskey said. It is clear that although other parties in the Assembly have tried to approach the Budget constructively because of the seriousness of the situation, the party to my left is more concerned about getting PR out of this. I do not know who is behind that party strategy, but it has left the party with egg on its face, as was clearly demonstrated last night. We will not take any lessons on economics from the SDLP. I am addressing the Member for Upper Bann Dolores Kelly. Let us remember that her party has had coffee mornings with Fianna Fáil and Brian Cowen and has canvassed and knocked doors with Fianna Fáil.

**Mr Speaker:** May I once again encourage the Member to come back to the Budget? Let us not discuss tea parties. *[Laughter.]*

**The Chairperson of the Committee for Finance and Personnel:** Of course, the politics of Fianna Fáil and the Dáil and their economic strategies have an impact on economic flow, trade, and so on, on this part of the island. The SDLP should

reflect on that. Margaret Ritchie has clearly demonstrated that she is quite close to Fianna Fáil. Indeed, on a recent episode of 'The Politics Show', she said that Brian Cowen did a good job. Well, I am sure most people on this island would not agree with you, Ms Ritchie.

**Mr Speaker:** Order. I once again say to the Member; as far as possible, let us come back to the Budget.

**The Chairperson of the Committee for Finance and Personnel:** Go raibh maith agat, a Cheann Comhairle.

In conclusion, the Executive and the Assembly have many challenges ahead. We should approach those head on in a collective and constructive manner, without any messing about by any of the parties. I hope that all parties in the House take cognisance of that, because the British Government, supported by the Ulster Unionist Party, have cut the block grant by £4 billion. They have cut capital funding by some 40%. More recently, they have stolen millions of pounds of end-year flexibility. Actions such as those — *[Interruption.]*

**Mr Speaker:** Order. Allow the Member to continue.

**The Chairperson of the Committee for Finance and Personnel:** Actions such as those are reason enough — *[Interruption.]*

**Mr Speaker:** Order.

**11.00 am**

**The Chairperson of the Committee for Finance and Personnel:** Actions such as those are reason enough for this Assembly to move to devolve fiscal and taxation powers because the British Government clearly do not act in the best interests of those we represent. That has been made quite clear by their actions over the past year and in many years before it.

**The Chairperson of the Committee for Justice (Lord Morrow):** Follow that. *[Laughter.]* One of the key issues to be resolved in relation to the Department of Justice budget for the next financial year and beyond was whether it could continue to be ring-fenced. The Executive's draft Budget proposes that the Department of Justice budget will remain ring-fenced for the Budget period. The Justice Committee wishes to dispel any misconceptions that, as a result of ring-fencing the Department of Justice budget

for this period, the budget will be protected and will not face any reductions. The outcome of the proposals to continue to ring-fence the budget is that it will receive the direct Barnett consequential arising from changes in the level of funding of the Home Office and the Ministry of Justice as a result of the UK spending review settlement for Whitehall Departments. The result of that is that the Department of Justice faces an overall reduction in its cash baseline of some £82 million, which is 7.2%, by 2014-15.

Taking into account the effect of inflation, the real term impact is significantly greater. The Justice Committee notes that ring-fencing the Department's budget results in it having a slightly worse resource baseline than the average Northern Ireland settlement. However, the Committee welcomes the fact that, as part of the ring-fencing of the budget, the Department of Justice has guaranteed access to underspend generated this year and throughout the Budget 2010 period. That will provide important flexibility for the Department and, as far as the Committee is aware, is not available to any other Department in Northern Ireland or the United Kingdom. The Committee views the retention of end-year flexibility for the Department of Justice as a distinct advantage. Taking everything into account, the Committee is of the view that ring-fencing is the most appropriate position to take on the Department of Justice's budget.

I now want to move on to one of the most crucial issues with the proposed budget for the Department of Justice, namely the continued access to the Treasury reserve to fund exceptional security pressures faced by the PSNI. The Chief Constable has indicated a requirement for approximately £250 million over the next four-year period. In the draft Budget, the Executive have allocated an additional £45 million to the Department of Justice, and the Department intends to use that to contribute to meeting the security funding pressures facing the PSNI. A bid for £200 million has been with Treasury for some time, and the Department is waiting for confirmation that the bid has been successful. Those who attended yesterday's debate will recall that I mentioned that. It is a vital part of the Justice budget, particularly in relation to policing.

The Committee is extremely concerned about the implications for the Department of Justice budget if that bid is not met in full. In response

to questions from members, departmental officials indicated that there is no contingency plan in the event that the bid is unsuccessful and admitted that taking £200 million from the rest of the Department's budget would result in it being in severe difficulties. The Committee believes that, if the bid is unsuccessful or only partially successful, the implications for the Department's budget in 2011-12 and up to 2012-15 are such that it will not be possible to agree the Department of Justice budget until confirmation of the granting of the bid is received.

The Committee urges the Minister of Justice and the Minister of Finance and Personnel to press for a decision to be made as a matter of great urgency. Given that we are now debating the Second Stage of the Budget Bill and being asked to approve the Vote on Account that relates to the first year of the four-year Budget period, it is imperative that confirmation is received from Treasury as soon as possible that that security funding bid will be met in full from the reserves.

**Mr Spratt:** Given that, only last Thursday, the Chief Constable again indicated that the dissident threat in Northern Ireland continues to be severe, will the Member agree that meeting the security bid of £200 million is imperative if the level of security in Northern Ireland is to be maintained? Furthermore, given the Home Secretary's previous comments that the dissidents pose a threat not only to Northern Ireland but to mainland United Kingdom, will he agree that security is an issue for the whole of the United Kingdom?

**The Chairperson of the Committee for Justice:**

I thank my colleague Mr Spratt for his well-made point that funding for security is not only vital to Northern Ireland but has wider implications. If that bid were not made, there would be implications not only for this region of the United Kingdom but for other regions of the United Kingdom.

**Mr B McCrea:** As part of the agreements reached at Hillsborough, was it not the understanding that the first £12 million of claims for hearing loss would be met out of Executive funds? Is he surprised to discover that the money is in the budget line for the PSNI this year and that there is considerable concern in the PSNI that it will remain in its budget line for the next four years? Will he agree that such funds detract from the fight against terrorism

and that those funds ought to be made up by the Executive?

**The Chairperson of the Committee for Justice:**

I heard what the Member said, but he can rely on the Committee for Justice to debate and discuss those issues. We have gone through all of those matters in great detail, and, if his party colleagues who are members of the Committee were in attendance when that happened, I am sure that they will confirm that. I take his point about that £12 million of funding, and, as a Committee, we are extremely concerned. We are keeping a close eye on that, and I assure the Member that it will not go by default.

The Committee welcomes the Executive's decision to allocate an additional £45 million to the Department of Justice budget. I turn to the key funding priorities for the 2011-15 Budget period and the funding for the next year, which the Vote on Account will support initially at the beginning of the 2011-12 Budget period. The Minister of Justice has identified those priorities: first, protecting front line policing; secondly, protecting other front line areas across the Department with the aim of protecting outcomes for the public; and, thirdly, protecting the voluntary and community sectors as far as possible.

In scrutinising the Department's draft budget allocations, the Committee notes that the figures provided indicate that funding has been skewed towards the priorities of policing and justice. However, based on the information that has been available to date, the Committee is unable to assess properly and accurately the likely implications of funding reductions on the delivery of front line policing and other services. The Committee is concerned that nearly all of the draft savings plans that have been provided by the Department refer to achieving savings through the suppression of posts, redeployment of headcount, workforce modernisation, observing vacancies, natural wastage, reductions in office equipment, reductions in training costs, reviews of the frequency of research work, etc.

Of particular interest are indications from two justice organisations, the Police Ombudsman's office and the Probation Board, that redundancies may be needed to achieve the savings that they are being asked to deliver. The Committee has considerable concerns about that. The Committee is also concerned

about the likely impact on the ability of those organisations and, indeed, the Department as a whole, to deliver services. The Committee wishes to see detailed impact assessments from each area of the Department of the implications of the proposed savings measures. Until those are available, the Committee is not in a position to make an accurate judgement of the Department's draft budget. In the meantime, the Committee also wants further consideration to be given to the situation facing the Police Ombudsman's office and the Probation Board.

Although the Committee welcomes the Minister of Justice's commitment to protect the voluntary and community sectors as far as possible, we have reservations due to the lack of information available about the level of protection that is being afforded.

In relation to delivering savings, the Committee notes that the Prison Service cash baseline will reduce by £18 million by 2014-15. That is to be achieved through an invest-to-save programme, for which £13 million is being provided in 2011-12, and a strategic efficiency and effectiveness programme. The Committee is concerned about the ability to deliver the savings required and about whether the provision of £13 million is a realistic amount to achieve the possible range of reforms that may be required. The Committee wishes to see the details of the proposed efficiency and effectiveness programme as soon as possible.

The Justice Committee welcomes the Executive's decision to allocate an additional £57 million capital funding to the Department of Justice budget, £30 million of which is for the Desertcreat training college.

**Mr Spratt:** The honourable Member will be aware of the frustration felt by those who are dealing with the Desertcreat training college. For some time, the Minister of Health, Social Services and Public Safety held back on announcing any capital funding for the Fire and Rescue Service aspect of the project. Does it surprise the Chairperson to know that, at a meeting of the Policing Board last Thursday, members of the PSNI senior management team indicated that the latest stalling tactic of the Minister of Health is to say that if the college were built and up and running, he would not have the funding to pay for his part of it. I would have thought that the Minister of Health already had the running costs for training for the Fire and Rescue



Service factored into his budget to carry out that training. It is another stalling tactic by the Minister of Health to frustrate that project.

**The Chairperson of the Committee for Justice:**

I was coming to the point that my honourable friend made. The Department of Health's stance, particularly the Minister's, to the project has been regrettable. He could have been much more constructive and forthcoming.

The Committee is very pleased with the Executive's decision to allocate £30 million to the Department of Justice to fund the fire and rescue aspect of the Desertcreat training college. That major scheme can now move ahead in the coming financial year. However, the Committee is very concerned about reports in the media that the Minister of Health, Social Services and Public Safety has indicated that he may not have the recurrent funding for the running of the fire and rescue part of the college. The Committee wants clarification of the position and confirmation that recurrent funding will be available for the Fire and Rescue Service so that Desertcreat training college can be fully operational.

The Department of Justice made no provision in its budget proposals in 2011-12 or thereafter for any requirements that may arise from the implementation of the Bamford review findings. The Committee has been advised by departmental officials that the principle on which they are working is that the lead Department, in this case the Department of Health, Social Services and Public Safety, will make bids for any changes that are proposed as a result of new legislation. Although the Committee is not yet in a position to make decisions on whether it supports the detailed breakdown of the Department of Justice budget, it supports the overall approach to the budget.

Finally, in relation to the legal aid bill, there is some confusion and considerable disappointment in the Committee that the figure that the Committee understood was available as part of the Hillsborough agreement was £79 million.

We are now being told in the draft Budget proposals that the figure that is allocated to the Legal Services Commission for 2014-15 could be £75 million. The Committee has covered that in its submission on the Department's budget. We wait with apprehension to hear the final outcome on what that figure will be. Certainly, we

always understood that it would be £79 million and not £75 million as we are now being told.

**11.15 am**

**Mr Beggs:** First, I want to address some issues that relate to the Department of Agriculture and Rural Development. I serve as Deputy Chairperson of the Committee for Agriculture and Rural Development. From the outset, the lack of information has concerned me and, indeed, the Committee. I will give examples. During the past week, a couple of issues emerged outside the Committee. We were unaware and did not see that a proposal was hidden in the budget to remove funding for the Young Farmers' Clubs of Ulster entirely. I declare an interest as a former member, many years ago. My daughter is a recent member. I am, therefore, aware of how a relatively small amount of seed funding results in the co-ordination of many volunteers who carry out vital youth work in the rural community.

Another example that I noticed in the farming press at the weekend is that funding to support agricultural shows has been reduced. Again, the Committee did not see that proposal. I have reread the Minister's statement, and no issue of that nature became apparent to me.

Last week, the Committee queried officials about the Young Farmers' Clubs of Ulster. They said that it is not a priority funding area and that the Young Farmers' Clubs of Ulster did not teach recognised qualifications such as NVQs. I argue that those clubs are a feeder unit to the College of Agriculture, Food and Rural Enterprise (CAFRE). We are already aware of the need for younger farmers, and the clubs act as a feeder unit for future farmers. With increasingly fewer full-time farmers, that is an area of opportunity. With the increase in world agricultural food prices and value added to the economy by food processing, there is a huge opportunity.

**Mr McCallister:** I declare an interest as I am still a member of the Young Farmers' Clubs of Ulster. *[Laughter.]* I will probably have to leave when I turn 30. I have a good four or five years yet.

**Mr McDevitt:** On a point of order, Mr Speaker. Is it appropriate that Mr McCallister would willingly mislead the House about his age?

**Mr McCallister:** I was just seeing whether anyone was stupid enough to believe me. *[Laughter.]*

On a serious note, I agree entirely with the Member's points about the contribution that the Young Farmers' Clubs of Ulster have made to the well-being of rural youth in Northern Ireland. During the past 80 years, that contribution has been immense. The one growth sector in the economy has been the agrifood sector. It is the one light on the horizon in the economy. Those proposals will feed into that and impact on training and skills throughout the rural community. It is vital that we maintain that training and provide leaders for the agriculture industry. I am sure that when the Minister of Finance and Personnel meets leaders in the agrifood sector, many of them will have been through the Young Farmers' Clubs of Ulster. We must fight to get a fair outcome on that issue

**Mr Beggs:** I will illustrate that with examples of what the Young Farmers' Clubs of Ulster deliver, which, I believe, is important. They deliver stock judging competitions. Young farmers and people in rural communities are trained how to assess good qualities in animals such as cattle, sheep and pigs. If that did not happen, that type of detailed training would not be provided by the Department.

That happens at a very early age. There are other activities, such as silage assessment and fencing competitions. I am not aware of what happens elsewhere. Those who end up going to the agricultural colleges may not learn those skills until later. Not all will reach agricultural colleges, but, at the very least, the clubs are part of the feeder process of encouraging young people into agriculture, to specialise in it and to learn the best technical systems and values to take back from college to their home farms.

**Mrs D Kelly:** It is not only the young people in the agriculture and rural sector who are adversely affected. Does the Member agree that young people and children right across the North will be adversely impacted? The Children's Commissioner produced her response to the draft Budget today. Does the Member agree with the Commissioner's remark that she finds the lack of equality-proofing and due regard for the equality of opportunity in the Budget proposals extremely alarming? She also said that the spending proposals demonstrate that very little account was taken to minimise or mitigate the potential adverse impact on children and young people.

**Mr Beggs:** The influence of the young farmers' clubs extends beyond the farming community.

Many people in the rural community link into the young farmers' clubs, many of which are located in areas where there are no youth clubs or other activities. As the activities are run entirely by volunteers, they are provided in an efficient manner.

**Mr Speaker:** Will the Member try to come back to the subject of the Budget?

**Mr Beggs:** It is important funding for an activity that is similar to that offered by a preschool facility. Would anyone dream of cutting preschool funding? The young farmers' activity is an early farming activity for young people and trains them for the future. I view it as essential in that regard. In the past, its funding has involved the relatively small sum of £75,000 a year. However, when I look through the detailed Budget, I see £16 million listed against anti-poverty measures. As there is no detail, I do not know how it is proposed that it will be spent. Young farmers' clubs feed into that area as well, because they provide social activities in rural communities in which young people can become involved and learn good techniques for farming in the future.

I was also alarmed to see a £16 million commitment for a new DARD headquarters. When we discussed the issue with officials, however, we discovered that the value was £32 million. That was hidden in the written submission that we received from the Minister. She committed to £16 million, but, in fact, £32 million is required towards that capital expenditure over a longer period. It is much better if everything is open and transparent so that people understand what is happening.

Under recurrent capital expenditure for the four years, the Minister indicates that there is £2.3 million for the Department; £2.8 million for new equipment, etc, for the Forest Service; £4.1 million for the Rivers Agency; and £3.3 million for CAFRE and AFBI. That is a total of £12.5 million. However, there is a sting in the tail: the Minister says that that is only 50% of what those services need during the period. She is, however, prepared to commit £16 million to a new structural building as headquarters for her civil servants. Meanwhile, those who deliver essential services, such as the Forest Service, the Rivers Agency, CAFRE and AFBI, will receive only 50% of what they need. I question the wisdom of the Civil Service feeding money into itself through building new headquarters.

There must be other means of delivering that so that we can prioritise delivering services on the ground. I question the commitment of that £16 million.

I will move on to wider issues. I am alarmed about the A5 road. Over the four years, some £675 million, which is 60% of Roads Service's capital budget for that period, is earmarked for that project. However, it does not even have planning permission. The level of road usage is about 10,000 vehicles a day, which is not high. Another important factor is that the funding is in the at-risk category, because the leader of the Irish Labour Party clearly indicated that the supposed 50% funding from the Republic of Ireland was in doubt.

One can examine what some of the trade bodies have been saying. I understand that the Road Haulage Association is saying that the A5 does not hit the top of its priority list of roads, bottlenecks and delays to industry. It is not the priority, yet the Budget proposes committing 60% and cutting lots of smaller schemes that can have a much bigger effect on the economy. We must invest our money carefully to get the best results from it. The A5 does not do that.

As a member of the Agriculture Committee, I am also aware of concern among the local farming community. The Committee hopes to go to the area later this week to view some of the issues ourselves. I fully accept that there are areas of that road that need improvement and overtaking opportunities, but would it not be better, at the very least, to investigate a sectional approach if that has to happen to improve road safety on that road?

I am minded of the experience of the A2 in my constituency, which was in the headlines today. That road is a bottleneck. It has gone through the entire planning process. Blighted property has to be bought by the Department, though vesting has not yet started. Because £4 million has been spent on the planning process and in developing the scheme, which has been granted planning permission, a further £12 million had to be committed to buying properties that have been blighted. Almost one third of the cost of that scheme has been committed, and it is now proposed to put the scheme on hold. It is apparent from the Budget that one reason for that is that the money will be put into this one big basket, which, frankly, has lots of holes in it — the A5. I argue that it would be much wiser to

complete the many smaller projects throughout the Province that are more advanced and will have a bigger effect on our economy and on reducing congestion.

The A2 in my own constituency is certainly one such project. The accident and emergency department at Whiteabbey Hospital has closed and people have to travel further. Ambulances have to come through that congested route, and delays are occurring. The local police response officers have actually been moved from Carrickfergus to Whiteabbey. Again, there are delays. I do not understand why that issue has been wiped from the planned programme. It was identified in the Belfast metropolitan area plan as one of the top five priority areas but, with the stroke of a pen, the Minister proposes to put it into cyberspace, leave all those blighted properties and neighbours dangling there, uncertain of their future, and disrupt those communities without finishing the job. I strongly argue that that route should be finished.

Having seen what happened in my own constituency with the A2, I would take a look at the A5. I would not want to cause similar blight up there. Huge disruption could potentially occur to communities there. We have already learned of disruptions to farmers. What is the point in causing all that disruption, causing blighting, and causing a requirement to invest money in properties that have been blighted — the statutory process if we reach that stage — if perhaps the money will not be available to complete the route? Surely it would be much wiser to look at taking a sectional approach to deal with overtaking opportunities or accident black spots, rather than to commit to what would be the biggest capital roads investment that I have ever been aware of in Northern Ireland for a road with 10,000 vehicles a day. I understand that the A2 in my constituency has about 30,000 vehicles a day.

That is not a good use of public money. In fact, it may even endanger more public funding in a scheme that may never be delivered should funding not be available, never mind within Northern Ireland, but within the Republic of Ireland, which has been linked up in partnership with it.

Another issue that is important is our transport infrastructure. The east Antrim railway line is the only one that is largely reliant on the older train

sets. Thankfully, 20 new train sets were ordered and are due for delivery from this month onwards.

Wonderful, but those new trains will have to be commissioned, and additional trains will mean that additional funding will be required for their running costs. Will we have ordered trains to the value of hundreds of millions of pounds and will they be on the road or will they be parked in the garage? *[Interruption.]* That is, will they be on the railway line or will they be parked in the garage?

### 11.30 am

It is important when we make investment that we think it through and ensure that we are able to deliver on it. Mention was made about not building buildings when you cannot staff them. Potentially, there is a similar situation with public transport, so I seek reassurance that that will not be the case. We must make careful use of our money so that our investment can be delivered and improve things on the ground.

Another issue in my constituency involves the health sector. For Members' information, East Antrim has no accident and emergency or minor injury units. What we have in Taylors Avenue, Carrickfergus is an ageing, overflowing health centre that is not fit for modern standards and needs significant improvement. We have a building of a similar age in Gloucester Avenue, Larne, which has disability access issues. They put buckets out at times of rain because the roof leaks. There are lots of problems with its layout and it needs to be renewed.

We have suffered as a result of decisions on capital investment priorities, in that Whiteabbey Hospital's accident and emergency unit has closed, as has the unit at Mid Ulster Hospital. The Whiteabbey unit not being available is affecting my constituency by increasing pressure on Antrim Area Hospital. I understand that improvements to the accident and emergency unit there are planned or proposed.

If investment also went into local health and care centres in my constituency, which were just missed in the previous spending period, the delivery of health services in my constituency could be improved. On top of that, many people with minor ailments who go to major hospitals, such as Antrim Area Hospital or further afield, may well be able to be assessed and dealt with in the local community, with pressure being taken off the already burdened Antrim Area

Hospital. I am arguing for joined-up thinking so that we prioritise our capital expenditure and improvements can occur in some very outdated areas of the health estate to improve the health of the people of East Antrim, who have been badly dealt with over many decades.

**Mr McQuillan:** What discussions has the Member had with the Health Minister about those issues?

**Mr Beggs:** I raised those issues with the Health Minister on a number of occasions. I am aware that in deciding the overall capital budget, the Assembly has choices to make. We can choose where we put our capital budget. Are health centres our priority, or is it roads or headquarters for civil servants? There are choices to be made and I vote that we should put money into improving basic, essential services for the people. For the people of East Antrim, that means improvements to our health centres in Larne and Carrickfergus.

**Mr McDevitt:** Good morning, Mr Speaker. The SDLP understands that the Budget Bill is largely the application of what has been handed down by the coalition Government. However, trying to abdicate all responsibility shows a lack of leadership.

Cuts of £4 billion were envisaged for Northern Ireland in the Chancellor's comprehensive spending review settlement. When we leave out receipts and a rates increase, the draft Budget plans cuts of more than £3.2 billion. In other words, the Executive have succeeded in uncovering new revenue equal to the cancellation of only a single road-building project. That shows a lack of imagination and a lack of a fight for the people of this region.

The Chairperson of the Committee for Finance and Personnel has withdrawn from the Chamber. The Finance Minister would never withdraw from a debate on finance in the House and he does put in his hours here. It is regrettable that his Committee Chairperson is unavailable to participate fully in the debate.

Sinn Féin saying that it is fighting Tory cuts is about as credible as Gerry Adams's denial that he was ever in the IRA; it just does not stack up. Unfortunately, nor does this Budget.

The SDLP will not be part of a cosy DUP/Sinn Féin and, since yesterday, Alliance Party consensus on cuts. Much more can be done to



raise funds that can be spent on job creation, job protection and front line services.

In December, we published a detailed Budget plan, 'Partnership and Economic Recovery', which we submitted to the Executive in the hope of influencing the draft Budget. As colleagues have said, that was not our first attempt at influencing the public finance debate in this region. It built on a previous attempt in April 2009. We are not going to stop attempting to influence public finances in this region. Our mandate is big enough to give us a seat, if not two, at the Executive table by right, and Members should reflect on that. We will continue to exercise our mandate on behalf of the people who have voted for us and the many thousands —

**Lord Morrow:** Will the Member give way?

**Mr McDevitt:** Of course I will give way.  
[Laughter.]

**Lord Morrow:** That was a wee bit of a surprise, I must say.

I was interested to hear the Member state all the contortions and distortions that his party has gone through to provide this wonderful document, which seems to be the cure of all ills. It is a wonderful document, but I must be truthful: I have not got round to reading it. I will make a point of reading it.

The Member said that the SDLP sent the document to the Executive. Will the Member clarify, for those of us who are not as close to this as he is, how it was delivered? Was it delivered by the Minister or by post? Does he accept that his party has a Minister in the Executive, and did that Minister not deliver for them?

**Mr McDevitt:** I commend the document to Lord Morrow. I know Lord Morrow from working with him on the Justice Committee, and he is a very fine Chairperson of that Committee and represents us very well in this House. Lord Morrow will know that I am very committed to sustainability. In fact, I am one of the people who have put themselves up for the paperless Committee system. I clarify that we e-mailed the document to colleagues.

The 'Partnership and Economic Recovery' document includes detailed proposals for new revenue streams and receipts and for cash-releasing efficiency savings. We are pleased to

see that the Executive have taken some of our suggestions on board, many of which we have been highlighting, as I said earlier, for nearly two years. Our document contains many more good ideas that the Executive should consider, and we hope to continue a constructive engagement through the Assembly and the Executive during the budgetary process.

However, the draft Budget is simply not joined-up. Each Department has had cuts imposed, and there has been little evidence of thinking outside of departmental silos. The result is a Budget that has been generated by the DUP and Sinn Féin in private negotiation, rather than being collectively agreed. It is a Budget that the Alliance Party seems willing to sign up to pretty blindly. The SDLP believes that the experience gained —

**Dr Farry:** I am grateful to the Member for giving way. It would be helpful if the Member clarified something. There seems to be two different arguments going on. One argument is that the Budget is the product of a DUP/Sinn Féin carve-up, whereby the two parties went off, within the Budget review committee, by themselves and presented a fait accompli to the other Ministers. On the other hand, even though it published its document at the eleventh hour — two months later than every other party — the SDLP is saying that its fingerprints are on the draft Budget, because all the good ideas in the document have been included in the Budget. So, which version is it to be?

**Mr McDevitt:** I am grateful to Mr Farry for giving me the opportunity to remind the House that the document that we published last December was the second one that we published in two years. I have a copy of the first here that I am happy to pass around the Chamber, and we can refer to it during the course of the day. [Laughter.] I know that the Minister of Finance and Personnel has enjoyed referring to it in the past, but he may wish to refresh his memory.

The document that we published in April 2009 includes many of the provisions in this year's Budget that we are able to welcome. However, there is no getting away from the simple fact that the draft Budget before the House is a carve-up, and a carve-up for political reasons. Fair play to the DUP and Sinn Féin, because those parties have the numbers to get the Budget through the House, and I wish them

good luck with that mission. What I cannot understand —

**The Minister of Finance and Personnel:**

Perhaps the Member will explain where he gets the idea of there being a carve-up, because there is as much fantasy in that assertion as there is in some of the stuff that is in his document. The budgets that were most generously treated in the draft Budget were those for DHSSPS and DEL, neither of which are DUP or Sinn Féin Departments. Indeed, the Member's colleague Mr O'Loan, who is sitting behind him and who will probably put his head down in a minute or two, complained last night that the budget for DCAL, which is a DUP-controlled Ministry, was one of the worst hit. Where is the evidence of a carve-up?

**Mr McDevitt:** I had the opportunity to listen to the radio this morning. I shall not mention the broadcaster's name, because it is mentioned too many times in the House. On that programme, John Simpson, who is a senior economist and who, for the record, I do not believe votes for the SDLP, pointed out that DHSSPS is a loser in the draft Budget and DEL a major loser. It is not my job as an SDLP MLA to defend colleagues and another party's Ministers, but that was in evidence in what Mr Simpson said, in the report that was published by Queen's University last week and in the PricewaterhouseCoopers (PWC) report. With the indulgence of the Speaker, the Minister and the House, I will return to that issue a little later.

**Mrs D Kelly:** Does the Member agree that the reason why the SDLP is so angry about the draft Budget is not on behalf of the Department for which its Minister has the portfolio but because those who are most vulnerable, disadvantaged and marginalised will remain so if the Budget is carried through as it stands?

**Mr McDevitt:** The great tragedy of today's debate is that those who are suffering are not in the House. Those people are working families and are the most marginalised in our community. At the end of my remarks, I will take some time to try to evidence that to the House.

There are also problems with the process. The SDLP believes that the experience gained from the outworking of the current Budget, and the serious impact of many outside factors over the four-year period, highlights the need for the flexibility of a full annual Budget process, combined with a long-term strategic

economic plan. In order to best manage our finances, provide sound planning and allow for transparency and accountability, we cannot rely on a Budget document that is years out of date. That will prove to be the case again, as there is a marked absence of medium- and long-term thinking in the four-year draft Budget, for which there is no accompanying Programme for Government.

Now that we have relative stability in government, we must move on from short-fix, short-term politics and, I must add, the politics of the peace process. I am sick and tired of hearing Members, who are my colleagues, try to excuse every failing of regional government as a consequence of our transitional status. My generation do not consider themselves to have transitional status; rather, they feel that they are part of a region with a devolved Government, and they want that Government to work for them.

It is difficult to assess the objectives of the draft Budget, as it is not based on an up-to-date Programme for Government. Although it has been touted as a great four-year plan, without a strategic Programme for Government, it is a short-term fix. Any argument that the 2008 Programme for Government is an acceptable strategy on which to build the draft Budget is totally flawed. We need a new Programme for Government on which to base a proper four-year Budget.

In response —

**Mr Campbell:** I thank the Member for giving way. I think that he has mentioned the absence of a new Programme for Government three times in the past couple of minutes. Does he not accept the point that was made yesterday that we are discussing a Budget in the final few weeks of the current mandate and that the time for the consideration of a new Programme for Government will be in around 10 weeks, not at the end of this mandate?

**Mr McDevitt:** Mr Campbell makes a very good point. However, it was his colleague the Minister of Finance and Personnel, Mr Sammy Wilson MP MLA, who, in answer to a question for written answer to my party leader, Margaret Ritchie, a couple of weeks ago said, and I quote —  
[Interruption.]

**11.45 am**

**Mr Speaker:** Order. The Member must be heard.

**Mr McDevitt:** Mr Wilson wrote:

*“The ideal situation would be to have the draft Programme for Government published at the same time as, or in advance of, the draft Budget.”*

The 2008 Programme for Government was published before the economic downturn. Although we accept the fact that it makes the economy the number one priority, the outlook has changed so radically that businesses and jobseekers have different needs now than in 2008.

In a recent speech to the Northern Ireland Assembly and Business Trust (NIABT) — a speech that I was able to listen to personally — Mr Wilson said that we will not really know the impact of this Budget until we are well into year 4. That admission proves that the Budget is not a precise document and Northern Ireland needs a Programme for Government to accompany it, otherwise we are being asked to put a few pounds on at fairly long odds. Those of us in the House who are betting men and women would never do such a thing.

It begs an important question: how can the public have confidence in the Budget when the Finance Minister is unable to predict its impact? It is not just us who are saying that. The Northern Ireland Council for Voluntary Action's (NICVA) response to the budgetary process raised serious questions about the process and the Budget itself. NICVA's budget submission concludes:

*“At present this is not a balanced Budget. At this stage, and with reference to the published information, it is not clear how two major spending Departments — certainly DHSSPS and possibly DEL — will balance the books. The outcome of this may hold important implications for other Departments.*

*While some revenue raising is proposed, more imaginative funding mechanisms, savings and revenue-raising programmes and projects might have been suggested.*

*It is less than ideal that a Budget is to be agreed before a new Programme for Government is in place.*

*The indications in this Budget do not tell us if the Executive has an adequate response to many of the challenges facing Northern Ireland, e.g. rising unemployment and a rebalancing of energy use and the economy towards renewables”.*

I know that that is a difficult one for the Minister. However, it is still part of the Programme for Government — the old one.

The Budget can also be measured against its potential impact on the economy, yet all the economic commentators recognise the need to balance the Northern Ireland economy. That means growing our private sector and getting a more efficient public sector. It means focusing on job creation and investing scarce capital in the right areas. A Budget is one of the key levers available to the Northern Ireland Executive in enabling that change, yet the draft Budget and the Budget Bill fail to do so.

The draft Budget fails to prioritise economic development and contains little economic stimulus to generate jobs in the short term and to get the economy moving. It provides no proposals to move assets and activities from the public sector to the private sector, and it provides no serious aspirations for public sector reform. In large part, that is because the Executive are working to a Programme for Government that is now three years out of date. The only proposal for economic stimulus in the draft Budget — the green new deal — lacks ambition and the funding to match. In the SDLP's 'Partnership and Economic Recovery', we begin to tackle those issues, and we will continue to encourage others to do so as well.

The draft Budget is hugely ambitious, and there are questions over how robust the claims are around additional finance being raised. Initial suggestions were that we would get £1.5 billion new money — new revenue — from the Budget. Those suggestions came from the Minister for Regional Development in a briefing about 48 hours before the draft Budget was proposed. However, they disappeared like snow off a ditch, and we are now talking of a figure of £800 million, but that cannot be quantified either. The SDLP is concerned about the low level of new revenue that will be raised in the draft Budget. When normal receipts are stripped away, there is little new money: less than 1% of the total Budget. The Minister may have described this Budget as a:

*“good Christmas present for the people of Northern Ireland” —*

and it may have nice wrapping, but the box is pretty empty.

**Mrs D Kelly:** I thank the Member for giving way. He has clearly articulated what Stephen Farry has suggested: the Budget is full of holes. Is that a description with which the Member agrees?

Unlike the SDLP, the Alliance Party has given the Budget its full support. Mr Farry argued that any party that does not support the carve-ups arrived at by the DUP and Sinn Féin should leave the Executive. However, since the Alliance Party does not support another DUP/Sinn Féin carve up, namely the cohesion, sharing and integration (CSI) strategy, will it leave the Executive? Members will recall that the only reason why the Alliance Party condescended to take the Justice Ministry was on the basis that a cohesion, sharing and integration strategy would be published. Now that strategy has been rubbished; it will not now appear in this mandate. Should the Alliance Party not consider its position in the Executive?

**Mr McDevitt:** The question stands.

**Dr Farry:** I thank the Member for giving way, and I am grateful to him for facilitating the debate. Is Dolores Kelly asking the Alliance Party to jump out of the Executive before the SDLP, if that is what the SDLP intends to do?

Let us be clear. The devolution of policing and justice has been an outstanding success over the past year. An extremely difficult political issue that almost brought down the Assembly has been stabilised. We are now seeing delivery, and I would not belittle that for one moment.

We have had more progress on cohesion, sharing and integration over the past year than we have ever had during any previous mandate, including when the Ulster Unionist Party and the SDLP were allegedly running this place. As for any carve-up, we have been clear that this Budget was negotiated by five parties, including the SDLP. That party cannot point the finger at the Executive because the Executive is the SDLP inasmuch as it is any of the five parties in this Chamber. The Executive is a collective effort.

The question stands for the SDLP: when Alex Attwood votes against the Budget at the Executive, but is then bound by collective responsibility to defend that Budget, will the SDLP have one version of the party in the Executive saying one thing, and another version outside saying another?

**Mr McDevitt:** I am tempted, Mr Speaker, to depart from the Bill to go back to the question of the CSI strategy. However, I am sure that you would pull me up.

It is interesting that, in these islands, liberal parties seem to be making a habit of doing a bad deal as they enter government. Colleagues in Mr Farry's sister party sold themselves into government for a referendum that they will lose, and the Alliance Party sold itself into government for a cohesion, sharing and integration strategy that is the laughing stock of the community relations sector.

**Mr Humphrey:** I am grateful to the Member for giving way. Talking of sister parties, why is this nation in the mess that it is in, with respect to economic and fiscal policy? It is because of the sister party that the SDLP props up at Westminster. The SDLP sits on the Labour Party Benches.

**Mrs D Kelly:** So do you.

**Mr Humphrey:** The SDLP supported the Labour Party through thick and thin, and that party left this country in the economic mess that it is now in.

**Mr Speaker:** Please address all remarks through the Chair.

**Mr McDevitt:** I am always curious to know why the DUP is unable to get a sister party anywhere. Maybe that is the way that it prefers it. I will return to the Bill, but I will give way first.

**Mr McCallister:** I thank the Member for giving way. I am refreshed to hear DUP Members laying the blame where it belongs, with the Labour Party.

I will return the Member to the Bill. Is he not a little unfair about revenue raising? He may have forgotten about Daithí's plastic bag tax.

**Mr McDevitt:** Serendipity, Mr Speaker. I was about to review the holes in the Budget that Mrs Kelly referred to on the revenue-raising side. The draft Budget anticipates £146 million in rates increases over four years, yet Minister Wilson championed a rates freeze. It expects us to realise £442 million in capital receipts over four years. Let us face it: this is not new money; it has been accounted for in previous departmental budgets. It is funny money, Mr Speaker. I know that the Minister likes to be a comedian at times, but he is a serious man when it comes to being a Minister, and he knows that, too.



The draft Budget anticipates £100 million in receipts from the central asset management unit (CAMU). However, CAMU failed to raise any funds in the past four years. The draft Budget expects £23 million this year in capital carried over from 2010-11 to 2011-12. That was announced in the December monitoring round. However, that money is carried over; it is not new. There is £4 million in the plastic bag levy that Mr McCallister mentioned. I put that question to the Minister of the Environment in the House last week. Surely the point of the plastic bag levy is to reduce reliance on plastic bags, and, therefore, its success will raise no money.

**Dr Farry:** I am grateful to the Member for giving way. I will try to move the debate on to revenue raising. I would be grateful if the Member could clarify when the SDLP will come off the fence and be clear about the need to introduce water charges in Northern Ireland. Water charges are being paid everywhere else in the UK, and we cannot sustain levels of public services here without generating the same levels of revenue that are generated elsewhere.

I note, in particular, that the SDLP has now called publicly for the mutualisation of Northern Ireland Water. I agree with him, and I am glad that we have found some common ground on the issue. However, the SDLP is not being fully honest in accepting the logic of its arguments, because the mutualisation of Northern Ireland Water means that it becomes, essentially, self-financing. That means that a separate charge has to be raised from the public. Therefore, calling for mutualisation means calling for separate water charges. That is the right way to go, but the SDLP should be brave and say that, in doing so, we will bring in £200 million a year that will transform the situation that we are in.

**Mr McDevitt:** I am grateful to Mr Farry, because I was going to return to that matter later, and I will do so. Mutualisation does not equal water charges. I do not want to have to explain the concept of mutualisation. However, Mr O'Dowd suggested that mutualisation was privatisation, but it is actually the opposite. My advice to Mr O'Dowd is to look it up in the dictionary. A mutual company is owned by its customers. The customers of Northern Ireland Water are the people of this region. Mutualisation would be the model that would guarantee public ownership of that utility, not privatise it.

Mutualisation requires that there be a certain and steady income stream. It does not mean that we have to raise that income through water charges. We could continue to subsidise Northern Ireland Water, as we do today, out of the block grant, and we could mutualise it. We could do lots of other things. My party will not be going to the people to surrender on an issue on which we have stood fast, which is that people should not pay a separate water charge in this region as things stand today. We are not going to resile from that position.

**The Minister of Finance and Personnel:** Clearly, the Member is totally confused about the way in which Northern Ireland Water could raise money. If the idea behind mutualisation is to ensure that Northern Ireland Water can borrow money to pay for the infrastructure, it can do that only against a guaranteed income stream. If the borrowing is against a guaranteed income stream from the public sector, the Member knows well — or, at least, he would know well if he has done his homework — that once that guarantee becomes a Government guarantee, any borrowing is measured against our block grant and we lose it. The only source of income that would not allow the Treasury to take borrowing from our block grant would be from a source that is independent of Government guarantee. As Mr Farry and others pointed out, that is why mutualisation will require some charging of the customer if we are to raise money against it.

## 12.00 noon

**Mr McDevitt:** I will continue the point, and I am grateful to the Minister for raising it. In the Chamber last night — it was late — the Minister questioned a lot of the SDLP's borrowing proposals. He basically said that, if we seek to borrow, we hit the block. This is another example of the view that Treasury rules do not allow us to borrow because there are Barnett consequentials and block consequentials. However, that is not quite true. We borrow £200 million a year from the block under RRI. We can get Treasury to agree to exceptions. In fact, in the past three months, we proposed to borrow £175 million for the Presbyterian Mutual Society, which will not score against our block. The Minister is, of course, technically correct that, if we were to try to do it without seeking an exception, we would subject ourselves to a bit of a problem.

**Dr Farry:** Will the Member give way?

**Mr McDevitt:** No, hold on a second. Let me finish the point.

There is nothing to say that we could not go back to Treasury with a properly costed, properly proposed scheme that, in the same way as with the RRI or the Presbyterian Mutual Society, would allow us to raise revenue and guarantee an income stream for a mutual without breaching Treasury guidelines. The guidelines could be changed, as they have been changed often.

**Dr Farry:** Will the Member clarify for the House how many special exemptions Northern Ireland will go to the Treasury to appeal? We are in a very difficult financial situation. The coalition Government want to normalise politics across the UK as far as possible. We have negotiated the PMS settlement. We are negotiating for special exemptions on corporation tax. There is also an ongoing battle regarding end-year flexibility. How on earth will we go to the Treasury and say that we want flexibility in the governance arrangements for Northern Ireland Water? Everyone else in the UK pays for their water through a separate charge, but we, in Northern Ireland, will opt out.

While I am on my feet, may I also ask the Member to clarify why, as a so-called social democratic party, the SDLP is playing a right-wing, populist card by refusing to bite the bullet on progressive revenue raising to properly fund public services? The SDLP is trying to have it both ways.

**Mr McDevitt:** We have got used to Mr Farry propping up the consensus on the cuts coalition of Sinn Féin and the DUP, but he is now a surrender monkey to the Con-Dem coalition in London. This Assembly should except itself from United Kingdom arrangements every bleeding week. We cannot have too many exceptions for our region. We cannot do enough our own way. We will make no apology for seeking further exemptions if it is in the best interests of the people of this region, the finances of the Executive and the Assembly and our major investment needs. Our answer to everything does not have to be, "Och, we could not do that. Sure, the rules do not allow it". It just beggars belief.

**Mr Callaghan:** I thank the Member for giving way. Does he agree that the position outlined by Mr Farry and the Minister, which effectively implies that people here do not contribute to the revenue stream of Northern Ireland Water at the minute, is exactly the same lie as is pedalled by

the British Treasury? That has to be dispelled and resisted. All householders here know that they contribute to a revenue stream for water every year through their rates bill.

**Mr McDevitt:** Many colleagues, particularly those in office in the House, will know that the SDLP has made that argument inside and outside the Executive for heading on for a decade.

**Dr Farry:** Given that the Member was a special adviser at the time, he may well recall that, in the past, there was a formal link between the regional rate and water, which was broken by the then SDLP Finance Minister. People now pay for an element of their water through the regional rate. I think that that has been assessed at £160 a household. However, that does not cover the full cost of providing a water service. Although people pay for an element, they do not pay the full cost of what is required to run Northern Ireland Water. It is important that people understand the sums on this matter.

**Mr McDevitt:** I will indulge the House with a clarification on that matter because, in a previous role, I was party to some of the decisions taken in the Executive at that time. I assure Mr Farry that Mr Mark Durkan did not break the link when he was Finance Minister. In fact, that is the problem. The breaking of the link and the change took place after the Assembly had been suspended. That is why the SDLP continues to believe that we can deliver on our RRI commitments and the other major capital investment programmes through a rateable process.

I return to the holes in the Budget. Some £20 million a year has been identified as coming from housing association reserves. However, there is no ability to recoup that money from the associations. The total new revenue claimed in the draft Budget is £807 million. However, the true potential is only £262 million. It is not me saying that; a senior official from the Department of Finance and Personnel said so, on 12 January 2011, to the Committee for Finance and Personnel. As colleagues can see, the supposed £842 million in new revenue is questionable to say the least, as is, in particular, the £442 million already planned by Departments. In fact, the majority of it comes from DSD and is merely the repayment of Housing Executive debt. It is not a new source of money.

In our document, we found many additional revenue-raising opportunities that we have not

seen incorporated into the draft Budget. That means that we have less money to spend. In fact, the SDLP's ideas bridge the entire funding gap in the draft Budget. Our fully costed document 'Partnership and Economic Recovery' — it is available, although some Members last night seemed to think that it was not — provides detailed figures for our proposals. It is available in the Library and online, and I will send Members a link to it on Twitter if that will make it easier for them. It is not exactly a secret document.

The report provides detailed figures for the following SDLP proposals, none of which is in the draft Budget: the resizing of the Executive information service; the scrapping of departmental management boards; car park charging for the Senior Civil Service; the establishment of the Education and Skills Authority; the increase in public sector productivity; reductions in public service expenses and overseas travel; the leasing of Forest Service lands; the abolition of junior ministerial posts — I am sorry if any of the junior Ministers are in the Chamber at the moment; reforming the Northern Ireland Prison Service; a public service pay cut of 5%; procurement savings; a single economic policy unit; restructuring quangos; reviewing university costs; cutting public sector advertising; a supermarket off-licence levy; scrapping the Focus Farms scheme; reducing legal aid costs; a rates increase for banks and ATMs; a levy on telephone masts; an MOT charge increase; fast-track planning charges; Northern Ireland Housing Executive interest reprofiling; a shared future investment bond — I think that I have dealt with the points that the Minister raised in the House last night about borrowing in this region, which we can come back to if he wishes; the sale and leaseback of the Northern Ireland Housing Executive headquarters; the agricultural college receipt and — I apologise, Mr Speaker — the sale of your house on this estate too; the sale of allotments; the privatisation of the Rate Collection Agency; the deferral of non-priority projects; the planning gain developer contribution to local government borrowing; the long-term borrowing; other capital realisation asset sales; the sale of Derry port and airport; and the privatisation of Belfast port, to mention just a few.

The initial delay in publishing the draft Budget has had the knock-on effect of limiting the ability of outside organisations to give a considered response.

**Mr Hamilton:** The Member read, at some rate, a fairly long list —

**The Minister of Finance and Personnel:** He did not want us to think too much about it.

**Mr Hamilton:** That is the point, exactly. Does the Member accept that the glaring omissions from that long list are measures that would realise monetary efficiencies and deliver much more effective government in Northern Ireland? They would involve dismantling what his former party leader called the ugly scaffolding of Stormont: doing away with Departments and saving money in the process; encouraging more efficient working within the new Departments; and getting rid of a considerable number of MLAs and saving money, never mind about getting rid of the Speaker's house or the junior Minister posts. Will he concede that those are glaring omissions from his lengthy list of measures, or is he more concerned about the effect that they might have on the SDLP?

**Mr McDevitt:** I am grateful for the Member's intervention. It is like the story of the bad tradesman who blames his tools; if only he had better tools, he could do a better job. It is not the system that is broken around here, it is the politics. Bad politics, not a bad system, has given us a bad Budget.

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

**Mr McDevitt:** I will give way in a second.

We could have delivered this draft Budget through good politics months ago, and it could have led to a great consultation and proper scrutiny by Committees, not the accelerated passage of an important Bill. But, no; what are we doing? We are playing bad politics in a system that would, if we chose to work it, be capable of transforming this region.

**Mr Hamilton:** Is the Member seriously trying to convince the House that this system of government is effective, given that, in many respects, it is the same system that was there between 1999 and 2002-03, when his party and the UUP were in lead positions, and the First Minister David Trimble and the Deputy First Minister Mark Durkan did not even speak to each other? Is he trying to tell us that that was an effective system? Admittedly, David Trimble's party colleagues would not even speak to him at that time. However, is the Member seriously trying to say that the system of government

that was in place then and is in place now was effective at that time simply because different people headed it up? The system is wrong, and it prevents us —

**Mr McCallister:** You were in it.

**Mr Hamilton:** The Member who is commenting from a sedentary position is right. I did not speak to him because of all the stuff that he was up to.

**Mr Speaker:** Order.

**Mr Hamilton:** Is the Member seriously trying to say that this cumbersome five-party mandatory coalition is the best system of government for Northern Ireland and the one that the people of Northern Ireland deserve?

**Mr McDevitt:** It is the system that an overwhelming majority of people voted for. I accept that —

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

**Mr McDevitt:** Let me just finish. I accept that the DUP rejected that system, and I respect it for that. I understand why DUP colleagues find it difficult to be at the helm of a system that the DUP actively opposes. However, the truth of the matter is that it is its system, too. If done right, the system would be capable of transforming this region. What signal does it send out to the outside world when we spend our time blaming our tools instead of looking to ourselves, to our politics, to our culture, to our attitude and to the fact that we could have produced a draft Budget in September, if not in early October? We could have done this right. *[Interruption.]*

**Mr Speaker:** Order.

**Mr McDevitt:** The issue is not a broken system; the issue is broken politics in the big two parties. Mr Speaker, if it is OK with you and colleagues, I would not mind finishing my contribution before lunch. I have only — *[Interruption.]*

**Mr Speaker:** Order.

**Mr McDevitt:** I have only 18 minutes left so, with Members' indulgence, I will plough on for a little bit, and then I will happily engage in a few interventions. *[Interruption.]*

**Mr Speaker:** Order. Allow the Member to continue.

**Mr McDevitt:** The issue that goes to the heart of Mr Hamilton's point is the transparency of the system and the politics at the heart of it.

The initial delay in publishing the draft Budget has had the knock-on effect of limiting the ability of outside organisations to provide considered responses. That delay has also had a further detrimental effect on departmental planning, resulting in an even shorter timescale for departmental consultations and a lack of detail in the departmental spending plans we have seen. Moreover, we are left with this ridiculous scenario where the Vote on Account, the first stage of the Budget process in the Assembly, and the Second Stage of the Bill come before the end of the consultation period. It is bizarre. The lack of detail in spending plans further limits the process's transparency and creates further difficulty and confusion for those wishing to respond properly.

There are four ways in which we could improve transparency in the Budget process. First, we could change the Budget to highlight specific spending on front line services. Secondly, we could require each Minister to make a statement to the Assembly on their budget proposals. Thirdly, we could ask all Ministers to open their individual departmental budget plans to Executive colleagues for collective scrutiny. I note that the Chairperson of the Committee for Finance and Personnel has yet to respond to my intervention about his opinion on that matter. Fourthly, as I said, we could establish an Assembly Budget review group to interrogate the cost of government in a similar vein to the Executive Budget review group.

The SDLP has significant concerns that the Budget will lead to a reduction in the scrutiny of government. The huge cuts to the Northern Ireland Assembly secretariat and the Audit Office and the scrapping of the Economic Research Institute of Northern Ireland will have significant implications for the ability of independent bodies to provide options and alternatives and to counterbalance the Executive. A reduction in the funds available means that there is a greater need for scrutiny of spending performance and delivery.

Given that the SDLP has shown, through its fully costed Budget document, that there are further sources of funding available, we believe that there is still scope to provide additional funds in specific areas in order to create jobs, to defend



vulnerable people and to protect front line services. The cuts being dealt by the Executive Budget will create up to 9,000 job losses. That is not my figure; it is the opinion of outside bodies. Figures from the Regional Health and Social Care Board chief executive, John Compton, suggest the possibility of 4,000 jobs going in the Health Service. INTO, the teachers' organisation, suggests that as many as 4,500 jobs could go in the education sector. Already, 213 firm redundancies are planned at Belfast Metropolitan College. The Department of the Environment is predicting 300 job losses over four years. The Department of Agriculture and Rural Development is predicting that 80 jobs will have to go in the next four years. The SDLP believes that, if the Budget was well managed, there should be no need for compulsory redundancies.

### 12.15 pm

The Budget will also have serious implications for the future provision of health services. Alongside potential job losses, predictions are being made that the cuts will limit patient access to new drugs, have a hugely negative effect on social care provision, effect hospital closures and mean that a lack of finance will be available to finalise new projects such as the Altnagelvin cancer unit. There is no point building a cancer unit if we cannot staff it. What signal does that send to the people in the north-west of our region and to colleagues and neighbours in Donegal and the border counties?

The SDLP understands the inflationary nature of the health budget due to an ageing population, demographic changes and the cost of new drugs and technologies. We accept that there are opportunities for reform and savings within the health budget. However, we believe that the Health Minister and Finance Minister must work with their Executive colleagues to ensure that significant changes are made to the Budget to end uncertainty and guarantee the protection of front line services.

The draft Budget fails to provide clarity on student finance, student fees or the education maintenance allowance. Worryingly, however, the draft Budget includes a 21% cut in funding for the Department for Employment and Learning in 2012-13, the year in which the new university charging regime, as voted for in Westminster, is due to come into force. Maybe, during his winding-up speech, the Minister of Finance and

Personnel will clarify his personal position on student fees. I read the Hansard report from the House of Commons on 10 December. I give the Minister full credit: he stood up and made a fine contribution, expressing his opposition to increased student fees.

**The Minister of Finance and Personnel:** Just in case I forget, I want to remind —

**Mr McDevitt:** I would rather that you waited until your winding-up speech. However, as you were generous to me, I will give way.

**The Minister of Finance and Personnel:** Given that the Member has read the Hansard report, I am sure that he will be absolutely clear on my position, and I know that the Member who spoke from his own party made exactly the same point. I believe that we should not have a system that rules out people who could benefit from higher education from having that opportunity because of their inability to pay and fear of student debt. However, I made it very clear that, given the Barnett consequential that had been handed down to the Executive before the House of Commons had even made its decision, our room for manoeuvre and that of the Scottish representatives was severely limited by a financial decision that had been made at Westminster. Therefore, if the student fees decision went through the House of Commons and there was to be a financial consequence for devolved Administrations, it would have to be factored in to any decision and was bound to be a limiting factor in any freedom of movement and choice when it came to making decisions here. That was the position that I stated, and that is why I voted against the increase in fees in the House of Commons. I believed that that was the place to stop it. However, once that decision went through, there was a financial consequence for us. The Member's party, as well as my party, the Ulster Unionist Party, Sinn Féin and the Alliance Party, will have to work out how we address those financial consequences.

**Mr McDevitt:** I appreciate the Minister's clarification on that matter. However, let him never again come to the House and say that he opposes Tory cuts. He has just said that he accepts them and that, having lost the vote in the House of Commons, he is now happy as a devolved Minister to deliver them. Let him nail that lie this afternoon, tonight or whenever he gets a chance to do so.

**The Minister of Finance and Personnel:** I do not know whether the Member is having difficulty. I cannot speak Spanish, and perhaps he does not understand my English. Let me make it clear to him again that, if there is a financial consequence, this House as a whole has to decide how to live with that. I have not heard any credible explanation of how we live with the impact of something that we voted against but which is imposed on us and, therefore, limits our freedom of action. I have not yet heard the SDLP explain how it would live with that.

I remind the Member that a similar situation was faced when his party had the employment and learning Ministry. That was exactly the point that it made: we have to live with the Budget that we have and must impose a £3,000 fee on students. Let us not forget — he seems to have done so — that fees for students in Northern Ireland were introduced by the SDLP and not by the Minister who now heads the Department for Employment and Learning.

**Mr McDavitt:** I appreciate the Minister's comments.

**Mr Callaghan:** This is the second time in two days that we have heard erroneous claims from the DUP Benches about what a previous SDLP Minister did when responsible for higher education. It is not the case that an SDLP Minister introduced fees, and even the figures that are being suggested about what applied at the time, the previously imposed figures, are inaccurate. I think that Members on the DUP Benches should —

**The Minister of Finance and Personnel:** Who introduced them?

**Mr Speaker:** Order.

**Mr Callaghan:** The DUP should consult the history books. Look on Google, Minister, and you will find out. *[Interruption.]* I am not in a position to give way.

**Mr Speaker:** Order.

**Mr Callaghan:** There is a bigger issue here. The Minister let the cat out of the bag about the flaw in the DUP and Sinn Féin approach to the Budget process when he said that the House had to live with the cuts imposed by the Tory-Lib Dem coalition. We do not have to live with it; the real question is how we deal with it. We have put forward proposals to deal with it and bridge the gap, and it is time that the Minister

and others on the Executive met that ambitious challenge.

**Mr McDavitt:** I thank Mr Callaghan for that intervention. I think that he addressed the Minister's points, Mr Speaker.

The Executive have not honestly reprioritised the capital programme in housing either. Instead —

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

**Mr McDavitt:** No. Instead, they have just spread the pain around. There is no capital spending programme — *[Interruption.]*

**Mr Speaker:** Order.

**Mr McDavitt:** No capital spending programme does more to stimulate jobs, reduce poverty and meet important social policy objectives than investment in social housing, but the Executive have overseen a 40% cut in the newbuild housing budget without any attempt to find money elsewhere. On top of that, the draft Budget proposals would take an overly ambitious £80 million from housing association reserves.

It is incredible that the Department of Education has been allowed to become one of the biggest losers in this Budget process. Alongside the potential for up to 4,500 job losses, as many as 100 schools face the prospect of having building works cancelled. Again, the Budget provides little clarity, and it is not yet certain which schools will be affected.

Research from the Trades Union Congress shows that low- and middle-income families will be an average of £2,700 a year worse off by 2013. In addition, in 2013, the coalition Government in London will replace tax credits and benefits with the universal credit system, which will mean further hardship. The Executive cannot mitigate these changes, but the Budget does not do nearly enough. The social protection fund that the SDLP proposed to ensure that the most vulnerable members of our society could be protected from Westminster welfare cuts has been adopted for only one year. That is hugely disappointing and means that, by 2012, thousands of vulnerable people, many of them with disabilities, will face benefit cuts. It is imperative that the social protection fund is extended over the lifetime of this Budget if it is to be credible as a progressive measure to tackle poverty in this region.

The SDLP is also dismayed that the Executive see fit to impose a pay freeze on over 10,000 low- and lower-middle-income civil servants, approximately 7,400 of whom can be classed as earning below the average industrial wage. I ask colleagues in Sinn Féin to reflect on that. They are asking 7,400 people who earn less than the wage they take home to take a pay freeze. That is not just. They are asking the lowest to pay for the sins of the few.

The social investment fund causes us much concern. Despite such shortfalls in funding for health, education, student finance and housing, the draft Budget provides £80 million for a new Sinn Féin-DUP community fund to be targeted at their selected and preferred groups. OFMDFM's social investment fund for interface communities is politically driven and was not discussed by the full Executive before it was announced. The proposal lacks definition. If it were truly aimed at tackling disadvantage, such money would be better spent on enhancing the delivery of existing Department for Social Development programmes.

**Ms M Anderson:** Go raibh míle maith agat. I thank the Member for giving way. Those most deprived communities may happen to be in west Belfast or the Shankill. Does the Member not realise that what we hear from the SDLP about the social investment fund and the social protection fund is almost a repetition of what the SDLP said many years ago when it supported political vetting? That resulted in groups like Conway Mill in west Belfast and Dove House in Derry being adversely affected.

The social investment fund is crucial. Had you listened to the First Minister and deputy First Minister when they explained to the Committee for the Office of the First Minister and deputy First Minister how the social investment fund would be targeted at the most deprived areas and how the social protection fund would be targeted at people who needed it most, you would see that, on the basis of objective need, such a fund is absolutely crucial. Trying to describe it in the manner in which you and your SDLP colleagues have done does an absolute disservice to the people in our community, particularly those in the most deprived communities, who need those resources to assist them. Your analysis is wrong to arrive at that conclusion. The people in Dove House and Conway Mill have long memories of your position on political vetting and where it affected

people most, which was in the most deprived republican areas.

**Mr McDevitt:** That was an amazing contribution from Ms Anderson. I agree with a tiny bit of what she said: those most on the margins of our community need most support. However, there is no logic whatsoever in the point made. If, in the past, there were failed British Government schemes that were politically driven — schemes that the SDLP had no part in, spent a lot of time opposing and has no truck with defending — why would Sinn Féin try to manufacture its own politically motivated centralised scheme? If it were seriously a scheme to tackle deprivation and marginalisation, why would we not have discussed it around the Executive table properly and in advance, and why would you not give it to the Department for Social Development for delivery?

**Mr Callaghan:** I thank the Member for giving way. Does he agree that the neighbourhood renewal scheme is there precisely to fulfil the purpose of targeting disadvantage in the most impoverished areas of the North of Ireland? I was flabbergasted at my Foyle colleague's contribution. She specified who should be the potential beneficiaries of the scheme when nobody knows what the scheme's criteria are. Everything is a total mystery. What she said only adds weight to suspicions among many groups, including those in what she would probably describe as republican areas, that the scheme is a crony list in waiting that was set up by Sinn Féin and bowed down to by the DUP and its new allies in the Alliance Party, which, previously, was the moral guardian of fiscal rectitude but now seems happy to sign up to anything at all for the sake of one ministerial seat.

**Mr McDevitt:** I thank Mr Callaghan for that point.

**Mr McCartney:** Did Mr Callaghan give an example of political vetting by suggesting that there are Sinn Féin crony organisations somewhere?

## 12.30 pm

**Mr McDevitt:** The point that is being made is that we know that, when there has been political interference — alleged or actual, on this island and in other places — in community programmes, their delivery has been bad.

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

**Mr McDevitt:** Let me just finish this point, Mr McCartney.

We know that, and our history is littered with examples of it. Indeed, our party was founded to campaign against it, and, I suggest, our party has the proudest record in the House of doing just that. We must not repeat the mistakes of the past in this Budget. I am putting down a marker to say that, if it walks like and looks like a big mistake, it could be a big mistake.

**Mr McCartney:** Does the Member agree that the British Government stopped the funding for Conway Mill as a direct result of a call from a former member of the SDLP who, at the time, was a serving Belfast city councillor?

**Mr Speaker:** Order. Unfortunately, I have to interrupt the Member, because we are coming up to lunchtime, and, as most Members know, the Business Committee has arranged to meet immediately on the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when it will be Question Time. After Question Time, we will come back to the Second Stage of the Budget Bill, when Mr Conall McDevitt will, once again, be on his feet.

*The debate stood suspended.*

*The sitting was suspended at 12.31 pm.*

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

**2.00 pm**

## Oral Answers to Questions

### Employment and Learning

#### Apprenticeships

1. **Mr Hilditch** asked the Minister for Employment and Learning what plans he has to increase participation in apprenticeship schemes. (AQO 1050/11)

**The Minister for Employment and Learning (Mr Kennedy):** Apprenticeships are key to developing workforce skills in Northern Ireland now and in the future. Therefore, I am determined to protect the provision for young people in the 16-year-old to 24-year-old category, despite the difficult economic context. Apprenticeships depend on an employer employing a person and encouraging them to undertake the training that is laid out in apprenticeship frameworks. My Department meets the full cost of apprentice-directed training. That can range from £2,600 to £10,800 per person, depending on the level of study, the occupational area and the progression of the individual through the apprenticeship framework. On completion, an incentive ranging from £500 to £1,500 is also paid to the employer.

In considering funding for apprenticeships, I had a difficult choice to make regarding the 16-to-24 and 25-plus categories. Apprenticeships are an important career path for individuals and strengthen the regional economy. However, the potential withdrawal of funding for those over 25 will protect those career paths for the young people who have been most affected by the economic recession. It is worth noting that the Scottish and Welsh Governments have limited the places available for adult apprenticeships, and that England applies a reduced funding rate. In those jurisdictions, an adult apprentice is defined as being over 20.

Pending the outcome of the draft Budget, it is important to note that my Department will honour its commitments to those adults already on the programme. Although there may be no



funding available from my Department for adult apprenticeships, employers can still train adults using the ApprenticeshipsNI model.

**Mr Deputy Speaker:** The Minister's answer is coming up to two minutes.

**The Minister for Employment and Learning:**

Moreover, employers can upskill their staff through the skills solution service that I have established, which works with employers to develop a tailored programme of training.

**Mr Hilditch:** I thank the Minister for his answer. Does he agree that it is becoming more and more an issue that apprentices are finding it difficult to complete their training due to employment circumstances, such as redundancy etc? Will the Department look at other options or measures to assist apprentices in completing their training?

**The Minister for Employment and Learning:** I am grateful to the Member for his question. I accept the point that he made and undertake to look at whatever options we have to improve the situation.

**Mr P Ramsey:** In my constituency, there is a deep worry and concern that the Northern Ireland apprenticeship programme is under direct threat as a result of the Budget. Since 2007, 500 adults have gone through the programme to achieve education to level 2. Lord Empey came forward with a plan to upskill people which is out to tender at present. I hope that the Minister and the Department will honour the existing tender because that programme is making a difference, particularly in an economic climate in which so many adults need to be upskilled to meet the demands of industry.

**The Minister for Employment and Learning:** I am grateful to the Member for the interest that he has shown over a long period on this matter. I largely agree with him about the importance that has been attached to adult apprenticeships. Certainly, in an ideal economic world and with a Budget other than the one that I face, I would not want to impact on adult apprenticeships. However, the harsh realities are that I must make efficiency savings across my Department. I have attempted to do so in a careful and responsible manner. I re-emphasise that anyone in an existing adult apprenticeship will not lose their place; it will continue to be funded. We are talking about new adult apprenticeship schemes.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answers thus far; it is useful to get a bit of background on the impact. The Minister keeps saying, and I agree with him, that there is a need for DEL to be central to kick-starting the economy and to be the engine room for that. Taking on board the Minister's answer to Pat Ramsey on the issue of adult apprenticeships and reskilling and upskilling in light of some of the job losses, has the Minister or his officials had any discussions with other Departments, possibly DETI, to halve the burden of reskilling and upskilling through the adult apprenticeship scheme?

**The Minister for Employment and Learning:** I am grateful to the Member for her question. In dealing with training and skills, I enjoy a very good relationship with the Minister of Enterprise, Trade and Investment and her officials. It is necessary to keep that training in place not only during the period of economic downturn but particularly as we prepare for the upturn. I know that there are significant pressures on the DETI budget too, but where there are ways to co-operate and collaborate, I am happy to do so and will continue to do so.

**Mr Cree:** I also thank the Minister for his answers thus far. How important is it for businesses to work with the Department to upskill employees, particularly in the current economic context?

**The Minister for Employment and Learning:** The Member makes a particularly important point. I want to encourage all businesses to, where possible, continue providing training and upskilling opportunities for their employees, because they will find that, ultimately, that investment is worth the money. Of course, my Department remains open to assisting them in every possible way, but we have to realise the difficult economic circumstances that we find ourselves in and take account of that. However, my Department is happy, willing and eager to co-operate fully with businesses at all levels.

## **Young People Not in Education, Employment or Training**

2. **Mr McLaughlin** asked the Minister for Employment and Learning how much funding he intends to allocate for the implementation of the

recommendations in the report on the inquiry into young people not in education, employment or training. (AQO 1051/11)

**The Minister for Employment and Learning:**

I should stress at the outset that the funding of the recommendations of the inquiry into young people not in education, employment or training (NEETs) is not simply a matter for the Department for Employment and Learning. Although my Department has a role to play in offering support to those who have been failed largely by the education system, others, not least the Department of Education, which has responsibility for early intervention, have a significant contribution to make.

As Members will no doubt recall, the recently published report, which I very much welcome, contains 41 recommendations, many of which are targeted at individual Departments. We are carefully considering those recommendations in the context of providing a cross-departmental strategic approach to the issue, and I hope to bring that to the Executive in March to seek agreement to go to public consultation. Therefore, although at this stage it is not possible to tell what the funding implications of any specific changes that flow from the Committee inquiry report might be, it is important to note that substantial funding is already being allocated to relevant programmes and services across Departments.

For example, my Department has in place a wide range of initiatives, programmes and strategies that are relevant to the issue, such as the essential skills strategy and Training for Success, which is primarily aimed at 16- and 17-year-old school leavers. In combination, those two schemes have already input over £50 million in 2009-2010. My Department bid for additional resources in the spending review. However, unfortunately, the outcome of the draft Budget did not provide additional resources for those purposes. Consequently, on foot of the Committee report and the proposed strategy, we will also examine the possibility of bidding against the Executive social investment fund when the criteria become clearer.

**Mr Deputy Speaker:** The Minister's two minutes are up.

**Mr McLaughlin:** I thank the Minister for that extensive answer. I am still trying to figure out whether he will allocate additional funding on foot of the report. Is he indicating that he

intends to make a bid for additional funding either directly through the Budget or, for example, through the invest to save initiative?

**The Minister for Employment and Learning:**

I am grateful to the Member for his question. In the latter part of my answer, I indicated that there could be an opportunity to bid for funds from the Executive's social investment fund, which is a new pot of money. We are still waiting to see the criteria for how we can apply for that. That would be a sensible way forward for some of the funding initiatives that we could use.

**Mr Campbell:** The Minister will be aware of the very good work of some training skills programmes and of the end product that they deliver. Will he ensure that he analyses vigorously the results that many of those projects have delivered when he looks at the level of funding for the next year?

**The Minister for Employment and Learning:**

I am grateful to the Member for his question. I am happy to give that undertaking. When relatively vast sums of money are being expended, it is important that we analyse the results in detail to ensure that we are getting value for money. I know of and note the Member's interest in particular areas and schemes that are working.

**Mrs D Kelly:** I listened carefully to the Minister's answer. I am sure that he will put me right if I have picked him up wrongly, but it appears clear to me that he does not know the terms of reference for the social investment fund. Has he had any discussions with OFMDFM or had any input into the social investment fund? Given that there is no Executive fund for children and young people and that, recently, in the final outworkings of this year's round of funding allocations, the Finance Minister refused his bid for money to NEETs —

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

**Mrs D Kelly:** — has the Minister any confidence that money will come from elsewhere?

**The Minister for Employment and Learning:** I am grateful to the Member for her question. I am concentrating on the next step, which is the cross-departmental strategy. That will involve other Departments such as the Department of Education and OFMDFM as well as my Department, and, with those responsibilities, there will be a financial consequence. Therefore,

we will seek to implement some of the recommendations contained in the Member's Committee's important and useful contribution to the debate. I will seek the co-operation of all Departments as we move forward.

**Mr Lyttle:** The House has discussed the importance of connecting further and higher education to the business community to ensure that employees are trained in the necessary skills. One of the key points that was set out in the NEETs inquiry was the need for improved careers advice. Despite creating a robust model of careers planning for the schools to use, the uptake seems to vary. How much of a problem is that in ensuring that young people have sound careers planning?

**The Minister for Employment and Learning:** I am grateful to the Member for his question. As Minister for Employment and Learning, I remain concerned, to some extent, about some of the careers advice that is available to young people. In conjunction with the Department of Education and other agencies, I am seeking to improve careers advice, particularly when it comes to business and how we can encourage young people to take up the opportunities that are available to them through education or through higher and further education. That is an important aspect of the work that needs to be carried forward. I am not always convinced that the quality of careers advice is as good as it should be.

**2.15 pm**

### **Education: Violence Against Staff**

**3. Dr McDonnell** asked the Minister for Employment and Learning what discussions he, or his Department, has had with the Minister of Education in relation to violence against education and university workers. (AQO 1052/11)

**The Minister for Employment and Learning:** Neither my officials nor I have held any discussions with the Minister of Education or her Department in relation to violence against education and university workers. If, however, there is a particular case, I am happy for the Member to write to me.

**Dr McDonnell:** We give a lot of attention at times to violence against healthcare workers, but I am aware of a small trickle of threats of violence against education workers. Does the

Minister feel that it would be appropriate to have a policy or strategy to deal with it?

**The Minister for Employment and Learning:** It is important that we keep an eye on things as they happen. I am pleased to say that there does not seem to be a significant pattern of violent behaviour in higher education. In the past five years, Queen's University Belfast recorded one incident in which a member of staff was attacked by a student. That happened in 2007. The University of Ulster recorded two incidents last year. In one incident, a student attacked a member of staff, and, in another separate incident, a staff member was attacked by a friend of a student. There have been no recorded incidents of students attacking staff at St Mary's University College or at Stranmillis University College in that period. However, if a pattern were to emerge, it would be a matter of concern, and we would seek to take action.

**Ms Lo:** The Minister is right that there is no evidence of attacks against university or further education college workers, but there has been a problem with violence and antisocial behaviour in the Holylands around St Patrick's Day. Has the Minister had discussions with the universities and with Belfast Metropolitan College on this year's action plan?

**The Minister for Employment and Learning:** I am grateful to the Member for her question and for her interest, along with that of other Members for that area. The four local higher education institutions and Belfast Metropolitan College have been working closely with partners on the Holylands interagency group on planning and preparations for the forthcoming St Patrick's Day. Those partners include the students' unions, Belfast City Council, the PSNI and other Departments, including mine. The preparations will build on the measures already in place, which helped to ensure a relatively peaceful Hallowe'en celebration. Residents' groups have been invited to attend the Holylands interagency group meetings and have been provided with an update on the latest preparations.

**Mr I McCrea:** The Minister may be aware of a campaign that was launched in this Building, prior to his appointment as Minister, the aim of which was to stop violence against women. It related more to higher education and to universities. The Minister referred to the lack of statistics, but will he join me in encouraging people, especially women, to report any violence

against them to the police to ensure that there is a true and proper reading of the statistics and to ensure that things are dealt with accordingly?

**The Minister for Employment and Learning:** I am grateful to the Member for his supplementary question. I agree strongly with him and condemn any act of violence against any individual. I encourage anyone, male or female, who is in the unfortunate position of having been attacked to report it so that assistance can be given and so that we can help to eradicate, not simply alleviate, such instances.

## Education Maintenance Allowance

4. **Mr Doherty** asked the Minister for Employment and Learning for an update on the future of the education maintenance allowance (EMA). (AQO 1053/11)

**The Minister for Employment and Learning:** I want to say, entirely for the avoidance of doubt, that I have no plans to abolish the education maintenance allowance in Northern Ireland. 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 assessing the findings of the report; therefore, no decisions have yet been made on the future of the scheme.

The review found that, in the majority of cases, an allowance makes no difference to young people's decision to remain at school or college; however, in some cases, it makes a real difference. I am determined that young people from lower-income families, to whom those allowances make a real difference, continue to be assisted to stay on at school or college. The Committee recommended that the allowances could be better targeted. I can further advise that the report has been shared with the Employment and Learning Committee.

Any proposals to change the provision of the EMA scheme in Northern Ireland will be subject to a public consultation and appropriate equality considerations. They will also take account of the very difficult budgetary position that faces my Department.

**Mr Doherty:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer; particularly, his assurance that he has no plans to cut the education maintenance allowance.

There is huge public support for retaining it. I am sure that the Minister is aware that a number of councils have passed motions to that end, with particular emphasis on lower-income families. Can he re-emphasise that lower-income families in particular will not be affected by his future plans?

## **The Minister for Employment and Learning:**

I am grateful to the Member for his supplementary question. Indeed, I am pleased to reaffirm what I have said at the Dispatch Box: I have no plans to abolish the education maintenance allowance in Northern Ireland. There had perhaps been an unfortunate campaign or a suggestion that my Department and I were embarking on that course of action. We have never indicated that. We have simply agreed with the views that are expressed by recommendation 41 of the Committee for Employment and Learning's report, which indicates that EMA could be better targeted, and by better targetting we mean assisting low-income families in particular. England has, in effect, abolished EMA payments, and Scotland and Wales are reforming theirs. However, I am happy to indicate my position and that of my Department with regard to Northern Ireland.

**Rev Dr Robert Coulter:** I thank the Minister for his answers. Does he agree with the Committee for Employment and Learning that the criteria for receiving EMA should focus more on those for whom it provides a significant incentive to re-engage?

## **The Minister for Employment and Learning:**

I am grateful to the Member for his question. Indeed, I do agree. There is a significant difference in my saying that I have no plans to abolish the EMA and agreeing with the Committee's report that recommended that it should be better targeted. The scheme costs my Department £26 million a year; it is therefore vital that those resources be properly targetted at the point of greatest need. I envisage that that work will need to be done. I am glad that members from all parties played a part in producing the Committee report and recommendation 41. Most people accept that better targetting of those needed resources is a good thing.

**Mr McDevitt:** I acknowledge the Minister's commitment to making EMA a continued success. Will the Minister assure the House that he will widen the net to ensure that those



from marginalised communities who are currently excluded from EMA will be included in the future? Will he also give a commitment that the budgetary restraints that he will have on the new scheme will be minimal and that, going forward, we will be able to enjoy a level of funding that is the same, if not better focused, as that to date?

**The Minister for Employment and Learning:** I am grateful to the Member for his supplementary question and for the ongoing and never-ending commitments that he urges me to give. For all that, however, I said what I said. We have no plan to abolish EMA. Members of all parties in the House, and I hope, the Member, share the strong belief and agree that the better targeting of this measure could be an effective assistance to some, particularly lower income families. That is what we are about, and we will seek to get co-operation as we move forward on that.

## Night Classes

5. **Mr G Robinson** asked the Minister for Employment and Learning to outline the potential impact that reductions in his departmental spending might have on night class provision. (AQO 1054/11)

**The Minister for Employment and Learning:** I have no proposals to reduce spending on night class provision. In the overall strategic framework, colleges and universities are best placed to make decisions on the type and timing of their provision as they seek to meet the needs of their local communities and local businesses. In making those decisions, they will be very much aware that night class provision represents a flexible, responsive way of delivering the training and educational needs of people who work. However, Members will also be aware that, in any spending plans, after delivering savings of 5% year on year, I will still have the problem of a deficit of £40 million in 2011-12 and £31 million in the following year. If that is not resolved through additional funding, colleges and universities will have to look at further options to reduce expenditure. Those could impact on day and night provision.

**Mr G Robinson:** What assessment has the Minister made of the efficiency and effectiveness of the current night class provision across the Province? Does he see scope for improvement in the way in which it is delivered?

**The Minister for Employment and Learning:** I am grateful to the Member for his supplementary question. I agree with the thrust of what he said. There are always ways in which we can, perhaps, be more inventive and use money more wisely. I am generally satisfied with the provision that my further education division provides. The budget for further education is in the region of £150 million a year. Included in that amount is a spend on what are called hobby and leisure courses. All those decisions are taken, quite rightly, by the colleges, which can identify the programmes and courses that best suit the needs of their local communities. I am very satisfied that those courses are in place, as are the opportunities for the people who live in the areas that the colleges serve. I hope that we can continue to fund those courses at that significant level of public expenditure.

**Mrs M Bradley:** I am glad to hear that the Minister agrees with the night class provision. Have there been discussions with any of the FE colleges? Does the Minister intend to utilise the FE colleges for night classes?

**The Minister for Employment and Learning:** I am grateful to the Member for her question. Perhaps the Member is confusing night classes with hobby and leisure opportunities or, more generally, night classes that involve courses for everyone, young and old included. I am reasonably satisfied that the FE colleges have that fairly well under control. I am always happy to take advice on any area where the Member feels we are failing. If she wants to highlight a particular circumstance, I will happily take it on board.

2.30 pm

## Regional Development

**Mr Deputy Speaker:** Question 2 has been withdrawn, and a written answer has been requested.

## A5 and A8 Road Projects

1. **Mr Beggs** asked the Minister for Regional Development for his assessment of the impact on the A5 and the A8 road schemes if the next Government of the Republic of Ireland renege on their £400 million contribution. (AQO 1064/11)

12. **Mrs McGill** asked the Minister for Regional Development for an update on the A5 road scheme and the Irish Government's commitment to this scheme. (AQO 1075/11)

**The Minister for Regional Development (Mr Murphy):** With your permission, a LeasCheann Comhairle, I will answer questions 1 and 12 together, as they relate to progress on the A5 scheme and the impact on the A5 and the A8 schemes if the Southern Government renege on their £400 million contribution.

Projects to provide dual carriageways on the A5 between Derry and Aughnacloy and on the A8 between Belfast and Larne are being taken forward as a result of an agreement in 2007 between the Dublin Government and the Executive. Reflecting that agreement, the draft Budget provides my Department with sufficient funds to continue the development of both schemes and to carry out substantial construction works within the Budget period.

At a plenary meeting of the North/South Ministerial Council on 21 January this year, the Dublin Government reaffirmed their commitment to make a contribution of £400 million to the A5 and A8 dualling projects. If a future Government were to reconsider their commitment, my Executive colleague the Minister of Finance would have to assess the implications.

The A5 western transport corridor scheme is progressing well and the third key milestone for the scheme was achieved on target, with the publication of the draft statutory Orders and the environmental statement in November 2010. That was followed by the formal public consultation period, which ended on 21 January 2011. Given the interest in the project and the level of objection raised, I have decided that a public inquiry will be held to consider the objections.

**Mr Beggs:** We have learnt this morning of the huge cost to the Minister's Department of property getting blighted, yet he is not considering going ahead with building on those sites. I am referring to the A2. Apparently over £12 million has been spent on property, yet that scheme is on hold. Does the Minister accept that the A5 has not been prioritised by engineers or the road haulage industry as a problem area and that, in continuing with that scheme, which requires 60% of his entire capital budget over the next four years, many other,

more advanced schemes in other areas will be blighted —

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

**Mr Beggs:** It should really be rethought to ensure that other priority schemes that are more important to the economy, such as the A8 and the A2, can proceed.

**The Minister for Regional Development:** I can assure the Member that there is significant support for the A5 scheme to go ahead. I am sure that he, as an East Antrim representative, realises that the funding arrangements for the two schemes have been linked together. I am sure that he would not want to see the scheme for the A8, which connects Larne to Belfast, jeopardised either. Both schemes, the contributions to them, the cost of them and the need for them have been a matter of agreement by the Executive as a whole and the Dublin Government. There has been recurring agreement over the past number of years at each North/South plenary meeting when the matter has been raised.

Support for the A5 scheme is substantial, and I invite the Member to engage with chambers of commerce and businesspeople in the north-west, and with people in Derry, Donegal and Tyrone who feel isolated from the rest of the island because of their infrastructure connection. He will see a very strong desire for the Derry to Aughnacloy scheme to go ahead. As I said, no later than last month, the contribution from the Dublin Government was reaffirmed at the North/South plenary meeting, and the commitment to go ahead with both schemes was reaffirmed by the Executive and the Dublin Government.

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his response. I represent West Tyrone, and the A5, if it goes ahead — as we hope it will — will go through a large part of my constituency. Can the Minister give an assurance to people in my area who are very much in favour of the A5 but who might have some concerns about exactly where the route will go? Will he give those people some assurances about what might come out of the public inquiry? Exactly what stage is all of that at?

**Mr Deputy Speaker:** One question, please.

**The Minister for Regional Development:** In my previous response, I expressed what I

have found to be very strong support by both Administrations, North and South, and by many people whom I have spoken to in the business community, political representatives, and others in the north-west region generally. Given that it is the biggest road-building project of its kind on the island of Ireland, there will undoubtedly be concerns among those whose land it goes over about access, compensation arrangements and loss of land. There is a need, as I established and recently announced, for a public inquiry into all that to afford people with concerns about the project, and those who support it, an opportunity to express those views in a public forum and be heard by an inspector.

The inquiry will commence in May 2011 and run for approximately eight weeks. Given the size of the scheme, it is likely that the public inquiry will be held at several locations along the proposed route. The details of that will be published in good time for people to be able to access the inquiry, and those who support and those who object to the scheme will have ample opportunity to make their cases before an inspector.

**Miss McIlveen:** Given the ending of end-year flexibility (EYF), what risks are associated with a probable or possible delay in the public inquiry report and its outworkings on the Department's roads budget, given that 70% of the budget is ring-fenced for the A5 and the A8?

**The Minister for Regional Development:** There is always a risk with huge capital projects, which has to be managed and assessed as we go along. The spend for each project is predicted year on year as the projects are expected to happen. However, over the past number of years, significant road projects were on time and on budget.

The arrangement that delivered the Newry to Dundalk road between the North and the South is similar to that being put into place for the A5. All the milestones have thus far been met on time, which augurs well for the proper outworking of the project in relation to the capital spend set against it. There is always a risk with major capital projects. Nonetheless, there were significant engineering issues with the A4, yet that project was delivered on time and on budget. I am optimistic that the A5 and the A8 will be delivered in a similar fashion.

**Mr Neeson:** We hope that the A5 and A8 schemes will go ahead. However, surely a public

inquiry into the A5 will free up funds. Will the Minister not reconsider his decision to put back the improvement of the A2, bearing in mind that I was reliably informed that the A2 was included in his Department's original budget proposals?

**The Minister for Regional Development:** The public inquiry into the A5 was always likely to happen. I do not understand why the Member said that that will now free up funds because it was always built into the likely progression of the A5. Significant road-building or capital schemes almost always involve a public inquiry. Given that the A5 will be the biggest such scheme undertaken here, the likelihood was that it would have a public inquiry. That does not alter any money that was made available for the scheme.

I appreciate the Member's disappointment about the A2 scheme. My Department faces severe budgetary restrictions. It is the big capital-spending Department and its budget was the most severely hit by the Tory-led Government proposals from Westminster with a 40% cut in capital, so we have to make judgements and take hard decisions.

Although the A2 is a good scheme that is recognised as such, there are other significant areas of spend across the Department on public transport, saving jobs in Translink and structural maintenance across the North. I proposed that there was no room in our budget for that scheme to go ahead. That proposition is out for consultation, and the Member and others will have an opportunity to make their views known, and the Assembly will then have an opportunity to vote.

There are so many other pressing demands right across the North —

**Mr Neeson:** We have been waiting for 30 years.

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

**The Minister for Regional Development:** Many places across the North have been waiting a long time for infrastructure spend. The Executive, in their Programme for Government, recognised that there was an infrastructure imbalance in the North between east and west, and they set about doing something about that.

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

## Budget 2011-15: Belfast Harbour

3. **Ms S Ramsey** asked the Minister for Regional Development to outline any ongoing work currently taking place to achieve the anticipated dividends from Belfast Harbour Commission as set out in the draft Budget. (AQO 1066/11)

**The Minister for Regional Development:** The Department's draft 2011-15 spending and savings proposals, which were published on 13 January 2011, included projections for the release of value from the Belfast Harbour Commissioners, in line with the Executive's draft Budget 2010. The draft Budget envisages that additional current expenditure of £15 million per annum can be realised in each of the years 3 and 4, but I believe that it could be possible to achieve a funding stream of up to £125 million.

Officials from my Department and the Belfast Harbour Commissioners are scoping out potential options, excluding privatisation, for realising the fund outlined in the draft Budget. Officials are due to prepare a report for the ministerial Budget review group by the end of February 2011.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Considering that we are looking at a £4 billion cut in the block grant by the Tory/UUP brotherhood, it is important that we look at ways to get additional money. Will legislation be required to take that forward?

**The Minister for Regional Development:** The Member is correct that, with the substantial cut in our Budget by Westminster, it was the duty of the Executive and the Departments to look at areas in which additional revenue could be raised and to be as inventive and as flexible as possible. Obviously, given that Belfast harbour and the port are publicly owned, the Executive will, quite rightly, have a look at them as part of that.

Even though significant benefits could be accrued from the propositions that have been put forward, it is right that we have an opportunity to test them. That is why, whatever benefits are anticipated, prudent as they are, have not been factored into the Budget assessment until years three and four. There is a possibility — perhaps a probability — that that would require new primary legislation, and, as I said, the Belfast Harbour Commissioners and departmental officials are considering potential options, excluding privatisation, that could

enable the Belfast Harbour Commissioners to release resources to assist the Executive. The consideration of potential legislative implications, including the need to promote new legislation, will be considered as part of that.

**Mr Bell:** Does the Minister agree that, given the cuts that the UUP/Conservatives and Alliance/Liberal Democrats are imposing on the people of Northern Ireland, it is incumbent on every Department to look at where they can make the dividends to offset the impact on the most vulnerable people? Is it not important that we offset the effects on vulnerable people and do something, as opposed to just talking about that?

**The Minister for Regional Development:** I find myself in agreement with the Member. There are a number of options. I listened to the debates on the finance motions yesterday and the Budget debate this morning. I find some of the propositions and suggestions that are being put forward amusing, particularly those that are put forward by people who last year sat smiling like Cheshire cats behind David Cameron as he brought his cuts agenda to the North and advocated that people here supported him. Those same people now lament most the impact of those cuts on the Departments that their party colleagues are in charge of.

There are a number of options that we can consider. The first one, which some people have advocated, is to just get on with the Tory cuts, accept what has been imposed on us from Westminster and get on with the pain of that. There are parties in the Chamber that advocated doing that. The second option is to fold up our tents, walk away and say that we are not prepared to deliver the cuts, which means that we are back to direct rule. The third option is to put our heads together to examine revenue-raising options for the Executive and ways in which we can mitigate the worst impacts of the cuts that have been proposed by the Conservative/Lib Dem coalition in Britain. The third option is the best option.

I agree with the Member that all Ministers should be putting their heads together in that regard and putting serious effort into finding efficiencies and savings in their Departments and into exploring options for revenue-raising, which can help us to continue to spend in areas that the Executive have decided are a priority for us.

**Mr O'Loan:** Does the Minister envisage legislation in this Assembly or, as the chairperson of the



Belfast Harbour Commissioners said, at Westminster? Given that that money has been earmarked in the Budget, what contingency plans has he in mind if there are difficulties with that legislative route?

**2.45 pm**

**The Minister for Regional Development:** Whether and where legislation is required is a matter of ongoing discussion between departmental officials, including the head of the Civil Service, and the Belfast Harbour Commissioners. Some legal views have been expressed on the issue, and I have heard differing legal opinions. I am quite prepared to explore that.

As I said, the revenue that may be raised is quite prudent, with £15 million being put into the Department's baseline in years three and four of the Budget period. I do not envisage any difficulties. Indeed, the Minister of Finance, the First Minister, the deputy First Minister and I met the Belfast Harbour Commissioners last week, and we agreed that anything was possible with legislation. There was a genuine commitment, on their behalf and ours, to explore, in a positive way, any opportunities that might arise as a result of looking at the areas around the port. The commitment is there, and it is likely that we can achieve this. It is a prudent commitment, and I think that it can be increased. When the Budget was presented, we said that we had already established some £800 million of revenue, with the potential for a further £800 million, and there is more potential in that proposition.

## **Spatial Planning: Cross-border Framework**

4. **Mr Boylan** asked the Minister for Regional Development to outline the progress on the all-Ireland collaborative planning spatial framework. (AQO 1067/11)

**The Minister for Regional Development:** Yesterday, I announced the commencement of a joint public consultation on a framework for a collaboration document entitled 'Spatial Strategies on the Island of Ireland.' The consultation will last for eight weeks and will end on Monday 11 April. The consultation document was prepared jointly with the Department of the Environment, Heritage and Local Government in the South.

**Mr Boylan:** Will the Minister outline what benefits the framework will provide for cross-border collaboration?

**The Minister for Regional Development:** Regardless of people's constitutional political viewpoint, there is a broad recognition that we live on a small island of five or six million people, which is becoming more and more interdependent in economic growth. Certainly, the North/South Ministerial Council and the implementation bodies have been working diligently to promote areas of mutual co-operation and advantage. There is an opportunity to boost economic performance and competitiveness across the island through cross-border co-operation and collaboration. It is recognised, whatever people's political viewpoint, that more can be achieved through collaboration than competition between North and South.

Co-operation or collaboration between regions for territorial development is accepted as good practice in the European Union, and it is promoted in the European spatial development perspective and the EU territorial agenda. The consultation document that is out at the moment, allied to the regional development strategy, will provide useful guidance to policymakers for some of the work of the Departments in coming years.

**Mr K Robinson:** I listened with care to the Minister, who is also a MLA for Newry and Armagh. Has the Minister factored into his considerations the impact on the ports of Larne, Belfast, Londonderry, Coleraine and Warrenpoint of the development of a port at Braemor, which is south of Drogheda? Has he also factored in the impact on the transport and distribution industries if its associated all-Ireland distribution hub goes ahead?

**The Minister for Regional Development:** It is an interesting point. There has been much conversation. I have attended many ports conferences and had conversations with port users and operators in the North and across the island. There is much less conversation about the development of Braemor recently than there was a number of years back when the Progressive Democrats had more influence in the Dublin Government. I imagine that following the election, there will be even less discussion.

It also opens up interesting opportunities, because there is a capacity issue at Dublin

port, and ports on the eastern seaboard such as Larne, Belfast and Warrenpoint are looking at the opportunities that that will afford. Things like this spatial strategy and the all-Ireland discussion on economic development and growth have huge benefits, and the ports are part of that. If a significant development were to happen in the South, it would have an impact on some of the ports here, but, equally, there are opportunities for collaboration and competition between ports.

**Mr McDevitt:** I welcome the publication of the consultation. I am sure that the Minister will agree with me that greenhouse gas emissions from our region are running at unacceptably high levels. In fact, they are nearly 10 times higher in this region than in the other parts of these islands. What steps is the Minister taking through the strategy to address the carbon footprint of this island as a whole?

**The Minister for Regional Development:** The collaborative framework is a high-level document that does not go down into the details of transport arrangements. I hope that the Member will take the opportunity to study the document to see where it dovetails neatly with the regional development strategy. Nonetheless, his point about the unacceptability of carbon emissions, particularly from transport, is one that we take seriously. That is why such an emphasis has been put on sustainable transport arrangements, particularly between North and South, and it has been a subject of discussion at every one of our meetings. However, that is between the Department of Transport in the South and my Department here. The spatial strategy framework concerns the Department of the Environment, Heritage and Local Government in the South, and it is not, therefore, part of the North/South transport sectoral meetings.

Nonetheless, there is an opportunity for joined-up arrangements, not just across Departments here but North/South, to try to reduce the carbon footprint, particularly in transport, and to use collaborative strategies right across the island to achieve that.

## Belfast Rapid Transit System

5. **Mr Sheehan** asked the Minister for Regional Development what commitments his

Department intends to make in the draft budget in relation to the Belfast rapid transit scheme. (AQO 1068/11)

**The Minister for Regional Development:** The Department's draft budget provides for the continuation of the planning phase and the commencement of the implementation of rapid transit for Belfast. It also provides for the implementation of the sustainable transport-enabling measures phase of the Belfast on the Move transport master plan in Belfast city centre. The project is focused on the redistribution of existing road space to provide the extensive bus priority measures for use by all public transport vehicles, including the proposed rapid transit system.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. What is the Minister's position on the public finance commitment to the project?

**The Minister for Regional Development:** The Department is in the process of securing external support to complete the outline business case for the pilot rapid transport project, which will identify the preferred options for Belfast rapid transport network routes, the procurement strategy, the commercial business model and a system of fares. The identification of the preferred options will also allow the Department to undertake the necessary public consultation, impact assessments and appraisals. A public awareness exercise, which is anticipated to take place in 2011 as part of the outline business case, will give everyone an opportunity to comment on the options for Belfast rapid transit.

Although the capital budget in the Department is particularly challenging, this project is identified in the Programme for Government as a key project for Belfast, and we want to keep it live and on the books. Although I would prefer that we were much further ahead with the capital commitment to rapid transit, we will continue with the preparatory work. Some of that work will also enhance and improve quality bus corridors, which will improve the overall public transport network in Belfast.

**Mr Humphrey:** Given today's announcement of the failure to upgrade the road network from Belfast to east Antrim, will the Minister consider the movement of people between east Antrim and Belfast city centre? Will he continue to

exclude north Belfast from the Belfast regional transportation scheme?

**The Minister for Regional Development:**

East Antrim is served by a rail link and a road network into the city. As I said in my answer to Mr Neeson, I understand the frustration caused by the delay of the A2 project. Nonetheless, it is well served in its connectivity to Belfast city.

In answer to the question on north Belfast, the initial pilot project identified only two routes before I came into office, and both of them were in east Belfast. We wanted to try to create connectivity right across the city so that it was not simply about bringing people into the city centre but connecting people from either side of it, and we have included a route to the west of the city. The Belfast rapid transit project is a pilot scheme, and pilot schemes were identified, but the intention is to connect the rest of the city. I had discussions with representatives from North Belfast, including the MP for the area and the previous Minister for Social Development, and they identified areas in north Belfast where a rapid transit system would serve a useful purpose. It is my strong desire, and a necessity for the city of Belfast, that we continue with the project to establish the initial routes and to link other parts of the city, including north Belfast.

**Mr A Maginness:** I thank the Minister for his answers. I obviously support the general direction in which the Minister is going. He is full of laudable aspirations.

Can the Minister tell us how many miles of quality bus corridors have been established in Belfast in the current financial year?

**The Minister for Regional Development:**

I do not have the exact number of miles to hand, so I will write to the Member with the details. However, quality bus corridors are a priority for the Department. We have recently established one on the Ormeau Road. As I said in my initial answer, the Belfast on the Move project is about street space in the city centre and lane availability. We intend to move ahead with the project in this Budget period, and we have budgeted for that. The project will allow redistribution of existing roads space to provide extensive bus priority schemes in the city centre, and that in turn will lend itself to the development of the rapid-transit project.

I will endeavour to get the Member the information on the exact number of miles of

quality bus corridors. This is the way forward for the city. All urban areas experience congestion, and the way to deal with it is to make it less attractive for car users to bring their vehicles into the city centre and more attractive for people to use public transport.

## NI Water

6. **Mr O'Dowd** asked the Minister for Regional Development when the new permanent board of NI Water will be appointed. (AQO 1069/11)

**The Minister for Regional Development:**

The process leading to the appointment of a chairperson and up to four new non-executive directors to the board of NI Water is under way. The closing date for the chairperson competition was 14 January 2011. For the non-executive directors competition, it was 28 January. Shortlisting for the position of chairperson took place last week, and interviews will take place in early March. The intention is to appoint a chairperson in the first instance so that that individual can participate as a panel member in appointing the other non-executive directors. The timetable envisaged is that, subject to the various stages of the process remaining on track, the chairperson should be in place before the end of March, with the remainder of the board appointed by the end of June.

**Mr O'Dowd:** I thank the Minister for his answer and welcome the fact that progress is being made. The Minister will be aware that, this past number of days, we have been discussing budgetary matters. There has been a growing clamour from some in the Chamber for a privatisation agenda. What are the Minister's views on privatisation of the water service?

**The Minister for Regional Development:** It is not simply my views that matter, although they are forthrightly and consistently expressed. The Executive as a whole have set their face against privatisation. There is no doubt that the agenda for NI Water under direct rule was to take it from being a Government service and structure and make it a Government-owned company. It was eventually intended for it to be privatised, with separate water charges for consumers, including domestic consumers. As I said, the Executive have set their face against that. I have been at the forefront of proposing that course of action from the Executive, and I intend to bring a paper to the Executive before the end of this term to inform an incoming Executive. It

has been my firm view for some time that not only is it a matter of dealing with the funding issue for NIW but the structure under which it was set up is not fit for purpose for a devolved Government. If the Executive want more authority and responsibility over the agencies in our Departments, we need to have different arrangements for managing them.

**Mr Campbell:** The Minister will be aware of the annoyance, anger and frustration that many people felt over the series of debacles that have surrounded Northern Ireland Water during his more recent tenure.

Given the exercise that he is embarking on, what guarantee will the Minister give the people of Northern Ireland that we will not have a repeat or a mark II?

**The Minister for Regional Development:** I presume that the issues that the Member refers to primarily are the freeze/thaw issues over Christmas and the loss of water as a consequence of them. He will know that the Executive have launched an investigation, involving the Utility Regulator and independent members. That investigation is due to report to the Executive by the end of the month. Whatever recommendations are in that report will be considered by me and the Executive.

NIW has already put forward a short-term resilience-improvement plan to ensure that we get through the rest of the winter without a repeat of the types of incidents that we saw over Christmas.

**3.00 pm**

## Executive Committee Business

### Budget Bill: Second Stage

Debate resumed on motion:

*That the Second Stage of the Budget Bill [NIA11/10] be agreed. — [The Minister of Finance and Personnel (Mr S Wilson).]*

**Mr McDevitt:** I will pick up from where we were before lunch and Question Time. I covered a substantial amount of what I wanted to cover in my earlier contribution.

I will now turn to the Department for Regional Development (DRD) and the draft Budget. The way that DRD has been treated is a particularly good example of the impact that the draft Budget is having on ordinary working people, on rural communities and on the most marginalised in our towns and rural areas. It is worth noting that it was the Minister for Regional Development, in the detail that he provided to the Committee for Regional Development, who conceded that, for example, the cut to the rural transport fund would disproportionately affect socially excluded nationalist people. It is his own admission that the draft Budget will hit working-class nationalists in rural communities hardest, and yet we are still proceeding with it.

It does not stop there. In looking at the impact that the cutbacks in public transport in urban areas will have, we see that the Minister for Regional Development concedes in written documentation provided to the Committee that those cutbacks will hit working-class unionist communities hardest. That is just a small example of the Executive's draft Budget and how it affects and undermines the future of the most marginalised in our communities most.

In the Committee for Regional Development's response to the draft Budget, we were fortunate enough to be able to reflect the views of some of the organisations that are, so to speak, at the coalface and deal daily with the needs of those who most rely on public transport. The Inclusive Mobility and Transport Advisory Committee (IMTAC) speaks out for people who are mobility-impaired. It points out that restrictions in the door-to-door services will limit the ability of older people and people with disabilities to go out in the evenings and at weekends.



The cumulative impact of the reduction in the number of rural community transport partnerships and the reduction in the subsidy to Translink will be to reduce the supports available to the most vulnerable in our community. That is not just my view but that of IMTAC and the Committee for Regional Development, whose report says that those reductions:

*“will cause social exclusion, isolate many people in their homes and reverse the dramatic progress Northern Ireland has made in the past 15 to 20 years for disabled people, young people, older people and those who have no access to a car.”*

In other words, we are being told that the draft Budget sets us back a decade and more. It undoes all the good work, all the investment and all the progress of the past decade in providing accessible transport to the most marginalised in the community. Is that what the House wants to vote for and be part of?

**Mr Campbell:** The Member has illuminated considerably the different parts of the draft Budget. He has outlined, on numerous occasions, his complaint against and his opposition to the draft Budget as constituted, and now he has moved to the issue of rural transport. However, the issue remains: from where does he suggest we take the money in order to put it into DRD as he has just outlined?

**Mr McDevitt:** Mr Campbell's question is a very good one. I do not wish to go back over the past hour and a half, nor does the Minister of Finance and Personnel, who, I am sure, has made copious notes. For Mr Campbell's information and for colleagues who were not present during my first-half contribution, I spelt out, at considerable length, the areas in which the SDLP believes that Mr Campbell's questions could be properly answered. It is our firm conviction that there is an opportunity to raise more revenue in a way that will not impact on the most marginalised in our community. We, as an Executive and an Assembly, should dedicate our time, best energies and all our considerable talents to exploring every one of those options, adopt those that would genuinely work and dismiss those that would not.

I return to the question of rural transport. The Community Transport Association is also of the view that the reduction in the rural transport fund and transport programmes for people with disabilities will have a significant impact on rural communities in the next four years. It identified

the potential for increased rural isolation and exclusion from government services and commerce of the most vulnerable in our society. It says that reductions in the rural community transport network would mean that 25% to 30% of people in rural areas would not be able to access public transport solutions in the next four years. If that is devolution at work, I am sorry but I do not recognise it. The people on the ground and the people who put us here — no matter who we are or what party we stand under — will not recognise it either. The impact on older people, people with disabilities, people with mobility difficulties and their families, arising from proposed reductions in door-to-door services, rural transport, community transport and shop mobility schemes, will be felt in every town and townland in this region. It will be felt hardest and most severely by those who have least and need most. That is not what we should sign off as a Budget. It is a crying shame, and, in the time available, we must seek ways of addressing it.

Before concluding, I will return to one other issue that we debated earlier. I regret, as I regretted earlier, that the Chairperson of the Committee for Finance and Personnel is not in the Chamber. I do not think that it is appropriate or fair to the rest of us that the principled scrutineer — he is joining us now, which is perfect timing. I will give the Chairperson of the Committee for Finance and Personnel an opportunity to take his seat, because I would welcome an intervention from him on this point. Earlier, we discussed the need for more transparency in the budgetary process. There seemed to be a feeling on some sides of the House that that was not needed. However, the Committee for Finance and Personnel's draft report on the Executive draft Budget 2011-15 includes the following paragraph:

*“In view of the limitations to the in-year monitoring process, the Committee reiterates its call for the establishment of a regularised annual budgetary review mechanism set to a pre-determined timetable, which it considers will add transparency and better enable the Executive to adapt its plans to the clear and changing environments and unforeseen circumstances.”*

I have a basic question for colleagues in the House. Is the Committee telling us what the SDLP is saying: we need a better and more structured budgetary scrutiny process? Can the Committee Chairperson confirm to the

House that that is so, or is what I am reading not the Chairperson's opinion but that of the Committee?

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):**

I am trying to fill myself in on what the Member has been saying in my absence. The Committee report on the Executive's draft Budget has not been finalised. It is pre-emptive for any Member to quote from draft reports.

**Mr McDevitt:** I am happy to have given way to Mr McKay. He is, of course, a member of the Committee, and I presume that he has a mind of his own. I understand that my colleagues on the Committee are happy with that paragraph. I do not believe that there has been huge dissent. I am happy for any other Committee members to inform the House of their position. It seems to me to be a perfectly good paragraph. I do not see what the problem is in putting it on the record of the House that that is the sort of road that we should go down. If a Statutory Committee is thinking about this on a preliminary basis, then "Great". What I do not understand and what those outside the House who are watching will not understand is why people seem to have a problem about agreeing with a good idea. It seems to me that this is more about what we suspected it was about, which is carve-up politics rather than consensual solutions.

**The Chairperson of the Committee for Finance and Personnel:**

I am speaking as Chairperson of the Committee. The Committee is in the middle of considering its draft report, which is open to further discussion. The draft report has not been agreed by the Committee, and I ask the Member not to quote paragraphs from it for discussion in the debate today, until the Committee has had time to carry out the proper process and come to a final agreement.

**Mr McDevitt:** I appreciate Mr McKay's clarification that he is the Chairperson of the Committee for Finance and Personnel; I think we knew that. He is also, of course, an MLA and is perfectly entitled to his opinion as such. We will leave it at that.

This is a fundamentally flawed draft Budget. That is not just my opinion; it is the opinion of Patricia McKeown also. The regional secretary of UNISON described analysing the proposals before us as a "tortuous exercise". She said:

*"We're talking about something that is highly susceptible to legal challenge. We're talking about something that has not been developed in any kind of collective cross governmental way."*

*So, no excuses for that. We are saying to politicians that you've got to re-think this one."*

To be honest, I do not always agree with Patricia McKeown. However, I do on this occasion. I also agree with NIPSA, the Construction Industry Federation and NICVA.

**Mr McCartney:** Will you illuminate what you disagree with her about?

**Mr McDevitt:** We will leave that for another day, Mr McCartney. We are debating the draft Budget, and, if I were to stray from that, Mr Deputy Speaker, you would pull me back and ask me what I was doing.

The problem that colleagues might have is that we are focusing on the draft Budget. Many of them would be much happier if we were having a debate about another issue during the time when we are focusing on the draft Budget.

In conclusion — *[Interruption.]* Mr O'Dowd was not around earlier, but he may have had the TV on in his room, if he was there. I want to return to something that seems to have entered the O'Dowd vernacular. We know what that is like; it becomes a sort of self-perpetuating misleading statement. Mr O'Dowd suggested in the House yesterday that the SDLP was pursuing a privatisation agenda with Northern Ireland Water. I addressed that matter with the Minister earlier, and I am happy to repeat it for the record and for Mr O'Dowd's ears. Mutualisation of Northern Ireland Water is the opposite of privatisation. If Mr O'Dowd knew anything about mutualisation, he would know that mutual companies are owned by their customers.

**Mr O'Dowd:** Will the Member give way?

**Mr McDevitt:** No, I will finish this point, and then I will give way, Mr O'Dowd.

A mutual company, in the context of Northern Ireland Water, would be one owned by the people of Northern Ireland, because they are the customers of Northern Ireland Water. In fact, the mutualisation of Northern Ireland Water would guarantee that it remains in public control and in public ownership.

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

**Mr McDevitt:** I will give way at the end, Mr McCartney.

It is also not true — we dealt with this matter earlier too — that, if you mutualise Northern Ireland Water, you must also introduce water charges. That is not so, and it shows that people have not done their research. What you must do, if you mutualise a company and want it to raise money independently — something that we all want to see happening, so that we can make the investment that, we believe, needs to be made in water and sewerage infrastructure — is demonstrate a guaranteed source of revenue. We could do that through a permanent subsidy. It would mean, as the Minister and I debated, going back to the Treasury and negotiating as we did for the RRI and for the Presbyterian Mutual Society and on many other occasions. However, there is no reason why we could not mutualise this company and why we could not guarantee an income stream that would satisfy bond markets and other investors who would be able to put their money into our sewerage systems and water mains without having to introduce water charges here. I will have that debate anywhere and with any Member of the House, because it is an important one.

**3.15 pm**

**Mr O'Dowd:** My reference to the SDLP's privatisation agenda was broader than a reference to just the issue of water. Selling off publicly owned DRD car parks to the private sector is, in anybody's words, privatisation, so perhaps the great, wonderful, wise one will explain that one to me. A main plank of the SDLP's economic policy is to sell off publicly owned car parks to the private sector, which is privatisation. The wise one can knock me down on that one if he wishes; I await that. I am concerned that the SDLP is going down the road of privatising NI Water. That is where the SDLP wants to see it sitting in five years' or 10 years' time.

**Mr McDevitt:** I appreciate Mr O'Dowd's contribution. I do not see any policy justification for DRD's car parks remaining on the public balance sheet, and I make no apology for that. I am not allergic to that idea, but, if Mr O'Dowd is, he can consult 'Das Kapital'. I find it an interesting reference point, but it is not my guiding light when I get up in the morning.

On the broader issue — this is an important point to make — water will need an awful lot of

investment in the next 20 years. We all know that, and we cannot duck it. We cannot just keep passing on that problem to subsequent Executives. We are going to find ourselves in deep, deep doo-doo — pardon the pun — if we do not tackle the investment needs of our water and sewerage services. As Mr O'Dowd seems to be suggesting and as the Minister seems to be advocating, we could ask the Executive to bear the burden of that investment and to absorb Northern Ireland Water back into the Executive and then ask whoever the Minister of Finance and Personnel is — in that case, it would be an even worse job than it would be today — to figure out how to meet our capital investment requirements through traditional public finance. If we did that, two things would happen. The first is that we would quickly find the vast majority of our capital budget going into our sewerage and water systems, and there would be very little left for anything else. The second thing is that it would actually end up costing us more.

If we were to bring Northern Ireland Water back on the balance sheet today, we would immediately subject the Executive, the Department of Finance and Personnel and the Northern Ireland block to capital charges and VAT receipts. So, the solution to the water problem is not privatisation — I think that we all agree on that and on the fact that we want a water company that is owned by the people of Northern Ireland — and it is not to reintegrate NIW as an agency, because that model simply would not be able to meet the financial investment requirements of the next 20 years. It would put a burden on public funding and finances that we would not be able to meet.

We need to have a mature and informed debate about this. I am up for that, and I know that many colleagues will be, too. There will be points at which the Minister of Finance and Personnel will rightly raise concerns and say, "Well, what you are suggesting will require some changes to Treasury rules or to this or that", and it may do. However, let us unite around something that can actually deliver what we all know is needed.

**Mr Molloy:** The Member says that because the water service needs a lot of investment, we should go down the road of what he is suggesting. Is he, therefore, saying that because Roads Service will need a lot of investment, we should introduce toll bridges and toll roads? Is he also saying that a toll should be charged at

the doors of hospitals because they need a lot of investment? Is he saying that he wants to go back to the Durkan tax that was proposed at the time of the RRI?

**Mr McDevitt:** I thank the Member for his intervention. The answer to those questions is, of course, no, no and no, and there was no such thing as a Durkan tax. However, Mr Molloy makes an important point: there is a key difference between water and the other major infrastructure projects. The need for investment in water is bigger and more immediate than in nearly every other infrastructure. That is our problem. The Minister comes to the House nearly every week, and he is correct to remind us that the system is in a deeply fragile state because of underinvestment in water and sewerage services. It will get better only if we make rapid and significant investment. It is in a more precarious state than our road network. It just is. That is not our fault; we inherited it. Therefore, the solution that we will have to develop should be capable of injecting serious amounts of capital money in a relatively short time. We could do that through public finances. However, if we did, there would be no new schools and no new hospitals, there would be very few kilometres of new road, and things would not be getting better. That is why I say to colleagues that it is time to have a mature debate about this. It is also why I say that it is possible to invest without having to automatically assume that that means water charging. Mr O'Dowd was right to raise that point, although I perhaps disagree with the tone in which he did so. It is possible to invest. However, we need to think outside the box. I do not want to drag on too much, but I would appreciate the opportunity to return to that issue.

The SDLP believes that, if this Budget were passed, we would have no plan for rebalancing the economy of our region. We could be looking at up to 9,000 public service job losses, and we would face a pay freeze for the 7,400 civil servants who earn below the average industrial wage that Sinn Féin MLAs take. The SDLP also believes that thousands more people would face benefit cuts by 2012 and that there would be the potential for hospital closures. We know that. At the same time, the prospect of new medicines and new medical facilities, such as the cancer centre in Altnagelvin, would not be available for patients, and there would be no robust strategy for job creation. There would also be less independent scrutiny of government, because of what this Budget

would do to the Assembly, the Audit Office and the other key scrutiny bodies. There would be a massive drop in building, particularly social housing building, with consequential job losses. Over 100 schools would go without the repairs that they so desperately need, and there would be the potential to introduce student fees of £5,750. Such student fees would say to working families that they could not afford to send their children to be educated, they could not afford what a previous generation was able to afford, and they could not afford to become fully signed-up members of society, because we are going to stop them doing that.

For all those reasons, I ask Sinn Féin to adopt the long-standing SDLP motto that there is a better way. If the DUP is serious about living up to its motto of keeping Northern Ireland moving forward, I ask it to seriously revisit this Budget and to return to the House before the end of the process with something that is built on the twin pillars of social justice and economic development. What they bring should mean that we can all face the people, proud of what this place can deliver and of what devolution can mean. It should also mean that we can look the most marginalised in our society in the eye and say that, above all, this Assembly stands up for them.

**Dr Farry:** I have to confess, I feel somewhat like a batsman who has been padded up in the pavilion for the past four hours behind the slow-scoring, plodding opening batsman who is taking his time.

#### **The Minister of Finance and Personnel**

**(Mr S Wilson):** He did not make too many sixes.

**Dr Farry:** Certainly not, never mind any fours. I am conscious of the need to pick up the run rate, and I have no intention of going for that length of time. I will be an Adam Gilchrist and have a quick cameo, rather than a Jacques Kallis, plodding away all day for 50.

In all the time that Conall McDevitt was speaking, we did not get an answer to whether it is the SDLP's view that this Budget is a DUP/ Sinn Féin carve-up or a document that has the SDLP's fingerprints all over it, thanks to its wonderful policy document that was published at 11.58 pm on the day before the Executive agreed its draft Budget. Perhaps one day we will find that out.



Picking up on what Conall said at the end of his contribution, I fear that he was getting more and more tied up in knots on the issue of mutualisation. I have no difficulty in talking about the concept of market testing government services. It is important that we do not approach this from an ideological perspective. We have to do what is in the best interests of public finances and public service customers. I happen to think that mutualisation is the right way to go, but I am under no illusions about what it means for governance.

There is a fanciful notion that, every time we want to do something different in Northern Ireland, we go to the Treasury with a list of requests and ask whether we can do this or that. That is simply not going to happen. We have to recognise the circumstances in which we are operating and the already long list of issues that we have to tackle. There are no circumstances in which we can make a special case around water that would find a sympathetic ear in the UK Government. If anything, the finger is pointed at us with incredulity at the approach that we have taken to the financing of our water, especially after the severe winter weather in other parts of the UK did not lead to the same absolute and fundamental breakdown in service that occurred in Northern Ireland.

We can make special cases around issues such as corporation tax, which is linked to our special economic circumstances. I suggest that, if we are to have negotiations with the Treasury, we have a short, well-researched and well-argued list of issues. Whether Conall McDevitt wants to admit it or not, mutualisation of Northern Ireland Water, which is the right thing to do, would mean introducing a separate charge for customers. The two go hand in hand. Mutualising NIW while having a massive subsidy from the state would essentially mess up the governance arrangements from day one. We would end up with a repeat of the current unsustainable situation, where we have a government-owned company that is viewed as unsustainable because the logic of separate charges was not followed through. The SDLP is proposing to take that one step further rather than addressing the fundamental issue, the elephant in the room. Water charging is the most obvious source of revenue that we are not addressing in Northern Ireland. The other four parties in this Chamber are intent on remaining on the hook on which they have placed themselves rather than biting the bullet over what is an obvious thing to do.

When Members consider the report from the Finance Committee, they will see the sheer volume of evidence that we have received from virtually every economist in Northern Ireland. It has come from representatives of the business sector, such as CBI and the IoD, all of whom have said that we must be responsible about revenue raising. Instead — this applies across the board — we have all these other schemes that are untested and are being promoted as different ways of bringing in revenue. A water charge, based on the ability to pay and on usage, is a progressive charge. I am happy to say that we do —

**The Minister of Finance and Personnel: I**

thank the Member for giving way. At least he is consistent on the issue. He quoted CBI and the Institute of Directors and so on, who have talked about the need to raise revenue, but does he accept that, when there is any suggestion that the revenue to be raised should come from the particular sector that they have an interest in, those organisations immediately say that it is not acceptable? They say that business rates should not go up, that the cap should not be lifted on manufacturing rates and so on. Everybody comes at this from their own angle and is quite happy for the revenue raised to be from somebody else and not from them.

**Dr Farry:** There is engagement with the business sector on identifying where revenue can be raised. The challenge is out there for people who are asking for money to be spent in other areas to say where that money would come from, so at least there is that level of engagement. Secondly, there is a desire that we try to free things up around business costs as far as possible. I do not think it unreasonable to say that we try to keep overall costs for business as low as we can, particularly as we are trying to be much more competitive. Thirdly — this is where I may disagree slightly with the business community — in talking about the future and the opportunity to have a lower rate of corporation tax, one point that I have made to the Minister is that we need to build in some kind of contingency around how we would fund it. I appreciate that the Minister has advised the Committee and will no doubt advise the House that the timescale and the phasing of that would mean that the actual cost to the block grant over the next four years would be fairly minimal.

**3.30 pm**

If we are to go down that route, we can make the case to move money; for example, from state aid, which will come in a different form from 2013, through Invest Northern Ireland or from elements such as industrial derating. Essentially, that would be moving resources from a less efficient form of economic support to a more efficient one through corporation tax. There is a case to be made, and it is a fairly sophisticated argument. I will say a few more things about the economy in a few moments.

I do not particularly want to go down the route of last night again, where the debate simply became about the SDLP and its position. Last night pretty much turned out to be the St Valentine's Day massacre mark II. There was not —

**Mr McCallister:** Did it not go well when you got home? *[Laughter.]*

**Dr Farry:** I have a very forgiving and understanding wife.

**Mr McCallister:** It does not sound like it.

**The Minister of Finance and Personnel:** You would need to.

**Dr Farry:** Just to be clear, I got home on Tuesday, not Monday.

The direction of travel last night was very much one way. Even today, we still do not have an explanation of the rationale behind the amendment and the suggested costings. The SDLP seems to have a fixation with the idea that Members are attacking it for tabling the amendment. Everyone else in the Chamber, apart from David McNarry, respects the SDLP's right to table an amendment. That was not the issue. The issue was that the party, which, the last time that I checked, was part of the Executive, said that the Executive are doing this and that, as if it is not part of that Executive. It is trying to have its fight and make its arguments in the Chamber in advance of its Minister having discussions around the Executive table. In the event that that does not —

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

**Dr Farry:** In a moment.

In the event that that does not go the right way, the party should have the integrity to step down from the Executive rather than find itself in the bizarre situation of being part of the

Executive yet not agreeing with them on the most fundamental decision that faces Northern Ireland.

**Mr Callaghan:** I thank the Member very much for giving way. Does he agree that the Assembly's key role is to scrutinise the spending of public money? The technical amendment that the SDLP proposed last night was tabled precisely to try to improve the first allocation of money for the next financial year, which is part of the next four-year Budget term. It seems that the Member is suggesting that it is better to stand by and allow a second-rate Budget in its first part to be implemented than to try to improve it. For example, the money that we said should be reallocated from OFMDFM effectively correlates with the amount that would be allocated to the social investment slush fund that is being set up under the draft Budget proposals. We are not happy with that, and we absolutely defend our right to try to improve the proposals and do things differently.

**Dr Farry:** I congratulate Mr Callaghan, because, albeit 24 hours late, we finally have some detail on the amendment. It is a shame that the SDLP did not say such things when we debated the amendment last night. As the Minister said, the amount of money that the amendment was going to save was fairly small yet was going to fund a whole range of things.

The much more fundamental problem with what Mr Callaghan said is that he is speaking as if the SDLP is not part of the Executive. If it were not part of the Executive, I would respect the party for making the arguments that it tried to make last night. However, the SDLP is part of the Executive. If it does not want to be part of the Executive, it can step down and make its case. The argument has to happen first around the Executive table.

Secondly, all that we were doing last night was debating the Supply resolution for the Vote on Account to preauthorise the 45% interim resources. That is not the formal authorisation of the full year's expenditure. Indeed, the amendment that the SDLP tried to argue for would have been more appropriate for the Budget (No. 2) Bill in June.

**Mr McDevitt:** I find it curious that Mr Farry is trying to tell any other party in the House what it should or should not do about its membership of the Executive.

Mr Farry supported the Good Friday Agreement. I know that not every Member did, but he certainly did. He was a very vocal and strong supporter of it. He knows that the Good Friday Agreement provides for the establishment of a power-sharing Executive, appointed through the d'Hondt process and in accordance with the mandate of the parties. His party is the only one that is represented at the Executive table because of an exception to that rule. Every other party there is entitled to be there because of their mandate. The people voted for them in big enough numbers to allow them to be there. That is the guiding principle behind the SDLP's membership of the Executive, and most Ministers would say the same. I accept that Mr Farry cannot say that because, of course, the Alliance Party serves on the Executive at the pleasure of Sinn Féin and the DUP. However, on behalf of the parties that are there because of a mandate, frankly, we do not need to take lectures from anyone about what our people asked us to do, why we serve in government or what we can do with our power when in government.

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

**Dr Farry:** Go ahead.

**Mr Ross:** I thank the Member for giving way. Mr McDevitt's comments are in total contrast to what he said at the beginning of his speech at around 11.30 am. He said that it is time that we moved away from peace process politics. Peace process politics were all about making sure that the Executive included all the big parties. They were all about having 108 Members, not for efficiency or delivery but for political reasons. Is that not in contrast to what Mr McDevitt just said about defending Belfast Agreement-type politics, rather than, as he said this morning, moving away from peace process politics?

**Mr Deputy Speaker:** Order. There are still 20 Members to speak. By wandering off the subject, you have exhausted my patience, so stick to the subject.

**The Minister of Finance and Personnel:** He has exhausted me, full stop.

**Mr Deputy Speaker:** That includes you, Minister. *[Laughter.]*

**Dr Farry:** I shall try to respond to those points in the context of the subject. First, the Alliance Party is at the Executive table based not on the wishes of the DUP and Sinn Féin but on a

democratic vote in the House. We are the only party there on that basis, and, compared to the other parties, that gives us a certain degree of strength and extra legitimacy.

An argument is being made not just in the House by the SDLP but by all the commentators who criticise the Budget. They are calling for better connectivity in the Executive and for the end of the silo mentality. I say to Mr McDevitt that Alex Atwood is at the Executive table, and although his position may be based on the number of seats that the SDLP has, he is bound by the ministerial code, which says that, irrespective of whether he votes for or against the Budget, or even if he abstains, as a Minister, he is bound by the Executive's collective decision. Based on its current approach, the SDLP will find itself in a situation in which it has a Minister in the Executive who is bound by collective responsibility to support the Budget, while, on the outside, the party is doing something entirely different. You might be able to get away with that on routine business. However, on the issue that goes right to the heart of the coherence of any Government, such a situation is completely unsustainable and bizarre.

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

**Dr Farry:** The SDLP is the party doing the solo run on this issue and not abiding by the connectivity and leadership that people are crying out for. Tomorrow, we will hear the Ulster Unionist Party's stance on its position in the Executive. On that point, I give way to its excellent deputy leader, who occasionally speaks the truth.

**Mr McCallister:** I am just about to do that. I was sorry to hear that the Member's St Valentine's Night was not all that he had hoped for.

Does the Member recognise that the Executive and the legislature are two separate branches of government? If, according to his own argument, we were always to agree with the Executive, we would not need, as Mr Ross suggested, 108 MLAs. We would need only about 12, because we would act like a politburo and just rubber-stamp whatever the Executive said. Where would the opposition come from? Furthermore, his sister party, the Liberal Democrats, had difficulties with the way in which its MPs voted on tuition fees, but that did not bring down the coalition.

**Dr Farry:** First, the Alliance Party is not the Liberal Democrats. Secondly, the tuition fees issue was negotiated as part of the coalition agreement, which allows both parties to take different lines.

The Member is confusing the role of a legislature in scrutinising an Executive with that of parties in a legislature giving a mandate to an Executive. If parties that are part of the Executive withdraw their support on the Floor of the Assembly on the most important decisions, which go to the heart of the coherence of the Executive, the whole credibility of government falls apart, and the credibility of that party's participation in government falls apart. That is the problem.

**Mr Humphrey:** Does the Member agree that, having heard what we have heard over the past number of hours, this debate is the best advertisement for a move towards a voluntary coalition and away from a mandatory coalition in Northern Ireland?

**Mr Deputy Speaker:** That is the final straw. We must get back to the debate on the Budget Bill. That is the end of it.

**Dr Farry:** I accept your guidance, Mr Deputy Speaker. We have had a good innings around the wider structural points.

The Alliance Party's perspective is that it wants to support the final Budget that the Executive will, hopefully, agree in March and bring to the Assembly. We are in the process of scrutinising the draft Budget and making our points clear. This is about trying to influence decisions that will be taken in due course. Today, I will focus on themes that it is important that we take into account in formulating those decisions. I will address the current profile of public expenditure in Northern Ireland and how we can do things differently.

I recognise the merits of having in place a proper Programme for Government. I have no difficulty in saying that, procedurally, we are not going about the Budget in the ideal way. It is arguable that the employment of best practice in the most difficult of cases is probably more relevant than doing so in a situation of economic growth. However, we are where we are, and we have to move on from there.

Even in the absence of a Programme for Government, it is important that we, as far as

possible, encourage a strategic approach to what we are trying to do and that we promote collaboration between Departments. I am critical of what I regard as 12 independent departmental spending plans of much and variable detail that are not tied together well or at all. We are missing opportunities collectively to do things better through collaborating and avoiding inefficiencies in the system. There is a beggar-thy-neighbour approach by Ministers of passing costs on to other Departments while trying to find savings in their own.

I return to the issue of the economy, which is probably the most important theme that we need to focus on as an Assembly. Some of the key economic aspects of the draft Budget are disproportionate cuts for DETI and DEL, the two main economic-facing Departments; the need for some reallocation of moneys from current to capital expenditure; and issues around some of our other economic support mechanisms. Equally, there is the pressure of protecting the Health Service. The sheer scale of protection that we are affording the Health Service and the Health Minister's desire for us to give much more firm protection will always lead to a trade-off. Although we say that we are supporting the economy, the figures suggest that, in truth, we are protecting the Health Service, doing what we can for the economy, and every other area of investment is suffering disproportionately. We have choices. Although we have a degree of focus on the economy, it is not as clean or as clear-cut as it should be.

I would like to see the shift from current to capital expenditure going further and happening on a strategic rather than an individual departmental level. There is a lot of talk about the need for the Budget to protect jobs.

When a lot of politicians talk about protecting jobs on the back of the Budget, they are talking about protecting public sector jobs. People are not thinking about overall levels of employment in the economy. The education sector is a clear example of that, where the Minister of Education talks about shifting moneys out of capital into current, essentially to defend the status quo and partly to defend employment. That may have merit. At the same time, taking that money out of capital has an impact on the construction sector. We have to ask ourselves where the greater employment prospects lie or where the greater harm to employment will be, and a clear argument is emerging, particularly from the



Construction Employers Federation, about the negative multiplier effect. It argues that cuts from capital budgets will have an even bigger impact through job losses or the failure to recreate jobs in the construction sector and that that in turn will have an even greater negative multiplier effect on the consequences for the service sector, for retail and for jobs elsewhere.

### 3.45 pm

Although it is right for Members to focus on the public sector and the needs of people whom we directly employ, it is also important to look at the bigger picture and understand that sometimes the measures that we take to protect the public sector — we may pat ourselves on the shoulder for what we have done — in turn might have even bigger negative consequences in the wider community. We need to think about employment in an overarching sense rather than simply focusing on the public sector.

We also need a greater focus on benchmarking. Before Christmas, I tabled a whole set of questions to Departments to ask what they are doing to compare the profile of their expenditure with that in other regions in the rest of the UK. The answers were extremely disappointing. Only some Departments were doing any benchmarking exercises at all, and those were very piecemeal. We have to look at what we are doing in Northern Ireland and try to learn lessons from that. For example, there are areas in which we spend disproportionately more on health than the rest of the UK, which in turn means that we spend less on other aspects than in the rest of the UK. We need to analyse all those differentials and decide whether they are justified in light of our local circumstances or whether they point to something much more fundamental and to major inefficiencies. I urge all Ministers to do that, and I urge the Executive to push Ministers in that regard. Perhaps the performance and efficiency delivery unit (PEDU) can play a role in encouraging that. I also mentioned that we do not have any ideological difficulty with market testing but that it works only where it is relevant and a solution is available.

We also need to look at prevention and early intervention. Doing something early often means doing it at a much lower cost and avoiding costly problems down the line. However, it involves a certain leap of faith to shift resources, and I fear that, for many Departments, a decreasing

cake means circling the wagons around what they view as core services. Early intervention and prevention are often seen as optional extras that can be cut, and there is a real danger that that becomes a false economy.

I also want the Executive to push the North/South agenda more proactively. I was quite amazed that, in a contribution that lasted an hour and a half, Conall McDevitt did not once mention North/South opportunities, which seems an obvious gap. We have two Governments on the island of Ireland, both of which are going through considerable budgetary and financial difficulties. No one in the House, irrespective of his or her political background — whether that be as a member of a unionist, nationalist or cross-community party such as ours — should fear the financial and economic logic of trying to provide shared services. There are shared services through investment in some of the roads infrastructure. It is important that that does not become a straitjacket that ends up skewing our budgets inappropriately simply because the money is coming through.

There are major untapped opportunities, particularly in an area such as health, and I would hate a situation to develop in which the two Governments on the island become inward-looking rather than looking to those opportunities. I appreciate the fact that that has been touched on loosely through the North/South Ministerial Council, but it needs to be followed through meaningfully during the lifespan of the coming Budget.

I will mention another issue. However, I will not go into it in great detail because, no doubt, Members can guess what I am going to say. We have said it every time that we have made a Budget speech, and, no doubt, we will say it again in every future Budget speech.

**The Minister of Finance and Personnel:** Cost of division?

**Dr Farry:** Very good. Star pupil. Mr McDevitt followed through on Dolores Kelly's comments about the Alliance Party and CSI. If the SDLP cares so deeply about overcoming divisions in society, it is strange that, during a very long speech on budgetary matters, that party's representative did not address the issue of finding savings from promoting sharing. I find it bewildering that its attack rhetoric is not followed through with any substance. I appreciate that there is no silver bullet for

addressing the cost of division overnight, but it is a journey that we have to undertake to make this society more sustainable.

I mentioned already the need to look at revenue raising. We are not raising revenue in Northern Ireland to the same levels as elsewhere in the UK, and that has a consequence for the amount of money that is available to us. I recognise, as do we all, that the CSR settlement for Northern Ireland was very unfair and that we have to strike a local Budget whether we like it or not. However, due to the failure to bite the bullet, particularly around the most obvious areas of revenue raising, we are making an already difficult situation even worse.

There is nothing to fear from openly, honestly and realistically making the case for progressive taxation so that households that can afford to pay a little more are asked to do so, meaning that we can have better public services. The consequences of not doing that will be underinvestment in our public services, and it is the poor and the most vulnerable who depend disproportionately on public services. The Health Service is a clear example. The areas with the worst public health and the lowest life expectancy are also the most deprived areas in Northern Ireland, so that case is very strong.

I appreciate that I have spoken for slightly longer than I anticipated, but I got waylaid slightly at the start. In closing, I will focus briefly on two areas. One is health, which is important, given the degree of public controversy on which we have all tried to give our views. The other area is education.

I understand where the Health Minister is coming from when he says that he does not have enough money in his budget. I appreciate that, in the past, Northern Ireland spent more per head than other UK regions and that that has now changed due to the financing of recent years. He is perfectly entitled to make that case. I would like him to make it in a constructive way, but that is another story. There could be a shortfall of £1 billion by 2014-15 with the current policies and practices.

Although the Health Minister makes the case that there has to be parity in health spending across the UK, unlike his colleague John McCallister he is not prepared to be honest in saying that the same UK standards are needed on revenue raising. We cannot run public services in Northern Ireland on the cheap;

the Health Minister, in not being intellectually honest and following through with his argument, is trying to get that across. That is a major flaw in his argument. If he were prepared to be brave, he would find that he had much greater sympathy.

We have a choice to make. The full protection that the Minister and others seem to want can be given to the entire health budget, but that will come at a major cost to a whole host of other spending priorities across government, including the economy. Anyone who makes the case for giving health 100% protection is saying, essentially, that we are forgetting about the prospect of any economic growth in Northern Ireland and that we are satisfied with Northern Ireland becoming a financial dependency of the Treasury, where we simply have a handout from London in a dependency culture in which people work in the public sector and where we do not rebalance the economy. That is the consequence of going down the route of capping the resources that are available.

We also lose the opportunity of that full protection to challenge the health sector on inefficiencies. The notion that there are no inefficiencies in a Budget in excess of £4 billion is completely false. I referred to the need to carry out a proper benchmarking exercise and to compare the profile of budgets, particularly the health budget, with other regions. That will illuminate where disproportionate amounts of money are spent in the health sector and where there is underinvestment, so that changes can be made.

We have to take into account other factors, including demographics, more expensive treatments, more expensive drugs and increased technology. All those areas create pressures. That means that we have to change a whole host of policies and practices in the health sector.

The view of the Alliance Party is that we must challenge the health sector. Today, its position is set in stone and it receives full funding at the expense of everything else, but that cannot continue. At the same time, we should encourage the Health Service to change, to be more modern, and to be much more productive because we cannot do everything.

**Mrs D Kelly:** Will the Member accept that the Health Service is the one public service that

fulfilled its obligations under the review of public administration?

**Dr Farry:** Yes, but that is a small point in the overall scheme of things, and many other issues in the Health Service have not been faced up to. Although I am happy to acknowledge the point about the RPA, to overly praise the Minister for one small victory is to detract from what has become an extremely poisonous debate on health. In recent years, massive problems in the Health Service have been swept under the carpet.

I was also disappointed with the approach taken to spending plans for education. I referred to the reallocation of capital to current budgets. Education is an area in which there are clear opportunities for doing things differently, such as the rationalisation of the school estate and the promotion of shared and integrated education. That does not mean opting for the pure model of integrated schools in every situation, but there are menus of different models of shared education. If we are more ambitious in delivering change in the education system, we will reduce the costs. Until we are prepared to do that, we will be pouring money into an inefficient and unsustainable situation.

**Mr McDevitt:** For the record, Members may think that I dealt with all the Budget issues in my contribution, but I did not, and other colleagues will return to the cost of division and to North/South and east-west issues.

Dr Farry raises an important point, and I agree with him. When we look at shared faith schools and the way in which the debate has moved on in the past couple of years, a real new area of conversation is opening up. However, if we were serious about promoting that in public finance terms, we would be using the Budget as an opportunity to demand change. Why does the Member not join us in expressing his serious reservations about the Budget? It clearly does not meet the tests that his party would apply to public policy for it to be able to deliver the sort of outcomes on which his party campaigns. Why does he not join us in saying that it is not good enough?

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

**Dr Farry:** I agree with the first half of what Mr McDevitt said, but I caution against jumping off a cliff with the SDLP based on its current approach to the Budget.

**Mr O'Dowd:** Over the past 36 hours, I listened to the debate on the Budget and the financial position. I listened particularly to the SDLP. The position is not good enough, because there is a £4 billion deficit. However, what is missing from the debate is any detail of what Conall McDevitt wants the rest of the Assembly to sign up to. That is where the gap is. There is a £4 billion deficit in the Budget, but there is a deficit in what the SDLP wants us to sign up to.

**Dr Farry:** Well —

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

**Dr Farry:** I will respond to Mr O'Dowd first, and then I will give the Member a chance.

There is a degree of truth in what Mr O'Dowd said. No one in the Assembly wants to be in the current situation. Every party here, with the possible exception of UCUNF, argued against deep cuts in public expenditure at a UK-wide level and highlighted the dangers of a disproportionate cut for areas such as Northern Ireland that were in a difficult financial situation.

#### 4.00 pm

We have been given a CSR Budget that is well short of what is needed, so difficult choices have to be made. I accept my responsibility, and I know that David Ford, as a Minister and a member of the Executive, accepts his. Even in these difficult circumstances, the last thing that we should do is run away from that responsibility, say that it is far too difficult, or simply stand on the sidelines and produce a mythical argument on how things could be better rather than fight our case to find collective, shared solutions to protect public services and grow the economy as best we can.

I could, like Mr McDevitt, go through an entire list of things that relate to the structure and process of the Budget and how things could be done differently on spending. The Alliance Party's approach is about making this place work while acknowledging that there has to be a vote on a four-year Budget before the end of the term. We are committed to working the system and, through the Executive, seeing what changes we can make to the Budget.

**Mr McDevitt:** I appreciate Mr Farry's giving way. I want to address the important point that Mr O'Dowd made. I refer him to page 61 of my party's 'Partnership and Economic Recovery' document where he will see a fully costed

table that identifies £0.5 billion of new revenue opportunities. That is what my party wants to see in the Budget. I refer Mr O'Dowd to his own party's Budget submission, which is a bit limp. It is seven pages long. I know that not everyone is keen on tables, but his party's Budget submission has no figures.

Here is the deal: the Assembly could raise a further £0.5 billion, yet we have not even started to debate that. Rather, we are settling into a cosy consensus between Sinn Féin, the DUP and — sometimes in, sometimes out — the Alliance Party in favour of delivering Tory cuts. My party wants to challenge that. There are half a billion reasons why you could challenge it, Mr O'Dowd. Why do you not sit down and do something about it?

**Dr Farry:** Mr O'Dowd, would you like to respond?

**Mr O'Dowd:** First, the document that the Member referred to is not a Budget submission; it contains economic proposals that were produced six to seven weeks before the SDLP produced its document. Those documents contain two sets of proposals. Every party around the table has produced proposals for the way forward. What we have to do — and I agree with Mr McDevitt on this — is raise alternative sources of revenue.

Over the past number of days, I have listened to deep criticism of the Minister of Education from the SDLP Benches. When she says that she would like to bid for additional resources, the SDLP says that those resources do not exist and that it does not make economic sense for any Minister to talk in such terms. If SDLP Members say in response to the draft Budget that revenue should be raised from alternative sources, we will agree with them wholeheartedly. We will work our way towards that. Indeed, the Executive's Budget review group is meeting to bring forward proposals to do exactly that.

**Dr Farry:** OK. I shall return. The SDLP still needs to clarify whether the Budget is a carve-up between the DUP and Sinn Féin or whether, with regard to the wonderful document that it produced at the eleventh hour, all the good bits that they have identified in the Budget are their ideas alone.

**Ms Ritchie:** I thank the Member for giving way. How many times do my colleagues and I have to tell the Alliance Party and the representatives of other parties that we originally made proposals

in April 2009? Some of those proposals dealt with revenue raising, some with assets, and some with the re-profiling of expenditure. We did that 20 months ago — long before any other party. I recall that when I was a member of the Executive, some of those ideas were copped by the Executive. In fact, I recall the First Minister being particularly reflective about them. When we published our document on 8 or 9 December 2010, it was simply an elaboration and expansion of those ideas.

We were long at the trough before any other party. Please acknowledge that point.

**Dr Farry:** I am very happy to acknowledge the point made by the leader of the SDLP. In her argument, she has, in essence, confirmed and answered the question that I posed: is this a carve-up or an SDLP budget? After 24 hours of attacking the Budget, the SDLP has essentially argued that it is an SDLP budget, that all of the good ideas in it were developed years and years ago by the SDLP and that the DUP and Sinn Féin have simply absorbed them and reflected that in the Budget.

**Mr Callaghan:** It seems that the Member has some difficulty with the concept of time. The document that my party leader referred to was published in April 2009. The draft Budget was published by the Executive before Christmas. At the time, the Minister referred to it, erroneously, as a Christmas present for the people of the North. Some of the proposals published by us in April 2009 were picked up, in some form, in the current draft Budget, and some of them had been in the public domain. The plastic bag levy, for instance, was in our 2007 manifesto. I say that for the benefit of the not-present Finance Committee Chairperson. The proposals included dealing with senior civil servants' bonus payments; Senior Civil Service recruitment and promotion; the two-year moratorium on Civil Service recruitment; dealing with consultancy costs; the reform of the Planning Service; a levy on telephone masts —

**Mr Deputy Speaker:** Will the Member return to the debate on the Budget?

**Mr Callaghan:** These are documents in the current draft Budget, Mr Deputy Speaker. There were also proposals on reprofiling the Housing Executive debt; the sale and disposal of publicly owned car parks; the sale and lease back of the Housing Executive headquarters; and capital receipts from Belfast port. We are not happy



that they have been picked up in the appropriate way, but they are some of the issues that were in our paper from 22 months ago and which are being picked up now to some extent.

The Member should also bear in mind that our proposals in 2009 were to deal with a quantum of just over £400 million. As the Member should be aware from the debates in the House over the past 48 hours and in the community over the past two or three months, and longer, the bridge that we must cross now amounts to £4 billion. Even if every one of our April 2009 proposals was picked up, there would still be a gap of over £3.5 billion to be bridged. Of course, every one of the proposals has not been picked up and, in nearly two years, we have not heard a good reason why they were not picked up at the time and why those opportunities were squandered. To suggest that because some of our ideas were picked up in the Budget — even incompletely and not properly — that that somehow makes it an SDLP budget beggars belief, particularly given the range of further measures that have been introduced.

**Mr Deputy Speaker:** I remind Members that interventions should be short and to the point. Mr Farry, you have the Floor again.

**Dr Farry:** The irony of a lecture on the Alliance Party not understanding time is stark for all to absorb. I return to the simple point that I made yesterday that this was a DUP/Sinn Féin carve-up. Today it is an SDLP budget, or a partial SDLP budget, or a budget where all the good ideas are SDLP ideas and all the bad ideas are those of others. If an idea has been picked up by anyone other than the SDLP, it will not be implemented properly. There is a very confusing message coming out with regard to whether the SDLP is in or out, whether it has influence, or whether something is being imposed upon it. The notion that we still have a £3.5 billion deficit to face up to is there for everyone; no one is denying that. We are all conscious of the reason why we are trying to agree a difficult Budget that is going to cause a lot of pain to people. However, we have to ask ourselves whether people are prepared to stand up, take tough decisions and be part of a collective Executive working the issue, or whether people are going to walk away and play games.

**Mr Frew:** If some of our Members were to have a sponsored talk, there would be no such thing as a deficit; we would have all the money that

we need in the Budget. We find ourselves in a very difficult place, which was not of our own doing. The Tory plan was to reduce the Budget deficit, and, in real terms, that meant that Northern Ireland was to be faced with cuts of 8% in current expenditure and some 40% in capital investment by 2014-15.

Of course, given the fact that the Executive is made up of five political parties that, in many ways, have belief structures and ideologies that go in completely different directions, it is an achievement in itself that we have been able to agree the draft Budget.

Earlier today, the Finance Minister, Sammy Wilson — he can speak for himself, of course — spoke about a present at Christmas. He was talking about the fact that our business community, our private sector, our public sector, the community out there — the whole population — was crying out for the Executive to agree a Budget, and they did agree a Budget. In addition to that, it was a four-year draft Budget, which people, even in this House, said was impossible to do. We agreed a four-year Budget in order to plan ahead and for businesses and communities to stabilise themselves. In a time of recession and hardship, they were able to plan ahead on a four-year basis. That cannot be discounted out of hand, and we must commend the Executive for the fact that we have got to this point.

I believe that our people are ready and prepared, especially in the public sector, to take a limited amount of pain in that regard. Of course, it would be limited further by a good Budget. I believe that people in the public sector are prepared for a pay freeze, because they have seen how the private sector has been decimated. They have seen how the construction industry has been wiped out by 25%, people have taken pay cuts of up to 15%, and other people have lost jobs. I believe that there is a belief out there that, by taking a pay freeze, they can save jobs in the public sector.

The responsibility and role of the Executive and the reason we have devolution is to minimise the impact of the like of budgetary cuts. The Executive's strategic aims should be to protect the most vulnerable in society and to give priority to promoting the growth of a dynamic economy. The whole point of devolution is that local Ministers will make local decisions — hard decisions — and it is good to see local Ministers making decisions, being held to

account by their Departments' Committees and standing up for their decisions.

That has not been helped by Departments dragging their heels on publishing spending plans and saving plans that enable us, the elected Members here, and, indeed, the public to see the detail and to make up our own minds regarding the draft Budget. It does not stop Ministers from making wrong decisions or no decisions at all, which is even worse. Ministers must accept the massive responsibilities upon them.

One decision that comes to mind is the decision by the Minister of Agriculture and Rural Development to cut funding to the Young Farmers' Clubs of Ulster by 100%. That has been an easy decision that will have terrible consequences for the young farmers' clubs and their members, for the sake of £75,000 a year, which will be lost in some other massive pot. Young farmers' clubs provide essential services to young people living and working in rural communities. It is very important that younger people are retained within what is deemed to be an ageing industrial sector. It is not just for farmers but for everyone who lives in rural areas. The president of the Young Farmers' Clubs of Ulster (YFCU), Thoburn McCaughey, has said:

*"News of the funding cuts comes at a time when the YFCU has seen a year on year increases in participation rates across the full range of training and education services it provides directly for members across its agriculture, arts and culture portfolios. And the proposed cuts would also put at risk a series of crucial initiatives the Association is currently delivering including its high profile Rural Road Safety campaign and Family Farm Succession awareness raising programme."*

*The financial resources provided by DARD are core to all of the success of the YFCU over the past three years. In carrying out our work we have always sought to ensure that we are complementing the Departments own strategic goals, for example, strengthening the social and economic infrastructure of rural areas and enhancing animal and plant health and welfare. And for this reason we find the proposals even more astonishing."*

#### 4.15 pm

I was at a recent event in Ballymena town hall in my constituency of North Antrim where Lisnamurrican Young Farmers' Club was putting on a production of 'Robin Hood and his Musical Merry Men'. I see that he has left the Chamber,

but Conall McDevitt, who himself likes a good drama and can make a very good drama out of a crisis, would have loved the production.

The club was celebrating its seventieth anniversary, and in the play were people ranging from 50 to 60 years of age to toddlers, who are not even at school yet but who danced about the stage and were part of something very special. The decision that the Minister of Agriculture and Rural Development made will destroy something very special in the rural community, which she, as a Minister, is meant to protect.

Another aspect of the Budget that I wish to deal with is the Presbyterian Mutual Society. I welcome the assistance package for that. It is incumbent on the Executive to ensure that the use of public money to assist PMS will see a just and fair resolution for all, particularly smaller savers. We need clarity on how smaller savers could be prioritised in the scheme. If the Minister is going to respond to anything in my contribution, I ask that it be to that.

I have welcomed the transfer from current to capital expenditure, and I find it unsettling that some Ministers are trying to claw back in the other direction. I hope that they will know and be sure of their own briefs when they talk about what the consequences of that will be. The transfer from current to capital will, of course, assist the construction industry at a time when it has suffered so much, with the loss of at least 21,000 jobs and a 25% reduction in contracting.

I am concerned that some Ministers are likely to have an adverse impact on preventative spending through their budgets. Such spending will save money in the long run, and it would be an easy decision for some Departments to cut it away. However, that will cost thousands, even millions, of pounds in the long run.

This is a time for hard choices. I have no doubt about that. However, it is also a time when there is an opportunity to rebalance the economy and to bring this country to a better place so that, when there is real recovery, Northern Ireland will be much fitter, leaner and less reliant. It will also be in a position to move forward to best serve our people, protect our most vulnerable, enhance our economy, make lives better and increase confidence in our people, because confidence is the key.

Whenever I hear debates such as this and see Ministers' attitudes, I sometimes wonder why, instead of negotiating at the Executive table, they are negotiating on the airwaves or in the pages of our newspapers. I ask myself how that affects our people and damages their confidence. Certainly, it does not have a positive effect. I ask all Ministers to withdraw from doing that and to get back round the Executive table and negotiate and barter for the thousands and millions of pounds that they say they need to make their Departments much better.

I will end here, because I do not want to keep things going. I also want to talk about how the green new deal will assist the construction industry by retrofitting houses. We know of many skilled people who are unemployed and are ready to go with that instantly. It is not just about employment; it will improve the capital housing stock, help to reduce fuel policy and advance renewable energy at a time when we are trying to reach 40% renewable energy targets by 2020.

I am done, and I hope that the Members who speak after me will take a leaf out of my book.

**Some Members:** Hear, hear.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. Your immediate predecessor in that seat, Mr Deputy Speaker, announced that there was a list of 20 speakers when he was exhorting the then contributor, Mr McDevitt, to get a move on. I was here to 12.30 am last night, and my heart sank to my boots when I heard that.

I started wondering how many of the 20 would be SDLP Members and how many interventions by SDLP Members, which end up being five or 10 minute contributions, it would include. I then began to wonder whether I should start to make arrangements to stay overnight.

It would be helpful to remind ourselves what we are doing here today. The Budget Bill provides the statutory authority for expenditure, as set out in the spring Supplementary Estimates. It also provides for the Vote on Account. All of that is part of the budgetary process and is valid. I have two particular questions about the contributions that have been made and the repetition. I do not intend to indulge in repetition, if at all possible.

Listening to the SDLP in particular, I have noted the absence of the Official Unionists throughout, particularly their Health Minister, given the many references to the issues surrounding health and the response to the very real pressures that exist in that Department. There have been many protestations of sympathy for the dilemma that the Health Minister faces, and this seems to be a good opportunity to work in a more collective and collaborative way. Some Ministers have endured pain in terms of their departmental budgets, or at least the indicative allocations to them, because they want to be supportive of the Health Service.

I am puzzled by the SDLP's argument that there has been a carve-up. SDLP Members have often contradicted themselves through the rhetoric that they have then deployed, particularly in their claims to have originated most of the positive proposals for revenue-raising.

Constantly reminding people of their minority status here does not seem to be very sensible. SDLP Members seem to be locked into a mode of victimhood, and they look for examples of oppression, denial of their rights or denial of any consideration of their ideas or those of others. That is not the case, and it is not the way that we should be proceeding.

It is wrong for them to deny that we can point to some genuine achievements in very difficult circumstances that have not been of the Assembly's creation, particularly when it comes to global economics, but have had a direct impact. As a collective, sometimes with Ministers acting independently and sometimes after the emergence of a semi-detached attitude, we have managed to bring forward good examples of Ministers working together and addressing realities.

If huge lumps have been lifted out of the block grant, as had been projected, it is a reality. People then have to consider how they can practically respond and oppose the implications of that reduction in the capital and resource funding of the Executive. That is a big challenge, particularly for a coalition of five parties. That would be difficult for a single-party Government or a minority Government that relied either on a smaller party or on independents to function, but it would not be as difficult as the five parties in this coalition attempting to find a methodology and a way through the situation.

The draft Budget document in front of us is the result of collective effort and the harvesting of ideas from the diverse range of parties that are represented here and stakeholders in our community. The consultation on the draft document will produce even more ideas.

I have talked at length about the system that we have devised, and I will not repeat myself, but the Budget review group is a very effective response. It may not be the definitive response, but it is a very effective response and an opportunity, on the basis of the equal standing of Ministers dealing with these issues around the table, to process, examine and develop proposals that will feed into the final Budget document.

We should work at that. I am not saying that we must celebrate it, but the Budget review process, however it is refined over time, could be one of the legacies of this term. We have moved from the position four years ago of quite disparate perspectives and expectations to having completed the first full term of this Assembly. In the process, we have demonstrated that we did respond and that we are responsive. However, we can improve the process and we should continue to improve it.

Promoting the idea of two parties as victims of a wider conspiracy, because they are smaller parties, does not help them or give confidence to the community. All the parties will be contesting an election soon, and we will be judged on our political decisions, whether they were good, bad or indifferent. That will be the electorate's opportunity to establish their primacy, and to either endorse the direction of travel that the Executive have taken or to give us a severe reminder that they are displeased.

We should examine the powers that we have and what we can do more of. We should also examine the ideas for revenue raising and the ideas of those outside the Assembly who think that it is easier than it actually is. I have a wry smile on hearing some of the statements that come from the business community, because, as was mentioned by the Member who spoke previously, the downturn in our economy is characterised more by a failure in the private sector than in the public sector. In the public sector, we have continued to see public services delivered in a mainly efficient manner.

The scrutiny Committees have also begun to develop their skills of forensic interrogation of

the spending programmes and the performance and efficiencies that their respective Departments are delivering or failing to deliver. They have also become much more assertive in their statutory powers, which is all to the good. However, some of those from without this Assembly who think that they know all of the answers do not know very many of the answers, judging from their own performance.

There is a value in the exchange of ideas and the consultation on the Budget, even if it was in a constricted time period. I hope that those people took the opportunity to respond. I have not seen either the volume or the quality of the responses, but those responses will be reflected on and perused by Ministers. From that, we will get a document that is based on the practical experience of managing with the resources that we have and of developing and exploring resources that are not presently available to us.

I hope that the next term will proceed on the basis of seeking additional powers, as I have argued for during this term. I think that we have the answers to the problems ourselves and, as we develop a more comfortable working relationship with each other over time, the harvesting and implementation of those ideas through agreed programmes will be the way forward for us all. I hope that I have kept my contribution as short as I intended.

**Mr Givan:** In the two Committees of which I am a member, we looked at how the draft Budget will impact on services. I will touch on those discussions first.

Key to the considerations of the Committee for Justice was the bid by the Chief Constable to access the Treasury reserves, which was part of the devolutionary settlement. Some reassurance was given that that money will be forthcoming, and we just need the fine detail on it. However, based on the assumption that we will get that money, we should be able to deliver the necessary services that the public require. With that in mind, it was regrettable that the SDLP tabled its amendment to the Supply resolution yesterday to take £7 million from the Department of Justice budget. The Executive have, rightly, ring-fenced the Department of Justice's recurrent and capital expenditure. They have also provided assistance beyond that, and have placed the right emphasis on helping our



police to tackle the dissident republican threat that exists.

We should never be complacent, and it is regrettable that the SDLP wanted to remove £7 million from that budget.

#### 4.30 pm

The Committee for Enterprise, Trade and Investment looked at how the Budget will impact on its work and found that it will allow a lot of the good work that has taken place to continue. Invest NI raised the need for a similar type of scheme as that put in place for the Department of Education with regard to schools, with some kind of end-year-flexibility mechanism. Because Invest NI interfaces with the private sector in a much greater way than any other organisation, the nature of the deals and contracts that are being sought are not similar to other public sector organisations. Invest NI suggested that it could manage its allocated budget with that type of facility. However, Invest NI expressed some concern that the absence of that type of mechanism could create problems. Hopefully, that area is being looked at.

The Assembly has made a contribution to a lot of schemes in my constituency over the past few years. A vast number of new primary schools have been built, particularly in rural areas where we amalgamated a large number of small schools. We were able to do that because we were creating newbuilds, which made it a lot easier for communities to buy into. A decision was taken to give the Department of Education a capital allocation, which would go some way to allow new schools to be built in my constituency, particularly Dromore Central Primary School, which has been one of the top priorities for the Southern Education and Library Board. Almost £8 million has been spent in buying the land and designing the scheme, and we now need to put the contracts in place to allow the school to be built. However, there is some concern that the decision taken by the Minister of Education to put that capital into recurrent will not allow those types of projects to go ahead. That is one school; we have other urban schools that require newbuild facilities, and I will continue to press for that.

We also have concern over proposals around our hospital provision. A major capital scheme has been proposed for the Lagan Valley Hospital site, and there are concerns that the Department of Health, Social Services and

Public Safety has not allowed the trust to go ahead and commission the work. In the current environment when capital expenditure will be scarce, there is real fear that the planned projects will not go ahead, and that will be looked at in the future.

Lisburn also has a very large health centre serving a large population. Ideally, it would be better if we had smaller health centres in the city area, one in the Lisburn north part and one in Lisburn south, rather than one very large central facility. I declare an interest as I use that health centre. When I seek an appointment with my GP, it is usually well over a week before I can see my preferred doctor. It is usually then at least a couple of days before I can get an appointment. Obviously, that is for non-emergency situations. That difficulty has been highlighted by the local community and funding is needed to look at how we can address that problem.

Lisburn city centre is in need of a boost from the Department for Social Development for its public realm scheme. In conjunction with DSD, the council has created the master plan; indeed, I think that former Minister Ritchie launched that master plan. However, we now need the funding. Our city centre has suffered, particularly since the expansion of the Bow Street Mall, which is drawing the footfall away from the traditional Market Square area and taking it to the Bow Street area. The traders are keen to ensure that the new public realm scheme is put in place to try to attract people back to that part of the city centre. That is another reason why we have campaigned hard for the John Lewis and Westfield application. The council has taken a view that the income generated in rates from that development could be used to invest in the city centre, because there is some concern among the traders as to how it would impact on them.

Our roads infrastructure is in need of more investment, particularly at the Sprucefield and Hillsborough roundabout junctions. There are plans for a link road to be built in and around the back of Marks and Spencer to connect the M1 directly to the A1 dual carriageway, which would save motorists from having to navigate those roundabouts. The chronic traffic congestion impacts on those who want to come in and out of Lisburn from the Hillsborough, Dromore and Banbridge areas. DRD has that link road in its plan but, again, there is concern that the capital funding will not be there for it to be built.

Why is the capital funding, which is a primary concern for a lot of the schemes that I want to go forward in Lagan Valley, not there? It is because it was not allocated to us in the block grant. We have had to live within the resources allocated to us, and there are well-rehearsed arguments as to how that came about. The Labour Government, who have a sister party here, spent well beyond their means, and then the Conservative Party decided to cut too quickly and too deeply, and we are suffering the consequences. The Conservative Party also reneged on the £18 billion agreement, and we are now suffering from the consequences of that, too.

I appeal to the sister organisations in the House, the Ulster Unionists and the Alliance Party. If their associations were of any meaningful use to Northern Ireland, they should have been able to exert some influence. However, that has evidently not been the case. Despite telling people to go out and vote for their parties in the last Westminster election — they are not neutral on the Union but in favour of Northern Ireland staying within the United Kingdom — we saw exactly the colour of their money when it came to the Budget that was allocated to us.

There is also the pretence of the Ulster Unionist Party and the SDLP engaging in a charade in which they are in the Executive but not part of it. They snipe from the sidelines and do not take seriously the collective responsibility of having Executive Ministers. They lambast the Finance Minister and other Ministers on the radio but do not engage in meaningful conversation, and when invited to do so, they decline to take up those opportunities. People will see through that. People are not fools, and political parties who treat the electorate as fools will suffer the consequences of holding people in contempt. There will be an opportunity for the people to demonstrate that in the future.

Others took seriously their ministerial responsibility, engaged seriously and sought to mitigate the cuts from Westminster for which the Ulster Unionist Party, in particular, campaigned heavily at the last Westminster election. I look forward to the opportunity to make that case on the doorstep.

**Mr McCallister:** I will begin by replying to some of the nonsense from Mr Givan in his closing remarks.

Let us look at how we got into this mess. For 13 years, a Labour Government overspent and left the Treasury with no money, as the note left for its new Chief Secretary outlined. Mr Givan wonders why an incoming Government would have to cut public spending. He then goes on to say that we — the sister party, the Ulster Unionist Party or however he wants to refer to us — are to blame for the Tory cuts. We stood and told people the truth about it. What about Mr Givan's colleague, the MP for Lagan Valley, who said that he would not accept a penny?

We did not get anyone elected, but we went out and told people the truth. He is expecting us to have influence. You are the guys who won the seats at Westminster, but what influence do you have there? You went out and told the electorate to vote for you because you would have influence at Westminster. You said that you could change things, stop the incoming Tory Government and do this, that and the other. Your eight MPs made not a jot of difference to that system.

**Mr Deputy Speaker:** The Member must make his comments through the Chair.

**Mr McCallister:** The way in which we arrived at this situation is fundamental to this debate. The DUP has had no influence over the Budget process at Westminster. It says one thing here and does another at Westminster, and we can see that in the tuition fees debate.

The main issue that I want to address involves the Committee for Health, Social Services and Public Safety, on which I sit. I heard Mr Givan shouting about Tory cuts, but this is the bit that I would like the Minister of Finance and Personnel to address when he gets to his feet. I was one of the candidates who stood as a Conservative and Unionist. One of the best commitments that we gave was that we would protect health spending. Health spending has been protected in England, Wales and Scotland. The coalition Government stuck to that agreement, yet that has not been passed on to the Health Department in Northern Ireland, according to the Department and the Assembly Research and Library Service. I would like the Minister to address that in his response.

**The Minister of Finance and Personnel:** If the Member wants my response now, I am quite happy to give it. Let us look at the figures for the next year, because Scotland and Wales have not been able to give a four-year deal to their

health services. We are the only Administration that have given a four-year deal. In Scotland next year, there will be a reduction of 0.3%; in Wales, there will be a reduction of 2.5%; in Northern Ireland, the reduction will be 0.3%. We have given the same deal. In England, over the four-year period, a commitment has been made to protect spending in real terms by 0.4%. Our protection is 0.2% over the four years, but we have not imposed the 5% efficiencies, which amount to £20 billion, that have been imposed on the Health Service in England over the four years.

The Member asked for the information: in those terms, we have given better protection and forward planning opportunities to the Health Service in Northern Ireland than has been given in Scotland or Wales and, overall, over the four-year period, in England. We have lived up to the commitment, despite the reductions in our Budget that the Member talked about.

**Mr McCallister:** Last night, I pressed the Chairperson of the Health Committee to read out the Committee's response. This is the view of the Committee:

*"The Committee received a briefing paper from the Assembly Research Service which indicated that if the same percentage changes that were allocated to health in England were applied to the DHSSPS baseline, it would be in line to receive an additional £458 million revenue over the 4 year budget period".*

In fairness to the Minister, I will finish the quotation:

*"but would lose £137 million on the capital side. However, the total net increase would be £320 million over the 4 years, or £80 million per year."*

That information came from an Assembly Research and Library Service briefing paper, and it bears out the Department's response as well.

**The Minister of Finance and Personnel:** The Member has ignored the fact that, on top of the cut in England, there is a requirement for a £20 billion efficiency saving for the Health Service, which amounts to about 5% a year. We have not asked for those efficiency savings to be found in the Health Service in Northern Ireland. Indeed, we have given the Health Minister the ability, when he does make savings, to retain those in his budget and move money around in order to give him flexibility that is not afforded to many other Departments.

#### 4.45 pm

**Mr McCallister:** That does not change the fact that, on the baseline figures, the Minister has not afforded the Health Department the same level of protection as the Department of Health gets in England. That will, of course, lead to problems in health. My colleague the Health Minister made that point consistently. It will have knock-on effects. As other Assembly colleagues have pointed out, the fact that health will take a hit cannot be ignored.

**The Minister of Finance and Personnel:** There is genuinely a need for education here. Perhaps when the Member discusses the figures with the Health Minister, he will ask him about a £330,000 report by Mr McKinsey that he commissioned. That report, which the Minister has had for about eight months, indicates certain things that could be done. If those things are not done, savings of £5 million a month will be lost. We have lost eight months of those savings. Indeed, the Health Minister has made it clear that he does not intend to take any of those actions. Those may be the kinds of things that could be done to try to make savings in the Health Service. However, of course, if we have a Minister who does not want to make unpopular decisions, we will never get to the point of efficiency that we need to get to.

**Mr McCallister:** The Health Minister has never denied that efficiencies will always need to be driven in a service the size of the Health Service. There will always be things that have to be looked at and actions that have to be taken. The point is that health cannot be skimmed on, because need is rising constantly. Health inflation is higher, so the pressures on the Health Service are always rising.

**Mr F McCann:** Will the Member give way?

**Mr McCallister:** In just a second.

As Mrs Kelly pointed out, the Health Department is the only Department that has reformed itself.

**Mr F McCann:** Every time an Ulster Unionist gets up and talks about the Budget, the speech is about giving more money to the Health Department. Most departmental budgets have had to take a hit. Will the Member tell us where he would make cuts to give the money to the Health Service?

**Mr McCallister:** I have been trying to press the Finance Minister on the fact that, if the

Health Department enjoyed the same level of protection as the Department of Health in England, the money would go to the Finance Minister through the Barnett consequentials.

**Mr B McCrea:** Does the Member agree that it is absolutely outrageous for the party opposite to try to say that we should have an NHS that is less fit for purpose in Northern Ireland than it is in other parts of the United Kingdom? Would he care to ask the Members opposite whether they are unionists?

**Mr McCallister:** We know the answer: they are not. They do not want to fund the NHS at the same level as in England through what the coalition Government are giving to Northern Ireland. They do not buy into the concept of a Health Service that actually addresses need. Some of the most vulnerable people in our society will be the ones who suffer most.

**The Minister of Finance and Personnel:** I thank the Member for giving way. Given that he avoided answering Mr McCann's question, maybe he will give us an answer to the question now. Where does he expect the money for the Health Service to come from? We allocated all the money in the Budget at present. Where will he take the £200 million a year from? Will he take it from education? Will he double the rates? What will he do to get the money? Maybe he will also ask himself: who has been in charge of the Health Service — which, in his colleague's words, is "not fit for purpose" — for the past four years? Maybe that is where the responsibility lies.

**Mr McCallister:** What my colleague was saying was that that is what it will become in the future if we impose the Wilson cuts that the Minister seems to want to make in health. He would have an £80 million a year start if he gave us the same as the Department of Health in England gets. We need to look at how to change the allocation and take more cross-cutting measures.

I agree with some of the contributions that have been made today. I agree with what my colleague Mr McCrea said last night about the need to be much more outcome-focused. We have to look at how we can use our resources and achieve outcomes for all our citizens through cross-cutting agendas. Public health is not just a matter of health but can impact on DSD around housing and even on how we plan our communities and how we live and work.

That is what we need to do to really drive a public health agenda forward. In the time that our Minister has been in charge of the Health Department, he has delivered on a public health agenda.

**Mrs O'Neill:** It is rich of the Member to talk about the public health agenda given that his Minister has spent 1.6% of the entire health budget on it. That does not indicate to me that he is serious about tackling it.

**Mr McCallister:** How much was being spent on the public health agenda before there was a Public Health Agency? It is a start. It is vital work that has to be done. We must change the mindset in order to address public health needs. The Health Service has been reformed, and the public health agenda is something that we have to work at.

**The Minister of Finance and Personnel:** If the public health agenda is so important, and if the Minister is paying so much attention to it and has sought, over the four years, to make the Health Service fit for purpose as the Member describes, maybe the Member can tell us this: what kind of a Health Minister spends 1.6% on the public health agenda and 1% on public art in new hospitals from his capital budget? Is that getting the priorities right?

**Mr McCallister:** The Finance Minister knows full well that the public health agenda is the way forward. His colleague sitting behind him was talking about preventative spending. Does the Finance Minister not agree with that? When the Chairperson of the Committee for Culture, Arts and Leisure was making a plea for more money, the Finance Minister did not want that money spent anywhere near a hospital or he would have supported some of what I have said.

The public health agenda is absolutely key to delivering preventative spend in the Department of Education and to how we deliver better services and outcomes for our citizens. Our preventative spend will have to be greater. It will have to be better, and we will have to build up the public health agenda and how we resource it. That is made very difficult when the Health budget is being attacked.

**Mr Frew:** When are we going to hear the Health Minister's plans? That is what we want to hear. When he comes on the airwaves and on the radio, it is all negativity. What is that doing to the public? We want to hear plans. We want to



hear the Minister say that we are in a bad place, that we need to get out of that bad place, and that he has a plan. I have not yet heard the Health Minister say that he has a plan.

**Mr McCallister:** The Member heard Dr Farry mention that the Health budget could be as much as £1 billion short — it is hard to be positive when that is the case. The Member may want to reflect on that when he keeps pressure on the budget and keeps denying that there is a widening gap between Northern Ireland and England. It is very hard to keep positive when one cares passionately about the services that we need to deliver. That will be the difference between my party and yours as we go into the election.

**Mr B McCrea:** Does the Member not think that it is a bit rich when Members here line up to have a go? Let me ask them through you, Mr Deputy Speaker; where would they make the cuts? With their expertise as Chairperson of the Committee or as Finance Minister, where would they like to press the button? That is the debate that we are not having. Members of the Assembly fire brickbats, but they have no solutions. I have not heard as much tripe in my life as I did in the last intervention. People talk about education; where is the debate on education? Where is the debate on NEETs? The answer is that there is no debate in the Chamber; all we have is some form of cack-handed deal between the DUP and Sinn Féin that does not include the rest of us. They are not able to put forward an argument that will stand up to public scrutiny, which is why they deal with rhetoric and having a go at the individual — *[Interruption.]*

**Mr Deputy Speaker:** Order. *[Interruption.]*

**Mr McCallister:** Thank you — *[Interruption.]*

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

I remind all Members that interventions should be short and to the point. Mr McCallister has the Floor.

**Mr McCallister:** Thank you, Mr Deputy Speaker, and thank you to my colleague for that very useful intervention.

Members will see some of the ideas that the Finance Minister spoke about last night regarding health issues. He questioned the numbers of hospitals, doctors and nurses that we have. Those are very tough decisions that

he suggests we take. I want the health budget to be based on outcomes and on the best outcome that we can deliver for our citizens. I am concerned about the alarming number of as many as 3,000 or 4,000 job losses, which the Minister highlighted to the Committee.

My colleague is absolutely right about the fact that we need to look at everything: our public health agenda; the number of houses that we build through DSD, given that barely 3,000 or 4,000 of them will be built over this CSR period and given the debate about whether that will even be possible with the money from housing associations; and how we build and grow our economy and move away from our over-reliance on the public sector. The Department for Employment and Learning will obviously be the cornerstone of training delivery. The Bill will have a knock-on effect on the Department of Education's problems with capital spend. The mismanagement of the Department of Education means that the structures are in a mess. How is that going to be handled?

**Mr F McCann:** Earlier on, the Member mentioned the most vulnerable in society. However, he coalesced and agrees with a party that is cutting back on welfare reform to the tune of £600 million over the next four years. Surely that will directly hit those who are most in need in society. His party supports the welfare reform cuts and the Tories who brought in those cuts.

**Some Members:** Hear, hear.

**Mr McCallister:** I do not know why that lot is saying, "Hear, hear", because it supports them as well. We need to look at how welfare reform works. Thanks to the Labour Party, the country is in a mess and is broke, because there is no more money. We have to deal with reality. *[Interruption.]*

**Mr Deputy Speaker:** Order. I ask that Members return to the debate about the Budget and do not stray from that any further.

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

**The Minister of Finance and Personnel:** Will the Member give way?

**Mr McCallister:** I am in enough trouble with the Deputy Speaker for allowing too many interventions. I wanted to make only a brief contribution to this debate, because I am quite

anxious to get to other important business in the Assembly today.

The Budget needs to be reviewed. From listening to the Minister's interventions during my contribution, it seems very much as though the draft Budget is not a draft but a done deal between Sinn Féin, the DUP and possibly the Alliance Party. However, no one else buying into it. We need to look at and change certain things. The Programme for Government is certainly one thing that should have been looked at and reviewed. We have been calling for a review of that for the past number of years. It has become irrelevant since it was first drafted. We need to look at how we can take a more co-ordinated, cross-departmental approach to dealing with the problems that our society faces. In the interests of getting to other business, I shall let other Members have their say now.

**Ms Ritchie:** The Bill has the sole purpose of giving statutory effect to yesterday's Vote on Account. Although the Bill relates only to part of the proposed expenditure in year 1 of the Budget, it is part of what — I repeat — is a flawed process around a flawed draft Budget. We remain strongly of the view that the Budget needs to be improved substantially before it can be regarded as fit for purpose. The Second Stage of any Bill is supposed to focus on the broad principles of the Bill, so it is worth asking the question: what are the broad principles behind the Budget Bill? Of course, the truth is that there are no real principles driving the Budget.

As my colleague the SDLP finance spokesman, Declan O'Loan, has asked on numerous occasions, where is the vision, the strategy and the Programme for Government that this Budget is supposed to be providing the resources for? In a written answer from the Minister of Finance and Personnel only a few days ago, I got an admission from him that perhaps there should have been a Programme for Government. So, let us have some honesty around this debate.

Then again, the draft Budget meets some basic DUP requirements. First, it meets the need to transpose the Treasury CSR settlement into the Northern Ireland context, thereby keeping DUP-led devolution on track, complete with nearly £4 billion in cuts. Secondly, it leaves the two Ulster Unionist Ministries with unreasonable settlements for health and further education. Although the personalities and parties holding the various Ministries are due to change in

a few weeks, faced with the choice of doing the right thing or doing the wrong thing while shafting their political opponents, the DUP, predictably, chose the latter course.

### 5.00 pm

So, how did the DUP sell £4 billion in cuts to its partners in Sinn Féin? How did it sell a mountain of misery for the least well off to those self-pronounced champions of equality? How did the DUP get Sinn Féin to swallow the prospect of doubling student fees, with the result that third-level education becomes the preserve of the rich once again? Where is its equality now? The answer is clear, as it always is: give Sinn Féin something for itself. There it is in the social investment fund. It is a slush fund of £80 million that the DUP has gifted to Sinn Féin to buy its agreement to the DUP Budget. Sinn Féin does not know what to do with that money, except that it intends to give it to its friends. The DUP does not really care what Sinn Féin does with the money; it was simply a price that it had to pay.

Every penny earmarked for that slush fund should be reallocated to support legitimate programmes that will protect vulnerable households and front line services while stimulating the economy with an emphasis on job creation. That is the fundamental principle that should underpin the draft Budget, the Budget Bill and all Budget processes. I repeat yet again that this Budget should protect vulnerable households and front line services while stimulating the economy, with an emphasis on jobs. No such principles underpin this Budget. This Budget is the straight application of the cuts from London, which have been customised to give the DUP political advantage over its opponents and to give Sinn Féin money for its friends.

In the case of the latter, I wonder what, if anything, it stands for these days. Sinn Féin abandoned the poor in the North —

**The Minister of Finance and Personnel:** Will the Member give way?

**Ms Ritchie:** I will give way in a few minutes.

Sinn Féin abandoned the poor in the North and attacked the wealth creators in the South. It is green Tories in the North and communist reds in the South.

The principles behind the Budget should have included three other principles, which I will repeat before I give way to the Minister. First, rebalancing the economy between the public and private sector should have been included. Secondly, there should have been a particular focus on job creation in the construction and tourism sectors. Allied to that is a need to protect the vulnerable through, for example, health provision and the new schools estate. In that regard, there is a need to protect services rather than to withdraw them, as is the case with the Downe Hospital in Downpatrick and the new schools for Down High School in Downpatrick and St Louis' Grammar School in Killeel.

There also needs to be a change of heart in the European Commission towards the construction industry. I have already talked to the Minister of Finance and Personnel about that where the aggregates industry is concerned. If the exemption were reinstated, the construction industry, the Quarry Products Association and all those associated with it would be able to deliver better for the people on the ground. Thirdly, a genuine attempt to find new sources of revenue and capital should have been included.

I am happy to give way to the Minister at this stage.

**The Minister of Finance and Personnel:** The leader of the SDLP seems to keep pumping the idea that the Budget was somehow designed by the Executive or by the DUP and Sinn Féin to give some advantage to those two parties over the other parties. Let me just quote her words back to her: she said that the Budget was “customised” to give the DUP benefit over its opponents. The two Ministers who have experienced the biggest cuts and, therefore, have to take the hardest decisions, are the Minister of Culture, Arts and Leisure and the Minister of the Environment. They are both DUP Ministers. The Ministers who have received some of the greatest protection — the Health Minister and the Minister for Employment and Learning — are Ulster Unionist Party Ministers. How, therefore, does the Member reach the conclusion that the Budget is customised to give the DUP advantage or benefit over its opponents?

**Ms Ritchie:** I thank the Minister for his little bit of knowledge, but I still strongly disagree with him. An evidence base proves that there is a

deficit in the health budget. The Chief Medical Officer has an evidence base — *[Interruption.]*

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

**Ms Ritchie:** — as does the chief executive of the Health and Social Care Board.

**Mr McDevitt:** The Minister of Finance talks about the disproportionate hit that he expects his colleagues to take. However, PricewaterhouseCoopers compiled a report on behalf of NICVA. Figure 5 on page 8 of the report, in case the Minister would like to refer to it before summing up, is titled: “Real terms capital investment outcomes of the Northern Ireland Departments in 2014-15 as % of 2010-11”. It shows that there will be a 30% increase for DCAL, a 70% increase for DFP and a 94% increase for OFMDFM. Those Departments are in the black; the other Departments are in the red.

It is not the case that this is a black-and-white game. There has been funny money and a bit of creative accounting, so that Sammy Wilson can get up in the Chamber and say what he thinks is convenient. However, when one delves into the figures, there are plenty of little hidden funds for his mates, too.

**Ms Ritchie:** I thank my colleague for intervening with some very useful information, to which I will add.

I return to the DEL budget. There is a clear intent to force people to increase or place a hike on student fees, to which I am totally opposed. I voted on the matter in the House of Commons, in the other place, too. *[Laughter.]* It is all very well for people to laugh, but they are party to having —

**The Chairperson of the Committee for Finance and Personnel:** Will the Member give way?

**Ms Ritchie:** No. I have given way enough on this issue.

The information provided by Mr McDevitt is most enlightening. A 30% increase in the DCAL budget, which would have helped the construction industry —

**The Minister of Finance and Personnel:** The increase is in the DCAL capital budget, not the DCAL budget.

**Ms Ritchie:** I am sure that a significant proportion of that —

**The Minister of Finance and Personnel:** Will the Member give way on that point?

**Ms Ritchie:** No. I have not finished my point.  
[*Interruption.*]

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

**Ms Ritchie:** That all happened at the same time as the Minister of Culture, Arts and Leisure —  
[*Interruption.*]

**The Minister of Finance and Personnel:** Get your story straight. [*Interruption.*]

**Mr Deputy Speaker:** Order. Minister, no one should point across the Floor at another Member. The Member who has the Floor indicated that she does not want to give way. I ask the Member to proceed.

**Ms Ritchie:** Thank you for your forbearance on the matter, Mr Deputy Speaker.

It is most interesting that the 30% increase in the DCAL budget coincides with the Minister's decisions to withdraw funding from important capital projects that would have brought important new infrastructure to certain areas. I think particularly of the velodrome project promoted by Down District Council, which would have increased physical and recreational activity in that area.

There is time to get this Budget right. There is an onus of responsibility on certain parties in the Chamber. [*Interruption.*]

**Mr Deputy Speaker:** Order.

**Ms Ritchie:** The DUP and Sinn Féin have attacked the SDLP for trying to change and improve a Budget that is not fit for purpose. However, we believe that that is not only our right but our duty. I repeat that there is time yet to get the Budget right. The documents that we produced and published before Christmas set out in unprecedented detail — more so than those of any party in the history of this place — what needs to change to make the Budget fit for purpose.

We published our 'New Priorities in Difficult Times' document about 20 months ago. I was then a member of the Executive, and I recall that the First Minister was particularly

reflective on the SDLP Budget plans at that stage and indicated that there were some that he favoured. Interestingly, three of them, from my memory, were then adopted by the Executive, so there was some favour among the DUP to our proposals at that time. I have no doubt that it will look at our expanded proposals that were produced in December with some insight. In summary, we call on the DUP and Sinn Féin to make the necessary changes and produce a Budget that we can support.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a LeasCheann Comhairle. As Chairperson of the Committee for Culture, Arts and Leisure, I am grateful for the opportunity to take part in the Second Stage of the Budget Bill. The take-note debate some weeks ago was guillotined somewhat, and I did not have the opportunity to make the following points.

The Department of Culture, Arts and Leisure sustains the second biggest cut —

**The Minister of Finance and Personnel:** I thank the Member for giving way. Does he find it a bit contradictory that, last night, the SDLP Member for North Antrim Mr O'Loan complained about the size of the cut to the DCAL budget — I think that he gave a figure of 17% when he intervened on the Chairman — and, now, this afternoon, the leader of his party has complained that, as a result of the DUP/Sinn Féin carve-up of the Budget, DCAL's budget has been increased by 30%? Which of the two has got it right? Maybe he could confirm that for us.

**The Chairperson of the Committee for Culture, Arts and Leisure:** I am thankful to the Minister of Finance and Personnel, Sammy Wilson; you might know him. Even more alarming than the variation in the figures was the attempt by the SDLP to take a further £0.7 million from the Department of Culture, Arts and Leisure. The party could not identify which programmes should be shelved and go to the wall wilfully and willingly. There is a lot of inconsistency that needs to be addressed in the SDLP group meetings. I do not have the privilege of being at them, but I recommend that it deals with those inconsistencies, variations and disparities at those meetings. That would be important.

I made this point in the spring Supplementary Estimates debate yesterday, and I make it again: DCAL accounts for 1% of total Executive expenditure and sustains, proportionately, the



second biggest cut, of £14.5 million. Public spending on culture, arts and leisure equates to the underspend of other Departments. Other Administrations have not been so severe in respect of their arts and culture budget, so, in a sense, the Executive appear to be alone among Administrations in these islands in proposing such a severe reduction to their arts and cultural budget.

**The Minister of Finance and Personnel:** The SDLP seems to get its figures wrong — its leader thinks that the budget for DCAL went up by 30%, and the Member for North Antrim thinks that it went down by 17% — but I want to make sure that the Chairman has the figures right. The Department for Culture, Media and Sport in GB had its budget reduced by 24%.

**The Chairperson of the Committee for Culture, Arts and Leisure:** I agree with you. I was going to leave out that figure because it did not suit me. That figure did not suit my argument at all. *[Laughter.]* It is an excellent point that the Minister makes. I was going to do comparisons with Scotland and Wales and conveniently leave out England, whatever it is at. I was never a big supporter of England, so I was going to leave it out of the equation altogether.

While reflecting efficiency and inflationary savings, Scotland and Wales managed to maintain significant investment in the arts and —

**5.15 pm**

**Mr O'Loan:** Will the Member give way?

**The Chairperson of the Committee for Culture, Arts and Leisure:** Declan, keep her lit.

**Mr O'Loan:** I appreciate the Member giving way, because I really want to make a point to the Minister. I am surprised that, of all people, the Finance Minister has to be corrected on such a simple point. Of the two percentages, one relates to revenue and the other to capital expenditure. Both figures are absolutely accurate. *[Interruption.]*

**Mr Deputy Speaker:** Order. I remind Members again that they should not shout from a sedentary position.

**The Chairperson of the Committee for Culture, Arts and Leisure:** I was going to leave the English figures out of the examples that I intended to quote. The Fianna Fáil-Green Party Administration in Dublin face — indeed, they

have since gone — the most severe economic crisis in a generation. They applied a 5% reduction to arts funding. Scotland and Wales have largely managed to maintain significant investment in the arts. Perhaps those examples are better.

The Committee for Culture, Arts and Leisure is of the view that any savings that come as a result of cuts to this area will make a negligible difference to the overall Budget for the North but will have a disproportionate effect on the creative industries, job creation, sport, culture and tourism. The arts and creative industries make a contribution to the economy, and the Arts Council is never slow to point out that every £1 invested in the arts returns over £3.60 to the local economy. Nobody disputes the fact that it is a significant net contributor, although the point is regularly forgotten when the cake is sliced. However, the benefits of investment in the arts are felt across society. For example, 56% of the money allocated from the Arts Council's main grant programmes is invested in the most deprived areas. However, those are the very areas that will feel the pain most from cuts in the culture and arts budget.

The potential of the creative industries has been recognised by government, and the Minister of Finance and Personnel understands that, as do the First Minister and deputy First Minister. Therefore, the Committee welcomes the draft allocation of a further £4 million investment in the creative industries. However, overall, the Committee regards the arts cuts as disproportionate and retrograde.

The local film industry is flourishing and has great potential. In December 2010, the contribution of NI Screen to the local industry was acknowledged in the Minister of Finance and Personnel's draft Budget statement. The commitment to provide further investment through an allocation of some £5 million to the high-quality production facilities is definitely a positive step. Recently, the Committee made a set visit to the Paint Hall, where an HBO film, 'Game of Thrones', is being filmed. We were extremely impressed by the hive of industry that was under way in that impressive international production. As a result of that great opportunity, a wealth of experience and expertise has accumulated in areas such as costume making, set production, lighting and special effects.

The Committee strongly supports the development of the local film industry and is, therefore, concerned that by 2014 NI Screen will lose approximately 9.4% from its current expenditure baseline, which in real terms equates to a 15.8% cut. That is a disproportionate cut to a relatively small budget of just over £1 million per annum. NI Screen informed the Committee that wider Film Council funding in 2010-11 will mean that the overall cuts will be severely front-loaded. The Committee is concerned about the long-term damage that those cuts will have on the local film industry's international reputation. Given the positive impact of major film productions on our economy, the Committee calls for serious consideration to be given to revising the proposed reductions.

The Committee heard how cuts will impact on front line services and jobs in DCAL and its sponsored bodies.

**Mr A Maginness:** I listened carefully to the Member, and I am quite sympathetic to his view that the cuts to the DCAL budget are such that, I presume, he finds them unacceptable. If that is the case, will the Member vote against the Budget if it is not amended and if it contains the same cuts and pressures that you believe would damage the film industry, the arts etc in Northern Ireland? What is the Member's position with regard to voting for the Budget in its final form?

**The Chairperson of the Committee for Culture, Arts and Leisure:** I was a corner-forward for Carrickmore. That was my position on the football field. I will certainly vote for the Budget.

**Mr A Maginness:** Will the Member give way?

**The Chairperson of the Committee for Culture, Arts and Leisure:** No, I have done enough, Alban. It is a bit like a jack-in-the-box.

**Mr A Maginness:** Will the Member give way?

**The Chairperson of the Committee for Culture, Arts and Leisure:** On a point of order, Mr Deputy Speaker. I have declined to give way to the Member a second time, but he insists on asking. Will you intervene, Mr Deputy Speaker?

**Mr Deputy Speaker:** I accept your plea for an intervention. It is quite clear that the Member does not want to give way. Continue.

**The Chairperson of the Committee for Culture, Arts and Leisure:** I will continue to make important points, and libraries will be my next port of call, OK? The Committee has always placed a great deal of importance on the role of the public library service. With its emphasis on reading, literacy, learning, information, heritage and culture, it contributes not only to specific DCAL PSA targets but to the wider Programme for Government, including education, health and social inclusion.

It is a bit like a curate's egg here; there is good and bad in the Budget, of course there is. The Committee welcomes the allocation of capital funding to enable the replacement of the electronic libraries contract. That is essential to libraries' IT infrastructure, and failure to secure that bid would have been very bad, so that news is good. The Committee acknowledges that Libraries NI has delivered significant efficiencies since it was established in 2009, which makes it a relatively young organisation. Libraries NI will have to make cumulative efficiencies of £13.61 million in real terms. Because of the efficiencies already made, Libraries NI warned that it has less scope to make the required additional savings, which will impact adversely on front line service provision and lead to the closure of more libraries. Libraries NI has already closed 10 libraries. A further 10 are likely to close under phase two of the libraries strategic review, which is out to consultation.

At this point, on a constituency basis, I want to point up the value and importance of a library in Fintona, County Tyrone, which I believe that Libraries NI should revisit, as it should a library in Draperstown, County Derry.

**Mr McNarry:** And in Killyleagh.

**The Chairperson of the Committee for Culture, Arts and Leisure:** OK, as well as other libraries in the Moy and in Moneymore. Certainly, I am receiving lots of lobbying from people on those libraries, and I know that the Minister appreciates that.

The Committee is extremely concerned that libraries currently being considered for closure are located in small towns, including Killyleagh, and so the securing of the proposed four mobile libraries is essential and absolutely must be retained. Libraries have long been recognised as neutral venues, and they play a key role in promoting equality, diversity, social inclusion and a shared future. Often, ethnic minorities take

advantage of what are to them the absolutely essential facilities on offer in our local libraries. The Committee urges that the next phase of the strategic review takes account of the importance of maintaining neutral venues and prioritises resources and services to enable libraries to continue to support that important role.

Museums are one of the Department's key spending areas. It allocates around £20 million a year to museums and, to date, has invested substantially in key capital projects. However, National Museums has stated that the real reduction in revenue of £5 million over four years will have a major impact of around 25% on staffing levels and affect opening hours, as well as impacting negatively on its ability to operate as a strategic partner in tourism and learning. The low level of capital allocation will mean that it will not be able to proceed with much-needed investment programmes at the Ulster American Folk Park in Omagh, which is the county town of Tyrone, and at the Ulster Folk and Transport Museum.

During these hard times, we have to be innovative in our approach and put our local cultural tourism assets to their best use. It is clear that there is huge untapped potential for our museums to help to grow the tourist industry, which could be a vital source of income for our economy going forward. Therefore, we urge the Minister and the Executive to take a more joined-up approach to supporting and resourcing cultural tourism.

Our Committee has placed great importance on participation in physical activity and sport, as reflected in our most recent inquiry. We came to the firm conclusion that the Executive should prioritise the need to increase participation in sport and physical activity and provide the necessary funding to implement Sport Matters, the strategy for sport and physical recreation for 2009-2019, in this spending round. We are concerned, therefore, that Sport NI's ability to implement the strategy will be severely hampered by the shortfall of £81 million. We welcome the draft Sport NI capital budget of £133 million, which will enable important projects such as the 50-metre pool and regional stadium development to progress. That is good news for sport, and the Committee acknowledges the long-term benefits that it will bring to the development of sport in the region.

The Committee expressed its support for DCAL's bid to support the World Police and Fire Games, which is the largest of its kind in the world. That major event represents an enormous opportunity to boost the local economy and promote this region on a world stage, so we welcome the proposed allocation in support of that bid. However, the Committee continues to be concerned that the proposed reduction in the Sport NI budget will negatively impact on the ability of people who live in socially deprived areas to pursue sport and physical activity, which is key to improving health and well-being. The Committee welcomes and supports the Minister's efforts to resolve the funding issues of Special Olympics Ulster.

It is important to acknowledge the important role of the North/South bodies. However, the Committee was not able to consider the budgets for Waterways Ireland and the North/South language bodies, which have yet to be agreed by both Ministers. The Committee looks forward to receiving more detail arising from the budgetary processes for the bodies in due course.

Finally, the Committee calls for a full EQIA to be undertaken on the DCAL draft budget for 2011-15 with the fear that closures in the museum and library sector will impact negatively on elderly people, the disabled and people who live in areas of high social deprivation and rural isolation. That must be addressed as a priority.

**Mr Bell:** I thank you, Mr Deputy Speaker, for calling me to speak on the important Budget debate. It is an important debate because people outside recognise the financial circumstances that we are in. Most people have a working understanding of the global context of finance, and they understand, as any reasonable person will understand, that the House has to deal with a Budget devolved to it from Westminster. When a Budget devolved from Westminster has £4 billion less in it than we could have anticipated, it is only right and proper that those outside who are in vulnerable situations, many of whom are potentially facing pay freezes and some of whom are facing job cuts, expect us to come to the House, work together and do our job. They do not expect us to pretend that we can pick up pots of gold from some distant rainbow or that there is more money in the Budget than there actually is. They expect us to deal with the Budget that we have and to come to a consensus and work together under a series of principles that will help people

who face job losses and help to promote a jobs-led economic recovery. We do not just want an economic recovery but a jobs-led economic recovery. They want us to work together in implementing the best Budget for the people of Northern Ireland, a Budget capable of taking us out of a recession that is more prolonged and deeper here than in many other regions of the United Kingdom.

### 5.30 pm

**Mr A Maginness:** Quite rightly, the Member said that we want to create jobs and move out of recession, but, as I said to the House last night, the budget that Invest Northern Ireland will receive as a result of cuts to the DETI budget will not be adequate to deal with the new business that it needs to drive job creation in Northern Ireland. If the Member is sincere about job creation, and I believe that he is, he should be interrogating that budget and saying that it is insufficient for that jobs-led recovery.

**Mr Bell:** The honourable Member for North Belfast makes a valuable point, but it contradicts many of the points that were made from the SDLP Benches earlier. According to the SDLP Member for South Belfast, the DUP Finance Minister has protected his mates or his Ministers. We now hear the more honest position of the honourable Member for North Belfast, contradicting totally the assertions that were made moments ago.

I will turn to the points about a jobs-led economic recovery, but my point is that this is not the time to play politics with the Budget. It is not the time to say that, in some way, we do not have to impose the Budget, that we are all opposition politicians and that there is not really a devolution settlement. Some people seem to think that we can hunt with the hounds and run with the foxes and that we can do it all without any level of economic reality. I venture to suggest to the SDLP that that is not being semi-detached from the Executive; it is being semi-detached from reality.

I turn to some of the critical items that are included in the Budget. A big issue has been made of the employment and learning budget. Quite rightly, the First Minister said that he wanted to ensure that employment and learning got a light touch. That is because, as the Member for North Belfast Mr Maginness pointed out, a highly educated and highly skilled workforce is key to taking us out of recession.

The Department for Employment and Learning got the second most generous, most favourable budget in tight economic circumstances. The deputy leader of the Ulster Unionist Party started to make some points about that, so I will address those quickly. The Department got the second most generous allocation, and we now have to deal with the Budget that we have.

The leader of the SDLP talked about the doubling of student fees. Let us look at the history. Hansard records that the SDLP Minister for Employment and Learning had the opportunity and was asked by many Members to look again at the £3,000 student fees that were introduced then, which are now £3,290. The record, with which I will write to every SDLP Member, shows that. That party states that it wishes to deal with student fees. The SDLP had the opportunity to deal with student fees, and, at that time, it decided that dealing with student fees would cost £35 million, and the SDLP Minister refused to revisit the issue of student fees.

Therefore, when the SDLP parrots its commitment to reducing student fees, it is entirely honest for every Member to tell, as I will, every parent they meet on the doorsteps that the reason that their children are paying £3,290 today is because the SDLP Minister refused to deal with the issue of student fees and thereby imposed on a generation of students the economic penury that that party is now trying to run away from. Tell the parents and the students. Do not grandstand with them and shake their hands. Tell them the truth: you had the opportunity to abolish student fees and you fluffed it.

**Ms S Ramsey:** Ask them if they want to give way.

**Mr Bell:** Do you want to give way? You had the opportunity to deal with student fees, but you imposed them on students because the SDLP —

**Mr Deputy Speaker:** Please address your remarks through the Chair.

**Mr Bell:** The SDLP Minister said that he would not revisit the issue because it would cost £35 million to do so. Therefore, the SDLP is the party of student fees. You had it within your gift to deal with student fees, but you did not deal with them, so you should not pretend to students who have been billed £3,000 for the past however many years that you are the party that opposes student fees. Students are intelligent enough to look at the Internet to see that the SDLP Minister refused to deal with it.



That is the answer that you will get when you knock on people's doors.

When I went to university, I did not pay a fee. When I went to university, I got a full grant, and I had no wish or desire to impose that on anybody else. However, student fees are here today under devolution because the SDLP would not revisit them because it said that it could not afford to revisit them.

**Mr O'Dowd:** That is important, but, even more importantly, the SDLP argued at the time that there was no evidence that student fees barred young people from lower-income backgrounds from going to university. Indeed, in a press release John Dallat said that:

*"Even with the abolition of fees, we know from evidence from the Republic that the percentage of people from lower socio-economic families will not significantly rise with the removal of fees."*

Yet, today it is telling us that it is the champion of those deprived people. A number of years ago, the party said that student fees did not bar people from lower incomes from going to university.

**Mr O'Loan:** Does the Member accept that when Seán Farren was Minister for Employment and Learning he introduced the best support programme for students in any region of the UK and that entry rates to further education from lower socio-economic groups have maintained on account of that excellent support package?

**Mr Bell:** I contend that it is part of the success of devolution that Northern Ireland has achieved the 50% target of its 18- to 25-year-olds accessing further and higher education, but it will not be lost on Members that the SDLP did not deny that it had the opportunity to revisit student fees and that it billed students £3,000 per head. That is the reality. The SDLP is the party of student fees, so do not lecture the House on a Budget of student fees that you introduced.

I know that you are sheepish about having to knock on doors because you will be asked why, when the SDLP had the Ministry, you did not revisit the issue when you had the opportunity to do so. A generation of students is paying back fees that could have been avoided had the SDLP DEL Minister made the choice. However, he did not; he balked at the challenge. Therefore, do not lecture future generations about what you are doing about student

fees when you are the authors of the debt of thousands of students across Northern Ireland. You left that out of your press releases. You are the authors of the debt of thousands of students across Northern Ireland, even though you had the opportunity to revisit the issue.

**Mr A Maginness:** It was the Labour Government.

**Mr Bell:** And your sister party is?

**Mr Deputy Speaker:** Please address all comments through the Chair.

**Mr Bell:** The SDLP is the sister party of the British Labour Party; I cannot see the difference. You cannot hide behind the skirts of the British Labour Party. Accept the fact that the SDLP's Seán Farren, who was Minister for Employment and Learning, was asked to revisit the issue but did not. As a result, thousands of students are in debt because of the SDLP, which is trying to reframe itself as the party against student fees. Student fees are here because the SDLP authored and endorsed them by refusing to revisit the situation.

From what I read last night of the SDLP's economics, that party states that its proposals would bring back £20 million. The fact is that £40 million is needed.

I do not want to go on. I listened to the Member for South Belfast Conall McDevitt go on vacuously for 90 minutes. In that entire time, I did not hear how he would afford one single pound, shilling or pence of what he suggested. We had a performance worthy of the Duracell bunny in vacuousness but did not hear how he could afford one single penny of it.

We do not want to go back to the SDLP's pamphlet on economics. One would be better with a colouring book guide to finance. As every single household in Northern Ireland knows, a certain amount of money is coming into the economy. We have to cut our cloth accordingly. We know how much money is coming in. A lot of points have been made about the results of cuts that the Conservatives, the Liberal Democrats and their sister parties, the Ulster Unionists and the Alliance Party, have brought in. I know that Nick Clegg is not overly popular, so the Alliance Party is trying to put a bit of distance between them. However, the fact is

that that package has left Northern Ireland £4 billion short. People out there —

**Mr O'Loan:** Will the Member give way?

**Mr Bell:** I will give way in a minute. People out there understand that if we are £4 billion short, we have got to cut our cloth accordingly. By all means, campaign for additional finance, but take the money that we have and cut our cloth accordingly. The public understand that. People who potentially face losing their job understand that. I have talked to my constituents in Strangford, public servants on the front line, who have said, "Jonathan, if it is the case that we have to take a pay cut to keep other people in jobs, that is what we want you to do." One lady, who is a senior social worker, told me that, although she struggles to raise a family and run a home on a tight budget, if a pay freeze has to be imposed to protect the economy, jobs and other front line public servants from going on the dole, she wants that to be done.

Many who sit on the SDLP Benches are making a mistake. It is the mistake of promising people that there is a new dawn or a pot of gold elsewhere. The public have understood the £4 billion cut. Now, they are telling us to deal with it maturely.

**Mr O'Loan:** I am surprised that the point has to be made again. However, since the Member has repeated the error, I will make it. It is not necessary, inevitable or essential that £4 billion of cuts be simply handed out to the people of Northern Ireland, with the consequent effects, particularly on the vulnerable. There is an alternative. My party has produced detailed costings for all our proposals, and those costings are in our document. If the Member wishes, I will place a copy of the document in the Assembly Library for him to consult.

**Mr Bell:** I appreciate that. However, I already have a copy. In fact, there is a one sitting in front of me. The figures do not add up. Let me show you one way in which your figures do not add up. You say that you will take £7 million from the Department of Justice budget, and all the rest of it. I will come to that in a moment. That gives you just over £20 million to play with. You need to find £40 million.

**Mr Deputy Speaker:** I remind the Member that he must make his remarks through the Chair.

**Mr Bell:** Mr Deputy Speaker, £40 million is needed. The SDLP is on record as double-bluffing students, as some people believe, by saying that it will ensure that their fees do not rise any higher than it will put them up. That is a fact. The SDLP told students that their fees would not rise any higher than it had set them in the first place. Therefore, having told students that their fees would not rise any higher than that, the SDLP needs to find £40 million. In the savings plan that it outlined last night, it came up with only £20 million. Therefore, there is a gaping black hole in the economy.

**Mr O'Loan:** I apologise, Mr Deputy Speaker, for having to intervene again. I appreciate that the Member is allowing me to make another intervention. However, he confuses two totally different things. There are substantial saving and spending plans in my party's documentation that would save more than the £4 billion and divert it towards protecting vulnerable people and stimulating the economy. His reference to yesterday is to what was a technical amendment tabled to the Vote on Account, which is a totally different and separate matter.

**5.45 pm**

**Mr Bell:** The reality is that you need £40 million to keep your promises. In your document, I have not seen where you are going to make the job cuts.

**Mr Deputy Speaker:** Again, I ask the Member to address his remarks through the Chair.

**Mr Bell:** I have not seen it stated in their document where they are going to make their cuts, where they are going to cut the front line services to afford the foolish promises that they have offered. It is simply not there. The maths do not add up. I think that we are left with a double bluff, which is, in respect of the Budget, let us pretend that the SDLP is in but is only half pregnant.

I congratulate Margaret Ritchie for getting it right. She said that it is DUP-led devolution. The reality is that where the DUP is leading, little Alex Attwood is following. He is as much in the Budget and as much a part of the Budget as anyone else. He is voting for the Budget, according to the ministerial code. However, he is hidden away. I did not see him during last night's entire debate, and I have not seen him during this debate of critical importance. I do not know

where they have put him, but he is not here. The SDLP is part of the Executive.

I listened to the leader of the SDLP as she sat beside Declan O'Loan. She made claims about Sinn Féin being capitalists here and communists there.

**Mr A Maginness:** Will the Member give way?

**Mr Bell:** I will give way in a moment. It was only a matter of months ago that Declan O'Loan, himself alone, wanted one single party with Sinn Féin. I know that Margaret may have whipped him hard enough to bring him back into line, but it was only a matter of months ago that Declan wanted one single party with the communists and the capitalists.

**Mr A Maginness:** I thank the Member giving way. I have listened carefully to what he has said. In essence, he is saying that the Minister for Social Development, Alex Attwood, is in some way supportive of the Budget and that he agreed to the Budget. Let me make it plain: at the Executive meeting at which the draft Budget was discussed and a vote taken, Alex Attwood indicated that he would not be supporting the draft Budget, along with, I believe, the Ulster Unionist Ministers. The only people who supported the draft Budget were the DUP, Sinn Féin and Alliance Party Ministers. That is a point to note. If there is any implication that the Minister is detached from the SDLP view in some way, it is wrong.

**Mr Bell:** I do not wish to defend what was imposed on us. I think that your former leader referred to it as the ugly scaffolding of the Good Friday Agreement. Part of the ugly scaffolding of the Good Friday Agreement was the Executive and the Executive's members. If the Member is looking for change, he will find many willing listeners on this Bench. The ugly scaffolding that he imposed means that the Executive act together.

If the SDLP has the courage of its convictions and is going to leave the Executive, let it explain to the people of Northern Ireland how it dropped the ball and ran away when the big decisions needed to be made, when protection of the vulnerable needed to be most secure and when the promotion of a jobs-led recovery in the Budget was most critical. Let it explain why it was too afraid to make the big decisions. Having brought us to deficit with its sister party, the British Labour Party, it was too afraid to

make the big decisions to get us into economic recovery. If you are not able to stand the heat, you should not be in the Executive kitchen.

The Department for Employment and Learning budget is going to have to be carefully scrutinised for the benefit of many people. I want to make a couple of points. I will leave off the SDLP; it has got too easy. I want to turn to some of the major points. Let us turn to the education maintenance allowance. It has been effectively scrapped in other parts of the United Kingdom, and we will have to look at it. I welcome the Employment and Learning Minister's commitment at Question Time today to look seriously at how we can protect the education maintenance allowance. For many of my 21 years as a social worker, many of my clients depended on the £30 that they got from the education maintenance allowance. Many of the families in the homes that I went into across Strangford and North Down were totally dependent on their children getting that £30. That £30 did not only contribute to their education. I pay tribute to a generation of children that I worked with who took part of that £30 and gave it back into their households to help buy food for their families. Literally one week of a delay from a technical college in getting the EMA meant a week of economic crisis in those families.

I am strongly in favour of targeting the education maintenance allowance. I have heard it said in England that people can afford to do without it and that children there just use it for pocket money. That may happen in very limited cases in England, but I can assure you that — based on the evidence of working with real young people over 21 years — in the latter years, when the EMA came in, it was the lifeline that kept those young people in education.

**Ms S Ramsey:** I appreciate the Member bringing up the issue of tuition fees and the EMA. Throughout the debates yesterday and today, one of the key themes that I found kept coming up was that some Ministers are working in isolation from the Executive. Does the Member agree that it now seems that Ministers are working in isolation from their own Departments? You can look at the stuff we have done in the Committee on NEETs, and then look at one section of the Department promoting the issue of NEETs and another part of the Department looking at the possibility of

targeting the EMA and taking it from those most vulnerable young people.

**Mr Bell:** I support the Member from West Belfast's contention that there is a crying need for all of us in the House to get real with the amount of money that we have, to be open and transparent on how we are going to deliver it and not to score points off each other but, rather, come to a collective point of view. We have come to a collective point of view on young people not in education, employment or training. We have a report, which has been endorsed, and the question now comes in the Budget.

Rather than playing games and producing idiots' guides to economics, what we should really be doing is taking the money that we have now and asking how we can protect those in the front line and the most vulnerable, and ensure that we get a jobs-led economic recovery that will build our private sector. Therein lies the means of garnering the resources to redistribute to the young people — in this case — who are the most vulnerable. That is the task that we have before us, and it is one on which we dare not fail.

People should realise that, if education maintenance allowance is toyed with, it will not only be toyed with at the educational peril of the future of a generation of people for which it is the only means of getting out of poverty and getting employment, but it will be toyed with at the peril of their lives. I can bring you to many homes where I saw that £30 going straight back into the family home and not being wasted by the young people. Please, take that plea.

We need to see the Budget coming back with what it can do on the issue of student fees, not to play games with it or make false promises on it. I would dearly love to give on what I had. In many ways I feel guilty. As someone who went to university on a full grant, because my parents qualified with their income and did not have any fees to pay, I bear a heavy responsibility not to pull that drawbridge up behind me. My parents made sacrifices. They both got their degrees later in life by distance learning, but they did not come from university backgrounds. However, they ensured that their three boys did, and they did so through a lot of hard work.

I know that we, collectively, do not want to pull that drawbridge up behind us. However, it is equally vital that our universities are properly resourced. We are exporting some 25% to 30% of our young people to England, Scotland and

Wales. Many times, they form relationships over there, build friendships and social networks, find their first employment and buy their first houses, and in many ways we lose them in what has become known as the brain drain. We have to ensure that Queen's and the University of Ulster are able to compete on the international stage and that their teaching and learning is of such quality that when young people have those degrees, they will be able to stand the international marketplace for employment opportunities.

I want to turn to education. I believe that Northern Ireland still outperforms many other parts of the United Kingdom. I am a governor of Regent House, which outperforms not only the United Kingdom but also the Northern Ireland average. Young people from working class backgrounds, many from my constituency, through taking the AQA exam are accessing universities and gaining opportunities that would have been unknown to them without the education system in Northern Ireland. So, it is not time to go for top marks in terms of Karl Marx, it is time in the Budget to look at education from a different angle — and that is not a different Engel, to mix my metaphors. It is time to celebrate success and look at where we can invest in what we are already doing that is outperforming.

I know that many Members want to speak, so let me raise just a couple of other issues. One issue for Strangford, my constituency — and it is critical in the Budget — is the service that the Young Farmers' Clubs of Ulster provide. A small part of the Department of Agriculture and Rural Development budget is devoted to supporting and providing a lifeline to the Young Farmers' Clubs of Ulster.

Those clubs provide a service to many rurally isolated young people aged 12 to 25. They provide the network, the education and the training opportunities. Were they not there for my young people in Strangford, there would be nothing else there for them. I make a strong appeal to the Minister of Agriculture and Rural Development to look again to see whether that £75,000 can be put back into those clubs. We all know the pressures and social isolation that many young people are experiencing.

I will not play games with regional development, but in many parts of my Strangford constituency public transport for employment is not an easy



option. They are rurally isolated and need the support that is out there in the community, particularly as they go through those critical adolescent years when physiologically the hormonal system in adolescence can lead young people to become depressed, and the pressure on them to excel in school is in many cases coupled with, as you know yourself, Mr Deputy Speaker, a rural way of life that is becoming harder and harder to make money at.

Even with very hard work, many in the farming community are struggling to make ends meet. Not that long ago it was the milk issue across Strangford that literally had farmers working long hours to produce milk at a value that was higher than what they could sell it for. However, they kept going and, in certain cases, came out the other side.

The issue is that many rural young people are going home to farming homes and communities where the farm simply does not pay what it used to. They have the pressures of adolescence and education, and many other opportunities down the low country in my constituency for employment through plumbing, joinery and bricklaying are equally going to the wall. It is not a crisis situation. One thing that is critical in the Budget, and has been critical for the past number of years in the Budget, is that where there are opportunities to get construction contracts out, they should be put out. It is not just the plumbers, joiners, roofers, bricklayers, architects and surveyors — it is more than that. Right down parts of my constituency there are suppliers who are dependent on the construction industry buying from them.

This morning, I was talking to one supplier who opens at 7.30 am to try to capture the market in my constituency. Another opens at 8.15 am to try to capture the market and get its supplies into the chain. I appeal to the Finance Minister to continue the drive that the Executive have been making. Where construction contracts can be got out, get them out, because the residential private sector, for many people, has dried up.

#### **6.00 pm**

Many young skilled men and women are totally dependent on getting employment in the construction sector. Many do not feel able to reskill in something else. It is critical that those young people get an opportunity. They are not looking for handouts; they are looking for a hand

up. One in two people in Northern Ireland who are working on a construction job are working on a job that is funded by the Executive. I appeal for pressure to continue be placed on that system so that those opportunities continue.

I appeal to the Minister of Agriculture and Rural Development to look again at the situation of the Young Farmers' Clubs of Ulster. During an economic recession, when many farming communities and families are literally in a period of depression, those clubs provide a lifeline to the young people of their communities and provide the social and emotional support that will guide them and allow them to lead productive lives. I strongly emphasise the need for the Young Farmers' Clubs to have their funding brought back.

There are many things that I could say. Many people from Strangford have asked me to talk about the situation of the library in Killyleagh. There is huge community support for the retention of that library. Throughout all the difficult times, it provided an essential service. In many ways, it was an oasis, because people did not need money to go there, anybody could access it, and it provided a means to learning, entertainment and relaxation in a village. I am not going to play games by saying that there is a big pot of money and that we do not have to make cuts. However, I am asking for the situation to be looked at again to see whether there is a means by which we can keep our library service in Killyleagh. For many of the people who use it, including the elderly and young people, going to neighbouring libraries from Comber to Ballynahinch will not be a viable option. Please; there is a service that is used, wanted and needed. If we are serious about telling people that we want them to engage in lifelong learning, we have got to realise that many people cannot do that without the services of a local library. I am appealing for that situation to be carefully looked at.

I appeal again for a serious, coherent and consensual approach to the Budget debate. By all means, people should argue their cases, but they should not try to play fake opposition politics. Big claims were made. Margaret Ritchie told us that if she got elected to Westminster, her party would stop the Tory cuts. Well, she did not stop the Tory cuts; those cuts have come. She reminds me very much of the story of the little boy with his finger in the dyke; she thinks

that if she stays put, the cuts will not come. However, the cuts have come.

We must now ask ourselves what the most intelligent and strategic approach is to deal with the money that we have been given. How can we measure the Budget against the services that we need to provide? How can we be realistic with the money that we have? By all means, people should argue where they feel money should be shifted from. That is legitimate politics. What is not legitimate politics is to argue x, y and z, but not specify the pounds, shillings and pence.

Finally, I turn to the issues of policing and justice, and to a budget that was ring-fenced but, sadly, now needs £200 million from the reserve Treasury fund. I do not want to see a situation in which our police officers are constantly having to prioritise their day-to-day policing role, which all our communities so desperately want.

In the past number of weeks, some fantastic police work was delivered on the ground. Last weekend, police in Newtownards came across a car and a person under the influence driving it. They searched the car and found cash and class A and class B drugs. They then searched two houses in Belfast and Ballywalter that were connected with the car, where they found more cash and class A and class B drugs, and they made an arrest. Our communities want that antisocial behaviour dealt with. They also want the shame and scar that Northern Ireland carries, that every 21 minutes of every day of every week of the year our Police Service responds to an incident of domestic violence, to be dealt with. The public want those issues to be properly tackled.

However, we cannot ignore the fact that there are those out there who, sadly, refuse to choose life over death, and who seem determined to murder men and women who serve in the police. When Members of the SDLP talk about taking £7 million out of the justice budget, I cannot see where those funds can come from.

I am proud to serve on the Policing Board. There are young men and women in the police and one of those young girls, while strapping her child into a child safety seat in the back of her vehicle, discovered a bomb underneath it. She went back to work and dealt with it; she put the uniform on and continued to serve all the people of Northern Ireland. That policewoman

was a young Catholic girl, and I salute her. She shows huge courage and bravery in protecting me and my family in the face of people who would plant a car bomb under a vehicle in which a child is about to be placed. However, she and other officers do that.

If we are asking those men and women to go out and do what must be one of the most difficult jobs in Northern Ireland today, I appeal strongly for them to be provided with adequate resources and protection. I also ask that we use whatever legal means are at our disposal to effectively deter those who would, through death or injury, seek to divert or subvert a democratic process, and ensure that they are unsuccessful. It is the first duty of government and the first human right to protect life. We should provide whatever resources are needed by the men and women of our Police Service.

Let us take a serious view of the draft Budget. Let us come together, and, by all means, argue out our differences. However, let us not play games and pretend that we are half pregnant. Let us take a consensual approach and deliver something of value to those out there who look to us to come up with a comprehensive response to their needs.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I want to speak on the health budget in particular, but, before I do, I want to draw on a point that Margaret Ritchie made during her contribution. She referred to a slush fund that Sinn Féin has been given by the DUP, which Sinn Féin would use for its "friends". If Margaret Ritchie means those "friends" to be those who are in need, she is absolutely right, Sinn Féin will use the fund for that. However, given that there are no criteria for such a fund and that we all know that it will only be used in extreme and difficult circumstances, that shows the public the position that the SDLP has adopted in supporting people in their daily lives.

The draft Budget is a challenging one for the Health Minister, as it is for all Ministers. However, those challenges must be met in a constructive and innovative manner, in partnership with patients, health professionals and trade union representatives. Unfortunately, that has not been the approach from the current and apparently soon-to-be-gone Health Minister.

Sinn Féin has always supported and been on the record in calling for the funding for front line health services to be maximised. We need to

meet the demands on the Health Service, but that must be considered alongside the need to drive out the inefficiencies that we all know exist.

Despite the fact that we know that the inefficiencies exist, the Minister has failed to publish any kind of savings delivery plan. As I said in the take-note debate, one of the biggest challenges for the scrutiny Committee has been the lack of detail, and we have been unable to get down to the nitty-gritty of the whole health budget. The Minister irresponsibly threw out figures, such as 4,000 job losses, which is a prime example of his flippant attitude to date. That is not acceptable. Without those details, we are unable to measure in real terms the implications of the Budget and the decisions taken by the Minister. We have asked repeatedly for that information, but the Department has not responded.

Perhaps if I were to approach a particular radio programme, the Minister would allow his newly politicised Chief Medical Officer to provide the details on air. The Chief Medical Officer is, supposedly, independent and here to provide advice to the entire Executive, which the Minister hailed when he was on air. He then went on to refuse that Chief Medical Officer the opportunity to speak to the First Minister and the deputy First Minister. There is your independent Chief Medical Officer. That begs the question: what is the Minister trying to hide? Why is he afraid to allow the Chief Medical Officer to speak to the Executive? That is something that Michael McGimpsey needs to address.

I want to pick up on a few of the core issues that need to be raised in the context of the Budget: efficiency; the public health agenda; health promotion, or the lack of it; and the associated health inequalities that are prevalent in society.

There are many identified inefficiencies in the Health Service, and I have listed them quite often in the Chamber. They include consultant's bonuses amounting to £57 million, and travel costs for senior Health Service staff — when nurses cannot get a day off to attend a very necessary one-day course. Where is the equality there? They also include the RPA. John McCallister said earlier that the Health Minister was the only Minister to deliver on RPA. That may well be the case, but we now have more managers in the Health Service than we did

prior to the RPA and, therefore, I do not think that Mr McCallister should boast about it.

We also need to look at the fact of those who do not attend appointments. One of the biggest drains on the Health Service is the rate of non-attendance at hospital appointments. We have some of the highest rates when compared to England, Scotland and Wales or, indeed, the Twenty-six Counties, but the Minister has failed to tackle that problem during his time in office. It is a massive waste of the much-needed time of Health Service professionals and much-needed resources. One of the biggest reasons why people do not attend appointments is that they forget. A pilot scheme introduced in England texted people, and that created massive savings for the Health Service. We need to look at that and be more innovative. Those types of things need to be taken forward.

We also need to look at reducing hospitalisations. Studies have shown that people are staying in hospital longer than necessary. That, again, could save a massive amount of money for the Health Service. We all know the argument around the cost of drugs.

**Mr Easton:** Does the Member agree that a good place to start on efficiency savings would be the Minister's and permanent secretary's hospitality bill, which is running at £22,000 for 2009?

**Mrs O'Neill:** Yes, £22,000. All those small inefficiencies add up, and we need to drive them all out.

We spend £60 more per head more on expensive drugs here than in other areas. The Minister talks about how he will not be able to afford to buy in specialist drugs, for example, anti-TNF drugs. John McCallister is very aware of that because the Committee discussed the issue last week. It stands to reason that if we keep spending more on general drugs, we will not have enough money to buy in the specialist drugs. Again, that is something that we need to look at further.

### 6.15 pm

As I said earlier, we need to look at preventative spending, which attracts 1.6% of the entire health budget. I raised that when John McCallister was speaking. I could write John McCallister's, or the UUP's, answer to that. Along with more money, we need a shift in policy and attitude. The whole focus is on acute

issues, meeting targets and short-term gains. What about the long-term health needs of the population? That is what we need to look at.

We have to look at preventative spending as an investment for the future. If we are serious about challenging health inequalities by investing in health promotion and raising awareness, we need to tackle the reason why people get sick in the first place. That is why my party constantly asks for a review of the Investing for Health strategy that has been sitting on the shelves of the Department of Health for the past few years. We need to see that published, and we need to see a cross-departmental approach —

**Mr McCallister:** I am grateful to the Member for giving way. I agree with her on public health; there is no divergence of opinion on that. The difficulty is in getting to a stage where we can put that extra money into the public health agenda, because the repayment for that is medium to longer term. However, I agree that it is absolutely key to do that.

**Mrs O'Neill:** Yes, but we cannot keep looking at the Health Service purely as a sickness service, as opposed to a Health Service. Short-term gains are fine but we need balance, and a longer-term approach to the Health Service needs to be taken. That is what has been missing. Sitting on the Investing for Health strategy or shelving the document is not going to help anyone. We need to see the document out there. We need to see cross-departmental working aimed at tackling health inequalities across all the Departments.

I want to give just one example of how we are failing to tackle health inequalities, which is about the cost of tobacco-related illnesses. The Health Service spends something in the region of £230 million a year on that, and smoking is by far the greatest cause of preventable death and disease. It is killing five times more people than alcohol, illegal drugs and road-traffic accidents combined. It kills something like seven people a day right across the North and equates to 30% of all cancers.

We need a strategic approach to prevention, including taxation, targeting the illicit trade, more public information and cessation support programmes. We need more focus on and commitment to promoting good health; not doing so is one of the biggest failings. Unless we seriously tackle the attitude of the Health

Department and make it look more towards health promotion, we will constantly have to meet the rise in demands on the Health Service. Nothing is being done to tackle that rising demand.

That is just one area of preventative spending. I gave that one example, but there are many other areas that we need to look at, including chronic diseases such as hypertension, coronary heart disease, strokes and diabetes. There are many, many areas.

I will turn to the draft Budget and the Minister's position on the capital Budget. The Minister said that there would be no funding of the revenue streams for the projects at Desertcreat and Altnagelvin. That is just playing games and is not a reality. We all know that the Belfast City Hospital cannot cope and that it is predicted to be at full capacity within the next few years. Where are our cancer patients going to go? Altnagelvin is not a choice but a reality. It is a necessity that needs to be taken forward. The Department of Justice has set aside £30 million for the Desertcreat project. Is the Minister going to sit back and let that go to waste because he is playing politics with the issue?

Let me be clear: Sinn Féin supports maximising the money for the Health Service. It also wants to see publication of the North/South feasibility study, which is another report that the Minister has kept on the shelf for his own purely political reasons. Obviously, co-operation on a small island like this makes sense.

**Mr Kinahan:** I am very pleased to, at last, get my chance to speak. I congratulate Paul Givan for his short and sharp comments that all related to the draft Budget.

As Members know, we are in the middle of the consultation period, so there is a lack of a great deal of detail in the draft Budget. However, that means that it is our chance to raise our concerns. Before I do that, I will be a little bit holier-than-thou. We spent four hours last night discussing the Budget, and we have probably spent four more today. Most of that time has been filled with point-scoring and petty matters as each party gets its own back. When I go round the doors talking to people, I am told that that is what drives them away from politics. We have to change that and find a new way forward. So, I ask all Members to try to find more constructive ways in future of producing good, effective government here.



We have to take the cuts that are coming on the chin. A poll in January showed that 89% of business leaders said that the cuts will improve the economy. It also showed that 75% wanted the deficit reduced quickly, and we seem to forget that. Only 20% wanted a delay. We have got to get on with it. We have got to, as Mr Bell said, talk to each other and find a joint way forward to make everything work. We have to find the right balance and work through consensus, and that means everyone working together. We need an overview. We need all the Departments working together to try to get the cuts and the balance that we are all looking for. We have got to grit our teeth. Some of it will hurt, but, most importantly, we have to try to look after the public and make sure that as few people as possible are hurt by the cuts.

Today, I am going to touch on three matters. Given that no other Member mentioned the environment, I will do so, and I will say a little bit about construction and a little about my constituency. There is little detail on any budget for the environment, and we need to know what the effects of that will be on many of the ideas that have been put forward. I congratulated the fact that £4 million has been taken and moved to the green new deal. However, we have to look again at the plastic bag levy or tax. A levy on the number of plastic bags that we all use now would raise £25 million and would help us all, but it would not be right for the environment. So, plans are being made on a guess. That guess is £4 million, but it is based on some wrong assumptions, because we are concentrating on the wrong type of bag. The environmental lobby contends that we should be discouraging people from using black bags and many other types of bag. It also damages the industry.

We need the money from the plastic bag tax to sort out and help finance river restoration. However, three Departments are involved in looking after rivers. Perhaps we should be looking at the issue slightly differently. The councils will be dealing with environmental noise. We have to follow UK and EU directives on marine resources. We also have to deal with minerals mapping, fly-tipping and the repatriation of waste. We know that many EU directives are coming at us, and, unless we are very careful, some of the cuts will mean infraction procedures, which may mean large fines of hundreds of thousands or millions of pounds.

I am concerned that we have not looked at the effects of some of the cuts. I would like to see more information so that we know that we are not going to be hit by infraction procedures. We also know that there will be cuts to the non-governmental officers, yet it is those people who bring in three or five times more, as they look after the environment and take on the onus of responsibility for implementing many of the EU directives.

In planning, we know that receipts are down and that the Minister of the Environment is doing his best to minimise layoffs. The Planning Bill is coming through, with 17 lots of guidelines and other pieces of legislation and the need for RPA to come with it, as well as 24 other matters, the responsibilities for which will be transferred to councils. Yet there is no talk of finance. We know that councils will need more resources, whether they come from rates or grants from other Departments.

We know that cuts are planned for the strategic waste infrastructure fund. Yet arc21, SWaMP and the North West Region Waste Management Group are just about to buy their sites, subject to many other matters. That will save a great deal of our money as we recycle and deal with our waste properly in the future.

We need to encourage alternative energy, but I have seen nothing in the draft Budget on that other than the £1.5 million for the hydro project at the Roe Valley. The point is, however, that the £1.5 million is spread over two years, but the project will pay itself back in eight years. Funding for projects that repay themselves is the sort of funding that we should be looking at. At the same time, the Minister of the Environment is, quite rightly, upping his targets on landfill and climate change. Yet, I cannot see in the draft Budget how he is going to hit his higher figures, given that we are cutting back in so many of the same fields. We need more detail about the effects of the draft Budget, and we need to be able to look forward as best we can.

I turn now to construction, about which I will be much briefer. Some 26,000 jobs have been lost in the construction industry. We hear similar statistics from every Department, but every £1 spent in construction creates £2.84. One of the key points that came out of our meeting with the construction industry is that the creation of more jobs in the construction industry means more male workers, and we know that the notion of

the male as the breadwinner is slowly slipping. We need to create more jobs. We need to put more money into construction where we can.

Another key point that came out of the meeting is that we should engage independent assessors. That might be a lesson for every Department, as everyone protects their own interests. We need independent people who will come in and help each Department to cut properly and effectively yet still produce the very best that we can. We need to look at private finance and alternative ways of creating funding in the construction industry.

I will move on to an absolutely key matter in my own constituency. I met recently with 20 of the top businessmen in South Antrim, all of whom had chosen to locate in South Antrim to be near the Belfast International Airport and the motorway and to have easy access to Belfast and the two ports. However, we put very little money towards helping Belfast International Airport, which is a key gateway, if not the most important gateway, in Northern Ireland to operate at maximum capacity. If we can put more money into the infrastructure that serves that airport — whether through investing in roads or, perhaps in future, rail links or even linking it with the M2 — that will bring more jobs. That is what we should look at in the long term.

**Mr B McCrea:** Would the Member care to comment on the news about increasing the number of departure routes out of Belfast International Airport and how, if we are to build an economy in this part of the world, it is essential that we have excellent infrastructure and encourage as many airlines as possible to provide flights to as many destinations as possible?

**Mr Kinahan:** I welcome the Member's intervention and totally agree with what he said. We need as many routes as possible, not only to Belfast International Airport but to Belfast City Airport. As Paul Hollway of KPMG said, the money that we put into our infrastructure and, particularly, into our key gateways is what will create more jobs and bring us the wealth that should make Northern Ireland a great country in the future.

I would love to touch on all sorts of other points.

**Mr F McCann:** The Member's colleague Basil McCrea talked about airports, but we should not forget the ports. Most countries are thriving by

encouraging the cruise industry. For example, 850,000 people came through the ports of Palma in cruise ships last year. Efforts have been made here in that regard over the past couple of years. Does the Member agree that our ports need to be invested in heavily to ensure that people come in?

**Mr Kinahan:** I agree entirely with putting money into the ports. However, our problem today is about getting the balance of where, and how, we spend our money. I would like to increase support for the young farmers; save Greystone Library, which is vital to people in Antrim; and support the arts, which needs more funding. Spending money on the arts, compared to spending money on health and other areas, is a very hard argument to make. However, we must make sure that it is part of the balance.

Before I end, I will go back to where I was at the beginning. We need everyone to work together. We need everyone to be constructive. We need to work with a consensus to get the most effective Budget that we can. Everyone intends to do that, but, in the Chamber, we tend to lose our way as we score cheap points over each other. I want to get it across that the public hate that. There may be a bit of fun and craic in some of it, but it is what really switches everyone off politics.

### 6.30 pm

**Mr P Ramsey:** I want to raise a number of points as a member of the Employment and Learning Committee. I also want to raise some issues regarding vulnerable services, particularly from the perspective of the community sector.

Earlier, I asked the Minister for Employment and Learning a question on the ApprenticeshipsNI programme. Clearly, that programme is under threat from the draft Budget, which proposes to cut all funding to adult apprenticeships and shift the costs to employers across Northern Ireland, who are already struggling. If the recognised productivity gap in the local economy is to be addressed and Northern Ireland plc is to be supported by attracting foreign investment and maintain a competitive position in the global economy, the enhancement of skill levels in the economy is essential. A reduction in the budget is unavoidable. It will be put into effect by reducing the support infrastructure associated with the current arrangements. The withdrawal of funding for adult apprenticeships and encouraging employers to bear a greater proportion of the

costs associated with the delivery of the programme will have consequences.

I want to refer, in particular, to a local social economy company in Derry that carries out training for the apprenticeships. It is a company in my constituency that delivers the ApprenticeshipsNI programme for adults, which, since 2007, has assisted more than 500 adults. It has raised those people, academically, to NVQ level 2. It has helped people, not just from my constituency but from across the north-west, in Strabane and around Limavady, to achieve a recognised qualification relevant to their employment. It came about after a serious loss of jobs in the north-west, when Sir Reg Empey, in particular, came up with a plan to help to upskill workers who found themselves unemployed. It also assisted employers whose staff needed upskilling to maximise the strength and capacity of the workforce.

The company has 300 people on the programme and a further 300 on the waiting list. People recognise the potential for upskilling, greater opportunities and access to other forms of employment. I am sure that the Minister will agree that the current economic climate will lead to increased demand for education and training. The downturn in the economy provides the opportunity for skill enhancement.

The success rate here is 98%. I was surprised when I was told that 98% of adult learners have achieved an NVQ. That is such a good model of success to roll out that, surely, the Minister for Employment and Learning should take it on board.

In the Chamber, we always talk about literacy and numeracy problems across Northern Ireland. However, here we have adults in employment achieving skills in literacy and numeracy. The ApprenticeshipsNI programme has facilitated local employers to undertake the training and upskilling of staff, thus strengthening their business skill base and ensuring that jobs are retained against competition. The all-age ApprenticeshipsNI programme will continue to be promoted as the Department's flagship provision for professional and technical training at NVQ levels 2 and 3.

The Finance Minister made it clear that we are still talking about the priorities in the present Programme for Government. While there is no new Programme for Government, it is important that any influence that we can bring to bear

must be on the economy and driven by the economy. We must ensure that industry has the workforce that it requires and that that workforce has the essential skills that it needs.

**The Minister of Finance and Personnel:**

There has been considerable criticism from the Member's party about the absence of a new Programme for Government. However, will he accept that, whether there is a current Programme for Government or a new Programme for Government decided in the new mandate, the priority should be the promotion, growth and rebalancing of the economy so that the impact of the cuts on the public sector can be offset by increases in the private sector?

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

**The Minister of Finance and Personnel:** He is going to tell the Member what line to take.

**Mr P Ramsey:** He does not need to tell me which line to take. Carry on.

**Mr McDevitt:** Will Mr Ramsey agree that, if we are to keep the economy at the heart of the Programme for Government, we will have to do a darn sight better than we did in this mandate? It was not the SDLP who saw the disconnect between the Programme for Government and the economy; Professor Richard Barnett and the independent review of economic policy found that, in fact, all the fine words on the economy were not met by actions in the Programme for Government. Does Mr Ramsey agree that, in the next mandate, we need not only to talk about putting the economy at the heart of things but to actually do so?

**Mr P Ramsey:** We need a Programme for Government that is synchronised with the Budget. It is clear from what a number of Members said, including Danny Kinahan, that, when we go canvassing round the doors, we hear people say that they want jobs for their sons and daughters. So, the economy clearly has to be the priority.

I will now speak from my perspective as a member of the Employment and Learning Committee. The Committee's major, substantive inquiry into NEETs has to form the basis of the Programme for Government so that a difference can be made to the 40,000 young people across Northern Ireland who find themselves in NEET. Although I can concur with the Finance Minister and my colleague behind me on

that, it is obvious that we need a Programme for Government that has to be reviewed and renewed so that different priorities can be considered. Ensuring that nothing is taken away from the economy has to be the number one priority. However, other areas have to be included in the programme, such as services for children and those with learning disabilities, which we must make a huge priority. How can DEL justify cutting a successful Northern Ireland apprenticeship programme that provides the benefits that I outlined and that is, in its own words, a flagship provision?

As the First Minister accepts, the economy has to be the number one priority, and we need to have —

**Mr F McCann:** It is interesting that the Member is talking about apprentices. Just as I did, he probably spoke to the people who were up here today. One of the ways that apprenticeships can be addressed — I know that my colleague Jennifer McCann has been promoting this — is to include social clauses in procurement contracts. If we did that, we would start to get apprenticeships right.

**Mr P Ramsey:** I cannot disagree with that. We have to make sure that young people, regardless of their locality, have access to employment opportunities, especially in areas where public contracts or whatever are being procured.

I want to go on to something else that is close to my heart, and that is the University of Ulster's Magee campus. A number of Members made the point that almost 30% of students from Northern Ireland decide — it is their decision — to go to England, Scotland or Wales to study. However, given the way that things are going with increased fees, particularly in England and Wales, it is clear that our young people are going to want the opportunity to access academic courses across Northern Ireland. We need to be up to providing that. In the past number of years, the number of applications from young people in Northern Ireland has increased. We cannot keep up with the demand from people who want to continue their lifelong learning in Northern Ireland or to get their degree here. I make that point because I know that the previous Minister for Employment and Learning, Sir Reg Empey, provided a bit of investment under the CSR for the MaSN cap

to be increased so that more students could attend the Magee campus in particular.

We know that the University of Ulster has invested £18 million to expand its facilities. However, DEL has no capital moneys to assist that expansion. We should make absolutely no mistake about it: that capital build programme will provide huge economic regeneration and access to education for future generations of young people. As the Finance Minister said, STEM subjects in particular are key to the future needs of the Northern Ireland economy, and we need young people coming through with good degrees in those subjects.

I know that I am wandering off the subject somewhat, but two schools in my constituency — Foyle and Londonderry College and Ebrington Primary School — intend to relocate to a former Army base at Clooney in the Waterside. However, we absolutely do not know what is going to happen in capital build. It is important that money is found for those projects, which will have a domino effect. We want to retain for learning purposes the huge amount of land that Foyle and Londonderry College currently holds, particularly for the expansion of the Magee campus. That would accelerate all the efforts that are being made. At present, we have the 'One City. One Plan. One Voice' agenda. For those reasons, all political parties in the Foyle constituency, the business community, the community sector and the educationalists are behind a single plan to ensure that we make the best of the opportunity and go forward to ensure that we have the capital investment.

I will briefly mention student fees. I am a member of the Committee for Employment and Learning, which is, I must say, a good, strong and committed Committee that has forensically gone through a number of issues. Originally, the Committee was concerned when Joanne Stuart's report on student fees lay on civil servants' desks for months and was not brought forward. At that time, somebody in their wisdom decided to await the outcome of the Browne report before bringing the Stuart report to the Chamber. In Joanne Stuart's original report, there were circumstances in which she made it clear that she did not see any justification for an increase in student fees.

There is no political appetite across all the parties represented in the Chamber for student fees to be increased. We have seen what



happened in the past with student fees. We are now listening to students' union leaders, who clearly tell us that an increase in fees would place undue pressures, burdens and future debts on young people. That is recognised by our Finance Minister, who made similar comments in Westminster about fee increases for students in England and Wales.

We have to ensure that universities are not just a playground for the rich. That is what senior academics across Northern Ireland say, and most Members and parties would concur. Unfortunately, the brunt of the DEL cuts is directed at higher education. How can that be conducive to growing the local economy and providing a well-qualified workforce? Over 80% of respondents to the Department's 2009 Futuretrack survey found that student debts placed an unreasonable burden on students.

We all listen to community groups and are lobbied to champion their causes. Charitable groups and the voluntary sector are clearly expressing concern about the Budget. Those groups say that the Budget fails to address adequately the needs of the most vulnerable children and their families in Northern Ireland. When those groups talk about the needs of families in Northern Ireland, they are also talking about the needs of disabled people, whether that is people with a physical or learning disability.

A PricewaterhouseCoopers report undertaken for the Northern Ireland Council for Voluntary Action identified that the Budget failed to address comprehensively the needs of children as a group that cross-cuts many Departments. The Budget takes a piecemeal approach that does not set the agenda for our priorities for children and families and how we will fund those in the future. That goes back to the point that was made during the intervention that I took from the Finance Minister. If we are to meet the needs of our young people who have difficulties, are vulnerable and under pressure or have learning disabilities, that has to form part of the Programme for Government so that we can prioritise those young people and ensure that funding is directed in the most appropriate and effective way. Nowhere in the Budget is there a clear focus on early intervention instead of crisis intervention, despite all the evidence that that is the most effective and efficient way to fund and achieve real change for youngsters right through from their early years.

Earlier, I made a point about the NEET strategy. I do not see funding for that. There must be a cross-departmental programme of action. It is not only for the Minister for Employment and Learning to ensure that funding is in place to provide better opportunities for those same young people but for most Ministers here, whether that be the Justice Minister, the Health Minister or the Education Minister.

#### 6.45 pm

I made a point earlier in an intervention that I will make again: we spend significantly less on early years provision in Northern Ireland than in Britain. Children in Britain have an opportunity but perhaps, even then, that is not enough in some areas. Britain spends £2,000 a head on early years provision, but, in Northern Ireland, we spend just over £600 a child. That is not fair.

When we talk about equality, it must be about trying to provide the best opportunity for children, and we have to make it real. That should be in the Programme for Government; it should be a priority. I listen to parents — particularly parents of children with special needs — whose children did not have opportunities, whether that meant access to speech and language therapy or other provisions that would assist them through their life. Their children have grown up now, but those parents have become the big champions for that cause. They want to ensure that other children have equal rights and services.

Already, services for the most vulnerable children are facing closure or reduction. The Children First service provides twice-monthly respite for over 70 children in Cookstown and Magherafelt at a cost of £70,000. It is facing closure because the children's fund is ending. That is something that the Finance Minister should take up. These are important services. They provide a vital link to respite for parents who may be getting older and have their own difficulties. There is clear evidence that the pressure and the stress on carers can induce mental illness. They become anxious and depressed, and that leaves a legacy in the healthcare that is required. That service is a vital lifeline, particularly for families with children who have severe learning disabilities.

If we are going to make a difference in people's lives, we have to protect these core services. The children's fund has been very effective over the past nine years in working with the

most disadvantaged and vulnerable children. The difficulty was that it was short-term funding targeting long-term need, and removing the funding does not remove the need. That is the important point.

Across some of the vital Departments, the draft Budget fails to prioritise and meet the needs of the most vulnerable children in our society. For heaven's sake, we have to do that. We talk the greatest game when we say what we want to do in providing for our children, but the evidence is not there to prove that we are making a difference. We continually find deficits in the postcode lottery across Northern Ireland whereby children are not getting access to the most effective treatment at the right time. That is a shame on us all. I am not one for being personal in a debate, but we are here, and we entered politics because we wanted to make a difference. We wanted to improve quality of life and we want to help people, but, at times, we all get frustrated with a system that does not enable us to do that.

I will finish by turning to infrastructure. Some Members caused me concern today when mentioning the A5. They said we should minimise the amount of money spent and section off some areas of the road, rather than doing the full job. In my city, we are trying to maximise the most effective way of access to the city of culture and to a city that is trying to make a bid for world heritage status for its walls. It is vital that we have adequate access.

We have deficits, and one Member today referred to 30 years. We have been waiting longer than that for roads infrastructure into our city. Even in the 1970s and 1980s in Northern Ireland, some roads infrastructure was based on levels of car ownership, so areas of high deprivation were never going to get the roads infrastructure. We are now living with the legacy of direct rule, and, hopefully, we can make a difference.

I plead on behalf of the city and on behalf of 'One City, One Plan, One Voice', which was mentioned earlier. We cannot let go. The Irish Government have made it clear that they intend to invest in the A5 and A6. We cannot let that go. We would fail future generations if we did not ensure that access.

There are several points that I have addressed directly to the Finance Minister. I urge him to consider them. However, the responsibility is not

just on him. We have a collective responsibility and the Executive have a collective responsibility to deliver the best that we can in the present circumstances. We need to deliver for the people on the ground, the people who deserve those services.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. The debate has been lengthy, and it is questionable who, other than those who billeted in the Building, is listening to it. The bad news for all the Members who spoke earlier is that the news did not cover the debate; it did not appear anywhere. That is disappointing in one sense because we, as politicians, and this political institution often get criticised for not discussing bread-and-butter issues. No issue is more of a bread-and-butter issue than the draft Budget and the budgetary process. Perhaps some of the content was not worth broadcasting, but that is for others to judge.

I have spoken at a number of stages in the budgetary process, including last night. We have to continually ask those who are most vocal in their claims to oppose the draft Budget where the alternatives are. There must be major concerns — 4 billion concerns — about the draft Budget. We are starting on a completely unlevel playing field. I do not think that any of the parties that worked to bring forward a draft Budget could say that this draft Budget is their vision for the future of this society. The Budget has been imposed on the people of the North by a party that did not receive a mandate to do so. It has resulted in major cuts to services, as Pat Ramsey and others outlined.

I have a simple question for those who are most vocal in advocating the rejection of the draft Budget: can they offer an alternative? If they do, we, as a party, will examine that alternative carefully, and, if there are beneficial proposals, I assure them that we will support them. However, throughout the lengthy debates today and yesterday evening and during the hours that have been spent on previous days on radio and television broadcasts, my party and I have not seen alternative proposals being brought forward that would alleviate the cuts to services as a result of the £4 billion of cuts imposed on this Administration by the Tory Government in Westminster.

**Mr O'Loan:** I do not know how the Member can say that. I intervened earlier to draw our document to the attention of a Member on the

other side of the House. We have produced substantial proposals that will address the £4 billion deficit and will find extra money to assist vulnerable households and stimulate the economy. To say that there are no proposals on the table is simply not correct. I ask the Member to look at them.

**Mr O'Dowd:** I welcome the Member's intervention. As most of his party has done, the Member has produced revenue-raising proposals. They were produced very late in the day, but they were produced. We have been lambasted for eight or nine hours about why we have adopted the draft strategy and why the document that the SDLP produced was not part of those proposals. At other stages of the debate, we have been told that the SDLP proposals are part of the draft Budget because all the other parties stole its proposals in the first place.

It was interesting that Mr O'Loan intervened because he was at the forefront of the SDLP campaign in November and early December insisting that a draft Budget be produced. It was a case of "Any Budget. Give us a Budget. We need a Budget". On 29 November, he said:

*"Rather than causing extreme anxiety to community and voluntary sector workers, Sinn Féin and the DUP need to address their funding disagreements which are halting the adoption of a budget".*

**Mr F McCann:** Who said that, John?

**Mr O'Dowd:** Mr O'Loan. I am quoting from a document dated Monday 29 November. He also said:

*"The two main parties need to get down to business, start drawing up a budget and stop dithering."*

**Mr F McCann:** Does the Member agree that, over the entire length of the debate, Members from both parties have been challenged continually to put flesh on the bones of where they would deliver cuts, but they have yet to come up with that?

**Mr O'Dowd:** It is clearly much easier to talk from the platform of opposition than from the platform of responsibility.

It is imperative that the parties that are telling us to ditch the draft Budget come up with an alternative. The alternative is not simply to bring forward revenue-raising proposals, which we have all done. Indeed, the draft Budget contains

£800 million worth of revenue-raising proposals, and there is another £800 million worth of proposals to be examined over the four-year budgetary period. So, we have done that.

The SDLP has moved from "Give us a Budget, any Budget" to "Dump that Budget; it is not good enough". You need to produce an alternative Budget. You need to produce a costed Budget —

**Mr Deputy Speaker:** Through the Chair.

**Mr O'Dowd:** Through the Chair, a LeasCheann Comhairle. You need to produce a costed Budget that shows how services will be delivered to this society over the next four years. If the SDLP can plug the £4 billion gap, while protecting front line services and investing for the vulnerable, we will support it in that venture. However, to date, we have seen none of that. We have seen posturing, and we have heard well-rehearsed speeches. Money from the SDLP has been well spent on performance art, but we have not seen any alternative proposals.

In Sinn Féin, we are disappointed at having to deal with the circumstances that we are in. Indeed, sharing in the anger of members of the community and in that undoubtedly felt by other political parties in the Chamber is perhaps an appropriate way to deal with things. However, anger and disappointment alone will not solve the problems. We are in a new era of politics and of political responsibility. Collectively, the parties represented in the Chamber helped to bring society from conflict. The journey was long and tortuous, but now there is a responsibility on those parties to help bring this society back to some form of economic stability. Sinn Féin's view is that that will not be achieved in a Six County settlement. Sinn Féin strongly believes that the only way to achieve economic stability for the people in the North and the South of this island is through a common economic recovery plan. We believe that channelling resources through the North/South Ministerial Council, which is governed by the Assembly and the Dáil, is a way to deliver that plan. The more the two economies on this island compete with each other, the more they damage each other.

The sudden rise of the Celtic tiger economy in the South ended in it collapsing miserably around their feet. Although some in broader political unionism took delight in that, many political leaders in unionism took a sensible approach, realising that the collapse of that

economy was of no benefit to this economy. Indeed, the plight of the construction industry here can be tied significantly to the collapse of the construction industry in the Southern economy. Our exports and other revenue-raising mechanisms are affected by the fact that the economy across the island is in dire straits.

*(Mr Speaker in the Chair)*

The leader of the SDLP accused us of being opposed to the wealth creators in the South. If she was referring to the leadership of the Anglo Irish Bank, the corrupt banking system or the gombeenism of corrupt politicians there, she was right; we were and will continue to be opposed to them. However, lessons can be learned from that era, and we need to move forward to create long-lasting and stable wealth for the people of this island.

We have talked at length about the difficulties faced by our society. In tracing back to where a lot of those difficulties come from — a banking system that was allowed to go unfettered in creating a major black hole in economies worldwide — we may find a source of funding that will assist our society. Sinn Féin's proposals included placing a levy of £25 million on each of the four main banks. That would bring in £100 million a year and £400 million over four years, which would assist in easing our Budget deficit. We look towards the credit union movement to create a £100 million social fund to assist the social economy and the creation of jobs in various sectors throughout our society.

### 7.00 pm

We look towards the green new deal, which the Finance Minister has also reluctantly referred to as an area of expansion. We already see progress being made on a plastic bags tax. There is progress, albeit tentative, in relation to the ports. However, all that work and more is being carried out through the Executive's Budget review subgroup, which is probably the most important subgroup of the Executive at the minute. All the Executive parties are invited to attend and to submit proposals. Although Executive meetings are confidential, the SDLP talks about them freely in the Chamber. I am not sure that it can be reported, but I am interested in knowing whether any written, formal proposals that address the Budget proposals in detail have come from parties such as the SDLP or the Ulster Unionist Party to the Executive subgroup. If there are worthwhile

proposals out there, I think that there is a duty on all the parties around the Executive table to study proposals to bring alternative revenue into our society.

It is clear that, for the long-term economic stability of this part of the island and the southern part, we need to move forward with a new sense of direction and purpose. We must move forward not by working against each other's economies but by working towards equal and mutual benefit for the economies of this island for the benefit of the people. As I said in the debate last night, we are not isolationists. We understand the socio-economic and cultural links that many on this island have with Britain, and the economic link with Britain is vital. However, for centuries, that link has been based on the domination by Britain of this economy, and we believe that it should be based on co-operation for the mutual benefit of this island's economies.

As devolution has spread across Britain in the form of the Scottish and Welsh Executives, an opportunity has arisen for a new relationship between the different Administrations on these islands. Some may not be comfortable with the use of the term "Celtic nations", but the Welsh, the Scottish and our own Executive have shown that when they work together for the mutual benefit of their Administrations, their influence on Westminster is stronger. That is an area of economic and other co-operation that our Executive should exploit to drive forward an economic recovery plan.

I will end on the point that there are 4 billion flaws in the draft Budget. The draft Budget is certainly not Sinn Féin's vision for the future or one that the party is comfortable with. I doubt whether any of the other parties involved in the discussions are comfortable with the Budget as it is. The fact of the matter is that no one — no political party, no individual — has come forward with an alternative draft Budget to be examined or debated. Until they do, the posturing, shouting and dramatics are not worth anything. They certainly will not assist the vulnerable in society. They will not help to rejuvenate the economy or create business.

All that that behaviour does is create airtime for those parties. Therefore, unless an alternative comes forward, I believe that the work that is going on in the Executive Budget review subgroup is the most vital piece of work in the



Assembly and the Executive at the minute, and I wish the group well. If other parties have proposals, they should place them in front of that group.

**Mr B Wilson:** The Green Party cannot support the Budget in its present form. There has not been adequate time for public consultation, the Budget is not credible and it lacks detail, and some departmental figures do not add up. It also includes some extremely optimistic assumptions. I believe that it is merely an interim Budget that cannot survive the next four years. In fact, I believe that it is a temporary measure to get us through the election, after which many of the more difficult issues will have to be revisited. It is clear that the Executive will have to look again at their priorities and will be forced to make the difficult decisions that they have avoided over the past four years.

The review will undermine the Executive's claim that they were providing stability and strategic vision by producing a four-year draft Budget. I find it difficult to assess the draft Budget, as we do not have a Programme for Government. The Executive have failed to produce one. That means that there are no objectives, outcomes or targets against which the Budget can be assessed. It makes very optimistic assumptions about assets sales based on an unlikely uplift in the property market. It also includes ideas to raise funds from the social housing sector and Belfast harbour. That is rather speculative, may not be practical and may require further legislation. There are too many questions about the draft Budget to approve it without major changes.

We have to look at the context in which the draft Budget was drawn up. It obviously has been dictated by the Tory cuts to the Northern Ireland block. Although we accept the need to reduce public borrowing, the Government's proposals are reckless, vindictive and ideologically motivated and will create severe problems for the Northern Ireland economy. The Government argue that there is no alternative, but many economists, including a number of Tories, suggest that the proposed cuts are in danger of driving us back into recession.

The Tories claim that the cuts are fair and that everyone must share the pain. That is clearly not the case, as the recent report from the Institute for Fiscal Studies (IFS) pointed out that the Budget is regressive and will hit the poorest hardest, particularly those with children. Like

so many previous Tory Budgets, it is focused on cutting services to the poor, the elderly and the vulnerable, and instead of imposing taxes on the banks and financial institutions that caused the financial crisis, the Tories have increased VAT, the burden of which falls heaviest on those on low incomes. Similarly, the cuts in welfare, housing benefit, disability allowances and tax credit will have the greatest impact on the most vulnerable. According to the IFS, it is the most regressive Budget in generations. The fact that we in Northern Ireland are more dependent on public services means that we will suffer disproportionately. It is important that we do not follow Tory-imposed policies blindly.

George Osborne has claimed that the Budget has protected poor families from cuts. The IFS disagrees, pointing out that the welfare cuts mean that working families on low incomes, particularly those with children, are the biggest losers. It will also have a dramatic effect on the regions in the UK, such as Northern Ireland, that are more dependent on public services. The policies have little to do with the economic situation but are based on ideology and hostility to public services. A cut to the Northern Ireland block grant is based on that ideology and totally ignores the impact that it will have on our economy.

The Budget deficit has provided the Tories with an opportunity to attack the public sector. They are committed to reducing public sector services, and Osborne has admitted as much. The public sector is not an awful waste of taxpayers' money, which some Tories seem to believe, but is there to provide a safety net and essential services for the young, elderly, disabled, poor and most vulnerable members of our community. Unfortunately, in Northern Ireland, a high proportion of people rely on public services, and we will be worse hit than other areas of the United Kingdom.

The cuts set out in the comprehensive spending review are easily the deepest and most sustained cuts to public expenditure since the Second World War. The Budget was based on a number of assertions that the cuts would help the economy to grow and that public sector cuts would lead to private sector growth.

The reduction in public borrowing is dependent on economic growth, but, to date, there is no evidence of that occurring. In fact, the evidence is to the contrary. The most recent growth

figures, which were published in January, are appalling and fully justify my prediction last June that the cuts would lead to a double-dip recession. That is likely to happen in the next quarter, when the full cuts and tax increases come into operation.

The Government's policy is a perfect example of Tory ideology taking precedence over common sense. It is like a medieval doctor bleeding patients in the hope that they might recover, when, in practice, that is more likely to kill the patients. The Tory strategy depends on economic growth, while the policies that have been introduced effectively reduce demand in the economy and cut growth. The figures raise even more questions about the credibility of the Northern Ireland Budget. If the cuts cause the GB economy, which was moving steadily out of recession, to return to negative growth, they will clearly have a disastrous impact on our economy, which has not yet moved out of recession.

It is important that we see the Budget in the context of the present state of the Northern Ireland economy, which is fragile and needs tender nurturing. A recent Ulster Bank report indicated that, in the second quarter of 2010, economic growth was 0.4%. The projected growth for the whole year was less than 1%. That indicates that the economic recovery is extremely weak and must be treated with care. In addition, growth in the economy has been limited to the service sector, and construction continues to decline. A major factor in the growth in the retail sector has been the influx of shoppers from the Republic to take advantage of the weak pound. However, there has been a significant decline in the value of the euro, and, as a result, traffic from the Republic is beginning to dry up. If that continues, as I believe it will, we may be back into recession.

The report showed that economic activity was extremely low and that there was plenty of spare capacity in the economy. In the private sector, the service sector is producing 11% below its 2007 peak. In addition, manufacturing is down by 15% from its peak, and engineering is down by a third. That is reflected in the level of unemployment, which rose for 27 consecutive months. The rate of job losses has been much more severe here than in the rest of the United Kingdom, and the Ulster Bank suggests that unemployment will not peak until 2012. Therefore, the economic climate in which we are

presenting the Budget is one of negative growth and increasing unemployment.

The welfare reforms introduced by Westminster will have a further negative effect on the local economy. Reform of the national welfare system is a major issue for Northern Ireland, because the local Executive have no control over national changes to benefits or tax credits. As the local population is more dependent on welfare benefits than in other UK regions, the overall expected cuts of up to £20 billion in welfare payments will undoubtedly have a disproportionate effect on our economy.

The Northern Ireland economy is not capable of taking further cuts at present. Although the cuts are necessary in the longer run, they will have to be phased in. It is important that we get out of the recession first. We are in extreme danger of ending up with a double-dip recession. Tory economic policies are driven by the need to make immediate cuts in public expenditure, regardless of the impact on public services and ignoring the risk of a double-dip recession. Proportionately, Northern Ireland has a much larger public sector than other parts of the United Kingdom, and that will, therefore, lead to disproportionate reductions in services.

Since the previous Budget in 2007, the economic situation in Northern Ireland has been transformed totally. The economic climate has changed from boom to gloom. During that period, decisions were made that, with hindsight, do not seem to be priorities. The Assembly took a number of decisions, one example of which is the freezing of the domestic rate. That has cost us £50 million. The introduction of free prescription charges cost £15 million. The abolition of industrial derating could have saved £160 million. Free bus passes for the over 60s cost £12 million.

All those things are desirable and, in a perfect society, we could all support them. However, given the change in circumstances, we have to review some of those decisions. We have a situation —

**7.15 pm**

**Lord Morrow:** I thank the Member for giving way. I was very interested and listened carefully to what Mr Wilson said in relation to free prescriptions, free bus passes and all the other issues that he outlined and said were very desirable in a perfect society. Perhaps those

were not his exact words, but that is what he was trying to tell us. Since I suspect that most of us live our lives in an imperfect society, I would be interested to hear him tell us whether he supports the measures, or where he stands on the matter. Maybe he is coming to that point, but I am interested to hear him deal with it.

**Mr B Wilson:** I thank the Member for his intervention. The point that I am trying to make is that we made those decisions before we got into the economic crisis. Perhaps we would not make those same decisions now. We have an ongoing situation with Northern Ireland Water, and we have deferred doing anything about it. We could have saved over £1 billion if we had cut out the subsidy for Northern Ireland Water. Many of the decisions that have been taken by the Executive to date have reduced the amount of money available for other services. The decision not to impose water charges has meant that less funding is available for health and education. Although a rates freeze is politically attractive, it is totally unacceptable if it has to be paid for by a reduction in healthcare for the sick and elderly. Many of those decisions will have to be revisited after the election.

If we look at the proposals in the Budget and the departmental allocations, I am concerned about the cuts in education and the impact that the reduction in the DEL budget will have on the number of students who can attend higher education. I am particularly concerned that there are no details regarding the level of student fees and how that will impact on students, particularly those from poor backgrounds.

Although I welcome the Minister acknowledging the potential of the green new deal in the draft Budget, he appears to be using it as a smokescreen for cuts to other green initiatives. The Minister has set aside £4 million a year for green new deal initiatives. That is grossly inadequate, but the Green Party welcomed it as a first step in the right direction. However, we now learn that the £4 million will be funded by cuts in other projects, including some that have the potential to help to deliver some of the objectives of the green new deal.

First, we were told that the green new deal would be funded by revenue raised from the plastic bag tax, which we have advocated for many years. Then DOE announced £4 million of cuts to environmental enforcement measures,

which are helping Northern Ireland to comply with EU directives. We were told that that money would be allocated to the green new deal. Then the Minister scrapped the rates relief scheme, which would have provided support for people who wanted to insulate their houses. Again, we were told that that money would be redirected to a green new deal fund.

Insulating houses is a priority in the green new deal, so the Minister is simply giving with one hand and taking away handfuls with the other. Investing in insulation would create jobs, help to tackle fuel poverty and reduce carbon emissions. Some 400 people have taken advantage of the rates relief scheme since it was introduced. The scheme appeared to be working and delivering on the potential of the green new deal, so I cannot understand why the Minister has chosen to scrap it. Very specific projects are to be scrapped —

**The Minister of Finance and Personnel:** I will respond to the Member now because he does not usually turn up at the end of debates. The rates relief scheme amounted to £150 per household, but the cost of administering it was £2,500 per household. I am sure that the Member would think it much better to spend the money to deliver services on the ground rather than on administration. Perhaps the Member could bear that in mind. When the scheme ended, I made it quite clear why it had ended: it was because administrative costs far outstripped payments to households. I would rather direct money to energy-saving measures than to build up a vast administrative structure in my Department. I would have thought that the Member would welcome that.

**Mr B Wilson:** I certainly welcome that explanation. However, no matter what new scheme is introduced, it will still have administration costs.

Very specific measures have to be scrapped. There has been the promise of a green new deal to appease the green lobby, which now includes the Confederation of British Industry, the Institute of Directors, environmental groups and trade unions, yet there are absolutely no details on how that money is to be spent. The Minister has moved some money around and, seemingly, removed some money entirely. It is not a green Budget. It will do little to help Northern Ireland's position as a leader in the new green economy. Of course, the Minister has a record and has

not been particularly forthcoming in supporting green initiatives.

Other Members referred to the budget for Invest NI. It causes me considerable concern because growing the economy and creating jobs remains a priority, which, obviously, it should be. However, the reduction in Invest NI's budget will mean that it will not have sufficient funds to support the foreseeable number of new investment projects. We are at risk of missing available job creation opportunities.

**Mr Boylan:** I seek some clarity. The Member sits with me on the Committee for the Environment. We talked about the green new deal and supported funding of £4 million for it. He wants more. In the next breath, he talks about creating jobs, yet he sits on the Committee with me and knows that there is a possibility that 300 jobs will go across the board in the Planning Service. That will delay planning decisions and, therefore, economic growth. I want clarification on exactly where the Member wants the money to go when he knows that there is a possibility of job losses. If jobs are lost in the Planning Service, that will create a backlog in planning decisions. He still looks for money from the Budget for the green new deal. Will he clarify where a balance can be struck? Does he support job losses or job retention?

**Mr B Wilson:** In no circumstances do I support job losses, particularly the loss of skilled jobs in the Planning Service. Those people could be better deployed elsewhere. I have no problem with that.

I want to refer to my main concern about the Budget allocations. I find it particularly depressing that people now use the health budget to score political points. Basically, the health budget is fundamental to society's welfare. It should not be used as a political football. We should listen to the concerns of the Chief Medical Officer. I have no political axe to grind with anyone on the issue. I speak as an economist and as someone who has had a long interest in health economics since I was first appointed to the Eastern Health and Social Services Board in 1981 and sacked by Mrs Thatcher four years later. My concerns about health spending began with the previous Budget, when health received an increase of only 2.6% while the NHS in England was given an increase of 4% in real terms despite not having the same waiting list problems that we had here. That

2.6% increase was the lowest for many years and compared badly with the average of around 8% over the previous five years of direct rule.

The direct rule Ministers gave us 8% for the health budget, and the devolved Government have given us 2.6%. In practice, given the demographic trends and the fact that NHS inflation is significantly higher than basic inflation, the 2.6% increase was, at best, a freeze in overall expenditure.

The 2007 Programme for Government included new programmes to reduce the suicide rate, promote healthier ways of living, halt the rise in obesity and implement the long-delayed Bamford report. However, the Budget did not provide any additional resources to fund those programmes. The Appleby report, which was based on need, looked at the standard of care in Northern Ireland compared with that in England, and it identified a shortfall of £500 million in health spending over the CSR period. Therefore, not only would we have lower standards of care, but the gap between entitlements and expectations in Northern Ireland compared with those in England would continue to widen. He concluded that access targets and waiting times here would not match English levels in the foreseeable future.

When I voted against that Budget, I warned that it would mean cuts in the National Health Service and lead to job losses and longer waiting lists. That has come about, and it will be accelerated if we accept the draft Budget.

The differential in health expenditure between Northern Ireland and England has reduced significantly in recent years. A recent study shows that, taking account of age profile and deprivation levels, the Health Service in Northern Ireland requires 10% more resources per head than England owing to the higher levels of need. The differential in 2007 was 4%, and proposals for 2008-09 totally eroded it.

Efficiencies can clearly be made in the organisation and delivery of the Health Service. I believe that there have been significant improvements in recent years. There are, without doubt, opportunities to make further savings, but they will not have a significant impact on overall health spending. Fundamentally, the Health Service is underfunded, yet it is faced with new demands daily, despite being unable to meet existing demands, such as the implementation of



the Bamford report. The fact that Bamford's recommendations have not been implemented and mental health is still grossly underfunded is a disgrace to any society.

I will now speak about potential savings and alternative forms of revenue raising. I agree with what Mr Beggs said about the dualling of the A5. It should at least be downgraded. To spend £675 million on such a road cannot be justified, given its usage. The Green Party has opposed that scheme since 2009, when we had a long and detailed discussion with environmentalists and local landowners. The scheme is disproportionate, will destroy the natural habitat and severely impact on agriculture in the area. Significant savings could be made by downgrading that scheme.

Savings could also be made on local government reform. I am not clear about how much for that is in the Budget. I declare an interest as a member of North Down Borough Council. For the past year, it has been clear that the original drivers for the review of public administration cannot be achieved. The main driver for reform was to be savings to the ratepayer. Those savings cannot be guaranteed in the present economic state, so it would be irresponsible to spend £118 million that we do not have in the Budget to fund the changes. However, I emphasise that it is essential that we review all our priorities, policies and decisions that were made in the good times. There should be no sacred cows.

If we are to work within the block grant, we must revise our priorities and consider alternative sources of funding. We should seek additional powers to raise tax and, in particular, to introduce a local income tax to replace domestic rates.

### 7.30 pm

The current draft Budget highlights how little control we have over our Budget, which is almost wholly determined by a formula set by Westminster.

Rates are one tax over which we have control, and the Executive could consider a supermarket tax similar to that proposed by the Scottish Government. That involves increasing the business rates on large retailers with a rateable value of more than £750,000. That would apply mainly to supermarkets and out-of-town retail parks. As well as raising extra revenue, it would

support small traders and town centres. If it encouraged people to shop locally, it would also be more environmentally friendly.

The tax would help to rebalance the disadvantages faced by small businesses as supermarkets take advantage of size and economies of scale — an advantage beyond the reach of small businesses. An increase in tax on big business reduces the strain on small business, levels the playing field and promotes competition in the market. It would also compensate for the delay by the Assembly in introducing PPS 5, which limits out-of-town shopping.

The Executive must revisit the options for funding government services. They must review all options, particularly income-based alternatives such as local income tax. That would clearly be fair, because it is based on the ability to pay. It would also mean that non-taxed householders contributed to funding. Other options include local sales tax, service tax, land value tax and green taxes, which would help the environment as well as raising revenue, based on the principle that the polluter pays.

The Green Party believes that the Assembly should acquire tax-raising powers so that all increases in public expenditure are not met solely from a property tax paid by the ratepayer but from a basket of taxes. We must re-examine our priorities, reconsider our previous decisions and ensure that scarce resources are allocated in the most efficient and effective manner.

The Green Party believes that the Westminster cuts agenda is ideologically driven, economically illiterate and will have a disproportionate effect on the poorest in Northern Ireland and the rest of the UK. We reject the Executive's decision simply to implement the cuts, and we are particularly concerned about the impact that they will have on health, education and the green new deal. The Executive should consider alternatives to cutting vital local services, revise the draft Budget to reduce those cuts by incorporating progressive ways to raise revenue and ensure that the wealthiest pay more and the poorer pay less. In the longer term, we should be looking at obtaining flexibility in our tax system so that we are not solely dependent on the block grant determined by Westminster.

**Mr Elliott:** You will be pleased to know, at this time of the evening, that I will cut my remarks somewhat shorter than I had planned. I knew that the Finance Minister would appreciate that.

In fact, I had a discussion with him about it earlier, and he promised that, if I did, he would give me some £200 million — maybe — for a project. Hopefully, he will stand by that.

Earlier, Mr O'Dowd, who is not in his place now, said that no party or Member had come up with an alternative Budget at this stage. He must not be listening to what is happening in Committees and being said in the Chamber, because people are putting forward various options and proposals. Proposals come forward all the time in Committee meetings. A consultation period is meant to be about options, proposals, and so on, and, as I understand it, we are in the midst of such a consultation process.

It is a question of priorities. At some stage, it may come down to a town getting a new road or a new hospital. Those may be some of the difficult decisions that have to be made. However, unless the Executive and the Assembly develop and agree a proper Programme for Government with a proper overall Budget, it will be difficult for them to progress. Had that work been done much earlier, we would not have been here so long tonight debating the Budget Bill.

There is a huge responsibility on the Executive, led particularly by the First Minister, deputy First Minister and Finance Minister at the Executive table, to bring forward those proposals to the rest of the Executive members in a much more timely manner so that there can be much broader agreement.

Detail about the social investment fund and the social protection fund is very limited. I look forward to getting much more detail on those funds, just to hear of the areas where they may be spent and the criteria that are needed to qualify for them.

The OFMDFM proposals suggested 3% efficiency savings for some arm's-length bodies. I am concerned that there is not a much more in-depth look at all quangos, arm's-length bodies and commissioners to establish whether we can cut out a number of them totally without just making efficiency savings. A number of them are not much use to the Province. At least a third, if not more, of those bodies could be easily taken out of commission. That would see significant savings for the Assembly and Executive, and the money could be utilised in much better ways.

It was also very disappointing that the Barroso task force did not produce what the Executive

and Assembly hoped it would produce and develop. If we had had much better outcomes from that, we would have had a much better Budget outcome as well, because clearly those are the areas where we need the investment. We did not accomplish any of that as far as I am aware. There were very high hopes for that, which did not materialise.

Those are a few of my initial thoughts at this stage of the evening.

**Mr McGlone:** Go raibh maith agat, a Cheann Chomhairle. At this part of the evening, most people will be obtaining brevity — from me, anyway — rather than adding to the length of the debate.

The focus of what I am about to say is derived mostly from my capacity as Deputy Chairperson of the Environment Committee and as a member of the Committee. There are concerns that, as a consequence of the Budget, the Department of the Environment is anticipating a reduction of 150 staff, in addition to a previous reduction of 150 staff which departmental officials indicated would be achieved through redeployment or secondment to other jobs in the wider public sector, early retirement, routine retirement and resignation.

They and many others are very concerned that there could be further jobs losses and that the Department does not have an adequate handle on its budgets. A clear example of that came during a presentation by departmental officials to the Committee when they introduced projections for a plastic bag levy. A proposed levy on single-use plastic bags was to be introduced by the Department of the Environment and used by the Department for environmental projects. We saw estimates for a possible £4 million raised by that levy for which there is no legislation in place. On three consecutive occasions during a projected and prepared presentation to the Committee on a private Member's Bill, the Department was not ready to have its officials attend and elaborate on the Bill with regard to that levy. So: no legislation as yet, no projected £4 million raised, no environmental programmes and no other funds identified to support those programmes. We have a budgeting process at the Department around legislation that is not in place and which may not be in place, and that there will be projected cuts of £4 million for key environmental projects.

That is 'Alice in Wonderland' budgeting with money that is not there and is not likely to be there in the lifetime of this Assembly. You often wonder to yourself why that was ever put into a consultation document on the Budget.

Further concerns have been raised around the impact of funding on non-governmental organisations. It is extremely important that we refer to those organisations, because, quite often at less cost than their public sector colleagues, they provide a valuable service in biodiversity and in protecting the environment. They have an overview of what the Department of the Environment is doing and work alongside it to protect our environment and, indeed, our biodiversity.

I turn to the other part of the Department, which is to do with planning. We need to have more efficient planning decisions. I have read some of the preparatory briefing documents that were provided to us by the Quarry Products Association, which feels, and rightly so, that the introduction of further costs through planning fees, including additional costs to the applicant for an environmental impact assessment, will not raise more money for the Department. That should not be seen as a money-making exercise, because it will inhibit and act as a handbrake on the progression of planning applications through the system.

We need to see more investment projects getting started, and we need to see the green new deal being pursued to create low-carbon buildings and to stimulate the local economy. That is where the stimulus will come from. Those of us who have been out and about in the constituencies liaising and consulting with, and working on behalf of, small businesses know where the real growth of the economy will start and where the shoots of that growth will be; among the small and medium-sized enterprises. The indigenous and locally based enterprises need our encouragement, they need our support and they need our investment with the limited budgets that we have.

**Mr Boylan:** The Member sits on the Environment Committee with me. Does he agree that we need to retain as many jobs as possible in the Planning Service to ensure that the planning applications are processed and that the economy grows?

**Mr McGlone:** I entirely accept the Chairperson's point. The Chairperson has been a strong

advocate of us getting a model on how that operation will function. Local government will want to see the outworkings of that model. The Chairperson is correct to point out that we want to see a more efficient Planning Service to deliver on planning applications.

We need to make sure that business is supported and facilitated to help re-establish employment in our constituencies. I speak as a representative of Mid Ulster — some other representatives from the constituency are in the Chamber — where the construction sector has been badly brutalised as a result of what has happened to world economies and, as a consequence, our local economy.

I accept that some key capital projects in the Mid Ulster constituency are going ahead, such as the policing college, which is eventually taking shape. I want to place on record my thanks to those Ministers who have facilitated that project, because, not only does it advance policing for the region but it brings about key investment and more jobs and support services. It is important that that acknowledgement is placed on the record. We want to see that project moving as quickly as possible towards fruition to have good policing in the region and to support our local economy and jobs, especially those in the construction sector.

I thank all those Ministers who were helpful in advancing the project, but I have to say that the Minister of Health, Social Services and Public Safety has not been particularly forthcoming in helping to see the project progress. That has been obvious from a series of Assembly questions that have I put to the Minister of Finance and Personnel and the Minister of Justice and from other meetings that have taken place.

Members will be glad to hear, at this time of the evening, that I am bringing my remarks to a conclusion.

**The Minister of Finance and Personnel:** Hear, hear.

**Mr McGlone:** Thank you, Minister. I need to put down a few markers for my conclusions on the draft Budget.

#### 7.45 pm

The SDLP feels that the draft Budget has no plan for rebalancing the economy or for economic development, and it needs a rethink in that regard. It will also potentially place over

9,000 public sector jobs at risk. Thousands of vulnerable people will also face benefit cuts by 2012. I realise that a good part of that is driven from Westminster, and I pay tribute to my colleague Alex Attwood for the work that he has done with Westminster to try to alleviate the worst excesses of those benefit cuts.

The draft Budget also creates the potential for hospital closures and new medicines and medical facilities, such as the cancer unit at the Altnagelvin Hospital, being unavailable to patients. There is no robust strategy for job creation, but I realise that, in a very supportive role, the Minister of Enterprise, Trade and Investment was particularly helpful with a number of individual projects in the Mid Ulster constituency.

There could conceivably be less independent scrutiny of government. I refer specifically to the reduced funding for the Northern Ireland Audit Office, and the consequential effect that that may have the Public Accounts Committee. The draft Budget will also see a massive drop in the building of social housing, potential construction job losses and 100 schools will go without repairs or new buildings.

All of that, coupled with the potential introduction of student fees at £5,750 a year and the scrapping of the education maintenance allowance, does not augur well for our future. Much more creative thinking is required on those issues, and that is why the SDLP put forward its concerns about the draft Budget and highlighted some of the thematic areas that must feed into it. Thank you, Mr Speaker and the Minister also.

**Ms Purvis:** I appreciate the opportunity to speak on this very important topic. The reality of the economic situation in which this country finds itself is stark. The cuts in public spending will be deep and enduring, and, as was outlined earlier, the potential for a double-dip recession is very real.

There is a very real chance that young people in Northern Ireland, of say 20 years of age, may not hold their first proper job until they are at least 30, and that is based on the opportunities that are available for young people at present. Women in Northern Ireland will quite possibly work in lower paid positions in the public sector, and there is a very real chance that they will face redundancy in the four years that are covered by the draft Budget. Children who are

born in this Budget cycle will have less access to resources in health and education to support and enhance their lifetime opportunities.

The draft Budget will reduce living standards and increase poverty in Northern Ireland. No sector of our society will be untouched, and we will all feel the impact. This is a time for very dedicated, creative and strategic thinking and planning, yet there is little evidence of any such approach in the draft Budget. The economic strategy and proposals for job creation that will be critical to minimise the impact of the draft Budget are unfinished. There is a rhetorical commitment to invest in and support a robust local economy and to identify new funding streams, but how that will be achieved has not been fully worked out.

Revenue streams appear in some departmental spending plans, almost out of nowhere. There is talk of a reduction in corporation tax, but no clear explanation of how that will unequivocally lead to job creation. Indeed, that seems to be the recurring theme for the draft Budget, with rhetorical commitments to key goals or objectives and insufficient evidence or detailed consideration of how they will be achieved.

A more disturbing example is the apparent failure by Departments to truly consider the impact that the draft Budget will have on the most vulnerable, although that is not in the gift of the Minister of Finance and Personnel. Although there has been an extensive verbal commitment to protect those who are most at risk in a very tight Budget cycle, there is very little financial commitment to make it happen in the detail of the draft Budget.

From what I can see from the draft Budget and the departmental spending plans, section 75 obligations have largely been approached as a box-ticking exercise, rather than the critical analysis of the impact that Executive decisions have on those in our society who are already at a disadvantage in accessing opportunities.

For example, I have been lobbying the Executive for several months to introduce children's budgeting into their processes so that we can have a clearer idea of just how much those spending and savings plans will impact on the life chances and opportunities of our children and young people. Unfortunately, that analysis has not been conducted by the Executive, although I note that the issue of children's



budgeting is on the agenda of the next ministerial subcommittee meeting.

What we can see on the surface is sufficiently disconcerting. Families with children are already under strain from the real costs of inflation and increased VAT, and, in addition, they will bear a good portion of the impact of the proposed tax and benefit changes. That was outlined earlier by Mr Brian Wilson when he referred to the report by the Institute for Fiscal Studies.

Reductions in the health and education budgets will further diminish the services and supports available for this generation of children and young people. Thousands of families are further impacted by the lack of a meaningful investment in early years. We know that the dearth of affordable quality childcare in Northern Ireland is one of the main barriers to parents — primarily women — accessing the job market. At a time when the real value of wages is declining, redundancies are increasing and benefits are disappearing, there is absolutely no excuse for the Executive's inability to address the issue and remove that barrier from women's lives. Women will increasingly need access to the job market and greater flexibility than current childcare provision offers so that they can access any form of employment available to them at any time.

Our commitment to our children is further weakened by the anaemic draft child poverty strategy. Despite a legislative obligation to end child poverty by 2020, the strategy applies so many conditions to meet those obligations that it is, essentially, meaningless. The core belief of the strategy appears to be that child poverty can be addressed only in boom economic times, which is both misguided and inaccurate. There are no signs of a commitment to the child poverty strategy in the draft Budget. There is no clear indication of funding for the minimal initiatives that it proposes and no means by which to measure progress or gauge whether we are lifting children out of poverty.

Another thing that troubles me about the draft Budget is that there are no clear indications that Departments have worked together to create the Budget, nor are there any signs that it is connected to the other strategies that the Executive have produced over their lifetime. Where is the cohesion, sharing and integration strategy in the draft Budget? Where is the child poverty strategy? Where is the commitment

to end fuel poverty? Where are the elusive childcare and racial equality strategies, and where is the Programme for Government? The absence of that critical document strongly suggests that, rather than being a Budget based on strategic planning and thinking, the Budget is little more than a series of numbers that have gone through a negotiation process.

We are facing historic economic times. Most of us have not faced this level of economic contraction in our lifetime. This is not the time for an 'It'll be Alright on the Night' approach to budgeting. It will require incredible dedication and creativity to deal with those circumstances. It will also require some very real co-operation between Ministers in the Executive and a commitment to getting the Budget right right now, instead of going through the motions simply because there is an election on the horizon. That creativity, co-operation and commitment were all there when the banks needed assistance — the very banks that played a major role in creating these economic circumstances. Now, through this Budget, ordinary people are starting to pay the bill for the big bank bailout. They need that same level of creativity, co-operation and commitment, and they are expecting us to deliver it for them. I urge the Executive, who have repeatedly made a rhetorical commitment to protect the most vulnerable in our society, to ensure that there is actual money behind that commitment.

As the economy contracts and welfare support disappears, the categories of individuals who fit the description of vulnerable are expanding. It will be absolutely critical for all Departments to work together to ensure that we get maximum impact from increasingly rare resources. Revenue-raising must be creative and progressive. It is clear that those living on limited means will face the highest percentage loss of real income under the Budget.

They will have much less to give. Fees, increases in charges or rates must be fair, with the better off paying more, relative to income. More than finding new sources of income, this Budget must be about managing wisely what we have. We could do much better. For example, I would like to see genuine co-operation among Departments in the commissioning of services, particularly in planning and delivering programmes for children and young people, to ensure that support systems and services for our children and young people remain as

robust as possible and that there is minimal duplication and waste. A statutory duty —

**Mr Beggs:** I thank the Member for giving way. Does she accept that, since the demise of the children's fund and the Executive programme for children, there has been little evidence that such cross-departmental working and commissioning has been happening? It needs to happen so that all Departments recognise the benefits that come from early investment in preventative activity.

**Ms Purvis:** I thank the Member for his intervention; he is absolutely right. He was in favour of a statutory duty to co-operate among Departments when they are commissioning and delivering services, as that would cut down on duplication and ensure that services are delivered in a way that maximises the outcome for children and young people.

**Mr McGlone:** I thank the Member for giving way. I will pick up on the theme expanded on by Mr Beggs. Many community and voluntary organisations are paying the price of the withdrawal of the children's fund from the Office of the First Minister and the deputy First Minister. That is having severe repercussions on community and voluntary organisations, those dealing with children and on other community and voluntary organisations.

**Ms Purvis:** I thank the Member for his intervention; he is absolutely right. I am aware that the children's fund was scrapped because there was a pile of money left in it that was not accessed. However, we should have cross-departmental funds for which Departments can bid when there are cross-cutting themes, such as issues that concern children and young people.

For example, at Question Time yesterday I raised the issue of Home-Start with the Health Minister. Home-Start provides much-needed services on a volunteer basis; it can look after three families for £1,000 a year; and it helps children who are at risk of coming into contact with social services or of going into care. Home-Start scheme volunteers work with families and children to keep them out of care. The sums that they save the public purse, in the longer term, are critical. That is why such schemes should be funded and a cross-departmental fund for children and young people looked at again.

I urge all Departments to source and fund programmes based on outcomes. John McCallister talked about that earlier. Departments should not axe a service in a budget line item in order to come up with the right figures. Like other MLAs, I have watched as funding for small, relatively inexpensive programmes with very high impact disappear while funding for larger, more questionable, programming is preserved.

Preventative spending, which was touched upon by other Members, will be key over the life of this Budget. Many of the programmes now facing closure offer incredible value for money by preventing expensive health and social security crises later. I strongly urge Ministers to look at the real outcomes of the projects and programmes that they support and to work together to ensure that they are not blindly chopping off organisations' funding and thus damaging their ability to function and deliver services.

Perhaps the upside is that the economic crisis will force us to look seriously at the financial cost of division and the duplication of services and at the financial consequences of not directing sufficient resources towards community relations. Economic growth and job creation will be critical over the next few years. That cannot happen without serious investment in a shared future. Without a real and resourced cohesion, sharing and integration (CSI) strategy to tackle the divisions in our society and a clear understanding of the role that poverty plays in feeding and sustaining those divisions, we will not be able to attract the outside investment that we would like.

**Ms Purvis:** We will not achieve and maintain the stability that is required to embed and expand economic growth and, ultimately, to shift resources away from the very expensive results of sectarianism — in policing, housing, justice and other large cost-agency responses — towards sustaining prevention and equality of opportunity. Continuing division makes investment difficult and drives the best and most successful and talented members of our communities away.

## 8.00 pm

I encourage the Executive to think through genuinely what they are offering the people of Northern Ireland. What kind of society is really on offer through this draft Budget? What prospects for employment and economic recovery are

here? What do we really expect to happen to those on whom welfare reform will impact?

**Mr Callaghan:** Go raibh maith agat, a Cheann Comhairle. I am acutely aware of the fact that it has been a long 24 hours for very many of us, but I am not going to promise brevity if I cannot be sure of delivering it.

To me, it seems as though the draft Budget is really about lost opportunities. What is being proposed now, without allowing the public proper involvement in forming and shaping a new Budget for the next four years, is a lost opportunity. What the Assembly and the Executive have failed to do, over the past couple of years in particular, represents another lost opportunity.

As Members will know, I have been a member of the Committee for Health, Social Services and Public Safety since the end of November 2010. The Committee has looked at the draft Budget in a number of respects. Yesterday, my colleague Tommy Gallagher read into the record a number of SDLP proposals on how we think the health budget in particular could be better tested and probed. However, I do not think that anyone in the Chamber should vote lightly for a Budget about which such serious and grave concerns have been raised over its potential impact were it to go ahead unamended.

I wish to share with the House some quotations from John Compton, the head of the Health and Social Care Board for the North and the senior official in the Health Service here. On 13 January 2011, he told the Health Committee:

*“As currently presented, the draft Budget means that we will be short of £200 million in cash a number of weeks after it is confirmed.”*

He went on to say:

*“On 1 April 2011, we would need to be able to spend £200 million less cash, and that is what makes the situation so critical.”*

The officials from the Health and Social Care Board pointed out that 70% of the Health Service's budget is spent on people's wages and various other costs. Unless a lot of people are to be sacked on 1 April, those costs will still be there. Therefore, we are left to deal with services or charges. Those are the options that were put on the table.

The potential impacts on services were outlined to the Committee. The number of jobs that could be lost has been widely reported. We were told that new and better drugs for patients that would be available in England would not be available here, even though they were approved by the National Institute for Health and Clinical Excellence (NICE) under clinical excellence guidelines.

We were told that there could be rationalisation of community care packages and domiciliary care. We were given the example of someone who is entitled to 15 hours of domiciliary care a week perhaps having to wait two months to get any domiciliary care, which, if it is provided, will be for five hours rather than 15 hours. We were told that there could be longer waiting times. Despite the progress that has been made in reducing them, waiting times, not just for particular specialist procedures but across the whole range of surgical and other medical interventions, would shoot up from nine-week and 13-week targets to 52 weeks for various everyday medical procedures.

We were told that there would be a significant impact on health and social care funding for the voluntary sector. We all know from our own experience the vital role that, from a cost-effectiveness and long-term, wise investment perspective, the voluntary and community sectors play in the Health Service.

Perhaps most stark of all — to me, at any rate — is the prospect of unplanned, short-notice closures of medical facilities. We were given the example of how a hospital ward or A&E department could close at as little as one hour's notice because there would not be medical staff on hand to provide a safe service if there were no proper provision for locum or other emergency staff when the regular staff are sick or otherwise unavailable.

Anyone who is contemplating voting for the draft Budget unamended, or even only mildly amended, should do so only having given very serious consideration to the frightening potential impacts on health and social care here that have been outlined to us for the next four years.

**Mr P Ramsey:** Does the Member agree that the most important issue facing people in the north-west is anticipation and waiting regarding the radiotherapy unit? We know the consequences, and we have heard briefings. The Speaker and all the Members from Derry visited the

City Hospital last week to see the provision and facilities there for people across Northern Ireland. We know now that 10% of people in Derry who have cancer have to travel there three or four times a week for four or five minutes of radiotherapy. The distress and travel times involved are an absolute disgrace.

Does the Member agree that no games should be played with this important subject and no question marks should be placed over it? The costs of the radiotherapy unit should be absolutely inescapable. It will provide not only for the city of Derry but for the north-west. Some 1,000 people from our area who currently travel to Belfast will receive the service at Altnagelvin. Some 350 people from Donegal will get the service at Altnagelvin. I appeal to the Finance Minister — through the Member — to use his influence on Executive colleagues. It is an absolute disgrace and a crying shame that we cannot go ahead with the unit despite having the capital investment — 50% being paid by the Irish Government — with 30% of the revenue being paid by the Irish Government.

**Mr Callaghan:** I concur wholeheartedly with the Member's remarks. I am on record expressing similar sentiments in the House. A further point is the absolutely essential nature of the radiotherapy centre at Altnagelvin, not only for the future treatment and care of people in and from the north-west of the country but for people across the whole of the north of the island. If treatment is not available in Altnagelvin, those people will still have to travel to Belfast. However, we are told that there simply will not be sufficient capacity in Belfast. Therefore, everyone in Northern Ireland who suffers from cancer over the next number of decades will be affected. That point should be strongly received by everyone in the House. I will come back to it towards the end when I talk about issues that concern the north-west specifically.

I will deal with some of the wider issues relating to the draft Budget. On a number of occasions during today's debate, we heard about whether the SDLP provided various figures or any ideas. Unfortunately, Mr O'Dowd is not here at present. However, if I hear that again, I can threaten only to read into the record the April 2009 'New Priorities in Difficult Times' or our 'Partnership and Economic Recovery' documents, both of which are publicly available. I was disappointed, but not entirely surprised, to hear that some Members had not read those. All of us should

take an interest in ideas that other parties put out on an issue as important as the future of our country and our Budget over the next number of years.

I said at the start that this is about lost opportunities. To some degree, we have lost two years by trundling along with a substandard Budget that was no longer fit for purpose and was designed at a time when economic prospects in the North, around these islands, in Europe and globally were very different to what we have experienced since the recession bit families and businesses very hard. Various SDLP Members mentioned different measures from those SDLP papers, particularly from the earlier publication because it has been in circulation for such a long time, that have not been pursued. I need hardly rehearse them, but certain issues that were not mentioned in the debate are worth mentioning. Why do we have junior Ministers who cost taxpayers a lot of money but seem to deliver few outcomes? Why do we need such a bloated Executive Information Service? Why have we not imposed a pay cut on senior civil servants of 5%, as the SDLP suggested, or a comparable figure? Why do senior civil servants benefit from free car parking in Belfast? That runs against good economic and environmental principles, and we are supposed to be trying to get people out of cars and on to public transport, bikes and other sustainable means of transport.

We have published a raft of ideas that could be taken on board. Why does the public sector still own car parks that are prized assets? I accept that there is some impact from disposing of capital assets in a depressed property market. However, where there are ongoing business concerns in public hands, with a practically guaranteed revenue stream, now would be a good time to release receipts from those, because investors are seeking that type of investment. The money raised could be put into other projects and programmes that are stuck for cash.

The Odyssey complex is a major entity in Belfast. I am sure that all Members, even the less trendy ones, are aware of its existence, as it has been there for quite some time. We talk about probing and testing the draft Budget and every potential source of revenue, and I would like to refer to the Odyssey Trust Company Ltd accounts from 2009. The company, as I understand it, is a charity that



exists to serve the public interest. It was set up with the transfer of significant value in public landholdings. At the time, the value was certainly into the millions of pounds and possibly even into the double-digit millions of pounds. In many ways, it seems to have been left to deal with its own affairs since the transfer of those assets.

In 2009, it spent more than £500,000 on 12 members of staff. We could take an average, but what is really interesting is that, in 2008, three of those staff earned between £70,000 and £80,000. A year later, however, one member of staff earned between £80,000 and £90,000, a further member of staff earned between £90,000 and £100,000, and a third member of staff earned between £110,000 and £120,000.

At the same time as those salaries were reported, the charity said that its cash-at-bank total was £38,130,695. I can break that figure down further. Just over £11.5 million was in unrestricted funds to meet the ongoing needs of the charity. Have we tested the potential for recouping that sort of money? The amounts held against actual and contingent future leasing costs of the property were more than £22 million. That type of potential revenue needs to be probed and tested because, in comparison with some of the other pressures on the draft Budget, these are not insignificant funds.

I and my party colleagues want to know whether, if there is money there, we will test it and go after it. When only £20 million can be made available for a hardship fund, — hardship, as a result of welfare cuts, will affect the most impoverished and vulnerable people in society — we must ensure that money that would help those vulnerable people is not lying in a bank doing nothing for society.

### 8.15 pm

Not far from the Odyssey lies Belfast harbour. Yesterday and today, there was some discussion about the harbour and about a proposal, which was mooted in our aforementioned document from April 2009, to yield value from it. The Minister of Finance and Personnel seems to be a bit more open now about pursuing moneys from the harbour. However, in 2009, his party colleague Edwin Poots, the current Environment Minister, responded to our call in 'New Priorities in Difficult Times' to go after some money held by the Belfast Harbour Commissioners for wider public benefit by saying:

*"Given that the Port of Belfast is a key part of our infrastructure, it would not be wise to prevent its progress by taking resources away from it."* — [Official Report, Bound Volume 40, p336, col 2].

Last night, the Finance Minister said:

*"Under the existing rules, projects may attract money from the Harbour Commissioners. If that is not possible, we have two years to change the law."* — [Official Report, Bound Volume 61, p295, col 1].

The Finance Minister now seems to have bought into the fact that it is a good idea. So, if it is a good idea today, why did the Minister of the Environment not realise that it was a good idea two years ago? Of course, there could be a disagreement between him and the current Finance Minister. Maybe the Finance Minister can tell us whether he has discussed that with his party colleague, the Minister of the Environment.

There has been a further lost opportunity in that the Finance Minister is now talking about writing in two years to this Budget process if there is a legislative requirement to change the statute to take money from the Belfast Harbour Commissioners. The obvious point is that if that decision had been taken when we first mooted it 22 months ago, we would be only two months away from being able to yield that money. So, unfortunately, that is another lost opportunity.

Earlier, Mr Farry of the Alliance Party talked about the potential for North/South co-operation, and he hit on very many useful points. There is massive potential for mutually beneficial co-operation between those two parts of the island without any hindrance or hurt to anybody's political ideology, national identity or any other consideration. Of course, many of the things that are discussed in the House are cross-border projects. The A5 and the A8, for example, are cross-border projects instigated during direct rule, and the radiotherapy centre at Altnagelvin is a cross-border capital project, and they are all beneficial to those on either side of the border. However, they are just the start of what is possible. There could be much more shared procurement, many more shared services and, particularly in areas such as health, very many more shared specialisms as we try to secure and develop world-class expertise on the island.

A scoping study was done on the potential for further collaboration and co-operation in health and social care between North and South,

but, unfortunately, we are still awaiting the publication of that document. As far as I know, it has not even been discussed at the Executive. However, Ministers may correct me on that if I am wrong.

**Mr McDevitt:** I thank Mr Callaghan for giving way. On the point about the North/South feasibility study on health services, will the Minister, in his summing up, confirm to the House whether he has had sight of that document? It makes 37 recommendations on efficiencies in procurement, service planning, capital planning and treatment services on a cross-border basis, particularly in the border counties but also between the two major cities of Dublin and Belfast. Will the Minister confirm whether he has had sight of that and whether he thinks that it takes a common sense approach that is in line with the conversations that he had recently with the current Minister of Finance in the Republic of Ireland, Brian Lenihan, and those that I am sure he will wish to have with the next such Minister?

**Mr Callaghan:** I thank the Member for his intervention. It seems that telepathy is one of his attributes, because that is precisely the request that I was going to put to the Finance Minister. I will certainly look forward to hearing his response in his conclusion.

Given what I have already articulated about the A5 and the A8, it almost goes without saying that transport, in its broadest sense, is an area in which there could be much better co-operation, not just through joint services but through joint procurement, the sharing of expertise and experience on both sides of the border, and various other things.

The business community is also hungry for further co-operation between the two Administrations. That community sees a lot of duplication and red tape for companies and sole traders doing business on both parts of the island, particularly, though not exclusively, those along the border corridor. From my constituency experience, I know that that is a particular issue for many family firms in the north-west and, I am sure, other parts of the border corridor. For example, such people may have two or three shops or small manufacturing facilities, one on either side of the border, and they face various difficulties in dealing with two different systems and whatnot. It is true that some of that cannot be dealt with by this Assembly. However, many

of those issues can be dealt with, and that is something that we could usefully try to address somewhat better.

People in Derry and the surrounding areas are keen to further our subregional issues. I am particularly mindful of the north-west gateway initiative. It certainly seems to me and my party that a north-west gateway fund, with money contributed by the Dublin Administration and the Belfast Administration, would be a very useful way of addressing some of the particular issues that are faced by that part of the country. Unfortunately, this Budget is strong on one thing: reinforcing the silo mentality that has continually failed our constituencies and communities right across the region. A north-west gateway fund would be one way of addressing that. As Mr Beggs mentioned on a number of occasions today, there are other areas in which cross-cutting funds would be very helpful.

The children's fund was a very productive and precise way of dealing with many of the issues that affect children and young people across the different Departments' respective responsibilities. However, it was abolished and has not been replaced in any authoritative and comprehensive way. To be fair, the Department of Health, Social Services and Public Safety, which may have failings in other areas, did step up to the plate in that area in comparison with other Departments. However, many of the promises that were made then, for similar moneys to be made available but divvied up through departmental channels, have not been fulfilled or lived up to.

On the point of cross-cutting departmental approaches, every Member of the House should consider that allocating money through the traditional departmental approach largely serves the interests of the system, whereas allocating money to funds that are then subject to bids coming up from the grass roots better serves our constituencies and communities. Such funds can co-operate and develop their own partnerships, and are better placed to know their own needs and requirements. A cultural change from what is in this Budget back towards a cross-cutting model would be useful, at least in part. Undoubtedly, that would lead to better outcomes.

There has been so much talk of healthcare in the context of this budgetary debate. An obvious issue is that of obesity, which was mentioned

on the radio today, and the challenges that that will bring evermore. Although obesity already is an issue, it is going to become more and more of an issue given the number of overweight and obese children and adults. That will become a huge drain on the health system and will have all sorts of other effects, not just on physical and mental health but across a stream of other activities and across society.

Obesity is an area that could ideally be addressed by a cross-cutting approach. Clearly, aspects of the problem must be addressed through healthcare, but other aspects could usefully be addressed through education and various other means. We need to move beyond offering platitudes about how government is working well and actually make government deliver better.

Having spoken about funding and funds, I will turn to the social investment fund. That is a bit of an Orwellian description, I think. People might have their own descriptions of it, but it epitomises everything that is wrong with the draft Budget that is before the public and under consideration by the House.

The working class and working families are going to be, and have been, subject to savage welfare cuts coming from the London Administration. The Minister for Social Development, Mr Attwood, who is my party colleague, has primary responsibility for tackling poverty and disadvantage here. He put forward proposals seeking £130 million to address that issue over four years. I am entirely at a loss to understand how, bearing those facts in mind, the draft Budget puts forward £20 million in one year to mitigate all the welfare hardship that will hit the poorest and most vulnerable families in this region and, at the same time, earmarks £80 million across the four-year period for a fund, the purpose of which is unclear and the criteria for which are definitely unclear. In the dying days of this shoddy public consultation process, we still do not have a page of detail about how that fund is going to work. It is very clear that communities, including many of the most impoverished nationalist and republican communities in my city and elsewhere, have real concerns that it is a slush fund, that people have already been given secret briefings about the fund, and that there is not, in fact, equality of opportunity around what is going on here.

When the moral guardians of the Alliance Party are telling us that the draft Budget is worth recommending and supporting, I find it difficult to believe how anybody with any true integrity could stand over something like this. If people are really serious about tackling extreme poverty, whether on the DUP, Sinn Féin or Alliance Benches, they should realise that neighbourhood renewal and other established programmes are the way to go about doing it.

**Mr McGlone:** For those of us who represent constituencies with ever-increasing levels of unemployment, does the Member accept that now is not the time for secretive funds to be set up for select organisations, and that now is the time for real investment in meaningful jobs to get people back into work and to ensure that the root causes of poverty are addressed by proper, meaningful and paid employment?

**Mr Callaghan:** My colleague Mr McGlone makes a valid point. What is most insidious about this so-called social investment fund, this crony slush fund, is that, ironically, it delivers elitism back into our public administration, albeit elitism designed by people who would protest to be anti-Establishment. These are the same people, in Sinn Féin and elsewhere, who would tell us that elitism and privilege cause conflict. It did, it never justified violence, but it certainly caused conflict and inequality.

**Mr Humphrey:** I am grateful to the Member for giving way. I listened to his earlier contribution, which was similar to the one that he has just made. He spoke about secretive funds and select groups being targeted for that money.

I have absolutely no idea what the Member is talking about. Perhaps he could enlighten the House. I have had meetings with your Minister, I represent an area with considerable deprivation and many interfaces, and I assure you that, from the unionist side of those divides, no secret deals are being done and no groups are being identified for money. If you know who they are, please tell us because I have no idea.

**8.30 pm**

**Mr Callaghan:** The Member could usefully have some discussions with the DUP's new-found friends in Sinn Féin because they might be in a position to tell you —

**Mr Humphrey:** I asked you.

**Mr Callaghan:** I reiterate my point: the fact is that it is a secretive business —

**Mr Humphrey:** On a point of order, Mr Speaker.

**Mr Callaghan:** I will allow the Member to intervene in one moment.

**Mr Humphrey:** It is a point of order.

**Mr Callaghan:** I have not heard the Speaker.

**Mr Speaker:** Order. Mr Humphrey wishes to make a point of order.

**Mr Humphrey:** On a point of order, Mr Speaker. The Member has twice made allegations about secret groups being targeted with money. I ask him to name those groups because, on the unionist side, they simply do not exist.

**Mr Speaker:** Order. It is really up to the Member, even after taking an intervention, to decide whether they want to respond to it.

**Mr Callaghan:** It certainly was not a point of order.

At the very least, rather than looking at this from the old zero-sum point of view, the Member should not just be concerned because of what I have said; surely he should be concerned by the very fact that, unless he knows something that I do not, he does not know what the money is for. Nobody out there in the community has been told what purpose it serves.

**Mr McGlone:** Somebody has.

**Mr Callaghan:** That is quite right.

This is not the sort of new politics that we need. It does not deliver equality. For people who supposedly espouse republican principles, Wolfe Tone would be dismayed by the proposal and James Connolly would be disgusted by it.

**Mr Speaker:** Order. I have allowed some latitude around the Bill, but we are straying far away from it. I remind all Members to try to deal with the Budget Bill and the business that is before the House.

**Mr McGlone:** There is a figure of 1798 in there.

**Mr Callaghan:** That is right. I will not confuse things by talking about 1798, 1916 or anything else, Mr Speaker.

In my constituency, another group of people who are dismayed — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Callaghan:** Before I move on to that, the Member could usefully check the Hansard report of today because a Sinn Féin Member named two entities — one in my constituency and one in West Belfast — during the debate. Perhaps he should ask her whether they have been given secret —

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

**Mr Callaghan:** I certainly will.

**Mr Humphrey:** I was in the Chamber when the Sinn Féin Member did that. I asked you about areas in unionist communities in North Belfast, which I represent. I have had meetings with the Minister for Social Development and SDLP members across the constituency, and I have no idea what you are talking about.

**Mr Callaghan:** I am happy to let the Member make his own assertion about his knowledge. The real issue is what other people know and what they are not sharing with everybody on an equal footing, but I will move on.

Another group that is dismayed by the Budget is small-business owners. I think that it was Brian Wilson who mentioned the issue of rates and the rates burden. People have a real sense of injustice because they are being crucified with exorbitant rates as they run small businesses in city centres such as Derry. Some small traders have told me that their rates bills have increased by over 250% in the past three years, when, as they see it, there is an almost unstoppable expansion of out-of-town multiple retail developments.

Those out-of-town developments do not pay rates at the same level, and they have all sorts of other advantages, such as accessibility. I endorse much of what Brian Wilson said on that point, and it would be useful to explore further what we could do to properly rebalance the rates burden so that it favours smaller traders, who are trying to keep town and city centres vibrant and alive. Perhaps some effort could be put into raising rates in out-of-town environments for large multiples in order to offset the rates burden for small traders, particularly those who invest in their properties and businesses and, more generally, in urban regeneration.

Finally, I will deal with some issues in my constituency. Pat Ramsey mentioned the huge



concern in the north-west about the radiotherapy centre at Altnagelvin, of which, Mr Speaker, you are well aware. As I said, not only is it a very important project for Derry city and the wider north-west area, on both sides of the border, but it is an essential part of future cancer care provision for everybody, from Dungloe in County Donegal to Downpatrick in County Down. If the radiotherapy centre does not go ahead, there will be serious and potentially life-threatening consequences for people across Ulster and, indeed, outside it. People in the north-west in particular, but also elsewhere, will find it extremely difficult to forgive politicians who would sacrifice a major capital project for the sake of what, in the bigger scheme of things, is quite a small revenue contribution down the line. I echo other colleagues' call that games should not be played with that issue. We need a resolution. Whether that can be reached on the basis of current arrangements or whether the Executive need to step in, there must, nevertheless, be a resolution.

I spoke about cross-cutting funds. In the past decade, in Derry and elsewhere, one of the most useful programmes — one of the few things that has actually delivered an economic stimulus and growth — has been the integrated development fund, which, although it was accessed in a number of areas, could have been bigger and made available to more areas. As a result of that fund, in Derry we have a world class robotics centre at Magee; the airport road upgrade, which could not have happened without it, is about to open; we have world class research at the C-TRIC facility at Altnagelvin; we had investment in the Faughan Valley tourism projects; and we have various other key projects that have helped to secure and create jobs. Unfortunately, the Executive decided to abolish the integrated development fund. At the time that decision was announced, I remember reading reports in the newspapers in which the deputy First Minister spelled out all the successes of the fund, including those in the Foyle constituency, when, at the same time, he was signing its death warrant. That struck me as utterly illogical, although not entirely surprising when we consider the economic competence of the Administration. It is not too late to revisit that type of idea, particularly given that we have disadvantaged areas in which particular problems could be addressed usefully.

Of course, Mr Speaker, as you very well know, being a cultured man yourself, Derry as City of

Culture is coming up in less than two years. As has been mentioned in the Chamber and elsewhere, some Departments have made bids to secure money. As far as I know, DSD is the only one to have actually secured money. Indeed, its bid may have been the only one.

Particularly people in the north-west, but those who are interested in the City of Culture as something which will contribute to regional life, the regional economy, and nationally on both scales, want that year to be the best possible. People will be shocked that no identified priority is given to it in the Budget. That is something that, again, needs to be usefully reviewed before any Budget for the next four years is set. Nobody wants the wonderful opportunity of City of Culture not to be fully seized and for our city and our region not to shine as brightly as they possibly can.

The expansion of the University of Ulster campus at Magee is, without doubt, an essential big-ticket item for the future economic prosperity of the north-west, and what is good for the economy of the north-west is good for the economy of this whole region and island. In many ways, more prescient Members will see that there is a basket of matters that we need to deliver on for the north-west over the next few years. There is, at the very least, doubt and concern about whether the current budgetary provision for employment and learning, in particular, will definitely deliver the kind of step up and added value that we need in Magee to turn Derry into the type of university city that it can be. We all know all of the arguments about how important a large third-level education institution is to ensuring prosperity over a number of years.

Over the past 40-odd hours of debate in the House, I have not once heard the Bain report mentioned, although I will grant that I have not been here all of the time. Outside Belfast in particular, many people, not least public sector workers who do long commutes in and out of the city, as well as other public transport users who share the burden of daily journeys, would like to see some movement on Bain. The Bain recommendations on public sector job decentralisation are not something that we should just leave to chance by passing a Budget for four years, locking ourselves into a framework and then, after the next election, hearing Ministers say: "There ain't no money in the Budget, guv."

We need to have better strategic approaches and planning for those types of issues, which brings me back to the point that was made by a number of Members during the debate. Not having a current Programme for Government for the whole period of the Budget when setting the Budget is a difficulty, but that is not to say that you should not try to foresee some of the issues that must be addressed and deal with them as best you can.

Mr Speaker, earlier, I mentioned 1916, and the road from Derry to Dungiven has a link to 1916. I am sure that you are waiting for this. In 2008, that road was categorised by Roads Service as being in the preparation pool. I understand that to mean that it would be completed or at least under construction within five years. We are now three years beyond that, and this Budget will take us two years beyond the end of the period of —

**Mr Speaker:** Order. We need to be careful that we do not end up discussing a full four-year Budget. That debate will happen later on, in another sitting, so let us be careful. *[Interruption.]*

Order. I agree with some of the Member's comments concerning the north-west. I agree with those all right. *[Laughter.]* However, let us be very careful. We are almost now straying into discussing a four-year Budget, so be very careful.

**8.45 pm**

**Mr Callaghan:** Is that not what we are talking about?

**Mr Speaker:** No, we are certainly not talking about that tonight. It is not about a four-year Budget.

**Mr Callaghan:** One way or the other, it is fair to say — *[Interruption.]* Do not worry; I am near the end, Mr Speaker. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Callaghan:** The fact remains that we have a Budget and we are now told that the Derry to Dungiven dualling project will not be completed or even started. Not a sod will be turned. That is not conducive to the prompt delivery of the future economic prosperity of the north-west and, again, that is a major failing and flaw in this Budget. I refer Members once again to the various alternative proposals and propositions

that we have put forward, which mean that that type of failure to deliver does not have to be a *fait accompli*. We can do things differently.

The Minister of Finance said earlier today that we have to learn how to live with the cuts imposed by London. As I said at the time, that is the wrong approach to take. That approach does not best serve our constituents and our communities, and we need to be more ambitious and aim higher than that. We need to learn how to deal with this crisis in our Budget, and there are proposals on the table. It is not too late to improve the Budget, and it is time that every party in this Chamber —

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

**Mr Callaghan:** I will.

**The Minister of Finance and Personnel:** On a point of order, Mr Speaker. If I promise him the money for the A6, the A5, the City of Culture, Altnagelvin and cross-border initiatives, will he sit down?

**Some Members:** Hear, hear.

**Mr Speaker:** Order.

**Mr Callaghan:** I will be happy to hold him to that promise. I make absolutely no apologies for speaking up for people in my constituency, and I hope that the Minister of Finance and Personnel takes on board the points that he has been listening to very attentively. Mr McCallister, did you want to intervene?

**Mr McCallister:** No, the Minister beat me to it. *[Laughter.]*

**Mr Callaghan:** I am sorry to disappoint you both. I was actually in my final sentence. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Callaghan:** It is time that we stepped up to the plate and did better.

**Mr B McCrea:** I am grateful to the Member for warming up the audience so well. Rarely have I heard such a detailed announcement. However, I will try to be brief. Mr Callaghan said that he would not be brief; he certainly did not disappoint us on that bit. During debates such as this, we sometimes want to get points across, and I want to deal with a particular issue. I do not wish to detain people for too long. However, for some clarification, I wonder

who would have said: “I do not want to be seen as pleading a special case for Northern Ireland, or saying that we should be exempt from the disciplines that exist in other parts of the United Kingdom. That is why, on the determination of the budget in Northern Ireland, I have argued that what has happened to the block grant as a result of the Barnett consequential — the Secretary of State talked about it being a good deal, but actually it is not a particularly good or bad deal; it is the kind of deal we would have expected to get, given the settlements that have been made for other Departments across the United Kingdom.”

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

**Mr B McCrea:** I will in a moment. I want to finish this little bit. I wonder who would have said: “I and my party have not joined in the siren calls to ‘resist the Tory cuts’ and to ignore what is a reality.”

That might help. I wonder who might have said that.

**Mr McCallister:** My guess is that it is probably the Minister of Finance and Personnel. I caution my colleague from Lagan Valley, considering that, before he rose to his feet, the Minister of Finance and Personnel offered him for Lisburn a city of culture, a university, a harbour and an airport if he kept his speech short. Therefore, he may not want to upset him too much.

**The Minister of Finance and Personnel:** How do you get a harbour in Lisburn? *[Laughter.]*

**Mr McCallister:** The River Lagan.

**Mr B McCrea:** Mr Speaker — *[Interruption.]*

**Mr Speaker:** Order. The Member must be heard.

**Mr B McCrea:** That is what is wrong with this place. There is no sense of can do. It is always “no we cannot”. I want a harbour for Lisburn, and I think that we should get it.

**Mr McCallister:** You have a river.

**Mr B McCrea:** We have a river, but it was nothing to do with the Minister of Finance and Personnel. That river was there before he got the job.

There is an issue, because, as certain colleagues said, it was the Minister of Finance and Personnel, Sammy Wilson, who made

those remarks at the Northern Ireland Grand Committee and continued:

*“Departments in England and in Great Britain have had certain reductions made to their budgets. As a result of the Barnett consequentials, those reductions feed through to Northern Ireland, so we have to live with those budgets.”*

I cannot understand why Members on the DUP Benches challenge the Tory cuts when the Minister of Finance and Personnel accepts them. In his words, he said that the deal was neither good nor bad and that it was a Budget that we should accept. Therefore, I cannot understand why, when I look at the health budget, it appears that per capita spending is different from England and Wales. For the first time, England will be above the per capita spend of Northern Ireland.

Furthermore, I do not understand why, when we look at the education budget, we see nothing but destruction. We have not talked about that in as much detail, but there will be redundancies. It is said that the Department of Education has the worst outcome of all Departments. I do not understand when I look at the budget for the Department for Employment and Learning and see the difficulties that it faces. When I go through all of the budget cuts, I do not understand why we seem to be worse off than other regions of the United Kingdom.

I want to deal with an issue, which I put out to Members from the DUP and Sinn Féin. To those Members who talk about resisting cuts: where were you when the votes were taken? Were you in the Chamber or were you in Westminster? *[Interruption.]*

**Mr Speaker:** Order.

**Mr B McCrea:** I am quite happy to take interventions from anyone who wants to bring it on now. Let us just see what you have got, or you can sit there and cower on the Back Benches, because we will expose your —

**Mr Speaker:** Order. The Member should not point. The Member can point at me if he wants.

**Mr B McCrea:** Thank you. I appreciate that direction, Mr Speaker.

Why, on 7 June 2010, did the DUP vote with the Conservatives to defeat an Opposition amendment criticising the Liberal and

Conservative Programme for Government? If the DUP was so set against the Tory Programme for Government, why did it defend those plans? On 8 June, the DUP voted with the Conservatives to defeat an Opposition amendment to the Queen's Speech. That amendment would have registered a protest on Conservative plans for the economy. If the DUP was so against the Government's plans, why did it defend them? On 7 July, the DUP voted with the Conservatives to oppose an Opposition motion that noted concerns over the emergency Budget.

When I hear all the tripe about opposition to Tory cuts, it shows me that the DUP says one thing in another place and another thing here. Although I am not talking about anyone in particular, it seems to me that we are not speaking with any form of clarity on the matter.

**Mr McLaughlin:** Had the Ulster Unionist Party been fortunate enough to have had anyone elected at the previous Westminster election, would the Member's party have gone into the Lobby with the Tories to vote to impose those cuts?

**Mr B McCrea:** I am interested in that point, with which I agree. *[Interruption.]*

**Mr Speaker:** Order. Let the Member be heard.

**Mr B McCrea:** Thank you, Mr Speaker. I agree that we face a serious financial reality. The Finance Minister said that for every £4 that we spend in the United Kingdom, we borrow £1. That is not sustainable. We have to do something about it. *[Interruption.]* I am happy if other Members wish to intervene and stand up and be heard. I do not know whether Members can hear with clarity what I am saying. For every £4 that we spend, we borrow £1. That is not sustainable. We will have to find ways of making cuts and efficiencies. *[Interruption.]* Is there a problem with the word "cuts"? People here shy away from doing what has to be done, and I do not like that. We need open, transparent and real debate.

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

**Mr B McCrea:** No, I will not give way. *[Interruption.]*

**Mr Speaker:** Order, order.

**Mr B McCrea:** Mr Speaker, I will gladly give way.

**Mr Weir:** With reference to the last question, can we take that as a yes?

**Mr B McCrea:** I thought that I was going to be savaged, but it was more of a limp-wristed effort. This party criticises others for doing exactly what it says. The DUP voted with the Conservative Party when it had the opportunity not to do so. That is the real issue. If you want to talk about serious Programmes for Government, you need inclusive debate. You need to ensure that you extract the details and can make real decisions. The problem with the draft Budget in all its guises is that it is rushed and light on detail. We do not know what the implications are. Therefore, we cannot make decisions on it.

It is a candyfloss draft Budget: pink, sickly and fluffy. I expect that we will start making the hard decisions after 5 May. This is a draft Budget to get certain parties through an election; it is not a draft Budget for the people of Northern Ireland. *[Interruption.]*

**Mr Speaker:** Order, order.

**Mr B McCrea:** I am happy to take interventions.

**Mrs Foster:** Is it not the case that the two Ministries held by the Member's party have not provided the detail, so it is those Ministers who have been light on detail and not those from other parties?

**Mr B McCrea:** I am glad that I initiated some dialogue on that matter because I have difficulties with the details that have come through on the education budget. There are other budgets, and the point that I think —

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

**Mr B McCrea:** Yes.

**Mr Storey:** I thank the Member for giving way. Earlier, the Member seemed to assert that the issue with education was the result of some deal between us and Sinn Féin. He tried to make the assertion that he had been kept out and that he was not aware of all that was going on. I challenge the Member to tell the House if, at any time when I had anything to do with education, I excluded him. Was there ever a situation about which I did not keep him informed? Will he clarify the situation, or was he just trying to score cheap political points to try to get through the election because he knows that that will be a big task for him and his party.



**Mr Speaker:** Please address your remarks through the Chair.

**Mr B McCrea:** It is hard to prove a negative.

**Mr Speaker:** Order, order. Allow the Member to be heard.

**Mr B McCrea:** In conclusion, the issue with the draft Budget is that there seem to be a number of individual budgets.

I support collective discussion, openness and transparency. The issue comes down to the Programme for Government. I would like to find a way to do what is right for all the people of Northern Ireland. On that basis, I will rest my case.

**9.00 pm**

**Ms Lo:** Members will all be delighted to hear that I am the last person to speak in the debate before the Minister. I promise that I will be brief — and I mean brief.

As Stephen Farry, my party colleague, has already given the Alliance Party's general response, I will just mention briefly a couple of points on the DSD draft budget. I am concerned about the social housing development programme. Its budget allocation allows for only around 4,000 new homes to be built in the next four years. In 2010-11, we hope to build nearly 2,000 new homes. In 2007, the Semple review recommended that we build 2,000 homes a year over five years to address the housing shortage. Therefore, the draft budget's plan to build 1,000 new homes a year nowhere near meets the demand for housing that exists now, with more than 30,000 people on the Housing Executive's waiting list.

The draft budget's anticipated capital receipts for land and house sales each year for the next four years is about £100 million per annum. Is that realistic, given that, in 2009-10, receipts were only £18 million against a baseline of £69 million and, in 2010-11, the forecast is only £2.2 million against a baseline of £13 million? It is, obviously, a far cry from the expectation of realising £100 million a year for the next four years.

It appears that any extra funding for housing depends on the idea of getting contributions from housing association reserves. Minister Wilson suggested that £20 million per annum could be obtained in that way. I feel very sorry

for the Minister. He has been sitting there for two whole days listening to all of us gurning about the Budget. However, he suggested an amount of £20 million a year, which is £80 million in total over the four years. While I accept that there is, perhaps, scope to make better use of housing association reserves, how realistic is it that we will get that money? Minister Attwood said that the £80 million is an arbitrary figure that was produced without consultation.

The Northern Ireland Federation of Housing Associations maintains that reserves are for maintenance of homes during their entire economic life. They are for paying back loans and safeguarding against future risk. Housing associations are charities. They are independent of the Government, who have no legal power to extract reserves from them. In a recent e-mail to us, housing associations offered to take a 5% cut on the housing associations' grant over the next four years, which will give us £15 million. However, obviously, that is well short of the £80 million that has been mentioned. Therefore, if the projected capital receipts are not realised and housing associations' contributions are far less than the anticipated £80 million, the social housing programme could have a serious shortfall over the next four years, similar to that which we faced over the past four years.

**The Minister of Finance and Personnel:** At this stage, I suppose that I could make everybody happy by saying that we had this debate last night and I gave my answer then, so thank you very much and goodnight. I will not. I have no intention of doing so. However, I thank Members. Considering that Members gave up romantic evenings with their loved ones last night, I thought that nobody would want to say anything in this debate today. However, I had forgotten that some Members did sneak off last night and had their candlelit dinners, and they have come in today to go through the whole procedure. We have been here since 10.00 am. We will try to do a 12-hour stint. Let us see what happens.

It has been a wide-ranging debate. I think that some Members have not understood what the debate is about. The Member for South Belfast Conall McDevitt does a lovely line in patronising Members. In fact, he did about an hour and a half of it during the debate. If he is going to patronise us, I would love to think that he would at least get his facts right before doing

so. I want to put my comments in the context of what the debate is about. He started off by saying that, had there been a more collegiate approach, had the Executive listened to the SDLP and had we read both versions of its tedious documents — the one from 18 months ago and the one from —

**Mrs Foster:** 1916.

**The Minister of Finance and Personnel:** Yes; 1916. Had that happened, we would have had no need for accelerated passage of the Budget Bill, because we would have had a Budget Bill well prepared in advance, and we could have been working at it from September. I do not know whether he listened to what I said at the start of the debate. Clearly his party leader did. She was on-message, but he was not. Let me remind Members what the Budget Bill that we have been talking about all day is about: it is giving us the legal authority to spend the cash that we used over 2010-11. That cash altered right up until the February monitoring round. The Bill will also give us the ability to spend the cash, which was voted through on the Vote on Account, for the first number of months in the next year, so that we have continuity. Given that we had reallocations of money right up until the February monitoring round, how could we possibly have had this Budget Bill done and dusted and through Committee and everything else in September? Mr McDevitt got lots of other things wrong. I want to come to those later, because there were so many. I want to put it on record that that is what the debate and the Budget Bill are about.

The fact that the Bill is going through by accelerated passage is not a sign of failure. I know that the Member is looking for all kinds of failures. Indeed, that is all we have heard all day from the SDLP. It is not a sign of failure by the Executive if they agree something. At this stage, we have to get the Bill through quickly for it to get Royal Assent, so that we can spend the money next year. I will do a bit of patronising now, Mr Speaker. Now that the Member has got a lesson in that, he will not repeat the same mistake the next time.

**Mr Storey:** I would not bet on it. It is the SDLP that you are talking about.

**The Minister of Finance and Personnel:** I would not bet on it either. I will go through some of the points that have been raised by Members during the day.

Mr McKay, the Chairperson of the Finance and Personnel Committee, raised a number of issues. I will deal with some of those points. The first that he raised was the fact that he would like to see more fiscal powers devolved to the Assembly. I think that Mr McLaughlin and others also raised that point. Indeed, the Chairperson of the Committee, Mr O'Dowd and other Sinn Féin Members talked about how we have to shake ourselves free of the British Exchequer and of Britain's control of our budgets. I know that Sinn Féin Members may have their republican ideals and everything else. However, I have to say to them that, at a time when we have a deficit in public spending of £7.5 billion and not much chance of closing that from local revenues, wanting to break free of what they call the shackles of fiscal chains from Westminster is a very dangerous road to go down. First, as a unionist, I would certainly not want to go down that route, and, secondly, as Finance Minister, I would warn against it for people in Northern Ireland.

The deficit is likely to get larger as we go through this Budget period. Simply having tax powers devolved to Northern Ireland is one thing, but we need to ask what taxes we would raise to fill that deficit. Through the discussions on corporation tax, we know that there will always be a bill attached to it and that it is not always likely to be in our favour. That brings me to the point that the Member raised about corporation tax. Whether we should reduce our corporation tax is an important strategic issue that we have had to discuss in the Executive and the Assembly. My view is very clear, and I have made it clear time and time again. Despite the eagerness of the Secretary of State to rush us into that, I think that, as an Assembly, we need to be careful. We need to examine the price tag and other options closely. I know that the Minister of Enterprise, Trade and Investment has suggested many other things that ought to be included in any document that deals with rebalancing the economy and that may focus the allowances and reductions in corporation tax without leaving us with the same tax bill as Westminster would impose on us. Of course, not only do we need to look at that, but we need to look at phasing it in, at the costs of that if we do it over a period of time and at an early engagement with the European Commission. Before we go down that route, we have to make explicit what the benefits and costs are going to be. Anybody would expect that from any

responsible politician. To date, we do not have that information available to us.

Mr McKay and a number of other Members raised the issue of the Altnagelvin radiotherapy unit. That raises an important issue for the Assembly, and it throws the ball back into the Health Minister's court. That is because, depending on what audience he has been speaking to, over the Budget period, the Health Minister has had different priorities for the capital budget for health. Whenever he goes to Dundonald hospital, that has the priority, because there is a sewer or something running through the middle of a building. However, whenever he goes to the Royal, that has the priority, and whenever he goes to Londonderry, Altnagelvin has the priority.

The Minister may tell me, as Finance Minister, that he has a priority and that he wants it included in his capital budget. If it is a priority, he has to find the money for it within his revenue budget. People cannot say that something is a priority in their capital budget and then, when they get the money, say that, by the way, they have not planned for how they are going to run it. In the case of Altnagelvin, of course, we must remember the important point that we also have the contribution from the Government in the Irish Republic, not just for the capital costs but for the running costs. That relates to the point that Mr Farry made, and I will be a bit more explicit about that later on.

### 9.15 pm

As a unionist, I have no difficulty with the idea of the Executive co-operating with the Government in the Republic to look at how we can share facilities. Of course we will look at that if it makes economic sense and improves services for people along a land border. It is particularly galling that the Health Minister says, first, that that is a priority and, secondly, that he has some finance available from the Republic for the capital and running costs and then says, "By the way, I have not made it a priority in my current spending". Maybe that is part of the dysfunction that we see with health spending.

Lord Morrow asked whether Barnett consequential applied to the Department of Justice even though its budget is ring-fenced. The answer is yes. The whole point of ring-fencing the Department of Justice budget and keeping it separate from our own Budget was that, in doing so, the Government at

Westminster were then obliged to give us a package of measures that included access to the contingency fund, protection for EYF and money for some of the compensation claims — hearing loss etc.

The SDLP plays a dangerous game when it says, "Let's interfere with that ring-fencing. Let's take £7 million from the Department of Justice". In doing so, they open the door for the Treasury to say, "Well, if you believe that you have sufficient money to go into the Department of Justice budget and to take money out of it, then you do not need the money that we have promised". There again, we see the kind of shallow thinking contained in what is supposed to be a well-thought-out policy and amendment that the SDLP brought to the House.

Mr Morrow also raised the issue of the contingency fund and whether the Department of Justice and the police could have access to it not on a yearly basis but on a committed basis for the next four years. The police made a very good argument for that. They said that as far as they are concerned there is a threat. It is agreed nationally that there is a threat. The security services say that there is a threat. The security services have been financed for that threat. The police are saying, "Look, rather than have year-on-year applications to that contingency fund, if we had access to it for the four years that would enable us to plan and spend the money in a better way". That is the debate that we have been having with the Treasury. All I can say to Lord Morrow about that is that my officials, in contact with Treasury officials, have made very good progress on that issue, and we look forward to a positive outcome for the case that has been made.

Lord Morrow and other Members, including, I think, Mr McGlone, raised the issue of Desertcreat and asked whether it would go ahead. The capital funds are there. There is a dispute in that the Fire and Rescue Service element has not been settled with the Health Minister. I support what a lot of Members said about having a collegiate approach to the Budget. There is a failure to approach in a collegiate way even a simple matter such as that, even when the Health Minister knows that it makes sense.

We have training facilities that are totally inadequate and a training budget for the Fire and Rescue Service that is there anyway and

could probably be spent much more effectively in the purpose-built, up-to-date training facility that will be available at Desertcreat. Yet what do we get from the Health Minister? That money is available for the capital spend, but he is not prepared to supply the running costs. However, the running costs are already incorporated into his budget. How are Fire and Rescue Service personnel currently trained? Where does the money for that training go?

There are probably economies to be had from having all the training in one place. If the Health Minister were thinking ahead, he would be looking at the prime site occupied by the Fire and Rescue Service on the Boucher Road. That should not be used for dealing with car crashes, burning fires and parking fire engines; it is a prime retail site. Surely to goodness, looking ahead, a capital receipt could be had from that. What do we have next door to that? We have Health Service warehousing — in the middle of a prime retail site. So, with a bit of forward thinking, there are opportunities to make savings, to gain capital receipts and to have proper training services for the Fire and Rescue Service.

Lord Morrow also raised the issue of the PSNI hearing loss claims. He said that he understood that the money for those claims had to come from the Executive. That was never the case; the cost was always to come from the police budget, which was financed for that purpose. The first £12 million is paid from the DOJ budget, and any claim after that is paid for by the Treasury. In 2010-11, there was a claim for £23 million, with £12 million paid by the Department of Justice and £11 million paid by the Treasury.

I now come to Mr Beggs and his points. He and a number of other Members raised the issue of funding to the Young Farmers' Clubs of Ulster. That issue needs to be taken up with the Minister of Agriculture and Rural Development. Given the amount of money involved and the fact that there is a lot of community return on it, I would have thought that something could be found in the DARD budget.

The Member also raised the issue of DARD headquarters moving and the fact that £16 million of capital had been allocated for it in the budget. As far as we are concerned, DFP has responsibility for estate management across the Northern Ireland Civil Service, and I would

expect the Agriculture Minister to be in contact with me first. If there were then a transfer of funding to DFP for the moving of DARD headquarters, a business case would have to be made, and only then would a judgement be made. That would be a call on the DARD budget.

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

Mr Beggs also raised the A5 and A2 roads projects and expressed some scepticism on whether the money being spent on the A5 was best spent given its usage. It is up to the Minister for Regional Development to prioritise those projects, and he has made the A5 a priority. There is £274 million coming from Dublin for the project, and the construction industry in Northern Ireland has welcomed that as an additional capital injection into Northern Ireland. However, there will be a public inquiry into the project, which will start in May. There will also be uncertainty about the budgetary arrangements after the election in the Irish Republic. That will have to be kept under review. Obviously, if the money from the Republic were not made available, given the size of the project, it could not be financed through the Northern Ireland Budget alone, and there would have to be a reassessment of the priorities.

Mr Beggs also raised the issue of improvements to the A2 at Greenisland. To date, £16 million has been invested in that project, so a considerable amount of public money has already gone into it. He and I share an interest in that project.

In the capital allocation to the Department for Regional Development, £24.4 million has been made available for next year, £22.5 million has been made available for 2012, and £8.2 million has been made available for 2013-14. However, I have to give a health warning again because, although the money is included in the capital budget, the priorities are set by the Minister for Regional Development. There again, lobbying is important, if Members wish those projects to be brought forward.

The Member also raised the issue of health funding in East Antrim and health centres in particular. I think that he is best placed to talk to the Health Minister. I hope he talks to his own colleagues more than he talks to me. There are good reasons to look at the health infrastructure in Northern Ireland, and small health centres could complement a smaller number of regional acute hospitals. That is



probably the way in which the health estate should go, yet, at a time when restructuring is needed and the Health Minister has been made aware that considerable savings can be made from that restructuring, it surprises me that that he wants to take money out of the capital side of his budget and put it into current expenditure. He should perhaps consider using some of his capital to restructure and make certain savings as a result.

Mr Beggs and a number of other Members raised the issue of job losses in the Health Service. We have been told that there will be 4,000 job losses, and I am annoyed at the way that that figure was thrown into the air. When challenged on that, the Health Minister said that it was a rough estimate. I suspect that he looked at his budget, estimated what the reduction in that budget would be, divided that by the cost of each nurse and came to the figure of 4,000 redundancies, despite the fact that he could make many other efficiencies. That figure might make a good headline for the Minister, but it ignores the fact that many of those who work in the Health Service are left wondering where they stand and whether their job is safe. That creates fear and uncertainty for which there is no need. When it comes to cuts, Ministers must be mindful of the impact that they have on people. It is easy to throw these things out. They may make good headlines, may start good discussions and may create a bit of leverage in their budgets, but it shows no consideration for those who are impacted by the bad news that comes from those statements, whether they are truthful or not.

We then came to the very long contribution by Mr McDevitt. We have all these sayings now like “White is the new black” and “An Astra is the new Mercedes”, and I think that Conall McDevitt is the new Declan O’Loan. He can certainly match his party colleague in the time that he can take up on the Floor. He started off with a misunderstanding of what the Budget Bill is about and then went on to show that he misunderstood many other things in the draft Budget. Last night, I accused the SDLP of engaging in a kind of fiscal feeding of the 5,000. That party seemed to suggest that it could cut £22.1 million from departmental budgets, and, with that, finance student fees, the Health Service, poverty, tourism etc. Brandishing his document, Mr McDevitt has tried to turn water into wine. *[Interruption.]*

It was “whine” with an h; the Member is absolutely right.

I want to go over some of the things that Mr McDevitt said. His first criticism of the draft Budget was that it lacked imagination, yet some of the things that he said stretched my imagination to the point that I felt that I was almost in a fantasy world. According to Mr McDevitt, the SDLP has published a cunning plan that will sort out all our troubles, fill the £4,000 million gap that has been left in our Budget and leave us with nothing to worry about.

### 9.30 pm

One has to look at some of the things that Mr McDevitt claimed. First, according to him, he has all these revenue streams in the Budget. He claimed that we can raise money. He talked about the mutualisation of water and how, if the water service were mutualised, we would not have to have water charges. He said that we could also have bonds — peace bonds or cross-community bonds — and could borrow £600 million a year. When Mr Farry challenged him on that, he said that it could not be done under Treasury rules at present, but that we will go to the Treasury with a special case: a special case for water; a special case for bonds; and a special case for borrowing. The whole point is that we got into this problem because we had too much borrowing. The Government are trying to cut borrowing. Is it likely that they will make a special case for a whole range of SDLP fantasy methods of raising revenue?

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

**The Minister of Finance and Personnel:** I will give way in a moment or two.

According to Mr McDevitt, it should be easy because we got a £175 million borrowing arrangement for the PMS. Arlene Foster, Peter Robinson and Martin McGuinness could tell us just how hard it was to get that from the Treasury. It came after one and a half years of negotiation with the Treasury for one specific issue that will not be repeated. Nevertheless, Mr McDevitt thinks that we can raise hundreds of millions of pounds and go with special case after special case and that the Treasury will somehow exempt Northern Ireland from the public expenditure rules. I do not think so. That is the first hole in the £4,000 million that the SDLP is supposed to be providing for us.

**Mr McDevitt:** I appreciate the fact that the Minister has given way, and I thank him for his earlier clarification. He undoubtedly remains a very good teacher, and perhaps that is where his true vocation lies.

Will the Minister address the very large hole in the proposed revenue streams in the Budget? His departmental officials are saying that we cannot claim the £807 million that we are trying to claim. We are looking at something more like £262 million. Rather than critiquing the SDLP's revenue proposals, perhaps he can clarify why there is such a large hole already in his own revenue proposals and what consequences he believes that will have for our Budget.

**The Minister of Finance and Personnel:** There is not a hole in our revenue proposals. Let us look at our revenue proposals. First, we have an increase in the regional rate, and that increase will deliver. We can calculate the amount of money that will come from that. We have a sure one there. I will come to Mr Callaghan's contribution later; even the SDLP is not sure about its proposals on the regional rate. After listening to Mr Callaghan, we can identify another hole in the SDLP's proposals.

Secondly, we have revenue from Departments from the assets that they have identified and intend to sell. They are surplus to requirements and amount to £400 million. Those assets have not yet been sold, but Departments have identified that they are available for sale. We have no reason to overstate their price, because spending proposals will be based on their value.

According to Mr McDevitt, we have got ourselves into an interesting hole, in that we have identified assets — buildings and so on — worth £100 million that will go for sale and leaseback. If Mr McDevitt is saying that that is not a very secure source of revenue, perhaps he should read his own document, which predicts not that we could get £100 million from that source but £250 million. I have read his document more than he has. If that is the case, either the SDLP has overstated it, or it bears out the argument that I have making all along, which is that we have been prudent in the figures that we have put into the document. We have underestimated it, because I do not want to find, at the end of this period, that we have put stuff into the document that should not have been there or was not realisable. That is one of the reasons why that figure is reduced to that level.

The other source is where we have changed from current spending to capital spending. There is £252 million there. That is what the Executive have voted for. Some Ministers have said that they wish to reverse it. If that is the case, the figure will be changed, but only with the assent of the Executive and the Assembly. So there will be debate and discussion about that, and Ministers may make a case for change. I would prefer them not to, but, if they make that case, it must be changed only after due consideration has been given.

The other issue has been the income from the Port of Belfast, which is far, far less than the SDLP suggests in its document. Talk about double counting: the SDLP is not only going to get a dividend from the Port of Belfast, it will sell it. How they will sell it and get a dividend, I am not sure. We get either a capital receipt or a dividend. However, we have the best of both worlds with the SDLP I might want to discuss that with SDLP Members. How can I persuade the port to go into private ownership and then, on top of that, give us a dividend back so that we get a capital receipt and a revenue stream from it? Perhaps I can get an explanation of that later. Rather than talk about holes in our capital budget, if the SDLP is so good at identifying holes in budgets, how come this document got past the beady eye of Mr McDevitt? I do not understand that.

I have listened all day to how the SDLP could have solved all our problems for us. I have highlighted only a couple of the things that it has suggested. Let us take another one: the SDLP says that the sale of the airport at Londonderry could bring in £37 million. Maybe the SDLP is better at these things than we are, but we have just given Londonderry council £8.6 million for the airport because it runs at a deficit. The council could not afford to pay for the health and safety improvements. It predicts that the airport will run at a deficit for the next number of years, but it is prepared to take on that deficit. Here is an airport that will run at a deficit, but someone will pay £37 million for it. Again, I would like to know how that kind of figure is brought about.

**Mr McDevitt:** Those are two interesting points, and I appreciate the Minister giving me the opportunity to clarify them. If the Minister reads our paper, he will see that the Port of Belfast is landlord of a very large area that is not currently used for port services. The land is sitting there.

It can be disposed of, and there will still be a very profitable port doing port business. We can continue to take a dividend off that port. So it is not a question of either/or; we can do both.

As to the port and airport at Derry, I refer the Minister to page 47 in the paper, where he will see that it is not just City of Derry Airport, but the airport and the port. You must look at them as a package, which is an entirely different proposition to the one he very correctly identified in his remarks.

**The Minister of Finance and Personnel:** Well, I mean —

**Mrs Foster:** I thank the Minister for giving way. Would he care to comment on the fact that the Port of Belfast has just recently been able to secure a £40 million investment by a company in the renewable energy sphere solely because it has that land to offer that company, thereby bringing £40 million into the city of Belfast and into Northern Ireland?

**The Minister of Finance and Personnel:** I am glad that the Minister of Enterprise, Trade and Investment raised that issue, because it is exactly the point that I wanted to make. The Port of Belfast has other projects in the pipeline, but it believes that the land that the SDLP wants to sell off can be used to create jobs and bring in extra revenue and, therefore, is valuable for the future.

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

**The Minister of Finance and Personnel:** Let me move on for a minute.

I was interested in the exchange of views. It is not for me to get involved in the row between the SDLP and Sinn Féin. I agree with and support the SDLP on this matter, because I am glad that it is moving away from the old left-wing rhetoric that it used to get involved in. There was an interesting exchange between Mr McDevitt and Mr O'Dowd on whether the SDLP supported privatisation. Of course, the argument was that the SDLP did not support privatisation except, maybe, for one or two little examples. I welcome the SDLP's move to the right. However, let us look at the document and the kind of privatisation that the SDLP wants to have. It wants to privatise car parks. Mr McDevitt explained that it was far better to put car parks in the private sector. The SDLP wants to privatise MOT centres, forests and the

headquarters of the Northern Ireland Housing Executive. It wants to privatise parts of the Port of Belfast, the Speaker's house, allotments and rate collections. I have it all noted down; well, those are probably a good enough start.

The SDLP is the party of privatisation, but, in fact, Mr O'Dowd hit only the tip of the iceberg. I am quite happy that the SDLP wants to move in that direction. Where there are assets that can be sold, of course we want to sell them. However, whether it likes to admit it or not, it is important to recognise that the SDLP wants to privatise the water service. Let me make this clear: if we are going to raise money for the capital required by the water service, an income stream guaranteed by the Government is not sufficient to escape Treasury rules. It must be an independent revenue stream, and the only one available is water charges. Let us not run away from the issue. If that is the route that the SDLP wants to go down, that is fine, but it should at least be honest about that.

The one comment that I have heard from the SDLP all day — I am nauseated by it — is that we need transparency. However, every time we try to nail down the SDLP on exactly what it means or where it is going, it wriggles away. I will come to transparency in a minute or two when I talk about Mr Callaghan. He is the most opaque of them all. I do not recall whether I was sleeping at the time. If we want transparency, let us be honest about the route that we are going down. The SDLP is the party of privatisation, and maybe that is a good step forward. However, in its conflict with Sinn Féin, the SDLP cannot pretend that it is more left-wing. The SDLP cannot pretend that other parties are Tories and it is swathed in the red flag to protect the workers' rights and so on. It is not the green SDLP that is hidden in its document; it is the blue SDLP. Its Members sit on the blue Benches, and that has done them a world of good.

**Mr McDevitt:** I never thought that the Minister would be so interested in and excited about an SDLP document. He is an economist of a certain generation who was taught a certain type of economics. We could debate the issue in and out all night, but the fact is that mutualisation guarantees that Northern Ireland Water will never be privatised because it puts it in the hands of the people of Northern Ireland.

The Minister may find it difficult to conceptualise that. He is from a generation that does not

exactly find co-operativism the currency of the day. His suggestion that there is a Treasury embargo or prevention on being able to treat a constant and guaranteed public revenue stream as a secure form of funding shows that he does not really know too much about bond markets. Bond markets do not care where the money comes from as long as it is guaranteed, which is what our proposal does.

**9.45 pm**

**The Minister of Finance and Personnel:** I just hope —

**Mr Deputy Speaker:** I remind all Members that interventions should be short and to the point.

**The Minister of Finance and Personnel:** Absolutely. Thank you, Mr Deputy Speaker. I hope that the Member has equality-proofed his last comment, because there was a touch of ageism in it. He said that I was of a certain generation. The SDLP is a party that talks about equality, the Equality Commission and everything else. If the Equality Commission looks at those remarks, he will be getting a visit from someone tomorrow morning.

I am interested in the way in which the SDLP has addressed this issue. It has talked about our proposals being vague, but the amendment that it proposed to the Budget last night could not have been any more vague. The SDLP has talked about our proposals being full of holes. However, having gone through the SDLP document, we have seen the holes in it at both a high and shallow level. In fact, the SDLP now denies even some its own proposals. In an earlier intervention, Mrs Kelly talked about the proposal to protect jobs first through a recruitment freeze and then a pay freeze. Her view was that, if we are not recruiting people, no new jobs will be created. Then, by Jove, what did I find when I turned to the SDLP document? The SDLP suggests that a way of saving jobs may be through a recruitment freeze and, indeed, that another way of saving jobs might be through a pay freeze. The SDLP now denies even its own document.

In an intervention on a Sinn Féin Member's speech, Mr McDevitt talked about the fact that we are hoping to put money into the capital budget by taking £20 million from the housing associations. That, according to him, is a ridiculous idea. I wonder where that idea came from. As I turn the page of this document, I see

that, in year 1 and year 2, the SDLP would get extra finance for the capital budget by taking — how much and from whom? — £20 million from the housing associations. The SDLP denies even its own document.

I like the one about planning gain/developer contributions, which amount to a sizeable £120 million over the four years of the Budget. What does the SDLP say? It says that the Department of the Environment has now folded on the consideration of developer contributions. The SDLP document states:

*"We believe however that it is important that a developer contribution is on the statute book ready for application when the economic strictures around the construction sector begin to ease."*

Nearly every SDLP Member talked about the dire straits that the construction sector is in and the fact that we need to find more money to put into the construction sector to retain employment. Those Members said that we may even go into a double-dip recession because of the Tory cuts and this inept Budget. Indeed, according to the SDLP, it is not a recession but a depression. I would have thought, therefore, that it would not be possible to get any developer contributions and that it would just be on the statute book. It is not on the statute book; it is in the Budget — £120 million. Either the situation is so constricted for the construction industry that we cannot get that sum because we are in a recession, or the situation has improved before we have got the Budget agreed and we can get £120 million. Maybe the SDLP will explain whether it is on the statute book or is real money in the Budget. If it is the latter, we have a bit of a hole. Maybe Mr O'Loan will make a better stab at explaining the SDLP's document than Mr McDevitt did. Let us hear him.

**Mr O'Loan:** I am delighted with the attention that the SDLP document is getting from the Finance Minister. His party colleagues are getting a tutorial in useful economics. I hope that the Minister will continue with that; he has obviously had his officials look closely at the document. Between now and the presentation of the final Budget and thereafter across the four-year period, I hope that he will continue to look at those proposals and have them examined by his officials and tested and modified, if necessary. I am perfectly comfortable with that. What the Minister is actually presenting is that there is real substance in the proposals that



will significantly benefit the Executive and the people whom we represent.

The particular proposal is no different to the Minister's presentation on Belfast port, in which he said that we will need legislation but that in future years we can bring that forward. It is sensible to put the matter of a developer contribution on the statute book. We hope that the economic situation will be such that the benefit will be realised before the end of the four-year period.

**The Minister of Finance and Personnel:** I listened to the explanation, but that is not what his document says. Read your document, for goodness' sake. At least I had the decency to read through it. This is not a case of saying that, at least by the end of the four-year period, we might be able to get some developer contributions. In year 1, you are going to get £20 million; in year 2, you are going to get £30 million; in year 3, you are going to get £30 million; and in year 4, you are going to get £40 million. At least we now have an admission that there is a £120 million hole. Mr O'Loan is saying that we should put it on the statute book and that, maybe by the end of the four years, we can get some money out of it. Well, that is not what the document says; it says that you will get it from the very first year. That is yet another example of a hole.

I think that we have got up to £4 for this Budget contribution rather than £4 million. I could keep going through the document, but I want to move on to one final point. I really like this one. SDLP Members were lining themselves up to be holier-than-thou on the issue of student fees, saying that they had nothing to do with it. I am not too sure whether Mr Callaghan — is he from Londonderry?

**Some Members:** Yes.

**The Minister of Finance and Personnel:** I do not know whether his name is Pól Callaghan or Pol Pot, but, if the latter rewrote the history of Cambodia, Mr Callaghan is trying to rewrite the history of the SDLP — in other words, the SDLP had nothing to do with students who are paying fees. I have a BBC news report from 21 November 2000. You can never trust the BBC, Mr Deputy Speaker, so, in case the BBC got it wrong, I also have the 'Times Higher Education Supplement', which you can probably trust a bit more. What about the Hansard report from this place? Maybe you can trust that even more. I

found that there was a move by the Committee for Higher and Further Education, Training and Employment to have the decision of the Labour Government reversed. That was at a time when our Budgets were being increased by between 6% and 8% on a regular basis as a result of very generous spending by the Labour Party.

What did the then SDLP Minister do? He refused to accept the recommendation of the Committee and the vote of the Assembly. He said that he could not do so because it would cost £35 million and he did not have that money in the budget. He was getting a rising contribution from Westminster, and yet he could not do that. The SDLP's John Dallat, however, said that it would not matter because the experience in the Republic was that it did not affect even the less well-off, so they could go ahead and do it safely.

That party is now attacking something that has not even happened yet. It is putting down a marker that, if we do not find £40 million or £60 million for the DEL budget, the Assembly will have yet again failed the students of Northern Ireland. However, we know that the SDLP did differently when it was in a similar position. We have had that time and time again in this debate, but Ministers and parties really have to take responsibility. Members cannot poke at other parties and say that they should not be doing this or that simply because their party does not have the portfolio. It appears, once again, that the SDLP —

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

**The Minister of Finance and Personnel:** I will give way in a moment or two. I am sure that the Member will maybe want to rejig the words that he said earlier.

The SDLP cannot have it both ways. On the one hand, we have got the reduction in the block grant, and that is set against the background of a falling budget and severe difficulties. The £22.1 million of savings that the SDLP identified last night will not fill the hole for student finance let alone all the other things that it wants to use that for. The Assembly will have to make hard decisions. The SDLP cannot run away from that or try to rewrite history to say that it had no responsibility for the introduction of student fees. Neither can it simply wash its hands of the Barnett consequential that the Assembly faces as a result of a decision made at Westminster.

**Mr Callaghan:** I thank the Minister for giving way. He has made fairly serious claims about my rewriting history and various other things. First, what his DUP colleagues, including Mr Bell — it would not be the first time that Mr Bell got his facts wrong in the Chamber, as I have learned very quickly — have said and what you just repeated is that the SDLP said — *[Interruption.]*

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

**Mr Callaghan:** Sorry, a LeasCheann Comhairle. Up until now, the DUP and the Minister have been claiming that the SDLP had nothing to do, is denying — *[Interruption.]* They are claiming that the SDLP denies that it had anything to do with the introduction of tuition fees in the North of Ireland. That is absolutely a historical fact. I have not rewritten any history. The Minister quoted TES. Anyone who goes to the TES website will find that among the challenges that, it says, Sean Farren faced when he was appointed Minister — so, obviously, it was referring to things that happened before he became Minister — was what to do about tuition fees and student finance in the form of grants.

I note that the Minister has not mentioned the fact that Sean Farren was actually the Minister who reintroduced bursaries for the most disadvantaged students in the North, but, by all accounts, amnesia is not a crime in this Chamber. The Minister is trying to throw dirt around about tuition fees to see where it sticks. The Minister is arguing that Sean Farren is guilty of something. On the same terms, he is not arguing for the abolition of all tuition fees in this Budget — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Callaghan:** So, what is good for the goose —

**Mr Deputy Speaker:** Order. Resume your seats. The Minister gave way, so Mr Callaghan has the Floor. The Minister cannot take the Floor back until Mr Callaghan sits down, so Mr Callaghan has the Floor.

**10.00 pm**

**Mr Callaghan:** Go raibh maith agat as a ucht sin, a LeasCheann Comhairle. I think that the Minister of Finance and Personnel would do very well to bear in mind — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Callaghan:** The Minister would do well to bear in mind what has actually happened over the past decade. When Seán Farren and the SDLP were in charge of the university sector here —

**Mr Spratt:** On a point of order, Mr Deputy Speaker. Should an intervention not be short, rather than a speech to the House?

**Mr Deputy Speaker:** I have said that on a number of different occasions. I asked Mr Callaghan to make his intervention short. However, he still has the Floor.

**Mr Callaghan:** Thank you, a LeasCheann Comhairle.

The bigger point is that, when Seán Farren was Minister, there was record investment in the universities here, numbers were growing and research was increasing. The Minister is presiding over a retrograde track in higher education here, and he will continue to do so. *[Interruption.]*

**Mr Deputy Speaker:** Order. There is a good reason why interventions should be short, and it is that we get too many interruptions. I also ask the Minister to keep it short.

**Mr McCallister:** Although it did clarify the situation.

**The Minister of Finance and Personnel:** Yes, I am very clear after that. I know that the Member said when he started his speech that he did not intend to promise to be brief, because he would never make a promise that he could not keep. However, he should apply that to his interventions as well. The one thing that I can promise, and Members will be interested in this, is that I will not be giving way to Mr Pol Pot any longer.

**Mr Deputy Speaker:** I know that all sorts of things are said in the banter across the Chamber. However, I ask Members to respect other Members by calling them by their proper names.

**The Minister of Finance and Personnel:** We will not put it on the record anyway. It does not matter.

I will turn now to Mr Farry's contribution. I always enjoy his contributions, because he usually draws very useful interventions from other Members and then catches them out, which is

always good craic. He is always very realistic and honest in his speeches. I am not so sure whether his party likes all the things that he says, however. Nevertheless, if people stick their chins out and get hit, they will get used to it.

Mr Farry talked about a number of issues, starting with his usual point about raising revenue from the sources from which we can raise revenue. At least he has been consistent in his theme. However, I happen to disagree with him on that, and the Executive disagree with him. I have no doubt that, at some stage, we will have to come to the issue of water rates. We may well come to that through changing the governance structure of Northern Ireland Water. Who knows? There has been a clamour towards raising water rates. However, at this time, given the hardship that many households are facing, the Executive have made the decision not to impose additional water charges on people. The Member is quite right to say that we have to live with the consequences of that, and it means that the extensive capital budget that is required for Northern Ireland Water must come from resources.

Let Members be clear: that is the choice that we make. Members highlighted other capital schemes that they would like to see, such as health centres, schools, hospitals, roads and a range of other things. However, if we are going to invest in our water structure and meet EU requirements, the cost of some of those schemes will go by the board. If we at least know what the choices are, we can then make them.

Mr Farry also talked about the protection of the Health Service. He indicated that he felt that the protection of the economy had somehow been compromised as a result of the protection of the Health Service. Again, however, he at least highlighted the choice. We have given protection to the Health Service — I want to come to that point later — in a way that has had an impact on other people's budgets. That is one of the consequences.

He also asked why we do not benchmark some of our services against others. Recently, PEDU worked with the Department of Education to identify how savings could be made. That was the first port of call: whether we can benchmark services in education against other services, even other services provided in Northern Ireland. That would be a useful start. I cannot remember them all off the top of my head, but

when school meals, transport, teacher support, CCMS administration, etc, were benchmarked, the disparities between what happens in one education and library board and what happens in another were huge.

It should not be necessary for PEDU to go in to identify those issues in a Department. It is the kind of thing that Ministers ought to be doing to ensure that they are getting the best value for money from the resources that are being used. However, it has given a good base for a further study on where efficiencies might be found in the Health Service. At least the Education Minister co-operated on that exercise. We have not had the same co-operation in the exercise that PEDU has tried to do with the Health Service. I have said time and time again that PEDU should not be seen as a threat to a Department; it should be seen as a way of helping a Department to manage its budget in times of austerity.

Mr Farry also talked about the opportunities for North/South co-operation, as did other Members. I want to emphasise that I have no difficulty with that. I have already had discussions with the Finance Minister in the Republic. I have exchanged letters with him, and I hope that, once we have identified the opportunities that there might be at that level, the Departments will work on realising them. Altnagelvin Hospital is a good example of where that co-operation can benefit everyone.

Mr Frew asked me to specifically address the issue of the Presbyterian Mutual Society. I have read some of the letters that have been sent to my Department about the Presbyterian Mutual Society, as has the Enterprise Minister. The issue has been stirred up by some who want to use the Presbyterian Mutual Society and the plight of the savers for their own political advantage. They are cynically abusing and exploiting the predicament that the savers in the Presbyterian Mutual Society find themselves in.

The Enterprise Minister, the First Minister and the deputy First Minister — who could quite honestly walk away from it and say it has nothing to do with him — have put endless hours into this. I have put that effort in, as have previous Finance Ministers. Immense work has been put in by officials from the Department of Finance, the Department of Enterprise, Trade and Investment and OFMDFM.

We believe that, finally, we have got the finance; the one last ingredient is the contribution from the Presbyterian Church. The finance is in place, the Enterprise Minister is drawing up a scheme, and we see the light at the end of the tunnel. Of course, the scheme has to be accepted by the savers in the Presbyterian Mutual Society. I believe that we are on the cusp of getting this sorted, finally, and sorting out the situation. However, there will always be those who would rather that we did not get it sorted out, to be quite truthful. We have got to be very careful of that.

Mr McLaughlin mentioned the consultation on the draft Budget. He highlighted the importance of the consultation process, and I would like to add my endorsement of that process. It has not been as lengthy as we would have wished, but we were constrained by the fact that we did not know what money we were going to have until 20 October. We have a coalition Government, and all five partners had to be involved in the decisions, no matter what the SDLP might say. It is regrettable that, having been involved, two parties decided that they wanted to take the easy way out and simply say that they were going to distance themselves from the draft Budget because there are some unpleasant things in it. However, discussions went on for a long time. We tried to reach agreement, right up to this morning. Despite the fact that people say it has been a very short time period, there have been 1,000 responses to the consultation. Those will now be analysed and brought to the Executive's Budget review group to come up with the final draft.

Mr McLaughlin also raised the issue of tax-varying and revenue-raising powers. I have already said that we need to be careful in that regard, but there are other tax-varying powers. I think that the Member for South Antrim Mr Kinahan raised the issue of Aldergrove airport and the importance of flights and connections. The Minister of Enterprise, Trade and Investment has been in discussion with the Treasury over the whole issue of air passenger duty and the impact that that is likely to have, as well as other tax issues, such as the aggregates levy and the fair fuel stabiliser.

Mr McCallister raised the issue of health and said that the health budget was not sufficient. We had a good exchange on the health issue. At least he gave way on a number of occasions. I disagree with nearly everything that he said. He has ignored the reality. Indeed, I am still

waiting for the response. He wants £200 million for health. I think that two or three Members challenged him to say where that will come from, but he could not give us an answer during his contribution. If he wants to give us the answer now, I am quite happy to give way, but I suspect that he will want to sit there and say nothing. I am sure that he will use the excuse that time is passing and he does not have time to give me a yes or no answer or explain where the £200 million might come from. That really typifies an awful lot of the criticism of the Budget that has come from the Ulster Unionist Party. Mr Basil McCrea, who is sitting beside him, seems to be smitten with the same disease. He can tell you how to spend money, but he cannot tell you how to save it.

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

**The Minister of Finance and Personnel:** I hope that it is a short intervention.

**Mr B McCrea:** I do not know why I suffer from the criticism that was made of others. In his statement to the Northern Ireland Grand Committee, the Minister said that, as a result of the Barnett consequential, we have to live with those budgets. Why does the health budget appear to fall behind that of England and Wales? That is where I look for clarity. Perhaps the Minister will take the opportunity to explain why.

**The Minister of Finance and Personnel:** I am more than happy to. The Member flits in and out of the Chamber, so he probably did not have the opportunity to listen to the words of wisdom that I gave Mr McCallister, so I will give them to him now.

The health budget in Northern Ireland, over the four-year period, will increase in real terms by 0.2%. In England — he is quite right — it will increase by 0.4%, so one could argue that the Health Service in England will do better in real terms than that in Northern Ireland. However, the other ingredient is that the Health Service in England is expected to find efficiencies of £20 billion or 5% a year over the four years. We have not asked the Health Minister in Northern Ireland to find those efficiencies, which means that there has been a better budget settlement for the Health Service in Northern Ireland than in England. The idea that we got the money for the Treasury from the Barnett consequential and then took some of it from the health budget is just not true.



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

**The Minister of Finance and Personnel:** No. I will not give way. I have explained it time and again.

**Mr Givan:** If you do not understand it by now —

**The Minister of Finance and Personnel:** I do not think that it is a case of not understanding; it is just that some people are in denial.

That brings me very quickly to the next point. The SDLP and the Ulster Unionist Party seem to believe that, somehow, this is a carve-up between the DUP and Sinn Féin. The leader of the SDLP said that the Budget was “customised” to give the DUP benefit over its opponents, which means, presumably, the Ulster Unionist Party. I suspect that she also meant that Sinn Féin had the same “customised” Budget to give it an advantage over the SDLP. The facts just do not back that up. The Departments that have taken the highest cuts are DUP and Sinn Féin Departments. The highest cut went to a Sinn Féin Department. The next highest cut went to a Sinn Féin and DUP Department: the Office of the First Minister and deputy First Minister. The next one went to a DUP Department, and the next went to another DUP Department.

**10.15 pm**

**Mrs D Kelly:** Will the Minister give way?

**The Minister of Finance and Personnel:** I will give way in a moment or two. Let me finish.

The Departments that did best — the ones that will get a cash increase over the four years — are the two Ulster Unionist Party Departments, the SDLP Department and one DUP Department. They are the only ones that will get an increase in cash terms over the four-year period. I want to put on record that the idea that, somehow or other, there was a carve-up between the DUP and Sinn Féin to make sure that all the hard cuts and difficult business decisions had to be taken by the SDLP and the Ulster Unionist Party in order to give us some electoral advantage is just so much rubbish.

**Mrs D Kelly:** I thank the Minister for giving way. Will the Minister reflect on those comments, given that a leading and well-respected economist said on the radio yesterday that the three Departments that have been hardest hit are the Department for Employment and Learning, the Health Department and the Department for

Social Development? Furthermore, Anna Lo pointed out the cuts to capital spend in the Department for Social Development, which will result in fewer houses for those most in need on the housing waiting list. Ms Lo seems to be at odds with her party colleague, who is prepared to vote for the Budget even though he thinks that it is full of holes.

**The Minister of Finance and Personnel:** I do not know which leading economist the lady is talking about, but let me give her the facts, which are in the Budget document. The sums are right, and no one has said that the calculations are wrong. Health had a cash increase of 7.58%. DEL had a cash increase of 1.86%, and all the other Departments, apart from DETI and DSD, had a negative cash result over the four years. Those are the facts.

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

**The Minister of Finance and Personnel:** I am not going to give way. The Member had plenty of opportunities to contribute earlier. Indeed, he slipped wrong information to his party leader, who claimed that DCAL's budget had increased by 30%; whereas Mr O'Loan condemned me for decreasing DCAL's budget by 14%. Both of them cannot be right. Who is right, and who is wrong? The facts bear it out.

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

**The Minister of Finance and Personnel:** No.

The leader of the SDLP raised some other points. However, she is not here, so, due to the lateness of the hour, I will not go through them.

I liked Mr McElduff's honesty at least. He talked about the savage reduction in DCAL's budget: the worst cut that there has been in any Administration. Of course, when I pointed out that, in fact, the cut to DCAL's budget is about half of that suffered by the Department for Culture, Media and Sport (DCMS) in England, he said aye, but that that figure did not suit him, so he did not bother using it. *[Laughter.]* At least that is one example of candour in the Assembly.

Mr McElduff raised a number of issues about the impact —

**Mr McLaughlin:** He is obviously not a great fan of England.

**The Minister of Finance and Personnel:** He raised the issue of Northern Ireland Screen, in

which, of course, we have invested, because we recognise the importance of the film industry and the very high multiplier impact that investment in it has on jobs and extra spend in Northern Ireland. In this time of austerity, it is good that we have been able to do that.

I have visited museums and libraries, and I understand the difficulties that exist. However, we took a huge Barnett consequential hit as a result of the reduction in funding to DCMS in England. We have not passed all of that on to DCAL. Nevertheless, I accept that DCAL's budget has had the second biggest decrease of all Northern Ireland budgets.

Mr McElduff also raised the issue of arts funding. The Budget reflects a 7.7% reduction over the four-year period. However, the arts sector can benefit from lottery funding and, hopefully, that will help to make up some of the gap.

Mr Givan raised the issue of end-year flexibility for Invest Northern Ireland. First, I do not accept that it was possible to put in a scheme of EYF for Invest Northern Ireland. The monitoring round exists to deal with any unforeseen opportunities that arise for Invest Northern Ireland. Indeed, experience has shown that, when that has been required — the Bombardier CSeries is a good example — funds have been made available. We will not let jobs go just because there may not be sufficient money in the Budget. We will always look for opportunities.

Let me rush on. Mr Kinahan is not here, so I will not deal with his issues. Pat Ramsey raised the issues of education and training and the impact that the reduction in that departmental budget would have on the training of young people. We put a lot of emphasis on the training budget. Indeed, the Department for Employment and Learning identified savings of £2.5 million, rising to £5 million thereafter in the skills and industry programmes. There was proactive work by the Department to buy in the services more cheaply or to find other ways of doing the training. That part of the DEL budget is not the part that is under big pressure, and I think that the Minister, who is sitting there, accepts that. Mr Ramsey also raised the commitment to extend the Magee campus. It is estimated that every 1,000 extra full-time students would cost £8 million to support, and, when budgets are tight, it is not always going to be possible to find that funding.

I come then to Mr Brian Wilson, who is not in his place, so I will not do that. *[Laughter.]* I am going

through these quickly. If Members did not feel that they could stay the required length of time, I do not think that it is proper of me to reply to the points that they made.

Dawn Purvis raised the issue of the special fund for children, as did Mr Callaghan. There were underspends on that Executive programme fund and on other Executive programme funds over the years, and, at a time of financial restraint, it is not prudent to put money into a fund where there has been a consistent underspend and to ring-fence such spending. She also raised the issue of the strategic equality impact assessment (EQIA). The EQIA has been produced for the Programme for Government. Officials have produced it for the draft Budget, and it is publicly available.

Lastly, I come to some of the comments made by Mr Basil McCrea and Mr Callaghan. Mr Callaghan said that he would not be brief, and he was not. He kept that part of his promise. I was surprised by some of the points that he raised. It really went into the realms of fantasy. He talked about the health proposals and the difficulties of the Health Service and said that he could not contemplate voting for a Budget such as this unless it was severely amended to deal with the problems of the Health Service. I refer him to his own document. He is looking for hundreds of millions of pounds for the Health Service before he is prepared to vote for the Budget. I looked at the SDLP's document and its proposals for the Health Service, including extra spending to protect front line services. He said that he could not possibly vote for the Budget because the Health Service does not have a high enough level of protection: how much would the SDLP have allocated to it? He wants £200 million or thereabouts, before he can bring himself to vote for this Budget.

The SDLP document says:

*"While the Party understands that reports of services nearing collapse in certain areas may be exaggerated".*

However, it believes that the Budget should be negotiated. What will it put into it? The answer is £10 million in year 1; £10 million in year 2; £5 million in year 3; and £5 million in year 4. Yet he has the audacity to say that he could not possibly put his hand up for this Budget because, unless I give it hundreds of millions of pounds, his party could not possibly give it support. That is not what the SDLP said in its

document. Indeed, it said that the reports of its demise were greatly exaggerated.

Mr Callaghan went on to outline that another reason why he would not vote for this Budget is because there are secretive funds and secret talks with secret organisations in secret places by secret people about secret topics that we do not know anything about. I would love to know about that because, if the money that will go to OFMDFM is to be allocated in that way, he would have a duty, as a public representative, to inform the House that, somehow or other, the funds that we will vote into the Budget will be misappropriated in some way or handed out to the favourites of either the First Minister or deputy First Minister as a result of the secretive talks that are going on.

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

**The Minister of Finance and Personnel:** No, I have told the Member that I will not give way to him. He abused it last time, and I will not let him abuse it again. He had every opportunity to explain that. He was challenged on at least three occasions by Mr Humphrey to tell us who the secret people are, where the secret talks happened, what the topics were and what sums of money were talked about. He did not tell us then, and, therefore, I suspect that we will get another set of pathetic excuses as to why it will not be done.

**Mr Humphrey:** I am grateful to the Minister for giving way. I would be a bit more charitable to Mr Callaghan than you, Minister. I think that, perhaps, we should give him another opportunity to name those people. I am interested to know who they are, and I think that his party colleagues in north Belfast will be interested to know who they are. Please tell the House who those people are.

**The Minister of Finance and Personnel:** As I said, he abused his opportunity, and I will not let him intervene again. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**The Minister of Finance and Personnel:** I really loved this one: the small traders in Londonderry are devastated by the prospect of rates rises. Then, when I turn to page 39 of the SDLP document, under the heading "Finding new revenue streams", I see the first suggestion is to, "Unfreeze the regional rate". *[Laughter.]* Who will the regional rate affect? Small traders.

However, the SDLP is appalled at that, and Mr Callaghan could not possibly vote for a Budget that will hit small traders in that way. We actually stole that idea from the SDLP document. We got it into the Budget because the SDLP indicated that it was prepared to support it.

Mr Callaghan said that he was not going to be brief, and he was not brief. He talked himself into a bigger hole the longer he went on, and he talked me into more of a trance the longer he went on. Anyhow, what can we do?

I will finish by responding to Basil McCrea's scurrilous allegation that somehow I am a closet Tory, that I have supported the Tory Party and, indeed, that I welcomed the Tory cuts in the House of Commons. Mr McCrea's speeches are usually brief and usually fairly lively. I will be generous and put it down to the fact that he has a very short attention span. *[Laughter.]* I suspect that his attention span did not stretch to reading all the Hansard report, or even the next couple of paragraphs of the Hansard report from the Northern Ireland Grand Committee of the House of Commons. He is absolutely right: I did say that we would not complain about the Barnett consequential. There is no point.

The Barnett consequential is not worked out by some Minister who says: "Ha ha, let's stick the knife into Northern Ireland." The Barnett consequential results from the fact that, when spending proposals are made for Departments in England and there is an equivalent line of spend in Northern Ireland, we receive a consequence of that. It is worked out by a formula on a computer, and we cannot fight with that. It is part of the deal that we have for determining finance in Northern Ireland.

### 10.30 pm

Had the Member read on in Hansard, he would have found that I raised the issue that we had been hit with more than our proportionate share of cuts. Owen Paterson said that he would work for a good deal for Northern Ireland. I made the point that he did not work for a good deal on the Barnett consequential because he had no control over that.

However, what about the £316 million of EYF that was taken? What about the investment programme of £18 billion that is short by about £4 billion? What about the Barnett consequential from Olympic spending that Scotland, Wales and Northern Ireland have

been denied? What about the application of the Barnett consequential to policing, which was not even compliant with the statement of funding? Yet, that amounted to a £23 million cut in the police budget, and it went through for the next four years with a cut in the baseline of a further £92 million? I object to those examples of unfairness, and that is why I oppose what has been imposed on Northern Ireland.

I accept that there is nothing that anyone in the Assembly can do about the Barnett consequential, but we have every right to be indignant about the additional, gratuitous cuts, which reflect what David Cameron said when he was interviewed on 'Newsnight' before the election. He said that he was targeting places such as Northern Ireland because there was too much public spending there. That is the kind of policy that Mr McCrea and his party supported.

Indeed, Mr McCrea is great at the rhetoric, but, when he was challenged on whether he would have voted for those things in the House of Commons, he did not reply. He is usually verbose, but he did not reply. He has been asked where his party would impose the cuts, given that it wants more money for health and education. Yesterday, he said that the education budget was about £200 million short, and his party said that health was £200 million short. Where will he get that £400 million from? The absolute silence says it all.

This is what the debate is all about: as one of the smaller parties, the Ulster Unionist Party knows that it can vote against the Budget without consequence because the two bigger parties have to carry the burden. The Alliance Party could do exactly the same without any impact, and the Budget could go through. However, at least the Alliance Party has recognised that, once it is in the Executive and has been fully involved in the discussions on the Budget, it has a responsibility, and it has lived up to that. The two other parties have a cowardly attitude and have simply decided —

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

**The Minister of Finance and Personnel:** Let me finish the point. They have simply decided that the two big parties can carry the Budget and take the flak while they stand back. They say that the draft Budget is not acceptable, too vague and not transparent, and they throw all sorts of other terms at it, but never with any substance. That appears to give a gloss

of respectability to their opposition, but it is all about the fact that they are not prepared to put their hands up for the tough decisions because they want to be lily-white. Come the election, they want to be like Pontius Pilate and say that the Budget has nothing to do with them.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker, is it in order for the Members opposite to yell "cowards" at a Member?

**Mr Deputy Speaker:** We expect the debate to take place in an orderly fashion. There can be various forms of banter across the Floor, but we ask for respect to be shown to all Members. That, by and large, is the situation.

**Mr B McCrea:** I thought that that would be the case. The Minister made a number of contradictory statements. On the one hand, he said that I am normally circumspect and to the point, and, on the other hand, he accused me of being verbose. I want to know why he stated that he did not want to be seen as pleading a special case for Northern Ireland. He has just given us a lot of rhetoric about why we should plead a special case for Northern Ireland, and he should have said that it is unfair. The Minister should argue a special case for Northern Ireland because of the history. That is all that I asked for clarity on.

**The Minister of Finance and Personnel:** It is not pleading a special case to ask to keep the £316 million that was allocated to Departments in Northern Ireland, which the Treasury encouraged us not to spend recklessly and to which it promised us access in future years. It is not pleading a special case for Northern Ireland when money is being spent on the regeneration of the Olympic village. We should have an entitlement to it, as should Scotland and Wales. For years, Barnett consequential never applied to the police in Northern Ireland, but suddenly last June, without any consultation, the Treasury decided that it was taking £23 million off the police budget because policing had been devolved and a Barnett consequential was being applied. That is not pleading a special case. It is not pleading a special case when a promise is made, but is not lived up to, about an investment fund of £18 billion. That is asking for our entitlement, and we expect the Government to live up to it. If I believe that we are entitled to make an argument to the Treasury, I will do it as strongly as possible.

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



**The Minister of Finance and Personnel:** I will not give way. I am not going to enter into a debate on the issue. I have answered the question.

Let me just finish with Anna Lo's point about the £20 million from the housing associations. We are not taking £20 million from the housing associations. It is money that they have. They have reserves well over what is required for maintenance, and so on. Mr Farry talked about benchmarking. When housing associations in Northern Ireland are benchmarked with those in other parts of the United Kingdom, they have higher levels of reserves and lower levels of borrowing. Therefore, it is perfectly reasonable for us to argue that we pay housing associations a lower grant per house and that they use their reserves and their borrowing ability to build the same number of houses or more. In other words, we will get more houses for a lower grant from the Northern Ireland Housing Executive. If the housing associations are prepared to abide by that, we should be able to deliver the number of houses that we expect to deliver.

**Ms Lo:** The Minister said that he will reduce grants to the housing associations, but they do not need to accept that. If they do not accept that, it means that we will have less public housing.

**The Minister of Finance and Personnel:** There are between 12 and 14 housing associations in Northern Ireland, and there is competition between them. Their job is to provide social housing, and they make their money by providing social housing and bringing in rents. They make a surplus so they have every incentive to do the job. To date, they have always had a substantial grant of 55% from the Housing Executive. We are saying that they could do it on a far lower grant and still be able to provide the same number of houses. I cannot understand why a housing association would not want to grow its stock. Indeed, one has to consider only how they competed and pushed up land prices for one another during the boom to understand that they are in the market for building more houses and that that situation should continue.

**Mr Hamilton:** Does the Minister agree that there is proven flexibility in the system? There is evidence that the average grant was reduced from around 70% to below 60% over the Budget period by the SDLP's Ministers for Social Development, yet we have still delivered a record

number — some 2,000 — of social housing newbuild units this year. That proves that, even when housing association grants are reduced, there is still an incentive for them to build.

**The Minister of Finance and Personnel:** The Member has knowledge of the subject from his work on the Committee for Social Development. I thank him for that explanation.

In conclusion, I thank all Members for their contributions to the debate, which went from being lively to sometimes being a wee bit sleepy, then back to lively again. It has been up and down. The Bill will make provision for the early months of 2011-12. It is important work. However, the work of the Executive and the Assembly is not complete. Over the next few weeks, we have got to agree and approve the revised Budget for the next four years. That, in itself, will present many challenges. There will be calls for additional funding from many quarters. Those calls will be deafening.

Mr Kinahan made an important point. We can have good knockabout debates in the Assembly, but at the end of the day, as Mr Kinahan said, after we have got past all the party politicking and point scoring — you would not expect anything else in a debating chamber — it is important that, collectively, we look at how, even in these constrained times, we can have a Budget that we believe will do its best to deliver what is important for the people of Northern Ireland. As the consultation draws to a close, I have no doubt that we will have a challenging few weeks. I hope that Ministers will work together. We have put in place in the Executive a structure to enable every Minister to have his or her say. On that note, I ask the Assembly to support the Bill.

**Mr Deputy Speaker:** Before we proceed to the Question, I remind Members that, as this is a Budget Bill, the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That the Second Stage of the Budget Bill [NIA 11/10] be agreed.*

## **Employment (No. 2) Bill: Final Stage**

### **The Minister for Employment and Learning (Mr Kennedy):** I beg to move

*That the Employment (No. 2) Bill [NIA 24/09] do now pass.*

**Mr Deputy Speaker:** Order. Members must keep quiet when leaving the Chamber.

### **The Minister for Employment and Learning:**

Mr Deputy Speaker, in the past, I have been accused of making moving speeches. I am not sure that I have the ability to move quite so many Members. They seem to be emptying the Chamber at high speed.

The next stage of the Bill is Royal Assent. I respectfully hope that Her Majesty has not been waiting all day. Anyway, I am pleased that the Bill has reached its Final Stage. It represents one of the key outputs of a very comprehensive review process. I thank all those who have given their time to contribute to what has been a thorough discourse. The provisions of the Bill are consistent with the core principles that the consultation steering group established at an early stage of the review. I want to put on record my appreciation of the work of the steering group's members, from the Confederation of British Industry (CBI), the Federation of Small Businesses (FSB), the Northern Ireland committee of the Irish Congress of Trade Unions (NICICTU), the Equality Commission and the Labour Relations Agency (LRA) who ensured that the public consultation secured the views and opinions of all interested parties.

It is worth reflecting on the principles that have guided that policy review and informed the provisions of the Bill. They are the promotion of good employment relations that encourage competitiveness; provision of strong employment rights; preserving citizen access to the justice system; effective mechanisms to prevent and resolve workplace disputes; availability of non-adversarial alternatives to the tribunal system; and an efficient and effective tribunal system.

The Bill represents the starting point for the roll-out of a package of legislative and non-legislative measures that are designed to change fundamentally the way that workplace disputes in Northern Ireland are resolved. I am conscious that the current system has created difficulties in that too many workplace disputes end up in a tribunal, when they could have

been resolved at a much earlier stage, thus avoiding substantial financial and human costs. I know that there is a concern from employers about the economic difficulties created by the current system. I am also mindful of the equally persuasive arguments about the need to protect individual employment rights.

**10.45 pm**

I believe that the provisions contained in the Bill and the other measures that are proposed address the needs of employers and employees in an equitable way. The Bill responds to the call for a much less legalistic approach to how grievances are raised in the workplace, through the repeal of the statutory grievance procedures.

I am glad to have the rapt attention of all Members, Mr Deputy Speaker.

**Mr Deputy Speaker:** Will Members please give the Minister proper respect?

### **The Minister for Employment and Learning:**

They are clearly engrossed in something else.

Grievances in the workplace will now be resolved on the basis of a simpler good-practice approach set out in a new Labour Relations Agency code of practice. At the same time, the Bill preserves reasonable minimum legal standards for disciplinary and dismissal situations in cases where a wrong decision could put an individual's career at stake or place an employer in an invidious legal position. I was struck by one of the comments offered in evidence to the Employment and Learning Committee. A witness said that the statutory disciplinary and dismissal procedures are good for employees and for employers.

The Bill also removes confusing links between the grievance and disciplinary processes — I must speak to my officials again [*Laughter.*] — and the time limits for lodging tribunal proceedings.

**Mr Weir:** Discipline them.

### **The Minister for Employment and Learning:**

I would, if I could get it out. Never mind 'The King's Speech'; what about the Minister's speech?

**Mr Weir:** This is not an Oscar-winning performance.

**The Minister for Employment and Learning:** It certainly is not; it is too late in the night.

The Bill affords the Labour Relations Agency complete discretion in offering assistance to settle a dispute before it reaches a tribunal and removes unhelpful limitations on the agency's duty to assist with resolution once a tribunal claim has been lodged. It amends industrial tribunals' powers to reach a determination without a hearing, where the parties give their consent, and it clarifies the tribunal's power to place restrictions on publicity where sensitive matters arise during a case. The Bill reduces unnecessary bureaucracy by providing for the enforcement of tribunal awards and simple conciliated settlements without the need for a court order. It also enables the Fair Employment Tribunal to hear all aspects of a case that currently requires the needless duplication involved in convening a separate industrial tribunal hearing.

Finally, the Bill introduces the legislative framework to afford employees a new right to request time away from core work duties to undertake training that will benefit their business. Employers will be under a responsibility to give such requests serious consideration against a range of business grounds. However, as my predecessor indicated, the provisions for time to train will be commenced only when there is sustained growth in the economy.

Since the Second Stage debate, the Employment and Learning Committee has given detailed consideration to the provisions of the Bill and has produced what I believe to be a comprehensive, thoughtful and balanced report. I express my thanks to the Committee for its detailed scrutiny of the Bill. I concur with the Committee's view that although the Bill represents an important milestone in the movement towards a better way of resolving workplace disputes, we must redouble our efforts to challenge the litigation culture in Northern Ireland.

The Committee has rightly noted that it expects the Department to monitor closely new systems and ways of working and that it wishes to see a continuing willingness to make improvements where and when necessary or desirable. I am happy to give the Committee an assurance on all those points. As I have said, the Bill is part of a wider change process, and its passage today and subsequent Royal Assent will mark the commencement of the review's implementation phase.

Other measures being taken forward in parallel to the Bill are promotion of an expanded and enhanced arbitration scheme as a faster, cheaper and less stressful alternative to the legal process; an economic appraisal to judge the merits of establishing an employment appeal tribunal; work to provide clearer and more consistent information and advice to those facing a dispute; exploration of options to support small businesses in delivering their employment relations responsibilities; development of an employment relations good practice model based on a pilot programme that is being taken forward by my Department; and measures to enhance the capability of managers to deal effectively with what the Chartered Institute of Personnel and Development referred to as "those difficult conversations with staff".

The success of the implementation phase can be judged only over the passage of time, but I am heartened to note that a cultural shift is needed in our approach to workplace disputes in Northern Ireland. The current approach, with its disproportionate focus on formal process and threat of litigation, is not in the best interests of the economy and is not the most effective way of upholding employment rights. I assure Members that my Department will be closely monitoring developments throughout the implementation phase and will continue the very constructive process of stakeholder engagement that has been the hallmark of the review. I look forward to hearing Members' contributions on this important Bill, and I commend it to the Assembly.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** I thank the Minister for his explanation of the Bill. As he said, the Committee has done extensive pre-legislative work for it in close partnership with the relevant stakeholders and the Department. The Committee stuck to its usual practice of working in partnership with the Department and stakeholders, and the results are plain to be seen.

The Committee Stage of the Bill started on 22 June 2010, and at its meeting on 30 June 2010, the Committee agreed to seek a short extension to the Committee Stage to enable members to take further evidence. A draft motion extending the Committee Stage to 2 December 2010 was agreed by the Committee on 8 September and supported by the Assembly on 20 September. The Committee ordered its

report on the Bill to be printed at its meeting on 24 November 2010.

I commend the Minister and his officials for adopting a practical and sensible approach towards working with the Committee. I would also like to place on record the work of the Committee staff before and after the Bill's introduction.

During the pre-legislative phase, the Committee undertook an extensive study, the object of which was to collate and consider the opinions and views of relevant stakeholder organisations on a way forward for workplace dispute resolution in Northern Ireland. Based on the evidence received, and taking on board members' views, the Committee realised that there is a need to develop and promote a culture of early dispute resolution as opposed to seeking legal redress through the tribunal system as the most appropriate approach.

Alternative dispute resolution should be promoted as the most appropriate alternative to tribunals in order to protect the privacy of those involved and so ensure the pursuit of a faster, flexible and more cost effective means of settling a grievance, especially given the current economic climate.

There is a need to ensure that dispute resolution is made simpler and less bureaucratic for both employer and employee and that a revised system does not simply replace one set of complex and confusing rules and regulations with another that is not user-friendly. Members were mindful of that matter. The Committee strongly believes that the provision of more accessible information and the promotion of a clearer understanding of employer and employee rights and obligations by all those involved are essential to the success of any revised system.

During the pre-legislative phase and the Committee Stage of the Bill, the Committee took evidence from the Department and a range of stakeholders. The evidence shows the need to develop and promote a culture of early dispute resolution as opposed to seeking legal redress through the tribunal system as the most appropriate approach.

As the Minister said, there were concerns raised via the Department's consultation, and the Committee's greatest concern is the opposition of the Federation of Small Businesses to the time-to-train provision. Members understand

small and medium-sized enterprises' (SMEs) concerns about workers taking time off to train. However, reskilling and upskilling is probably the best way for SMEs to evolve and grow. I welcome the Minister's commitment to monitor, review and provide support and information for SMEs. Of course, that must be readily accessible.

The Bill contains 18 clauses and three schedules. I will refer to only a few of those. The Committee raised issues about the wording in the explanatory and financial memorandum on clauses 8 and 12 regarding the Labour Relations Agency. Members expressed concern that the wording of the memorandum with regard to those clauses appeared to suggest prioritising the LRA's work, subsequent to the movement from a duty to a power regarding the LRA's capacity to conciliate pre-claims. That was brought to the attention of the Department and officials. The indication was clear from the Department that it was not a resource issue. That commitment is to be welcomed, and we thank the Minister for taking that on board.

There was also dispute between the LRA and the Department about the resources issue stemming from the movement from a duty to a power. LRA highlighted its opposition to clauses 8 and 12, which propose to reduce the agency's capacity to conciliate pre-claims from a duty to a power. Although the agency acknowledged the Department's argument that that will enable the agency to exercise greater discretion in offering its assistance to resolve disputes, LRA saw that as a potential resourcing issue.

The agency currently has a specific duty to conciliate pre-claim cases. The agency, having that duty, believes that it is on stronger grounds in seeking additional resources to deal with any increase in pre-claim cases, particularly with the Department and the agency actively promoting pre-claim conciliation. The agency representative emphasised its view that clauses 8 and 12 significantly reduced the grounds on which resources could be secured to deal effectively with the Department's policy proposals on promoting pre-claim conciliation and recommended to the Committee that clauses 8 and 12 should be withdrawn from the Bill. However, having got assurances from the Minister and officials, the Committee agreed to allow those to continue unamended.



The officials reiterated that clauses 8 and 12 were to provide LRA with greater flexibility to target its pre-claim conciliation services at those disputes that had the potential to escalate to a tribunal hearing and that were, in the opinion of the agency, amenable to early resolution. The Department is clear that LRA's pre-claim conciliation service should continue to be widely available, which is consistent with the vast majority of the feedback from the public consultation.

Although the Committee's duty is to scrutinise the Bill as drafted, the Bill does not mention resources. Therefore, the Committee focused on the content of the Bill while being very aware of stakeholder concerns. The Committee considered the issue presented by the Department and LRA and agreed that the clauses should remain, with the caveat that the Department must continue to monitor the resource requirements of LRA.

With regard to appeal to statutory arbitration, LRA proposed that an appeal on the arbitrator's award be allowed as part of an extended statutory arbitration scheme. The appeal would be to the industrial court. Although the Bill extends the statutory arbitration scheme from three jurisdictions to all relevant employment jurisdictions, it does not provide for an appeal on the arbitrator's award.

The agency's view was that an appeal against the arbitrator's award on the grounds of fairness would facilitate greater use of statutory arbitration as opposed to submitting a claim to a tribunal. The agency also believed that the proposal to allow an appeal to the industrial court provided for a non-adversarial means of coming to a resolution. That is fully in line with the principles of the Department for Employment and Learning review in relying on legal remedies only as a last resort.

The Department emphasised that arbitration was not, and was not intended to be, a process focused on the legal merits of a case. Rather, it offered a quick, less formal and non-legalistic alternative to the legal process, and, as such, an appeal could detract from the benefits of that process, namely, an efficient consideration of a case that brought closure to an employment dispute. The Committee was satisfied with the Department's arguments and its undertaking to keep the effectiveness of the scheme under review.

I now turn to providing for primacy of alternative dispute resolution. In its briefing to the Committee, LRA pointed out that when parties were unable to resolve a workplace problem in New Zealand and the matter was referred to the employment relations authority for a decision, the authority must first consider whether an attempt was made to resolve the matter by mediation. The authority can direct that mediation or further mediation is used before a case is dealt with unless such direction would mitigate the resolution of a case. The agency put forward the view that tribunals in Northern Ireland should be empowered to ask, at the case management stage, whether alternative dispute resolution was used and, if not, to ask the reason for not having used alternative dispute resolution. In response, the Department indicated that it had sought stakeholders' views at the pre-consultation and consultation stages of the policy review on the possible introduction of mandatory mediation or, as a less radical step, some form of incentivised alternative dispute resolution (ADR). Officials suggested that stakeholder opinion was divided on that issue and that the Department had to consider the respective merits of a voluntary approach and a mandatory regime for ADR in reaching a final policy decision.

#### **11.00 pm**

The Department indicated that ADR is intended to offer an alternative to the tribunal system and is not supposed to be perceived as a compulsory process that parties in dispute must go through before accessing the justice system if a legal determination is required. The Department indicated that it was not persuaded that a specific provision to require parties to engage in ADR was an appropriate way forward. Again, the Committee considered both sets of arguments and was satisfied with the Department's assessment that a cultural change is required to create a shift towards ADR and that the imposition of a compulsory imperative is not the best way forward. However, the Committee also expects the Department to keep that position under review.

In relation to confidentiality, in their briefing to the Committee, the agency representatives highlighted that LRA staff and arbitrators have statutory protection in respect of the confidentiality of certain ADR processes, including being compelled to be witnesses at tribunal proceedings. The agency welcomed confirmation

of that by the Department and welcomed the fact that the Department is pursuing the same confidentiality protections for all agency ADR activity. Representatives stated LRA's view that the widening of such protections to all ADR activity is a vital element in sustaining the credibility of the agency's ADR services. They said that, should that not be achieved, the Department's objective to promote the early resolution of workplace disputes might be compromised.

In its response to LRA, the Department defined those statutory protections. The Department stated that it has received legal advice confirming that the conciliation and wider ADR activities undertaken by the staff of the agency, or persons acting as agents on LRA's behalf, are protected by confidentiality provisions in existing legislation. Anything communicated to them during the course of ADR will not be admissible in evidence before an industrial tribunal, save with the consent of the person who communicated the information to the agency. For the Department, that position represents the core focus of LRA's ADR activity. The agency, however, is seeking an extension of the confidentiality provisions to cover non-core ADR activity where none of the specified employment rights jurisdictions are engaged.

The agency has concerns that, at a later stage, following the completion of ADR that falls outside the core area of work, tribunal proceedings may be initiated and the agency's staff may be called upon to give evidence at a tribunal. The Department has advised LRA that it would need to specify the nature and limits of the required protection before it could contemplate drafting any instructions. Again, the Committee is persuaded by the Department's reassurances and willingness to continue dialogue with LRA on that issue.

On the issue of resources, LRA representatives highlighted to the Committee that, in 2009-2010, the agency received 16,318 individual rights claims, of which 9,140 were NICS sex-discrimination and equal-pay claims, and dealt with 53,871 helpline enquires. They stressed that the agency's resources continue to be pressed.

The Department has acknowledged that the recession will pose significant challenges and that all parts of the public sector will need to be prudent in the use of existing resources and be innovative in delivering on core business. The

officials indicated that they are not in a position to comment on the implications of the CSR for all the Department's spending commitments, including the LRA, but argued that the Bill is a clear testimony to the importance that the Department attributes to the work of the LRA.

The Committee accepts the Department's reassurances. Members believe that the Bill represents a first step in the reform of workplace dispute resolution and expect the Department to continue talking to stakeholders and monitoring how systems are coping with the refocus on pre-claim conciliation. The Committee approves the Bill on the basis that work in that area of employment law is ongoing. On behalf of the Committee, I support the motion.

**Mr Lyttle:** As the Minister has noted, and judging by the attendance in the House, the Employment (No. 2) Bill seems to lack the controversy and hot air of some of the other debates that we have had today. Nonetheless, it has the key ingredients for good legislation: a responsive Minister, an attentive Committee and diligent officials who ensured that the Bill was widely consulted on and scrutinised.

As colleagues mentioned, the key findings of the consultation were the need to provide employers and employees with a clearer understanding of their rights and responsibilities and the need to develop a less bureaucratic system and a culture of early dispute resolution, which will also help us to improve how industrial and fair employment tribunals are used. I welcome the improvements that the Bill will make to that important area of employment law.

However, I also note the concerns that were raised with the Federation of Small Businesses. That body represents the small and medium-sized enterprises in our community, which provide the foundation for our economy. It called for provisions to introduce a new right for employees to request reasonable time off work for training. With careful monitoring and appropriate support for SMEs, the time taken to reskill and upskill workers will be a positive rather than a negative for the development and growth of individuals and businesses. If we are to provide a workforce with the new skills that they need to make Northern Ireland capable of competing in a global economy, it is vital that we raise employees' awareness of training opportunities and encourage employers to invest in training. I welcome the fact that

the Department will keep the fairness and effectiveness of that aspect of the Bill under review.

Although work must be done to develop a robust culture of early dispute resolution in Northern Ireland, it is important to recognise the Bill as a step in the right direction. It is also important to note that best practice employment law will require adequate resourcing. As mentioned, in 2009-2010, the Labour Relations Agency received more than 16,000 individual claims and dealt with 53,000-plus helpline enquiries. Although the agency will need to make efficiency savings like everyone else, it is important that it has adequate resources to deal with the important work that it does and that level of enquiries. Of course, it will have to use those resources effectively to deliver improved and more cost-efficient workplace dispute resolution.

In conclusion, I hope that the Bill will provide greater clarity for employers and employees, which will lead to the early resolution of disputes and the creation of positive workplaces that are fit to contribute to a productive and competitive local economy. I support the motion.

**The Minister for Employment and Learning:**

I am conscious that, as Mr Lyttle indicated, Members have had a long day. Nevertheless, the Bill is important legislation that proves the worth of this devolved Administration. Therefore, it is right that we give it proper consideration.

I thank Mrs D Kelly and Mr Lyttle for their contributions to the debate. Before I respond to specific points, I remind Members that the Bill seeks to deliver a set of core principles, which I outlined in my opening remarks and which were the product of a positive engagement with stakeholders. I encourage Members not to view the Bill in isolation, but as an important part of a wider set of legislative and non-legislative initiatives intended to deliver real improvements to the way in which disputes are handled in Northern Ireland.

I am aware that colleagues in the Department for Business, Innovation and Skills in Great Britain recently launched a consultation on further enhancements to its dispute resolution systems — *[Interruption.]* — I hope that that conversation is as interesting as it seems, because it seems fascinating.

Happily, I do not believe that the GB proposals cut across any of the provisions in this Bill,

and my Department will monitor closely the outworkings of that consultation.

With that in mind, I turn to the issues raised by Mrs D Kelly and Mr Lyttle. I thank the Chairperson of the Committee for her comprehensive and positive report to the House. The Committee made a significant contribution to the development and scrutiny of the provisions, and I thank all Committee members for their support and due diligence. Members will not be surprised to hear that I agree with the Committee's view that we need to reduce the bureaucracy that is associated with the resolution of disputes and make the process more solution-orientated for employers and employees.

The Bill and the initiatives associated with it, including the need highlighted by the Committee for improved information and guidance, are intended to achieve that objective. I take on board the concerns expressed by Mr Lyttle. He mentioned the Federation of Small Businesses. We are not seeking to impose undue costs or regulations on businesses.

The Committee rightly highlighted the concerns expressed by the Labour Relations Agency about the motivations behind clauses 8 and 12. I confirm that those provisions have been designed exclusively to provide the agency with greater flexibility to target its pre-claim conciliation services. The volume of pre-claim cases handled by the agency is already increasing year on year, which is encouraging, and I hope that that trend will continue following the passage of the Bill.

The provisions of the Bill are focused exclusively on effectiveness measures and not on cost reduction. I am clear that LRA's pre-claim conciliation services should continue to be widely available because that has been the clear message that the Department received throughout what has been a very extensive and meaningful consultation. It is important to remember that the Department's policy review has at all times been focused on the improvement of systems for dealing with workplace disputes in Northern Ireland.

The review has never been about making efficiency savings. That said, we cannot fail to recognise the challenges posed by the present economic situation. All parts of the public sector have a responsibility to be prudent in the use of existing resources and to be innovative as to how they deliver essential public services during what will be a very challenging CSR period. We will continue to work with the Labour Relations

Agency to ensure that it is appropriately resourced, while recognising the very difficult current public spending context. That more flexible approach mirrors developments in the rest of the United Kingdom, where the Employment Act 2008 replaced ACAS's duty to conciliate on pre-claim disputes with the same discretionary power that is provided for in clauses 8 and 12.

I acknowledge the Committee's concern about the wording of the explanatory and financial memorandum in relation to clauses 8 and 12. I confirm that when the explanatory material issues with the enacted legislation, it will reflect the revised wording that has been agreed with the Committee. With regard to confidentiality, I assure Members that the wider alternative dispute resolution activities undertaken by the staff of the agency or persons acting as agents on LRA's behalf are protected by confidentiality provisions in the existing legislation. Anything communicated to them during the course of ADR will not be admissible in evidence before a tribunal unless the person who communicated the information to the agency gives consent.

Concerns have been raised about conciliation activity outside the statutory regime; for example, relationship mediation. The Department explored with the agency whether there were ways of protecting specific activities, but no adequate proposal emerged from those considerations. However, if a need for additional protections is established, my Department will take whatever measures are required. The great majority of work undertaken by the agency is already protected, and I am confident that a tribunal would carefully consider any decision to require a professional mediator to disclose information that had been communicated in confidence.

On the issue of LRA arbitration, the current statutory arrangements provide for appeal on grounds of breach of human rights or EU obligations, as well as on grounds of fundamental perversion of the procedure. Appeals are heard by the Court of Appeal. I believe that those grounds remain appropriate under expanded arbitration arrangements. Arbitration can only be available where both parties agree, so there is no question of eroding rights to access to the justice system. Arbitration is not a process focused on the legal merits of a case; rather, it offers a quick, less formal and less stressful alternative.

The integrity of arbitration would be compromised if it just becomes a staging post on the way to a tribunal hearing. The broader appeal would

compromise the well-established principle that the decision of an arbitrator is binding. I am, however, willing to offer an assurance that my Department will monitor the effectiveness of the new scheme. I do not rule out the possibility of future changes to the scope of the appeal function if there is still not a sufficient uptake of arbitration.

### 11.15 pm

I turn to another issue raised by the Committee. There has been considerable debate during the review process on the broader issue of whether ADR should, in some way, be a mandatory process. No consensus emerged, but there is certainly a strong feeling in some quarters that, where parties are required to participate in ADR, it will devalue the process. Active promotion of ADR is a much more appropriate way forward. Parties are likely to avail themselves of ADR if it is clear to them that the process is comparatively informal, non-legalistic and voluntary.

On the issue of time to train, I want to assure the House that those provisions will only be commenced when the economy is in a much healthier state. We all understand the value of investing in our workforce, but it is my view that this is not the time to introduce this new right.

The Bill before us this evening is the result of a very positive engagement across the whole stakeholder community. Employer organisations, trade unions, legal practitioners, HR professionals and representatives from the statutory, voluntary and advisory sectors have all valuably contributed to the debate. To their very great credit, all the stakeholders have consistently thought of the bigger picture, recognising the opportunity that devolved government offers to develop regional solutions that respond to Northern Ireland's specific needs.

I once again commend the work of the Employment and Learning Committee, which has been very actively engaged with the policy development process from the very outset. I assure Members that my officials will keep the Committee updated as the implementation of the dispute resolution review is rolled out, and I very much hope that members will now lend their support to the passage of the Bill.

*Question put and agreed to.*

*Resolved:*

*That the Employment (No. 2) Bill [NIA 24/09] do now pass.*



## **Wildlife and Natural Environment Bill: Final Stage**

*The following motion stood in the Order Paper:*

*“That the Wildlife and Natural Environment Bill  
[NIA 5/09] do now pass.” — [The Minister of the  
Environment (Mr Poots).]*

*Motion not moved.*

## **Local Government Finance Bill: Final Stage**

**The Minister of the Environment (Mr Poots):** I  
beg to move

*That the Local Government Finance Bill  
[NIA 14/09] do now pass.*

I welcome the fact that this important Bill has now reached its Final Stage, and I take this opportunity to thank the Chairperson, the Environment Committee and all the Members who contributed to the Bill throughout the process and assisted us in improving and refining it.

I will not get into too much detail this evening, because brevity is key and less is more. The Bill will consolidate into one Act the legislative framework for local government finance. Part 1 of the Bill will allow councils more freedom to manage their financial affairs in line with modern accounting practices. It is important that councils have more control over their financial affairs in anticipation of the new powers that will be transferred to them and a stronger system of local government that can take on the challenges of the twenty-first century and the opportunities that exist.

Part 2 of the Bill updates the current provisions for payment of grants to councils by Departments. The two elements making up a general grant are to be replaced with two new grants: the derating grant and the rates support grant. The statutory formula for calculating the amount payable has not been altered.

New provisions have been made to extend all Departments' general powers to pay grants directly to councils. That addresses audit concerns that, in the past, my Department was paying out grants in relation to policies outside of its remit and over which it could not exercise sufficient control. Extending the power to pay grants to all Departments will also remove a layer of bureaucracy, which we always want to do, create time savings and reduce administrative costs. That will be particularly welcome at a time when we all face departmental budgetary pressures and constraints.

Part 3 of the Bill will update the legislative framework for councillors' remuneration, allowing my Department, through regulations, to require councils to make and to publish schemes of allowances paid to councillors. Many councils

already publish that information, but the Bill will provide a statutory basis for doing so.

Northern Ireland is the only devolved Administration where there is no independent panel to consider and to advise the Minister on the systems of allowances paid to councillors. That will no longer be the case. Clause 35 will enable my Department to make regulations to establish an independent remuneration panel and to make those regulations for the membership and functions of the panel.

I believe that the Bill is sound and effective. It has come about as a consequence of the excellent relationship and spirit of co-operation that exists between my Department and the Committee. I thank the Committee for its assistance. The Committee proposed one amendment at Consideration Stage, which I did not agree with. However, it was agreed, and I accepted that outcome.

In conclusion, the Bill will strengthen councils by giving them more freedom to manage their financial affairs in line with modern accounting practices. It will streamline the process for paying grants to councils, make provisions for an independent remuneration panel and allow for the publication of schemes of allowances. It will promote impartiality and transparency in all payments to councillors. I commend the Local Government Finance Bill to the House.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. If you will indulge me, I will try to wind up between now and midnight.

On behalf of the Committee for the Environment, I welcome the Final Stage of the Local Government Finance Bill. Those of us who are or have been councillors will know that legislation relating to local government finances and the remuneration of councillors was in need of updating. Although quite technical in detail and perhaps not the type of legislation that grabs headlines, the Bill should give confidence to the public, as it does to the Committee, that the framework for overseeing local government finances is consolidated into one piece of updated legislation to reflect modern accounting practices.

Given the financial circumstances that we are in, everyone is being asked to make sacrifices. It is, therefore, important that the framework for ensuring that public moneys are properly managed is appropriate. As a starting point,

it is necessary to ensure that the governing legislative framework is fit for purpose. It was the Committee's role to scrutinise the Bill to make sure that that was the case. In general terms, the Bill will give councils greater freedom to manage their financial affairs. I think that that will be welcome in an era in which, rightly, there is considerably more scrutiny of how public funds are managed.

During the Committee's considerations, it sought views from a range of organisations to get a balanced overview of the issues. The Committee was greatly aided by the insight that oral and written submissions gave. On behalf of the Committee, I thank all those who took the time to engage with us on the Bill.

It is always difficult to distil a range of views into a single agreed position, but I think that the Committee's approach at least allowed those views to be aired and raised with the Department. It is the Committee's opinion, therefore, that the Bill reflects, as far as possible, the concerns of those whom we engaged with and highlights the advantages of working closely with the Department to exchange views and to amend legislation as necessary.

During clause-by-clause scrutiny, we considered one Committee amendment and a couple that the Department proposed in response to Committee recommendations. However, the large majority of the clauses were agreed as drafted. In fact, in its report on the Bill, the Committee made five recommendations, two of which the Department accepted, making the necessary amendments so that the Committee's concerns would be addressed. The Committee was also concerned about the robustness of the audit process. However, it recognised that it would not be appropriate to legislate on the audit process through the Bill and recommended that that process be reviewed and, if necessary, strengthened. I would welcome a commitment from the Minister that he will direct his Department to take that forward with some urgency.

The ring-fencing of the in-year rate support grant was another of the Committee's key concerns. That was important to the Committee, because members felt it unfair that the councils under the most financial pressure could have their budgets altered in a financial year with no option for recouping the loss. I am glad that the House supported the Committee's view on

that. The Committee initially wanted the Bill to allow for the inclusion of social clauses in public procurement contracts but, on advice, it was satisfied that those are being brought forward through subordinate legislation. We hope that that subordinate legislation will progress quickly.

I acknowledge the work that my fellow Committee members have put into considering the legislation. We have had our fair share of legislation, and members have approached each Bill with a judicious eye. I and the Committee acknowledge the support provided by the Committee staff, and we thank them for that. I also acknowledge the collaborative approach taken by the Department and the Committee, which ensured that the Committee's concerns were addressed to its satisfaction.

In conclusion, I endorse the Bill on behalf of the Committee.

**Mr Kinahan:** Everyone will be pleased to hear that I will be brief. I welcome the Bill and the fact that there will be a new legal framework in place that gives councils greater freedom. There is a mass of more work that I will not go into in great detail. The Committee, which I only joined halfway through its consideration of the Bill, has done a mass of good work. Councils will thrive on this legislation, and they need to because there is a mass of challenges coming their way. I support the Bill.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I support the Bill with a degree of qualification, given where we are with the process. I welcome greater freedom for local government finance and, indeed, for local authorities' exercising of those powers. However, the Local Government Finance Bill is very much linked to the review of public administration. We already have the cart before the horse situation that is the Planning Bill going through. It is undergoing the intensive scrutiny of the Committee for the Environment even though we do not have the proper framework and context for it through the changes to and reform of local government, with safeguards built in. Those safeguards will be crucial. Although I welcome freedom on one level, it is crucial that that freedom be balanced with openness, transparency and equality for all. Therefore, the reform of local government will be key to how the powers are exercised, whether they be finance, planning or any other powers that may be handed over to the local authorities.

I will make one more very important point. Although we are saying that there should be greater financial freedom for local authorities, it is crucial that the transfer to local authorities of any powers that are tied in with the review of public administration, including planning, as the Minister will appreciate, be done in a cost-neutral way. That has proven a bit of an issue to date. The closer that we come to a Budget, the more difficult it is to get any degree of assured clarity from the Department in the form of an undertaking that the transfer of powers will not be done at additional cost to ratepayers or councils.

As a member of the Committee that scrutinised the Bill and has seen it through, I welcome it, albeit with the qualification attached that it must be in the context of greater reform of local government.

**The Minister of the Environment:** I thank Members for their contributions. Mr Boylan, the Committee Chairperson, asked a question about the audit process. As I indicated at Consideration Stage, the audit procedures need to be effective, efficient, understandable and subject to regular review. In that context, I am very happy for my Department to carry out a review of the audit process. If we identify that changes are required, we will set about making those changes.

I thank Mr Kinahan for his comments. Mr McGlone raised the issue of the RPA. A good, prudential regime for councils is relevant irrespective of the RPA. If the RPA had not been thought about or devised, this Bill would still be necessary. The Bill does, however, put us in a better place for the RPA. I have already indicated that my Department is looking to transfer powers that have a cost-neutral impact on local authorities. I trust that that would be the case for the Member's own Minister, who will have to transfer the powers for urban regeneration to local government.

**11.30 pm**

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

**The Minister of the Environment:** I will give way in a moment.

I look forward to those powers being transferred to local government, and perhaps urban regeneration may well then receive some beneficial grant aid that will assist towns across Northern

Ireland and not just the cities of Belfast and Londonderry.

**Mr McGlone:** I thank the Minister for giving way and for his co-operation throughout the passage of the Bill.

On the issue of cost-neutrality, I asked the Minister's permanent secretary whether he could give assurances that the transfer of any powers, including planning powers, to local authorities would be done on a cost-neutral basis. I asked that during the discussions about and presentation of the draft Budget to the Environment Committee. The permanent secretary could not give any such assurances. So, the fact that assurances could not be given by the permanent secretary about cost-neutrality during the transition and the handover of powers led to some distilling of the assurances that were given previously. That is by way of information to the Minister about what happened at the Environment Committee about three weeks ago.

**The Minister of the Environment:** I thank the Member for his kindness in drawing that matter to my attention. Of course, we have a devolved Administration in which Ministers and the House call the shots and where the civil servants carry out the instructions that are given to them by the democratic institution. That is correct and it is the way forward in this country, and I say that with the greatest respect to my permanent secretary.

I regularly hear Members criticising me because, for example, we have reduced the number of planners. That is a difficult decision to make, but it must be done in order to do what the Member is requesting, which is to ensure that we have the Planning Service in a position in which it can be transferred to councils on a cost-neutral basis. That is why we are readdressing the issue of planning fees. We will be driving through efficiencies in the Planning Service, we will have a fees regime that is commensurate with the work involved around applications, and we want to put the Planning Service on a proper footing to enable it to be transferred to local authorities at the appropriate time. It is my aim to do that in a way that is cost-neutral to local government. I am sure that the Minister for Regional Development and the Minister for Social Development will also want to transfer their powers to local government on a cost-neutral basis. We want local government to take on the new powers in a way that is beneficial to

the community and not as a sneaky way for this Administration to pass taxes to the community that will have to be raised through the rates revenue.

I think that a lot of that is irrelevant to the piece of legislation that we have before us tonight. However, I feel duty-bound to respond to Mr McGlone's comments.

I thank everyone who helped to bring us to this point. I commend the Bill to the House and welcome its support.

*Question put and agreed to.*

*Resolved:*

*That the Local Government Finance Bill [NIA 14/09] do now pass.*



## Private Members' Business

### Caravans Bill: Final Stage

**Mr McCallister:** I beg to move

*That the Caravans Bill [NIA 17/09] do now pass.*

I am delighted that the Bill has reached its Final Stage and is on track to become the first private Member's Bill in the history of this Assembly to be passed.

**Ms Purvis:** I congratulate Mr McCallister on being the first Member to reach the Final Stage of a private Member's Bill in the Assembly. Is he aware that this is only the second private Member's Bill in the history of Northern Ireland government? The first one became the Wild Birds Protection Act (Northern Ireland) 1931.

**Mr McCallister:** I am grateful to the Member for that. She has certainly been looking into the history books. I cannot see any Members who would have been around in 1931, not even Pat Ramsey.

When I introduced the Bill to the Assembly on 26 April 2010, I was of the firm opinion that the debate and discussions at Second Stage and Committee Stage would be extremely productive and would help to shape the Bill into what will, I believe, be highly effective legislation.

I will now touch on the Bill's main purpose and aims. The Caravans Bill provides a high level of protection for the owners of permanent caravans, which is important because such caravans are their main or only residence. It also provides a level of protection that did not previously exist in Northern Ireland for the owners of static holiday caravans.

Part 1 provides a detailed statutory framework for protecting the rights of residential caravan owners who live on approved sites. That framework centres on the requirement for written agreements to be in place between site owners and caravan owners, for a series of detailed terms to be applied in any agreements and for the courts to have the authority to hear a range matters relating to residential agreements.

The holiday caravan sector is dealt with in Part 2. Although it has been acknowledged that a considerable body of consumer protection law already applies to that sector, many holiday caravan owners do not have written agreements with site owners. Historically, that has made

it difficult to ensure the effective enforcement of existing law. The requirement in Part 2 for written agreements that set out expressed terms of agreement will address that.

Part 3 gives protection from harassment and unlawful eviction to those who own or rent a residential caravan on an approved site. It is designed to protect the rights of residential caravan occupiers peacefully to enjoy their homes.

Part 4 updates the definition of a caravan in line with the definition used in England and Wales. That is important to provide clarity and to help to ensure the effective application of the Bill.

The Second Stage debate all those months ago managed to stir the emotions of even the most passive Members —

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

**Mr McCallister:** Speaking of which —

**Mr Wells:** First, I refute the accusation that I was present for the passing of the Wild Birds Protection Act (Northern Ireland) 1931. *[Laughter.]* I may rapidly be becoming the Father of the House, but that does not mean that I am the oldest Member, just the longest serving. However, I know that I was in the House before the Member was born.

The Member said that the Bill raised passions, which it did. I was one of those who vented some of those passions at the Second Stage debate. I hope and pray that he will never use this against me in the local press, but I would like to congratulate him on his success in bringing the Bill through. It will forever be known as the McCallister Bill. However, I suspect that he had some expert advice behind the scenes, and I think that that person should also be congratulated. I see the Bill as a major step forward in protecting the rights of caravan owners and occupiers, particularly in my and his constituency of South Down. I have had my ear burned about this issue on many occasions in places such as Cranfield, Annalong and Newcastle, and even Strangford. So, the Bill is an advance.

I realise that the Member had to make some concessions along the way to make the Bill viable. However, hopefully, it will ensure that people who enter some caravan sites do not sign away all human rights in respect of what they can do with their caravan, to whom they can sell it, who they can get to maintain and insure

it, and who they can get to buy it back when they no longer require it. The Member and I know that many difficult issues have arisen. However, this is a step in the right direction. I congratulate him, but I pray that he never lets the public of South Down know that I have done so.

**Mr McCallister:** I am grateful to my colleague from the South Down constituency. I know that he feels passionate about the issue, and he certainly gave me a fairly difficult time at Second Stage. However, that is what has helped to shape the Bill. I will, of course, try to leak the Hansard report of this debate to as many local papers as possible, particularly given how close we are to an election.

**Mr Humphrey:** On behalf of caravanners across Belfast, I thank the Member for bringing his Bill to a successful conclusion. The Member may be aware that Millisle in my constituency of North Down is known as "Shankill by the sea".

Many of those people who had difficulties getting rid of their caravans by selling them on will be delighted with the progression of the Bill. I thank the Member and those who worked behind the scenes in bringing this to successful fruition.

**Mr McCallister:** The Bill is very much about constituents such as the Member's who travel out of Belfast and visit the very beautiful constituencies around it, such as Strangford, North Down and South Down.

**Mr Kennedy:** Newry and Armagh.

**Mr McCallister:** And the very scenic Newry and Armagh. Although I am not sure that I have ever holidayed in Bessbrook.

Throughout this process, I have been very encouraged by the support that the Bill has received from all sides of the House. There has been widespread acceptance of the principles of the legislation, and the detailed scrutiny that the Bill received in the Committee for Social Development added to it. The Second Stage debate certainly added to and greatly informed my thinking about where Members were on the issue. I am grateful to the Committee, under Mr Hamilton's chairmanship, which gave the Bill great scrutiny and helped to improve the legislation.

It was quite clear to me from the outset that the Bill's provisions for the residential caravan sector were supported almost universally around the House, with no major contentious issues

around that. The holiday sector is the larger of the two caravan sectors here in Northern Ireland. It was the subject of many complaints and was the most hotly contested issue during the debate. That issue was probably the most difficult on which to get agreement on the best outcome.

As Mr Wells mentioned, the current draft of the Bill looks rather different from the original draft. When I started work on the Bill, we had to consult, come back, redraft and look at it again. A lot of work and effort was put in to trying to strike a balance between what needed to be a workable piece of legislation for the holiday sector, a meaningful piece of legislation, something that did not over-regulate the industry and something that met Minister Foster's requirement that it not be overburdensome.

**Mr Kennedy:** I add my personal congratulations to the Member on achieving the significant milestone of bringing a private Member's Bill to successful fruition in the Assembly. John McCallister deserves enormous credit, because he has taken on board and listened to the concerns of Committee members and other political representatives and, indeed, to ministerial concerns. I take great satisfaction that John, who has brought the Bill successfully through the House, is a party colleague. He very carefully steered the Bill with great wisdom, which deserves enormous credit.

I also take comfort from the fact that the initial basis for John's taking the Bill through the Assembly was a public meeting in Tandragee, in my constituency of Newry and Armagh, at which a number of caravan owners came together to raise issues of concern with John and other elected representatives. It is timely and right that we pay due tribute to those people who made that initial effort, and to John himself for the hard work that he has persevered with. Congratulations, John.

**Mr McCallister:** I am grateful to my colleague Mr Kennedy for that. I was indeed in Tandragee. I think that I was only filling in that night because he could not go, and I got stuck with all the work. Mr Kennedy enjoys an enormous majority in his seat in Newry and Armagh, but I got stuck with having to draft the Bill. However, I appreciate his support and that of party colleagues. As Mr Kennedy highlighted, the Bill demonstrates to people across Northern Ireland that, when they identify something that is not right, they can

lobby elected Members and change the law in Northern Ireland. That is what politics is and should be about.

#### 11.45 pm

The Bill represents a huge step forward and pushes Northern Ireland ahead of the rest of the UK. The merits of written agreements cannot be overstated. It is almost impossible to challenge something that a site owner is trying to impose on a caravan owner if there is no written agreement and no transparency. There can be no nasty surprises if there is a written agreement. Moreover, seasonal caravan owners are being given the same statutory rights as their permanent residential counterparts to form recognised associations and to be consulted on important matters that may affect them.

**Mr Wells:** There is no doubt that the Bill will now go for Royal Assent. Her Majesty will read it with great interest, wonder who John McCallister is, and find out about more about the Member for South Down. I think that most caravan site owners will wonder when the Bill will become law. We are coming into another holiday season, and none of us wants to see a perpetuation of the sometimes ridiculous behaviour of some caravan site owners. Should the House agree tonight, which I think likely, and should Her Majesty decide not to refuse to sign the legislation, when does Mr McCallister expect that we will see the legislation affecting an ordinary person with a site in Cranfield, Dundrum or Newcastle, for example?

**Mr McCallister:** I have, of course, offered to take the Bill to Her Majesty personally, but Danny has an important Employment Bill that he says will go in first.

My understanding is that the normal process is for Royal Assent to take four to six weeks, with the Bill being enacted six months after that date. We are probably looking at late September or early October before it will take effect.

I realise that the hour is late, but I want to record my thanks to the Committee for Social Development, the Committee for Enterprise, Trade and Investment and the Committee for the Environment. I especially thank the Committee for Social Development as it had the heavy lifting to do on this. I am sure that the Chairperson of the Committee will pass on my thanks.

I would especially like to single out Minister Attwood and his predecessor, Margaret Ritchie. When we initially drafted the Bill, Minister Ritchie, as she was at the time, very helpfully wanted to redraft and change things. She helped to facilitate that and to push the case for the legislation through OFMDFM, so I owe a huge debt of gratitude to Margaret Ritchie and Alex Attwood for running with the Bill. I believe that the Second Stage debate was held on Alex Attwood's first day as Minister, so he did not get much of an easy run into his portfolio.

I also thank Minister Poots, as Part 4 of the Bill relates to the Department of the Environment, and Minister Arlene Foster, who has been very useful in steering and debating some of the issues around better regulation. She has been working and showing flexibility and compromise on some issues that we did not always agree on initially. I think it is important to record that.

I am also grateful to Annette Holden, who works with me and who has had to travel around a good bit of Northern Ireland, visiting, listening to and consulting with caravan owners and site owners to build and shape the Bill into what it has become. I feel that that has been a very important part of the exercise. It has been three years and one month since the meeting in Tandragee that Mr Kennedy referred to, and we have had many ups and downs on this.

Civil servants often get somewhat bad press in Northern Ireland, as if they are not up to speed. I hope that the Minister will pass this on to his officials, particularly Stephen Martin: they were absolutely superb in their professionalism and the way in which they dealt with the issues with the Committee and me. They have been an example of how the Assembly can work at its best by shaping legislation, getting a policy idea and progressing, shaping and changing it, working with the Committee, listening to Members and building on that as we go forward. I thank Members for their support in doing that and getting the Bill to this stage.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I thought that I had been temporarily demoted or that something had been taken off me at some stage. I join in the gushing praise of the Member. Perhaps a group hug or something would be appropriate. I congratulate him on his tenacity in ensuring that the Bill has got to this stage. It was a lengthy process. It seems like an eternity since

he first spoke to me about the Bill. It has been a rollercoaster going up and down since then. It has been a complex Bill. It was complicated by the interventions of some, and he will know that there were stages, even though there were the best of intentions at the heart of the Bill, at which complications and roadblocks made it look like it might not get to this stage. I congratulate him for seeing those through.

I also congratulate and thank everyone who gave evidence to the Social Development Committee. That evidence, from whatever source, certainly helped us to have a much more robust and thorough Committee Stage. The scrutiny of the Bill is evident in the final product and the debates that we had at previous stages. I echo the comments that were made by the Bill's sponsor in congratulating the officials from the Department, who greatly assisted and were always at hand whenever the Committee had queries, and we had many queries during the Committee Stage. I put on record my thanks to them and to the staff of the Committee for their help in allowing the evidence to be taken and the Bill report to be produced.

I will not go into the same detail as the Member. There is a lot in the Bill, but I principally welcome the protections that are afforded to people who live in caravans in the residential sector, some of which are located in my constituency, and also those in the holiday sector. Members will know that the Strangford constituency has one of the highest caravan populations in the whole of Northern Ireland, so it is good to see a Bill coming through that not only protects people but protects those who holiday in our areas.

Perhaps a perception has developed that caravan site owners are somehow the enemy and are all nasty, awful people. There is certainly some bad behaviour, and there are long lists of stories that many Members can recite to back that up. Principally, however, the sector is enjoyed by many thousands of people across Northern Ireland every year without complaint at all. It is an important aspect of our tourism industry, and it is worth putting on record our thanks to that sector for its co-operation in allowing the Bill to pass. The provisions in the Bill strengthen the sector considerably and make it much more attractive. It will thrive and flourish as a result.

With that in mind, on behalf of the Social Development Committee, I congratulate the Member and thank him for his tenacity in

bringing forward the Bill. We look forward to its passing and having a positive impact on caravan owners in the residential and holiday sectors in Northern Ireland.

**Mr P Ramsey:** It was not my intention to speak to the Bill tonight, but it is important as it is a historic night. I commend and congratulate John McCallister for his sheer grit and determination to go through the process. As someone who is involved in the early stages of a private Member's Bill, I know the amount of very tedious and patient work that is required. I think that John will want to commend the Bill Office for all its endeavours.

The Bill is important and will give the ultimate protection and regulation. An awful lot of abuse goes on with unscrupulous site owners, and Jim Wells referred to some areas in which abuse takes place. Whether it is to do with maintenance inside or outside a caravan or making people buy high-priced decking, site owners give people no choice. Furthermore, if people challenge site owners about the cost, the site owners are quick off the mark to tell those people that if they do not like it, they can get off the site, with no power to respond.

The Bill sets a new standard. In Donegal and across Southern Ireland, thousands of caravan owners need the same protection. We always talk about cross-border co-operation, so I hope that someone in the Irish Government is listening to the debate. Previously, I met Irish Government officials to discuss unscrupulous site owners, particularly in and around Donegal, who abuse caravan owners. People there are not allowed to meet or challenge site owners.

For John, personally, this is an important night. Well done, and I hope that his efforts are recognised. Given the protection that he has achieved for so many people, including vulnerable and innocent people, the passing of the Bill will give them heart. I hope that the Bill places the utmost regulation on site owners in Northern Ireland who think that they can get away with abuses and have been getting away with them for many years. As a caravan owner in Donegal, I should declare an interest. The abuses that have gone on for decades cannot be allowed to continue, so I hope that someone — even John — informs the Irish tourist board about the Bill, which could be the way forward in protecting all caravan owners on the island.



**Mr B McCrea:** I will not detain the House too long. Nevertheless, it is appropriate to acknowledge the generosity of the comments by Members on various Benches. Mr Wells pleaded with us not to leak his comments to the local press. I can probably assure him the John will not, but I might. Given that generosity, I shall redress the balance by declaring that I am very pleased for my very good friend Mr McCallister — there we go, it is in the Hansard report, so that is him finished now.

We should all take some pride in the passing of the Bill. Sometimes, we are accused of not working or not delivering. On reading the debates, I was struck by the number of times that I said “Aye”, because that was about all that I said. Nevertheless, I listened to the debates and realised that real legislation was being worked out and real points were being made. As the Chairperson of the Committee for Social Development, Mr Hamilton, said, there were undoubtedly contentious areas that had to be worked through, and that was right and proper. His Committee did a very good job on getting through the issues.

It was also kind of Mr Humphrey to say that the Bill is very good all round. I hope that we have made a difference to many people's lives. I was going to offer my personal congratulations to Mr McCallister, but it is not really him that I should be congratulating; it is Annette, because, while he took all the glory, she did all the work. *[Laughter.]* On those kind words, I shall finish by wishing Mr McCallister all the very best with the McCallister Bill.

#### **The Minister for Social Development**

**(Mr Attwood):** As Dawn Purvis said, although we have come to the end of one of our longest days, we have also come, as other Members stated, to one of our rarest moments. It is so rare that it is hard to believe. Only twice in 90 years has this happened in this Building, and tonight is the second occurrence. This moment is almost unique. Therefore, all the compliments to John McCallister for taking the Bill through its various stages since 26 April 2010 have to be acknowledged.

There must have been something in the air that night in Tandragee, because since then John McCallister has got married, fathered a child, become deputy leader of the Ulster Unionist Party and sponsored and seen the Bill through the Assembly.

**Mr Kennedy:** That is Tandragee for you.

**The Minister for Social Development:** That is Tandragee.

**Mr B McCrea:** But it is not all downhill.  
*[Laughter.]*

#### **12.00 midnight**

**The Minister for Social Development:** I was not anticipating the election on 5 May in that regard, but congratulations for all those reasons.  
*[Laughter.]*

I checked it out today, and last year, Westminster passed seven private Member's Bills. In the lifetime of its current mandate, the Scottish Parliament has passed four, has four more in the pipeline and two were withdrawn. The poor Welsh Assembly has passed none, but it did not have primary legislative powers until recently. Therefore, it did not have the capacity to do what John has done in this House over the past months. The point behind that, which will be touched on again in the subsequent debate, is that the capacity of legislators to come forth with an idea, mould it into proposals, draft it into clauses and guide it through all its legislative stages is something that John has set a standard for, against which we should all be judged and judge ourselves.

I do not intend to rehearse the scope of the Bill. That was touched on before and spoken about tonight. However, like everybody else, I want to acknowledge all those who contributed to the passage of the Bill, beyond John's leadership on it. There are a lot of people to acknowledge. First and foremost, I acknowledge my predecessor, Margaret Ritchie. It is very difficult to get a private Member's Bill through, and I put firmly on the record my appreciation of her assistance at ministerial level, working with and being led by John. It was a difficult passage. There were, as Simon Hamilton indicated, some difficult moments. Had it not been for her contribution and, in a small way, belatedly, my own, we might not have been in this position tonight.

I acknowledge the work of the Bill Office. This has ended up being a 28-page Bill; no, it is an 18-page Bill. The work of the Office of the Legislative Counsel and the Bill Office has been essential in all of this. It is not the convention to name civil servants from the Floor of the Assembly, but given that Stephen Martin has been named already, I want to acknowledge

his work. He is not in the Officials' Box tonight because, contrary to convention in Departments, and without the knowledge of the permanent secretary, I told him to go home at 6.00 pm, in anticipation of this being a long night. However, as John and others have done, I want to acknowledge the contribution of Stephen Martin in helping, always with good heart and a willing mind, to get the Bill to where it is tonight.

I want to acknowledge the role of the Environment Committee, the Enterprise, Trade and Investment Committee and the Social Development Committee. Their work was substantial in all this. It demonstrates that when Committees work together, when Members work together and when parties work together, we can have a very productive outcome. There is certainly something in all that, around which we can learn from the past and look forward to the future.

Having acknowledged the Social Development Committee, I want to particularly acknowledge its members and Chairperson. There were some testing moments over the past months and some very significant hurdles to be jumped, but all those tasks have been achieved. I want to acknowledge the Executive, because they assisted in ensuring that various amendments got appropriate endorsement, and those are reflected in the Bill.

However, ultimately, I come back to the fact that this legislature is tonight, subject to the Bill being granted Royal Assent, making a material difference for a community in Northern Ireland that did not previously have the protection that it might have required. That will, to a substantial degree, be corrected through the passage of the Bill.

Finally, I want to again acknowledge the contribution of John. He has shown resilience, fortitude, determination and all the skills that make a good politician and a good legislator. I commend him for that.

**Mr McCallister:** I wonder whether everyone will join me in the election campaign — *[Laughter.]*

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

**Mr McCallister:** I have at least one who will.

**Mr Kennedy:** One volunteer already. I do not want to hold the House or the Member back from his moment of glory now that a new day has dawned. I omitted in my earlier remarks to

indicate that I, too, am a caravan owner. I have no pecuniary interest in the legislation, but lest anyone be sent off to find out why I did not declare my interest, I do so gladly now.

**Mr McCallister:** The good news is that the Member's caravan is in the beautiful South Down constituency.

I am grateful to Members for their kind remarks. I will sum up briefly. Mr Hamilton paid tribute to the Bill Office. The legislation is big for a private Member's Bill. I did not realise that until quite a bit into the process, and I am grateful to the Committee staff. I had a brief stint on the Social Development Committee; perhaps Mr Hamilton felt that my party leader sent me there only to speed things along. However, I assure him that that was not the only reason. I enjoyed my brief time on the Social Development Committee. Mr Hamilton is right that the industry has worked well with the Committee and with myself and Annette Holden to shape the Bill. Of course, members liked some bits and not others, but they worked to put the legislation in place early before we hit the difficult times.

I thank Mr Ramsey. He will know about the issue, given his private Member's Bill on helmets, which I got into all sorts of bother for voting for. It is important that a private Member's Bill goes to Committee so that the work can be done. The Bill Office has a key role in advising Members in that. There are huge issues. The written agreements that the Caravans Bill will introduce will go a long way to addressing some of the issues that Mr Ramsey raised about people who feel that they have been abused financially by site owners. The Bill will make the process more open and transparent and, of course, caravan owners will have the right to form owners' associations to voice their views.

When I look around the Chamber and see that Mr McCrea, Mr Wells and Mr Hamilton are still here, I am concerned about who will do 'The Stephen Nolan Show' in the morning. *[Laughter.]* I am worried that you will all sound terribly sleepy. I was even more concerned when Mr McCrea described me as a very good friend; I assure my party leader that that is not the case. *[Laughter.]* In fact, I have never seen him before. *[Laughter.]*

I am delighted that the Minister is here to respond to the debate, and I hope that he passes on my thanks to his party leader and predecessor, Margaret Ritchie, for her contribution to the Bill

in availing herself of the Office of the Legislative Counsel and pushing it through. I thank the Office of the First Minister and deputy First Minister as well. The fact that amendments that were made at Consideration Stage and Further Consideration Stage were guided by the Minister was of enormous help to me and to the process of the Bill.

The fact that departmental officials were available to the Committee was enormously helpful and important to the smooth progression of the Bill, so I thank him for that. I thank him and Dawn Purvis for their research in finding out that the last time a private Member's Bill was passed was all the way back in 1931. I took a rough guess that it was possibly some time back in the 1960s, but I did not imagine that it would be as far back as that. It is a rare occasion, and there was a great deal of work, but, if I am re-elected on 5 May, that will not deter me from introducing other private Member's Bills on important issues such as this.

**Dr Farry:** I have been out of the Chamber catching up with other work, and I wanted to make sure that, from the Alliance Party Benches, we put on record our congratulations to John McCallister on getting the Bill through to this stage. No doubt, it is about to be adopted. Although I have been slightly tongue-in-cheek in praising him over the past couple of days, my comments are 100% genuine. Well done, John.

**Mr McCallister:** I will definitely not go into the issues on which the Member was praising me over the past couple of days, but I am grateful to him and his party colleagues, particularly Anna Lo, for her contribution as a member of the Committee for Social Development. I thank all Members for their support, advice and assistance in guiding and shaping the Bill to where it is today.

*Question put and agreed to.*

*Resolved:*

*That the Caravans Bill [NIA 17/09] do now pass.*

**Mr Deputy Speaker:** I ask the House to take its ease for a few moments.

*(Mr Speaker in the Chair)*

## **Armed Forces and Veterans Bill: Consideration Stage**

**Mr Speaker:** I call the sponsor, Mr David McNarry, to move the Consideration Stage of the Armed Forces and Veterans Bill.

**Mr McNarry:** Good morning, Mr Speaker.

*Moved. — [Mr McNarry.]*

**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.

I inform Members that a valid petition of concern was presented on Thursday 10 February in relation to the Bill's eight clauses and the long title. I remind Members that the effect of the petition is that the vote on the clauses and the long title will be on a cross-community basis.

There is a single group of amendments, comprising amendment Nos 1 to 9, which deal with departmental responsibilities, Orders and regulations. Once the debate on the group is completed, any further amendments 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 (General duty to have due regard to the impact of the exercise of functions on the services community)**

**Mr Speaker:** We now come to the group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 9. The amendments would transfer the responsibilities that the Bill places on the Department of Finance and Personnel to the Office of the First Minister and deputy First Minister. They would also provide for regulations to be made prescribing the functions of a co-ordinator.

I inform Members that amendment Nos 2 and 3 are mutually exclusive and that amendment Nos 3 to 8 are paving amendments for amendment No 9.

**12.15 am**

**Mr McNarry:** I beg to move amendment No 1: 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 subsection (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.”*

*The following amendments stood on the Marshalled List:*

No 2: In clause 2, page 1, line 20, leave out subsections (2) and (3) and insert

*“(2) The Department may make regulations prescribing the functions of a co-ordinator.*

*“(3) Regulations may not be made under subsection (2) unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.” — [Dr Farry.]*

No 3: In clause 2, page 2, line 4, leave out

*“the Department of Finance and Personnel”*

and insert “the Department”. — [Mr McNarry.]

No 4: In clause 4, page 2, line 31, leave out

*“the Department of Finance and Personnel”*

and insert “the Department”. — [Mr McNarry.]

No 5: In clause 4, page 2, line 36, leave out

*“the Department of Finance and Personnel”*

and insert “the Department”. — [Mr McNarry.]

No 6: In clause 4, page 2, line 38, leave out

*“the Department of Finance and Personnel”*

and insert “the Department”. — [Mr McNarry.]

No 7: In clause 5, page 2, line 41, leave out

*“the Department of Finance and Personnel”*

and insert “the Department”. — [Mr McNarry.]

No 8: In clause 5, page 3, line 3, leave out

*“the Department of Finance and Personnel”*

and insert “the Department”. — [Mr McNarry.]

No 9: In clause 6, page 3, line 23, at end insert

*“ ‘the Department’ means the Office of the First Minister and deputy First Minister”. — [Mr McNarry.]*

I am very proud to be associated with the Bill and with the deserving people to whom it relates. I hope that the House will join me, this morning as it is now, in securing for them due recognition and respect by supporting Consideration Stage and advancing the Bill towards a positive conclusion. I am grateful for the opportunity to speak up for the Bill and for those who will benefit from the Assembly's approval.

A number of grouped amendments will strengthen my Bill. However, sadly and regrettably, I am aware of the lodging of a petition of concern. It is a shoddy tactic against the Bill. Regrettably, it has served only to bring into the open serious elements of discrimination and sectarianism that we on this side of the House thought were behind us as we pursued betterment for all our people who live, work and are educated here and who seek to enjoy life to the full or as best they can in a shared society. With your permission, Mr Speaker, I will return to that issue later.

As I said to the Committee for the Office of the First Minister and deputy First Minister and to the House, my Bill does not give anyone special category status, queue-jumping priority, extra privileges or specific advantages. All it would do is remove disadvantages. The Bill is entirely designed to give equality to members of the armed forces: the Army, the Air Force, the Navy, the families and the veterans. The amendments also serve to allocate responsibilities to the Office of the First Minister and deputy First Minister.

I thank the Committee for the Office of the First Minister and deputy First Minister for hearing my explanation of the thinking behind the Bill and the amendments. I also thank the Committee staff, the Assembly's Research Services, the Speaker's Office and the Bill Office for helping my Bill to reach this crucial stage. I also thank the witnesses who came forward to the Committee, the respondents who submitted written comments to the Committee and, not least, the Equality Commission.

This is pertinent to our discussion: after a careful reading of the Bill, the Equality Commission told the Committee that it seemed

*“not to conflict with any equality or anti-discrimination legislation.”*



The commission said — I suggest that this is relevant to all the amendments before us — that

*“The Bill creates a duty for a range of specified authorities to give due regard to the impact that the exercise of their functions may have on an identified category of people, service personnel and their families.”*

It added:

*“the Bill confers no preference and makes no requirement of any public authority around any action required to be taken following the giving of due regard to that impact.”*

By encapsulating the purpose of the Bill as being that those who serve must not be disadvantaged by virtue of what they do, the Equality Commission succinctly summed up for the Assembly what the amendments to my Bill can achieve. Regrettably, it appears that there are those who are not convinced by any amendments. By using the tactic of a petition of concern, they seem intent on further disadvantaging people who live in our communities. However, I contend that it would be commendable if the whole House were to judge the Bill and the amendments on the merits of a genuine desire to ensure that no one who lives among us would or should be disadvantaged. It is not those who wear the uniform who are at fault; the problem lies with those who are unwilling to recognise and respect people in a British uniform.

Neither the Bill nor the amendments have hidden agendas. The Bill brings to Northern Ireland due regard to members of the armed forces, their families and veterans. It also gives due regard to the impact of functions on the services community. That is the genuine and honest purpose of my Bill. It was such from the beginning. There are no other intentions behind it. The Bill, along with the amendments, takes account of those commitments. Therefore, the proposals relate to devolved matters which include prosthetic limb provision; access to NHS dentistry; the health needs of veterans; getting on the NHS waiting list; the roll-out of community mental health; affordable homes; adaptable social housing; adapted affordable homes; disabled facilities; affordable homes that extend access for veterans; social housing with local connections; a certificate of cessation; homelessness; school place allocation; educational attainment; special educational needs; education and training

for service leavers; basic skills for families; concessionary bus travel; blue badge access; childcare provision; flexible careers in the armed forces; support to the volunteer reserve forces; and support to the employment of service families and the employment of service leavers in the public sector. The Bill and the amendments can address the fact that those people can lose out on all of that, which is why it makes good sense to accept the amendments that pass all-round responsibility from DFP to OFMDFM.

The Bill, with the amendments, is an exercise in fairness and equality. It extends rights that are available elsewhere in the United Kingdom to former and serving members of the armed forces and their families in Northern Ireland. The amendments that relate to OFMDFM identify the important job that needs to be done in a businesslike and no-nonsense way that best suits the competency of the Bill. With the amendments made, the Bill will be seen by many observers as a test of the genuineness of the commitment to equality that is so often professed by Members of the Assembly. It is a Bill with genuine and open intent. As I said, there are no hidden agendas, simply a desire to extend rights that are already enjoyed elsewhere in our country. I ask Members to reflect on that and to give the Bill and the amendments fair passage. As far as I am concerned, there is no political subtext.

There has never been a time when the public have been more aware of the sheer professionalism and dedication of our armed forces, often in the face of official neglect and systematic and scandalous underfunding and underequipping in the most dangerous of circumstances. The Armed Forces and Veterans Bill would be a legal charter for our armed services personnel. It would press Stormont Departments to ensure that the armed forces, their families and veterans are not disadvantaged because of their military service. It will extend rights that are available to armed service personnel and their families in other parts of the United Kingdom.

The Bill and the amendments that were tabled for this evening — now this morning — assert how important the role of OFMDFM can be in addressing all the rights involved. It is crucial that the Assembly knows that I have deliberately not sought to lobby on the Bill. I have not made contact with the many organisations, including the Royal British Legion, to ask them what

they think of the Bill or to take a view of the new amendments that we will talk about this morning. I have taken that approach because I did not want, in any way, to diminish the integrity of the Bill or the people whose futures I seek, with the help of the House, to address. I deliberately stayed away from that so that I could not and would not ever be accused of political lobbying for the Bill. I contend that the Bill, with the proposed amendments, is right for Northern Ireland.

Mr Speaker, with your permission, I will now deal with the petition of concern. I consider that it is being used as a destructive, mean and wholly suspect device to kill the Bill and the amendments. A number of issues arise, which I need to say. It seems clear to me that the pan-nationalist front has been lurking in the shadows until moments like this to unwrap its deceit and the covering-up of a sinister, deep-rooted hatred for Britishness. That is what you are saying to me. The joint action of two parties to kill this Bill is as cutting and as hurtful as the sniper's bullets that are used to take out a life, confine a person to a wheelchair or send them into a future of stress, trauma and mental hell, with the obvious effect on their family. In respect of the Bill and the amendments that we are discussing, what is the definition of constitutional nationalism riding on the back of the Provisional Irish republican movement? What does partnership government mean for Sinn Féin, the all-Ireland party with its split personality policy disorder? Is the real message not tied up in the petition of concern?

The Bill, the Committee report and the amendments are about members of Her Majesty's armed forces and their families. Enda Kenny, the man most likely to be Taoiseach, has said that, should a visit take place, Her Majesty Queen Elizabeth would receive a generous welcome in the Republic. I am sure that he is right and speaks for the greater number, by far, of Irish democrats in that nation. I wonder what those same sane people will think of Sinn Féin's election doorstep appeal when they learn that the commander-in-chief of this nation's armed forces, their families and veterans is not, according to Sinn Féin, welcome in their country, not fit for equality and not deserving of having certain disadvantages removed. Sinn Féin's hostile and sectarian treatment of such people, who are from a variety of nations, including the Irish Republic, is based purely on the British uniform that those people wear. Is that why

44 MLAs have put their name to this shameful petition of concern?

I remember some spin doctors who were caught in their own euphoric whirlpool of superimposed optimism. They coined the phrase "We have moved on" about this place. According to those using a petition of concern, it seems that that is not the case. Look at what is happening to this Bill and the amendments, and you can see that we have not moved on. If anything, the actions represented by the combined efforts of the SDLP and Sinn Féin are bent on moving us backwards. That is the clearest signal that they are sending. And for what? They see no shame in their action, and their extreme dislike for a British uniform is so perverse that they cannot see that the person wearing it is a human being rather than a figure of hate.

The Bill and the tabled amendments should meet with the House's approval. They have done so with the OFMDFM Committee, and, given a vote without a veto, I am positive that they would do so tonight. The blocking of the Bill and the amendments, clause by clause, represents a turning point in my thinking about what was a mood change for developing a settlement of minds leading to the respect and accommodation of two traditions.

### **12.30 am**

For four years we have managed — just about, at times — to keep the House together, and in a few weeks' time we will reach something that many of us thought might not be possible: we will have completed a term and set a wonderful precedent for those coming in in the next mandate. I wanted that, and I see it in the Bill. I see it passionately, because I am only talking about people. I do not see the uniform. I see them living in my community. I see their children going to our schools. I see their wives going to the same shops as we go to, and I have not got a clue who they are, because the wives and children do not wear the uniforms, yet we are picking out people who do wear a uniform.

What is not being recognised in my Bill and what I wanted to be recognised is cross-community support for the people I am talking about. I also see that in the amendments and what they will do. None of that is noticeable, because there are no amendments from Sinn Féin or the SDLP. All that is noticeable tonight is their petition of concern. That premeditated, spiteful blocking of the Bill will do untold damage to relationships. If

ever a wrecking device was used so intentionally and deliberately to drive a wedge between us or unhinge the progress that I have spoken about, they have made it. If this is a veto against our Britishness, that is how it will be seen, and that is what I see in it. Perhaps that is what Sinn Féin wants to achieve. Perhaps that is the sum total of its game.

The petition of concern is all about rejecting the Bill and the amendments, forfeiting all we have come though and closing down whatever opportunities may lie ahead for future generations, all because they simply cannot stomach giving a man or woman wearing a British armed forces uniform or their family the simple human decency of ensuring that those who serve must not be disadvantaged by virtue of what they do. I look forward to the debate and commend the Bill and the amendments.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Elliott):**

I declare an interest as a former member of the security services and a member of the Royal British Legion. In addressing this group of amendments, I want to refer to the Committee's scrutiny of the Bill. I note that at this stage there is a petition of concern in relation to the clauses and the long title. The Committee was not consulted or advised of the petition of concern, and therefore has no comment on it. However, throughout the Committee's consideration of the Bill, Sinn Féin representatives stated their opposition to it.

Following the Second Stage of the Bill, the Speaker issued a letter to the Chairpersons of the Committee for the Office of the First Minister and deputy First Minister and the Committee for Finance and Personnel requesting that they consider Committee scrutiny of the Bill as a matter of joint concern under Standing Order 64. The Chairpersons discussed which Committee should take forward the Committee Stage of the Bill and agreed that the OFMDFM Committee should do so.

On 20 October 2010, the then Chairperson, Mr Kennedy, advised that he had agreed that the OFMDFM Committee would take forward the Committee Stage of the Bill. The Committee agreed at that meeting that it would undertake the Committee Stage of the Armed Forces and Veterans Bill. On that date, it also agreed to issue a public notice seeking written evidence on the clauses of the Bill and to write to a

number of identified stakeholders to seek their views on the Bill. The public notice was placed in the 'Belfast Telegraph', 'The Irish News' and the 'News Letter' on 25 October 2010.

On 10 November 2010, the Committee agreed a timetable for the Committee's consideration of the Bill and agreed a motion to seek an extension to Committee Stage until 28 January 2011. The Committee also considered the responses to its call for evidence. It received 13 written submissions and agreed to request that the sponsor, Mr David McNarry MLA, brief the Committee on the Bill. The Committee also wrote twice to the Office of the First Minister and deputy First Minister to request its views on the Bill. It has not yet received a response.

On 24 November 2010, the Committee took evidence from Mr David McNarry MLA, who advised it that the intention of the Bill was to end any disadvantage that members of the armed forces, their families and veterans may suffer because of service in the armed forces and to bring Northern Ireland legislation into line with that in the rest of the United Kingdom. At the same meeting, the Committee agreed to request legal advice on the competence of the Armed Forces and Veterans Bill in relation to existing equality legislation.

On 15 December 2010, the Committee noted a response to the request for legal advice from the Clerk Assistant that provided procedural advice. The Committee then agreed to invite the Equality Commission for Northern Ireland to brief it on the Bill in relation to equality. On 12 January 2011, the Committee was briefed by the Equality Commission for Northern Ireland on the Bill in relation to equality. The Committee considered proposed amendments from the Committee for Finance and Personnel and the Department of Finance and Personnel requesting that any reference in the Bill to the Department of Finance and Personnel be changed to refer to the Office of the First Minister and deputy First Minister.

The Committee also considered amendments from the Examiner of Statutory Rules. It agreed to write to Mr McNarry to advise that he might wish to take the amendments forward. On 19 January 2011, the Committee undertook its formal clause-by-clause scrutiny of the Bill. During the meeting, Mr McNarry agreed to take the amendments forward. The Committee considered amendment No 1 and amendment

Nos 3 to 9 during its clause-by-clause scrutiny and agreed, on division, that it was content with the amendments. It also agreed, on division, to all the clauses. The Committee did not consider amendment No 2 and, therefore, has no view on it.

I want to make some personal comments. I congratulate my colleague Mr McNarry on bringing the Bill forward and getting it this far. I feel, on a personal level, that it is very rewarding and necessary within the community and society that we live in. I am disappointed that a pan-nationalist and republican front lodged the petition of concern. That is particularly difficult, as the Bill would provide equality in a number of areas and much fairer representation. The citizens of this community who are members and veterans of the armed forces and their families deserve this Bill. They deserve it in the sense that they deserve equality. They deserve it because, as Mr McNarry explained, they are citizens of this Province, this community and the United Kingdom and deserve the same respect and equality as everyone else who lives here. So, it is particularly difficult for me to accept that this petition of concern was lodged by some of the representatives who continue to claim equality in this community and this Province but do not want to allow it through this Bill. That is disturbing and concerning for me. As someone who served in the security services in this Province, I served the entire community.

Like others, I served everybody in this society, and I served alongside people from various backgrounds. I am sure that those people and their families feel as aggrieved as I do that the petition of concern is attempting to block the Bill. I recall people who served alongside me but who were not from the same religious or community background as me. They served with the same distinction, vigour and desire to serve the entire community as I did in the hope that they would make this a better society for us all to live in. Therefore, it disappoints me that some people are trying to disadvantage those people and their families.

**Mr Spratt:** I, too, support the Bill and congratulate Mr McNarry for bringing it before the House this morning. My party supported the Bill throughout its Committee Stage in the Committee for the Office of the First Minister and deputy First Minister because it provides for certain public bodies to have due regard for the impact of policy and legislation on members of the armed forces community. The Bill also requires each

Department to identify and to address issues for members of the armed forces. It also obliges Northern Ireland Departments to consult their counterparts in England, Scotland and Wales to ensure consistency in policy and legislation impacts on the armed forces communities between jurisdictions.

The Bill is about equality. I served in the Police Service for 30 years, many of which were spent alongside military colleagues who came not only from this Province but from the rest of the United Kingdom. I know how much military personnel and their families have to move and the associated disruption that that causes for family life when it comes to schooling and the availability of care. That movement is particularly disruptive to families who have children with special educational needs.

During my time on the South Eastern Education and Library Board, it was clear that some of the schools that are closely attached to our military bases, particularly primary schools, have many changes of personnel, because children come in, stay a couple of years and move again. That movement puts a strain on family life.

The Bill merely brings equality to those people and to veterans, many of whom have suffered horrendous injuries. Some of those injuries were incurred recently by personnel serving in Afghanistan and other places, and even in our Province. The Bill is about ensuring equality for folks who came from military service back into normal society. It was to help them to integrate again with the community or communities that they were coming to live in.

From day one of the Bill's Committee Stage, it was clear that Sinn Féin opposed the Bill. That was made very clear by Ms Anderson, who espouses equality almost day and daily. I hear her at the Policing Board, in the House and all over the place talking about equality. However, when it comes to our military personnel and their families, equality goes out the window. What surprised me more than anything else was that Mrs Kelly raised few concerns throughout the Bill's passage at Committee Stage.

**Mr Humphrey:** None.

**12.45 am**

**Mr Spratt:** As the Member correctly said, Mrs Kelly raised no concerns as the Bill passed through the Committee. She rarely raised her voice.



However, as has been said, pan-nationalism joined together to table a petition of concern on the Bill, and from the perspective of this side of the House, that is disturbing and disappointing. At least Sinn Féin made its position clear from day one. However, I was surprised when the SDLP joined in that pan-nationalist front.

Mr McNarry made it clear from the start that he was not seeking any special status for military personnel, the veterans or their families. He also made it clear that it was all about equality for all members of the armed forces throughout the United Kingdom, and ensuring that Northern Ireland was part and parcel of that equality as it affects our military personnel here.

I do not always see eye to eye with the Equality Commission, but it was clear in its position when it met the Committee. Sinn Féin was keen to bring the Equality Commission to the Committee, and when it came, it gave fairly extensive evidence that was recorded by Hansard. It told the Committee that it had no issues or concerns with the Bill and that it did not conflict, in any way, with any part of the equality legislation of Northern Ireland.

Therefore, as Sinn Féin could not get the Equality Commission to place a blocking mechanism on the legislation, the next move was to table the petition of concern. Sinn Féin did not make it clear to the Committee at any stage that it was going to use a petition of concern to block the legislation, as the Chairperson of the Committee has clearly and ably said. However, that was the intent all along the way, and the SDLP was in on that little plan. Shame on those parties; they should never again talk to me about equality. If they cannot have equality for military personnel, they should not espouse it and keep pushing it down our throats on a day and daily basis, not just in this Chamber, but in other forums, such as the Policing Board.

I am very disappointed that the Bill will be blocked through a petition of concern. I congratulate Mr McNarry on bringing the Bill to the House, and I assure him and the Speaker of the DUP's support for all the amendments. Irrespective of a petition of concern or anything else, we will put down the marker of where this side of the House stands on equality, and it is equality that was rightly deserved —

**Mr Weir:** The Member, the Bill's sponsor and the Chairperson of the Committee have spoken out against the use of the petition of concern.

However, Members should consider the petition of concern as a double attack on the Bill. Members have signed the petition of concern, but because the petition of concern only creates the need to have a cross-community vote, there is still an opportunity for the Members opposite, if they were to have a dramatic conversion, to support the Bill. If that happened, the Bill would pass, even with the petition of concern. By voting against the Bill, they are actually taking a second decision to kill it off. They are killing it twice, and many Members on this side of the House find that particularly repugnant.

**Mr Spratt:** Yes, indeed. My friend makes a valid point. If Members on the opposite side of the House really believe in equality, I appeal to them to let us see equality in action, to change their minds and vote for the Bill and to let it go through on the equality basis that has been presented. The challenge is over to them —

**Mr Beggs:** Does the Member accept that the Members opposite do not have to vote for the Bill, they merely have to abstain? If they were to do so, the Bill would go through.

**Mr Spratt:** Yes, indeed, and I have already made that appeal to them. They may abstain or do whatever they have to do, but they should live up to the equality that they preach day and daily.

**Mr Weir:** I appreciate what has been said. Obviously, the Speaker will rule when it comes to the vote. However, my understanding is that it requires a majority and that at least one Member opposite would have to have the courage of his or her convictions to support the Bill for it to pass. The rest could abstain. *[Interruption.]* Not even Stephen Farry riding in as the seventh cavalry could rescue this particular one.

**Mr Spratt:** I will leave it to the Speaker to get into the technicalities. However, I have said what I want to say.

**Mr Ross:** Does the Member agree that given that this is a short Bill of three pages, with no equality or human rights issues and a very small financial implication, the opposition from the Members opposite has little to do with the substance of the Bill and more to do with an election in the coming weeks.

**Mr Weir:** Who is going to be greener?

**Mr Spratt:** It is very clear that the opposition is about elections and about seeing who can be

greener. Once again, the SDLP is trying to be greener than the Shinners.

**Mr P Maskey:** Go raibh maith agat, a Cheann Comhairle. I will certainly be opposing the Bill, as will my party. The word “equality” has been raised along with the term “petition of concern”. Only a short while ago, Members on the opposite Benches signed a petition of concern on the Caravans Bill with regard to the Travellers issue. Nobody on the other side of the House should lecture me or anyone else on this side of the House about equality. That important point has to be made. Mr McNarry referred to shoddy tactics. I do not think that it is shoddy tactics. It is a shoddy Bill, and that is why we are opposing it.

We do not believe that the Bill is about equality, although that is stated a number of times in the Bill. It is more about preferential treatment, which is wrong. I will speak for a few moments only because that is all that I have to offer the debate.

The Bill is about preferential treatment. I represent a community in the constituency of West Belfast, which has many disadvantaged wards. Very few people in the past, including British rule Ministers, have dedicated any finances to that area, other areas in North Belfast or many areas across the North of Ireland. Those are the inequalities that many of us have faced when living, working and representing our constituencies. Those are the issues that need to be addressed. Some of the issues in the Bill relate to housing.

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

**Mr P Maskey:** No, thanks.

A number of issues in the Bill relate to housing. For the past nine years, I have worked for people in my constituency who have been trying to get a house from the Housing Executive. The Bill would mean that someone from the so-called armed forces would be able to get a house ahead of another person, even if that other person was near the offering stage and was to get a house in a few days. The preference would have to go to someone from the armed forces. I do not think that I could allow that to happen or would like to see that happen. I do not think that many of my constituents would like to see that happen either, because they have fought far too long and too hard to ensure that their needs, wants and requirements are met by getting houses. That is an important issue. I do not

think that it would be equality if someone could jump above them in the housing waiting list.

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

**Mr P Maskey:** No, thanks.

Health is another aspect of this Bill. Someone living in my constituency is likely to die six years earlier than someone who lives in a more affluent area. Is that equality? Those are the equality issues that the Assembly and the Executive need to tackle.

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

**Mr P Maskey:** No, thanks.

Those are the issues that I am asked about day and daily. Why do I not have a home? Why are we all on hospital waiting lists for operations? God forbid that someone in my constituency with a serious illness should have to go into hospital for an operation. If we pass this Bill, does it mean that a person from the armed forces with the same illness would get preferential treatment? That is what the Bill tells me, and that is why my party and I cannot support the Bill. Those are the big issues that we need to deal with.

I will certainly not fall into the trap that Mr McNarry tried to set at the start of this debate. He talked about building bridges and relationships. In his contribution, he built no bridges across this Chamber. In his contributions over the past four years in this Assembly, he has built very few bridges. Whether in the Chamber, on ‘The Stephen Nolan Show’ or through any of the media outlets, he has done very little of that. He has certainly never come to me on any issue and asked how we can work together on it in the Assembly. Mr McNarry has failed to do that, and there are only a couple of weeks left in this mandate. If he has failed to do that over the past four years, he will more than likely fail to do so over the next four weeks. I think that that is wrong.

As to equality, our party slogan is “an Ireland for equals”. That is what I want to see, and that is what I fight for and work for in the Assembly. That is what all our elected representatives, right across the island of Ireland, work for day and daily. We want to make sure that no matter what community you come from, no matter what religion you are, no matter what colour your skin, you are treated as an equal. There should be no preferential treatment.

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

**Mr P Maskey:** No, thanks.

We should all stick to that: no preferential treatment. We have seen far too much preferential treatment over the years. If we stick to no preferential treatment, the Assembly will do itself justice and will do justice for our citizens right across the North of Ireland. That is what this is about: equality for everyone. Sinn Féin will oppose this Bill.

**Mrs D Kelly:** I am dismayed at the comments of some of the Members on the Benches opposite. When the Committee considered the Bill that is being brought forward by Mr McNarry, I listened carefully to the representations and justifications for it. I note that there were only 13 responses, some of which were from individuals and some of which were from councils. In fact, I think that responses had to be sought from the British Legion and some other Army service support groups.

I want to make it very clear that our objection to the Bill is not based on a hatred of Britishness. My party and I remain unconvinced that there are any inequalities because there are armed forces personnel and veterans whose needs are not met through the section 75 protections of the Good Friday Agreement.

My party and I remain unconvinced. We have not yet heard from Members of any glaring examples of individuals, or of any great numbers of individuals, being disadvantaged by the absence of this Bill. We believe that public services should be targeted at those who are most in need and that all people have a right to expect quality public services. That is something that we seek to deliver through our Minister's Department and by holding to account and scrutinising all other Departments' service delivery and how they target their resources.

### 1.00 am

I regret the tone of some of the Members on the opposite Benches. I listened carefully to what the Equality Commission had to say, and although it told the Committee that the Bill did not appear to contain any inequalities, it did not know how its outworking would affect other users of public services across the North. I regret that we find ourselves in this position, but, unfortunately, we were unconvinced by the arguments of Mr McNarry and others.

**Dr Farry:** I support the Bill, and I may even speak to the amendments as well, if that is OK, particularly the one tabled in my name and that of my colleague Kieran McCarthy.

First, I will offer my view on the petition of concern. The rules permit it, but I understand the frustrations that have been expressed by a number of Members about it. I do not associate myself one bit with the language that has been used to describe the SDLP and Sinn Féin as a pan-nationalist or pan-republican front. That does not help, and although I understand that there are deep frustrations, the language used and the sentiments expressed are not conducive to moving the Assembly forward.

There are frustrations over the blocking of the substance of the Bill. I want to make a second point about the feelings of frustration. The Bill has not changed substantively since it was introduced, apart from several amendments substituting the Department of Finance and Personnel for the Office of the First Minister and deputy First Minister, which did not amount to a big change. If parties were intent on blocking the Bill, why was it not blocked at Second Stage, when it passed unopposed? What has changed since then to cause the Bill to be blocked now? If parties want to block it, that is their democratic right. However, the consequence of not blocking the Bill at Second Stage is not just the fact that we are debating it this morning but that the OFMDFM Committee has gone through the process of discussing it. That comes at the cost of not discussing other things in the Committee and of putting advertisements in the papers. Those may be small matters, but they add up. If Members were intent on blocking the Bill, why, for goodness' sake, did they not block it earlier rather than later in the process?

Members will know that my party is not a big fan of petitions of concern. We recognise that the function has to be there for extreme cases, but it must only be used for a narrow range of topics. We should, ultimately, be moving towards weighted-majority voting without designations, which would perhaps be a better safeguard. We also recognise that when we pass laws or make decisions, we do not do so unfettered. There are wider human rights and equality protections available to us, as well as the protection of general law, which acts as a check and balance on the Assembly. If Members feel that a majority can force something through, that is not right.

There are other checks and balances available in wider society.

I have been on a journey with the Bill. To be fair, Mr McNarry knows that, and he and I have had a discussion about it, unlike others. I was unclear about the Bill at the outset, but I was happy to see it go to Committee. My concern was that the Bill would compromise equality protections and would privilege a certain section of the community over others. For that reason, I was particularly keen that the Committee should take evidence from representatives of the Equality Commission, because it is best placed to give a considered opinion. Its unambiguous opinion was that the Bill, as presented, did not conflict with wider equality law and equality duties. I took heart from that, and it convinced me that we could support the Bill. That type of process is why we have a Committee Stage in which Members can properly scrutinise legislation. Where there are doubts, those can be addressed and satisfied. Having gone into that session with the Equality Commission still somewhat sceptical about the Bill, I came out of it prepared to recommend it to the rest of my party and to speak in favour of it in the House.

Amendment No 2 reflects that we have not had enough engagement on some of the detail of the Bill. A lot of organisations did not come forward with evidence. I was slightly concerned about the way in which clause 2 was drafted in relation to the duties that would be placed on a Department and, in particular, on a co-ordinator in a Department. In consultation with the Bill Office about my concerns, the view was that rather than including a lot of specifics, the safest way in which to progress the Bill was to state the detail of how Departments would respond to their duties through regulations. Therefore, amendment No 2 aims to put that aspect of the Bill at arm's length, pause for greater reflection on how it will work, and ask Departments to come back with their own regulations on how we take it forward. That is perhaps a slightly more cautious way of addressing it. I may move the amendment, depending on how things go later on, or it may well be academic at that stage. I will see how things turn out. However, that is an important matter to address.

Far be it from me to make the case for the Bill as a whole, but I wish to make two brief points. First, equality is not divisible in society. Being sensitive or having due regard to a particular

section of society in respect of equality, does not, in itself, undermine equality, access to equal treatment and opportunity for everyone else in society. Secondly, there is already a lot of good practice in how a whole range of public bodies, whether the Health Service or particular schools, respond to the needs of service personnel and service families. The point of the legislation is that that is not always guaranteed. Legislation would go some way to giving that protection. I am familiar with schools that have a very large number of children of service personnel going through their doors. There are particular challenges involved in what is, in effect, a transitory population in respect of how those people bed down in the community and access dental services, GP services, and so on. We need to have sensitivity towards those people.

That is the ultimate rationale behind the Bill; it is not overly sinister. It is really about ensuring that how people who serve on behalf of the UK and the families who suffer as a consequence lead their lives is taken into account. Doing that for those people does not detract in any way, shape or form from how other people in society access services.

**Mr G Robinson:** First and foremost, I am also very disappointed that a petition of concern has been tabled. In a previous debate on the Bill, I said how strong my family's links with the services are. I am extremely proud of those links. For a number of years, I worked as a civil servant with a large number of military personnel at the former Shackleton Barracks military site in Ballykelly. I know from first-hand experience that those service personnel and their families need to be treated on the basis of equality — nothing more, nothing less. As has already been stated, the Equality Commission had no issues with the Bill at Committee Stage.

In supporting the Bill, I am paying the respect owed to those who served in many conflicts, ancient and ongoing. I will repeat something that I said in the Chamber back in October. This Bill is about equality of treatment for our service personnel and their families. The nature of the job that servicemen and servicewomen do, and the constant need for them to be posted here, there and everywhere across the world, means that they do not have a stable home in the way that most of us do. That is no reason for them to be denied the very best care when they need it most. That is particularly true in respect of service personnel and veterans who received



the most horrendous injuries while serving their country. Injured personnel may be recuperating at home, miles away from where the original treatment was given, but that should not lead to delays in treatment or mean that they are put to the bottom of waiting lists.

I make no apologies for repeating myself, as I feel that this is the essence of the Bill. Whether in housing, health or education, veterans and the families of serving personnel need to be treated with respect and understanding due to their highly mobile lives. It is their country that requires them to move, and society should ensure that they are looked after.

The Bill will ensure equality of treatment and opportunity; that is all. Many Members talk about equality, and now they have the opportunity to show their dedication to it. I am talking about the people on the other side of the Floor. I hope that, even at this late stage, those Members will show some support for the Bill.

**Mr Humphrey:** I support the Bill. I begin by saying that I am extremely disappointed at the discourtesy shown to the Bill by the Sinn Féin Members who sit on the OFMDFM Committee and have failed to turn up for the debate. Those on this side of the House support the Bill because it recognises the contribution made to the life of our nation by the service community. I congratulate Mr McNarry on the hard work and dedication that he has put into the Bill over recent months and on his attendance in Committee, as mentioned by others.

I am saddened but not surprised by the petition of concern that has been submitted by Sinn Féin and the SDLP. It must be recognised that the service community in Northern Ireland represents some 5,000 people in the standing garrison plus the wives and families who are quartered here. Of course, thousands of people from Northern Ireland are serving in the armed forces elsewhere, and their families have also served previously, at home and abroad, in their dedication to those who are in the forces. I emphasise the role of families, because those who are involved in fighting are the tip of the iceberg. All their courage and commitment would not be possible if they did not have the support of the families at home. Although the soldiers do the fighting and bleeding on foreign soil, their wives are at home doing the crying and worrying and making ends meet. They are looking after children, doing school runs and so on.

At this stage I pay tribute to the bravery of those who served in the forces in Northern Ireland: the Royal Ulster Constabulary, the Ulster Defence Regiment, the Police Service of Northern Ireland and the Royal Irish Regiment. I pay tribute to those personnel and their families. It must be remembered that they returned and continue to return to their private homes. They did not return to barracks or bases protected by security. Among the bravest of those people were those from the Roman Catholic community who joined the police and the Army, such as Constable Peadar Heffron, who was blown up last year. He is the type of person we are looking to support, protect and deliver equality for through the Bill.

Teddy Roosevelt said:

*"A man who is good enough to shed his blood for the country is good enough to be given a square deal afterwards."*

It was true in 1903, and it should remain true today. We should extend this to reflect the sacrifice of service families also. We must move to a positive position in the United Kingdom and, in particular, here in Northern Ireland in which we recognise that soldiers, sailors and airmen are essential public workers, just like teachers, doctors, nurses and policemen. They go wherever they are sent to do the job they are told to do. Unfortunately, the nature of their job is such that they and, in particular, their families are often disadvantaged with respect to their ability to access public services. The Bill seeks to safeguard them against that. Clearly, the parties opposite oppose that very principle. The proposed amendments are sensible, as they place the responsibility for implementing this legislation where it should rightly lie — in a cross-cutting measure that applies across a range of Departments and public bodies.

### 1.15 am

The Bill is aimed at tackling disadvantage and preventing the social exclusion of soldiers and their families, who, despite the very dangerous nature of their work, are paid substantially less than others in public service. It will also help to make society in Northern Ireland much more cohesive. That is why I was particularly saddened when I listened to Mr Maskey, who clearly has not even read the Bill. I represent many hard-pressed areas as well, so I know that there are many deprived communities in north and west Belfast, but do not say that many of

the wards in those areas have not received investment. Millions of pounds have been pumped into them. There is much more work to be done, but do not say that there has not been any investment there.

All too often, people hit out at measures that are seen to have anything to do with the military, and it is plain to see the motives of those who regard the services as being the arm of the state. That is a very narrow, parochial and, some might say, even sectarian view that is more to do with the conflict than with what is going on around the world today. Sinn Féin talks about an Ireland of equals, and we have heard that again tonight. However, it really prefers an 'Animal Farm' situation where some Irishmen are more equal than others, including an increasing number from the Republic of Ireland who serve in the Crown forces. It is particularly disappointing that the SDLP has also been willing to buy into that mindset, given that it has preached for years about moving beyond conflict. Its decision to support the petition of concern is to its discredit and shame. It needs to take a leaf from the book of their friends in America. Even the most vociferous Democratic opponent of the wars in Iraq and Afghanistan would not dream of showing anything less than full, wholehearted support for the servicemen and servicewomen who are fighting there. As Mr Ross said, for some across the Chamber, this is not about principle but posturing, electioneering and party politicking. It is disgusting. If Members want to disagree with war, argue with the politicians, because they deploy the troops. Soldiers are public servants who obey orders.

Mrs Kelly said that she had not heard from anyone about the disadvantage that servicemen would experience if we did not support the Bill, and I will come to that in a moment. I am genuinely saddened that the SDLP has set its face against the Bill. I listened to some Members in the Chamber today talking about how we should not put Northern Ireland society into silos, and yet that is just what is being done.

It has been argued that there is no need for legislation in Northern Ireland to make the nation's commitment to the armed forces because there is no equivalent legislation in the rest of the United Kingdom. Public authorities in the rest of the country are not under duties similar to those proposed in the Bill. The Welsh Assembly has established an official group to address the needs of the service community,

and the Scottish Government have an all-party parliamentary group working on it. The Governments in Scotland and Wales are working in lockstep with Westminster on those issues. However, Northern Ireland has no similar high-profile commitments and is operating at arm's length from the wider UK arrangements. Indeed, as others have said, Northern Ireland is lagging far behind the rest of the United Kingdom in implementing the priorities set out in the White Paper 'The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans' around, in particular, housing, education and support for families. Unsurprisingly, those areas of work are headed by Ministers from the parties opposing the Bill.

Taking up Mrs Kelly's point, I will turn to that White Paper. Prosthetic limb provision was delivered in England in February 2009 and in Wales in July 2009, and delivery is ongoing in Scotland. In Northern Ireland: nothing. Priority and affordable homes were delivered in Wales and Scotland in May 2009 and July 2008 respectively. In Northern Ireland: nothing. Extending access to affordable homes was delivered in England in July 2008, in Wales in May 2009 and in Scotland in July 2008. High-priority adapted social housing was delivered in England in April 2009. A revised code applies in Wales and was due to be delivered in November 2010. I understand that that has been delivered. In Scotland, that was delivered in June 2009. The affordable homes means test was delivered in England in July 2008, in Wales in May 2009 and in Scotland in July 2009. In Northern Ireland: nothing. The disabled facilities grant means test was delivered in England in July 2008, in Wales in May 2009 and in Scotland in April 2009. In Northern Ireland: nothing. The establishment of a local connection for social housing was delivered in England in December 2008, in Wales in March 2009 and was on track to be completed in Scotland by the end of last year. In Northern Ireland: nothing. The acceptance of certification of cessation is in place in England. A revised code of guidance was due in Wales at the end of last year. Scotland delivered it in February 2009. Improved school place allocation was delivered in England in February 2009 and in Wales in July 2009. I could go on. However, I have given ample examples of how ex-servicemen in Northern Ireland, who make the same commitment as their colleagues in England, Scotland and Wales, continue to be

discriminated against. Ironically, the Department that is responsible for most of that is the Department for Social Development.

The parties across the way spend their time preaching about equality and human rights, yet they are entirely comfortable denying those same rights to members of the armed forces and their families. They should be ashamed in bringing the Bill down on those grounds. What message is the SDLP sending to the Royal British Legion, to ex-servicemen's associations, to former policemen of the RUC and the —

**Mr Elliott:** I thank the Member for giving way. Does he agree that many of those who served in the armed forces had their basic human right to life taken away, as happened on many occasions in this Province, by people who I believe were working against this society and against this community? Some of those people may be sitting in here tonight.

**Mr Humphrey:** I agree entirely with the Member and thank him for his contribution. The most basic human right is the right to life. Too many people in Northern Ireland, some 3,000 of them, lost that most basic of human rights.

Mrs Kelly also mentioned that only 13 representations were made on the Bill. The reason for that, as members of the Committee will remember, is that so many of those ex-servicemen's organisations simply did not have the capacity to make a contribution. In itself, that is very telling of the failure of this state to support those who have given, in many cases, their limbs and whose friends have given their life.

**Mr Ross:** I thank the Member for giving way. Mrs Kelly made an insinuation as to why there were "so few" responses to the consultation. However, Members in this House, including the SDLP, said that there was huge public outcry about another private Member's Bill backed by the Member for East Belfast Dawn Purvis. However, there were only eight responses to that public consultation. Responses to public consultations are not a reason to oppose legislation such as this.

**Mr Humphrey:** The attitude of the nationalist and republican parties respectively demonstrates precisely why the legislation is required in this area. Left to their own devices, they will do nothing to support the armed services community. Indeed, it demonstrates why even stronger legislation is needed. This should

serve as ample evidence to the United Kingdom Government that nationwide action is required to ensure that servicemen and women in and from Northern Ireland are not disadvantaged through what looks like naked sectarian decision-making.

I support the concept of equality and a shared future. I commend equality of citizenship across our United Kingdom. I urge parties that claim to seek human rights not to discriminate against our brave service personnel but to have courage and deliver equality and fairness to the people who have made the ultimate sacrifice when supporting their family and to those who travel the world, particularly those in Iran, Iraq and Afghanistan, to support freedom and democracy. Yet, those so-called democrats deny them equality in their own country.

**Mr Bell:** It is difficult to follow a speech that has been so well researched, comprehensively argued and factually detailed on the reasons why this Bill is reasonable, necessary and proportionate to the men and women who serve in our armed forces.

I refer Members to the personal testimony of one young man from Strangford. He has a camera that his father bought for him on his head. He knows what it is like to come under live fire. What we are asking these men and women to do is to walk waist-deep — sometimes chest-deep — through freezing ravines in Afghanistan, fully tooled up and fully armed. These young men of 19 and 20 years of age and young women walk through ravines because of the risk of improvised explosive devices. As they walk through those ravines, they come under sustained gunfire attack from Taliban elements. In seconds, they have to choose whether to return fire, not wishing to inflict any form of harm — what is referred to as collateral damage — on innocent men and women in those communities. Not returning fire often places them at greater risk. They then have to go back into some of the communities in Afghanistan and help to rebuild homes, schools and infrastructure and to provide protection. That is not their job for eight hours a day; that is their job for, at times, 24 hours a day. That is what our men and women are being sent by a democratic act of Parliament to achieve. It is shameful that, in many cases, those men and women have been let down through poor equipment and inadequate planning.

Sadly — I say this with deep regret — they will be let down again by a twisted use of legislation.

The facts are very clear. I say to the self-proclaimed prophets and prophetesses of equality, “If you cannot have equality of all, you cannot have equality at all”. The Members who will go through the Lobby tonight and use the perversion of a petition of concern to deny equality will hereafter lose their moral right to talk on equality again. The Equality Commission looked at the Bill, the Equality Commission scrutinised the Bill, and the Equality Commission said that there is no case to answer.

### 1.30 am

In Committee, where were the Members who had concerns? Where did they raise those concerns? I will give way if they will raise them or at least explain why they failed to do their job in the OFMDFM Committee. The silence from the prophetess of equality is deafening. She is happy to get into bed with Sinn Féin. Moments ago, she attacked its members and referred to them as communists. Now, she laughs about young men and women, many of whom come from the community that she professes to represent.

**Mr Speaker:** The Member should refer his remarks through the Chair.

**Mr Bell:** She lets them down with laughter, and she lets them down by failing to do her job in Committee. She also lets them down because, when she does not offer equality to all, she cannot offer equality at all. There is nothing funny about the men and women of our communities running the risks that they do. As for laughing, she should be ashamed of herself.

The vote will be lost, but the argument will be won. Never again can those who will go through the Lobbies and deny equality have any moral authority to speak in the House on equality. There should be a military contract. I am not saying that everybody has to agree with conflict and wars, whether they are in Afghanistan or anywhere else. It is a democratic right and choice to not agree with them, but it is not a choice for the men and women who serve and who are sent into situations of severe conflict by a democratic act of Parliament. It is not a choice not to support them, and it is not a choice to handicap them by not providing the services that other people receive.

My Strangford colleague Mr McNarry is to be strongly congratulated. He will win the argument and the moral authority on the issue this evening. Historians will look back on this shameful episode. Sinn Féin may have been trapped by its history and bias, but the reality is that the SDLP has come in as its little helper to deny equality. Mr McNarry is to be congratulated, because the moral authority has been won. The case has been presented on homes, prosthetic limbs and access to services. All that the Bill asked for was a level playing field, not an advantage in west Belfast for a home or access to a service. It asked for a simple level playing field of the type that is so comprehensively offered in other parts of our United Kingdom.

There are those who will carry the shame because of their fear of the electorate coming at them from elements in Sinn Féin. They are prepared to lose the moral authority, to deny equality and to not offer those men and women a level playing field. If that is not naked sectarianism, I do not know what is. They still have a chance tonight. They can abstain and allow one Member to go through. Will they take it? That is a choice for them and their conscience, but they will be reminded at every stage in all future debates that their self-professed commitment to equality is bogus and hypocritical. All that was looked for was a level of co-ordination and access to housing and healthcare on the same basis as everybody else. Many of us who have worked in social services know about the damage that can be done to children who are moved many times. They were offered services on the basis that the number of times that they had to move had had a significant effect on the quality of their education and on their development potential. It was not to give them a hand up; it was solely to bring those children to the level that others of the same age, stage and circumstances would have achieved without that level of trauma as a result of so many moves. All that was being asked for was that the children of military personnel who have suffered so much due to the loss of a loved one should be offered services to allow them to compete on a level playing field with children of the same age, stage and circumstances and to achieve their developmental potential.

The Bill has been scrutinised by the Committee for the Office of the First Minister and deputy First Minister, which found nothing to object to.



It was scrutinised by the Equality Commission, which, having subjected the matter to due legal diligence, came back formally and on the record to say that there were no detrimental equality implications, damning totally the argument that people are looking for a special advantage. That is on record, so now let the vote be taken and recorded. From now on, let those who chose to deny equality live with their conscience. You cannot support the Equality Commission today and not support it tomorrow. You cannot cherry-pick the bits that you want and ignore the rest. If, on a nakedly sectarian platform, you ignore the Equality Commission tonight, you demean your argument for equality and fail to disguise your sectarian blushes.

The argument has been won, and the level playing field will be achieved. The sectarianism, poor level of debate, lack of argument and ignorance about the Equality Commission that we have witnessed will not survive, and it is clear that those who refuse to support equality are doing so simply because the Bill involves men and women of the armed forces. Naked prejudice has been revealed tonight, and it is a shame that the election will not cover your blushes. History will record that tonight the Equality Commission told you that the Bill had no equality implications — none. History will record that tonight, although young people deserve better from this society, you chose not to allow a level playing field, and, should your choice of Lobby reinforce inequality, history will record your shame.

**Mr Weir:** I thank the Member for giving way. On a wider issue, does he agree that the amendments will strengthen the Bill?

**Mr Bell:** Yes, I support that argument.

It is self-evident that history will record that, today, every Member was afforded an opportunity to create a level playing field and equality for the armed services and veterans, without impacting negatively on any section 75 groups. That opportunity was not taken. Instead, the perverse use of a petition of concern reinforced a sectarian path. I am glad that my name will not be recorded among those who missed that opportunity.

**Mr Kinahan:** As many Members know, I am extremely pleased to speak to the amendments to the Armed Forces and Veterans Bill. I declare an interest as a former member of the armed forces with the Household Cavalry, the Black

Watch and, in the Territorial Army, with the North Irish Horse. I am very proud to have served with them all.

As Members have heard, this Bill is to give our armed forces, past and present, equality with their colleagues in the rest of the United Kingdom, in England, Scotland and Wales. It is not to give them preference but to stop them being discriminated against.

Before I go into the clauses, I want Members to think about what our armed forces do for us around the world. Think of the Navy, stationed off Somalia, trying to prevent the pirates from kidnapping people as we have seen recently. A few years ago the Army, including one of our Irish regiments, was trying to keep the peace in Sierra Leone. We have also seen the Army in Iraq, toppling Saddam Hussein, freeing the people and stopping the persecution of the Kurds. Just under 200 soldiers have paid the final penalty. The Army is today in Afghanistan, with the support of the RAF and the Navy, to stop al-Qaeda purging the world and trying to get its own way. Also, let us not forget, the Army is there to try to stop the flow of drugs, which are very much a curse of our world, through the eastern bloc to Europe.

Those servicemen are our peacekeepers, protectors, guardians and, to many of us, our heroes, especially those who have served here. They go where the politicians send them. They are just doing their duty.

On that slightly sombre thought, I move to the amendments, which seem to have been forgotten about. Clause 1 of the Bill requires certain authorities to:

*"have due regard to the impact the exercise of such functions is likely to have"*

on members of the armed forces, veterans and their families. Amendment No 1 allows the Assembly to add authorities, other than Departments, so that such people can be looked after properly.

We are not just talking about the present armed forces. I remind Members that the forces had a United Nations role in Korea, Cyprus and many other areas, including, recently, Serbia and Bosnia. They were there protecting people and keeping the peace. We seem to forget that, as some Members blacken the name of those who are wearing uniform. Members should

remember that, in many cases, the forces include servicemen from all parts of Ireland.

It was sad to see members voting against the amendments as we put them through in the Committee. It shows us that some Members of the Assembly have not moved on and still see soldiers as imperialists, though those days are long gone. Those Members are still anti-Royal Family and basically anti-Army. Many of them are still probably anti-police, despite sitting on the Policing Board. It is time they moved on.

Clause 2 of the Bill relates to the appointment of a co-ordinator:

*"to take responsibility for identifying and addressing matters"*

that affect members of the armed forces, veterans and their families. Amendment No 2 lets the Department make regulations prescribing functions of the co-ordinator, again subject to the draft approval of the Assembly. I want Members to know that here we are talking about the families; until now, I have concentrated on those serving. Their families have endless postings and endless moves away from their families and established friends into quarters, which are sometimes pretty ghastly, where they have to live in their own small world and suffer endless separation from the things that they know. Many of the wives and families live in fear of the awful phone call that might come their way one day when their loved ones are serving abroad. For all of that, there is very little pay for what they are doing.

I am very disappointed that the petition of concern is blocking this Bill and disappointed to see that Sinn Féin and the SDLP have not moved on.

Dare I touch on the other amendments? We agree with amendment Nos 3 to 9, all of which are purely technical.

#### **1.45 am**

However, I thought that we were moving on here. I intend to move on, I have moved on, and I support the concept of equality. We are all still haunted by that ghastly phrase:

*"They haven't gone away, you know."*

We need to put that phrase behind us and obliterate it. I was shocked — or maybe not when I think about it — when, at Committee, Martina Anderson pointedly asked me whether

I was going to declare an interest as a soldier after I had forgotten to do so one occasion. I wondered whether she was going to declare an interest as a member of another armed force. That should be kept in mind throughout all of this. I want Northern Ireland to move on, and I thought that we had moved on. Today has put us back irrevocably, and I hope that things will change in the future. I support the Bill.

**Mr McNarry:** I offer warm thanks to all my colleagues who have stayed behind to support my Bill. I also recognise that you, Mr Speaker, the Commission staff, administrative staff and others remain in the Building as well.

My party leader, Tom Elliott, the Chairperson of the Committee for the Office of the First Minister and deputy First Minister went to some length to outline the Committee's role and the work that it did to reach its report stage. I am glad that he did, because there is something of an additional deceit on the part of those who tabled the petition of concern. They did not stop to think of the amount of work that goes into getting a Bill such as mine to the stage at which it is presented here this morning. We talked earlier about costs and how we might save money, but that really did not happen. Somewhere down the line, there is a lesson there for us all.

I happen to believe that if you have something to say, get it out and say it. I am disappointed by what has happened and by the manner in which it has been dealt with. On the two occasions that I was in front of the Committee, I knew exactly where Sinn Féin members stood. Even before I spoke, a Deputy Speaker of this institution and member of that Committee, when asked by the Chairman whether anybody had a comment to make on the Bill shouted out "Scrap it." That is not the type of democracy that we want to foster when it comes to anybody's entitlement and right to sponsor a Bill. I would like to get rid of certain things, but we have to allow the legitimate right of every Member, as equals in the House, to present their case. "Scrap it" was my introduction to Sinn Féin's view on my Bill.

As I said earlier, I do not want to think that I was stupid in believing that Members would not say that to me in this institution, that they would not disrespect my Britishness so much and that they would not kick me in the crotch where it hurts when they knew damn rightly that what

they were saying was highly offensive. Maybe I will meet the same people tomorrow or the next day. Maybe we will say hello. They remind me that certain people in the House will not even get into a lift with them, but that was never me. I have always asked that they share in my country as it is, but they have told me tonight that they will not do so.

I am grateful to Tom Elliott because, as Chairperson of the Committee, he was, at all times, courteous. Indeed, that courtesy was afforded to me by the Committee in general. However, I felt that one side of the table, apart from Stephen Farry, was a cold place for me. If a unionist feels that any part of this institution is a cold place, we have not travelled very far, but that is where we are.

I thank Tom for his reference to equality, and I am sure that his reference and that of other Members to the equality issue will live on long after the debate. The debate will not be forgotten, and it certainly will not be put to bed. I also thank him for sharing a personal insight into his service, as did other Members subsequently. He outlined clearly the meaning of service, particularly highlighting the distinction that I and others can see. There is a difference between those who gave service to their country and identified themselves by their uniform and those who, without identifying themselves, resorted to the most horrendous violence in recent times.

I thank Jimmy Spratt for his kind words and for supporting my Bill at Committee Stage. It is clear that Jimmy also recognised the key element of the Bill — a word that cropped up in the contribution of nearly every Member — as equality, which deliberately punctuates the Bill, because it is lacking currently. I share with him his disturbance, which is a good choice of word, at the resurrection this morning of pan-nationalism. I am not one to subscribe to the view that it has been resurrected because of elections or because one bit of green did not want to be less green than the other. I challenge those parties by saying that it never went away. It has always been there, but the Bill has brought it out and exposed it, and that saddens me very deeply.

During Jimmy's contribution, Peter Weir, Roy Beggs and Mr Ross intervened to ask whether, even at this stage of knowing what was on the Floor, one of the 44 Members who signed the

petition would walk through the Lobby with us to give cross-community consent to the Bill. The heads shook to indicate no. I thank my colleagues for at least putting that to Members across the way.

The petitioners have said nothing that challenged my introductory comments. The spurious remarks about preferential treatment remain on the record, and they will remain spurious. Sadly, all I could hear were lame excuses. There was no give and no equality, only hatred, and it was not even disguised. Let the record show that 44 petitioners signed the petition and 44 stay locked and resolved to be together as one. The reformation of the pan-nationalist front is what you have put together here.

I thank Stephen Farry for his unusual, unique way of taking logic to actually mean something tonight. I appreciate that. I recognise his methodology of process and how he changed his view, and it was good of him to say it. He changed his view after hearing evidence from the Equality Commission. Who asked the Equality Commission to attend? I cannot speak for Stephen, but I assumed that he wanted it there because there were challenges coming from Sinn Féin Members in particular saying that the Bill does not build itself up on equality issues. The Equality Commission came and confirmed what I knew was contained in the Bill. I thank Stephen for that. I am not sure what he is doing with amendment No 2, but I can accept it and thank him for supporting the Bill. It has been gratifying to have that support.

I thank George Robinson for his support for the Bill from day one and for his clear understanding of the genuine intentions behind the Bill. From day one, he saw where we were with it, what was required and how it could be brought forward. We have all had a knock back. When George and I talked about it, we never thought that it would be blocked at this stage or at any stage along the way.

I also thank William Humphrey. He expressed his disappointment with the Members who are blocking the Bill. He knows better than most the extent of the needs of the wider services' family and the disadvantages that they need not suffer in Northern Ireland, as part of the United Kingdom. It is almost insufferable, as William illustrated when he read out the list of how other people who were previously disadvantaged in the same category as this are no longer

disadvantaged. What do we say to those people? Do we say that this part of the United Kingdom is different from England, Scotland and Wales? I cannot say that, and I do not know how I can find a way round a veto, because this place does not allow me to find a way round it, unless we find that the Members who are doing this tonight have a conscience that we could prick. Let us see if there is still time to prick that conscience between now and when we go to the vote.

Jonathan Bell took us into the life of the person that my Bill would offer to help, should they fail to return home safely. He told us what it was like from his experience of talking to a person in our constituency. He also gave a very succinct and distinct message to the petitioners. He told them that, essentially, they have lost their right to talk about equality. So they have. I believe that that sentiment, which was expressed by Jonathan, will be heard loudly in all families, not just unionist families, when news of what has happened in the House breaks in our country in the next couple of days.

## 2.00 am

My colleague Danny Kinahan declared his service record in the armed services. He even told us how he recoiled when asked to declare it in Committee. He was asked to do that for a very distinct reason. He gave us a good insight into what the services do as peacekeepers. Thankfully, he talked about scrutinising the amendments, which is what we were meant to do in the debate. I think that we have all been knocked off a bit by what has happened. I thank Danny for, technically, bringing us back to the amendments. He reminded us why the amendments strengthen the Bill.

I sense his will to move on and I empathise with it. I know that we have all had that will knocked back. I sense his resolve, like mine and that of other unionists, to move on and keep moving on to keep growing this country of ours into what it should be and to get what we want from it, which is a place where all men and women are equal and where there are no special privileges for anyone. I defy anyone to tell me where in my Bill it conferred special privileges on anyone who wore a uniform. It was putting right a wrong — a right and a wrong that were both recognised in England, Scotland and Wales. The Assembly could not step up to the mark to do the same.

Part of their problem is the reference to a nation. The Bill comes from the nation's charter, which is a command paper. You do not accept this as a nation, do you? That is very sad. It is also very sad that, in the Assembly, the uniform of our armed forces cannot be recognised and respected. The sadness will rest with you.

Unfortunately, I still wait to see whether my colleagues and I have pricked just one conscience and whether one of you will follow us and walk through the Lobby with us to enable the Bill to progress to its next stage. Let it advance and, for goodness' sake, turn away from disadvantaging people who do you no harm. All that I ask is that one of you does that. Forty-four of you signed that petition of concern. I do not know where the rest of you are. I ask that one of you has had your conscience pricked enough to come and walk with us to progress the Bill to its next stage. Please, think about it.

*Question, That amendment No 1 be made, put and agreed to.*

**Mr Speaker:** I remind Members that as I have received a valid petition of concern in relation to clause 1, the vote will be on a cross-community basis.

*Question put, That the clause, as amended, stand part of the Bill.*

*The Assembly divided: Ayes 38; Noes 11.*

## AYES

### 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, Mr Frew, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Ms Purvis, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.*

### OTHER:

*Dr Farry, Mr Lyttle.*

*Tellers for the Ayes: Mr Beggs and Mr Kinahan.*

## NOES

### NATIONALIST:

*Mr Butler, Mrs D Kelly, Mr G Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey,*



*Mr F McCann, Mr McDevitt, Ms Ní Chuilín,  
Mr P Ramsey, Ms S Ramsey.*

*Tellers for the Noes: Mr F McCann and Mr McDevitt.*

Total votes	49	Total Ayes	38	[77.6 ]
Nationalist Votes	11	Nationalist Ayes	0	[0.0 ]
Unionist Votes	36	Unionist Ayes	36	[100 ]
Other Votes	2	Other Ayes	2	[100 ]

*Question accordingly negatived (cross-community vote).*

*Clause 1, as amended, disagreed to.*

### **Clause 2 (Co-ordinators)**

**Mr Speaker:** I remind members that amendment No 2, which has already been debated, is mutually exclusive with amendment No 3. I call Dr Farry to move formally amendment No 2.

**Dr Farry:** On the basis that clause 2 is fairly meaningless in the absence of clause 1, I do not move amendment No 2.

*Amendment No 2 not moved.*

**Mr Speaker:** Amendment No 3 is mutually exclusive with amendment No 2, which has not been moved, and is also a paving amendment for amendment No 9. Amendment No 3 has already been debated. I call Mr McNarry to move formally amendment No 3.

**Mr McNarry:** The petition of concern, disgraceful as it is, effectively renders my Bill dead. I will not move amendment No 3 or the remainder of the amendments.

*Amendment Nos 3 to 9 not moved.*

**Mr Speaker:** As Mr McNarry has indicated that he is not moving the remainder of his amendments, I will not call them.

I now propose, by leave of the Assembly, to group the remainder of the clauses for the Question on stand part and that the long title be agreed. I remind Members that, as I have received a valid petition of concern in relation to clauses 2 to 8 and the long title, the vote will be on a cross-community basis.

*Question put, That clauses 2 to 8 stand part of the Bill and the long title be agreed.*

*The Assembly divided: Ayes 38; Noes 9.*

## **AYES**

### **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, Mr Frew, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Ms Purvis, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.*

### **OTHER:**

*Dr Farry, Mr Lyttle.*

*Tellers for the Ayes: Mr Beggs and Mr Kinahan.*

## **NOES**

### **NATIONALIST:**

*Mrs D Kelly, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McDevitt, Ms Ní Chuilín, Mr P Ramsey, Ms S Ramsey.*

*Tellers for the Noes: Mr F McCann and Mr McDevitt.*

Total votes	47	Total Ayes	38	[80.9 ]
Nationalist Votes	9	Nationalist Ayes	0	[0.0 ]
Unionist Votes	36	Unionist Ayes	36	[100 ]
Other Votes	2	Other Ayes	2	[100 ]

*Question accordingly negatived (cross-community vote).*

*Clauses 2 to 8 disagreed to.*

*Long title disagreed to.*

## **2.30 am**

**Mr Speaker:** I appreciate the co-operation of the whole House, especially that of the sponsor of the Bill for not moving all the amendments, because we would have been here for another hour. I also thank Dr Stephen Farry for his co-operation. That needs to be recognised at this late hour.

*Adjourned at 2.32 am.*



# Written Ministerial Statement

The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.





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# Written Ministerial Statement

**The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.**

## Regional Development

### **Spatial Planning: Joint Consultation on a Draft Spatial Strategies on the Island of Ireland — Framework for Collaboration Document**

*Published at 10:00 am on  
Monday 14 February 2011*

#### **The Minister for Regional Development**

**(Mr Murphy):** I am pleased to inform the Assembly members that consultation on a draft Spatial Strategies on the Island of Ireland – Framework for Collaboration document will commence on Tuesday 15 February for 8 weeks until Monday 11 April. This consultation will be done jointly with the Department of the Environment, Heritage and Local Government in the South.

The document examines the key planning challenges faced by both parts of the Island and discusses the potential for collaboration in spatial planning. It sets out a framework for collaboration at different levels within the public sector which should result in mutual benefits. These benefits can be at the local border area level and at the larger Island level.

The Framework is a non-statutory approach to providing advice and guidance at relevant spatial or geographical scales. It should encourage policy makers in the public sector to take account of the wider impact of their work, to recognise and exploit opportunities for a wider perspective and to avoid “back to back” planning.

Cross-border co-operation and collaboration provide opportunities to boost the economic performance and competitiveness across the Island and more can be achieved through collaboration than competition.

Co-operation, or collaboration, between regions for territorial development is accepted as good

practice within the European Union and is promoted in the European Spatial Development Perspective, and the EU Territorial Agenda.

I welcome your contribution to the consultation process. The consultation document will be available on the internet from 15 February 2011 at [www.drdni.gov.uk/shapingourfuture/](http://www.drdni.gov.uk/shapingourfuture/). However, if any member would prefer a personal hard copy, it can be obtained by contacting Louise Fitzpatrick on 90540642

Please note the above statement is embargoed until 10.00 am on Monday 14 February.



# Committee Stages





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# Northern Ireland Assembly

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## Committee for Justice

8 February 2011

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### Justice Bill [NIA 1/10]

#### Members present for all or part of the proceedings:

Lord Morrow (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Lord Browne  
Mr Paul Givan  
Mr Alban Maginness  
Mr Conall McDevitt  
Mr David McNarry  
Ms Carál Ní Chuilín  
Mr John O'Dowd

#### Witnesses:

Ms Nichola Creagh	
Mr David Hughes	Department of
Mr Gareth Johnston	Justice
Mr Dan Mulholland	
Mr Robert Crawford	Northern Ireland
Mr John Halliday	Courts and
	Tribunals Service

**The Chairperson (Lord Morrow):** Today is the Committee's last scheduled opportunity to consider the clauses of the Justice Bill. I remind members that a number of issues with the Bill were parked. Part 3 of the Bill on policing and community safety partnerships (PCSPs) was decided on informally by the Committee. The Department has tabled a number of additional provisions that the Committee has yet to take a view on. A paper outlining the outstanding issues is in members' packs. We will go through each outstanding clause in turn.

On 27 January, members indicated that they were not in a position to formally consider the clauses in Part 3 of the Bill on PCSPs. The Committee took its decision on those clauses informally. A record of the Committee's informal decisions on clauses 20 to 25 and schedules

1 and 2 and the minutes of the meeting is in members' packs.

We welcome Gareth Johnston, who is head of justice strategy division, David Hughes, who is head of the policing and policy strategy division, and Dan Mulholland and Nichola Creagh from the policing policy and strategy division. We will proceed through the issues as detailed in the Committee Clerk's memo.

There has been some consideration about the definition of antisocial behaviour, as raised by Include Youth in its submission. The Department has provided a copy of the definition of antisocial behaviour as used in the Anti-social Behaviour (Northern Ireland) Order 2004. I ask members to look at the definition, although you have probably already done so, and to make any comments that you have on that issue. The departmental officials have indicated that they do not want to add anything.

#### **Clause 20 (Establishment of PCSPs and DPCSPs)**

**Ms Ní Chuilín:** We are abstaining.

**Mr O'Dowd:** We will be abstaining on this section.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 20 agreed to.*

#### **Clause 21 (Functions of PCSP)**

**The Chairperson:** The Committee agreed that clause 21(1)(d) should be amended as proposed by Include Youth in its written submission to insert "and fully considering" after "to make arrangements for obtaining". The Department has provided a draft amendment to that effect and a consequential amendment for clause. A copy of the draft amendment is attached to the Department's letter in members' packs.

**Ms Ní Chuilín:** We abstain.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 21, subject to the Department's proposed amendment, agreed to.*

#### **Clause 22 (Functions of DPCSP)**

**The Chairperson:** Are there any comments on this clause?

**Ms Ní Chuilín:** We abstain.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 22 agreed to.*

**The Chairperson:** We will take clauses 23 to 33 together because no issues, of substance, anyway, were raised when we did our informal consideration.

**Ms Ní Chuilín:** We are abstaining.

**Mr McNarry:** We are abstaining from the votes on clauses 30, 31, 32 and 33.

**The Chairperson:** Mr McNarry is abstaining from the votes on clauses 30, 31, 32 and 33.

*Question, That the Committee is content with the clauses, put and agreed to.*

*Clauses 23 to 33 agreed to.*

**Clause 34 (Duty on public bodies to consider community safety implications in exercising duties)**

**The Chairperson:** The Committee has not reached a decision on this clause. At its meeting on 27 January, the Committee considered a proposed amendment from the Department to address the concerns of members regarding the statutory duty arising from clause 34. The Committee agreed to make a decision on clause 34 today to provide members with more time to consider the issue.

The Department has now provided a further proposed amendment requiring it to seek the approval of the Attorney General before issuing any guidance as to how a public body should comply with a duty that it hopes will offer sufficient reassurance. The amendment also proposes to change the term “in any community” to “in any locality” for the sake of clarity. Perhaps we could hear from the officials on this.

**Mr David Hughes (Department of Justice):** Since the papers were given to the Committee, the Department has heard from the Attorney General, who has seen the amendment that you have in front of you. He said that he approves the intention behind the Department’s proposed amendments, particularly his role in approving the guidance. He has made suggestions about how the duty could be more

firmly tied to the guidance, including one that the guidance should set out the extent to which failure to adhere to it might be relied upon in proceedings. He believes that, if the amendment is made, it will be better than the filter mechanism that he proposed and briefed the Committee on previously. We think that his approval that the amendment is heading in the right direction should offer assurance. In his view, the guidance would be sound and would offer sufficient protection.

If the Committee is content to approve the proposed amendment, it will enable us to continue to take it in the direction that the Attorney General has indicated so that we can bring an amendment for consideration that continues with the movement that you see in the amendment that we have provided to date. In those circumstances, the Committee could carry out its report on the Bill to the effect that it approves the amendment on the grounds that a further amendment could be made to satisfy the Attorney General’s concerns.

**The Chairperson:** Does anyone wish to comment or to ask any questions?

**Mr O’Dowd:** It is a bit convoluted.

**Ms Ní Chuilín:** So, we are proposing an amendment that needs to be amended?

**The Chairperson:** It is slightly confusing.

**Ms Ní Chuilín:** Is that what is happening?

**The Chairperson:** Maybe it is, rather than it being that you are not explaining it well enough.

**Mr Hughes:** I will explain it more clearly. The Attorney General has said he approves of the way that the further amendments that you have in front of you are going and that they are beginning to meet the intention behind the Department’s amendments, but he thinks that it should be taken a further step in two ways. He suggested that, instead of it just being a duty on a public body to have due regard to the likely effect of the exercise of its functions, and so on, it would be better if the duty was on the body to have due regard to guidance that sets out how antisocial behaviour can be taken into consideration in exercising its functions. The duty would be dependent on the guidance, and, because the guidance would need the approval of the Attorney General, he would then give an assurance about the nature of the guidance,

and it would give sufficient weight to the way in which the duty can be exercised.

When he gave evidence to the Committee, he raised a concern about the importance of preventing unnecessary and wasteful litigation as a result of that duty, and he suggests that the guidance could set out the extent to which that failure could be relied on in legal proceedings against that public body if it failed to adhere to the guidance.

It is quite complicated. We have not come to you with a draft amendment to reflect that because we are still trying to make sure that we can instruct an amendment to be drafted, which achieves what the Department and the Attorney General agree is a way forward, but it is quite complicated.

**Ms Ní Chuilín:** I do not mean to sound facetious, but the amendment is going in the right direction but it needs to be amended. Therefore, the amendment needs to be amended. The duty is not tied into the guidelines tight enough, so they also need to be amended, and there is no suggested amendment of what needs to be amended. Is that right? So, what are they saying?

**The Chairperson:** When are we likely to see the amended amendment, or are we likely to see it?

**Mr Hughes:** We need to be satisfied that the amendment that we finally hope to bring forward is drafted to capture what we want to achieve. The Department and the Attorney General are looking at the same thing. We would need to ensure that the Attorney General is satisfied that it is capturing what he thinks it is trying to achieve.

I know that the Bill, in all its parts, goes to the Executive, and this is the part of the Bill to that the Executive have paid particular attention to. We, therefore, want to make sure that there is satisfaction there, too. The amendment would be brought forward at Consideration Stage, but I will stand corrected on that from anyone who knows the procedure better than I do. However, we would have to have gained the satisfaction and approval that it is going in the right direction prior to that.

**The Chairperson:** Are you finished on your point?

**Ms Ní Chuilín:** So, it is four weeks.

**The Chairperson:** Yes. That is a good point.

**Mr McDevitt:** If the Department is proposing to bring forward an amendment at Consideration Stage, and the Committee cannot consider that as part of the report, it will have to take its chances in the Assembly. That is basically it. I do not mean this in a light-hearted way, but I would not feel comfortable making a commentary on any half-baked amendment. The best the report could be is silent, or it could offer some very general commentary on the context of the conversation. It would be impossible for us to be able to provide any definitive opinion at our report stage, if you are not proposing to bring it to the Assembly until Consideration Stage. That is the problem for us.

**The Chairperson:** It certainly is. Do you want to comment on that, Mr Hughes?

**Mr Hughes:** Would it be possible for the Committee to take a view on the amendment that is in front of you, which is moving closer to —

**Mr McDevitt:** As a Committee member, my problem with this relates to the report that we have to agree to. If the amendment is not going to be tabled, we cannot have an opinion on it. That is the problem. We are caught in that.

**The Chairperson:** Mr Hughes, do you take the point that is being made?

**Mr Hughes:** I entirely understand that it is impossible for the Committee to take a position on an amendment that it cannot see and that is based on, what I admit, is a rather convoluted explanation. However, it is a convoluted suggestion and policy. We have taken the amendment that you see in front of you, and the Attorney General has seen it and has commented on it positively. At the points at which it is amending the Bill, as introduced, it is negating some of the issues that he has raised. Would it be possible, then, to take a view on this amendment? If the Committee sees that the amendment is going in the right direction, it will assist in bringing an amendment in the same direction later on.

**Mr A Maginness:** The problem with that is that we are not sure what this means. It is convoluted; it is not crisp, clear and transparent, as far as the Committee or individuals are concerned. We discussed this. When the Attorney General discussed it, he referred to subsection 2, I think, of the Garda Síochána Act 2005. That was clear. If we are going to make law here, we have to have certainty. We have to have a

public body that is able to read the law and say what we have to do in particular circumstances. That is not clear, as far as I can see. It may be moving in the right direction. I do not know whether it will hit the right point, but, at this time, it is convoluted. Furthermore, as far as the Department and the Attorney General are concerned, it is a work in progress. It is impossible for us to give a judgement on it.

**The Chairperson:** The Committee can comment or take a position on what is in front of us, not on what might be there one day.

**Mr Hughes:** I agree, but if the Committee is able to take a view on the amendment that is before it today, these amendments would still form the basis of the amendment that the Department would be seeking to meet the Attorney General's concerns. There would be further elaboration and further developments on it. What has been provided to the Committee amends the Bill, as published, in a useful way, and there may be some additional amendment to take it further. Nevertheless, we are still seeking the amendments on the reference to locality, the requirement for the Attorney General to give approval to the guidance, and so on. Those things would still stand.

**The Chairperson:** Yes, but the Committee will be left with no alternative but to seek its own amendment on it.

**Mr McDevitt:** I want to be sure that I understand Mr Hughes correctly. Is Mr Hughes saying that the current amendment — the one that is before us — will be proposed formally by the Department and that the Minister will propose the amendment at Committee Stage?

**Mr Hughes:** No, because we want to make some changes to it. However, the changes in the amendment will still be there, although it will be more than that, as it were. It will be this amendment plus.

**Mr McDevitt:** If the amendment were actually tabled, the Committee could form a view. Even if the Minister had every intention of scrubbing it a week later and tabling another one, the Committee could form a view at Committee Stage. If it is not being tabled, we just cannot do that.

**Mr Gareth Johnston (Department of Justice):** For clarity: this amendment has been tabled by the Department. We are simply saying that it may not be the final answer.

**The Chairperson:** We were going the wrong way about trying to make that point, but you have made it well.

**Mr Johnston:** Essentially, the Department will be inviting the Committee, if it were willing, to reach a decision and to take a vote on that amendment. We have said that more will be brought at Consideration Stage in light of the further discussions.

**The Chairperson:** Is it going to be tabled at Consideration Stage?

**Mr McCartney:** It is like 'Blue Peter' in reverse.

**Mr Johnston:** An amendment will be tabled at Consideration Stage.

**The Chairperson:** I know that. You are taking me into Alice in Wonderland stuff here. *[Laughter.]*

**Mr Johnston:** With respect, I wonder whether the question is not so much about what would be tabled at Consideration Stage but what is being proposed now to the Committee, which is what the Committee reports on.

**Ms Ní Chuilín:** That is not the procedure.

**The Committee Clerk:** The Committee will report on its consideration of the clause, whether it agrees with the clause as it stands in the Bill or whether it agrees the clause as amended. If so, it has to spell out the exact amendment that it is agreeing to. It may also reject the clause entirely. The only way that the Committee can make a decision on the Department's proposal is to know the exact wording. In the report, the Committee will have to say that it agrees to the clause as amended by the Department. If the Department does not table that amendment, it will cause a problem.

**Mr Hughes:** If I may, —

**The Committee Clerk:** If the Committee agrees to the clause as amended, it has to spell out in its report the amendment that it has agreed to. It will be either an amendment that the Department will table or one that the Committee will table. If the Committee agrees to the Department's amendment today, knowing that the amendment will change —

**Mr Hughes:** The critical part is that the amendments to what was originally published and are contained in the text include the actual elements of substance that will still be followed through. The changes to the Bill, as published,



are around limiting the scope to prescribed organisations, ensuring that the guidance is approved by the Attorney General, and changing the reference from “community” to “locality”. There will also be a couple of other changes. All those changes will still be followed through. However, we are saying that we are looking at the possibility of taking further changes beyond that but in the same direction. We will not be stepping away from the changes that are contained in the amendment. We will still follow them through.

**The Chairperson:** The amendment that is out there somewhere is in the making. Is that right? I suspect that you are trying to get agreement here with the Attorney General. What happens if you do not get agreement?

**Mr Hughes:** The position is that the Attorney General has set out quite clearly what he thinks is an effective way of amending this clause. We have considered and can see precisely what he is suggesting and we think that it is a way forward. Therefore, we are working on the basis that we are heading in the same direction.

**Mr McNarry:** In a Justice Committee in particular, one expects honesty to be the best policy, but I am afraid that Mr Hughes’s policy of honesty has tripped him up. I would have abstained on clause 34, anyhow. *[Laughter.]* However, there is no way that I would be able to change my judgement on that based on something that I cannot even see. We can wrap this up: procedurally, we cannot go down that route. It would be the most dangerous precedent that any Committee could establish. As somebody said, it would be like ‘Blue Peter’ in reverse — they are saying, “Here’s one I haven’t prepared yet, but I am going to prepare it for you later.” I think that you recognise that we are in dangerous territory, Chairman.

**Mr O’Dowd:** As the Committee Clerk laid it out, the Committee can vote on the amendment. In the normal course of events, the Department would come back at a later stage to say that it wanted to move beyond where it was at Committee Stage. That would and can happen, though it is not the best way to do things. Alternatively, the Committee can state to the Department whether it is travelling in the right direction. I do not think “take a view of it” is the right terminology, but, for the purpose of its minutes, the Committee can tell the Department that it is in the right direction of travel —

the Committee’s general opinion is that the involvement of the Attorney General and so on is a better way forward — but we did not take a formal vote on the clause.

**Mr Hughes:** Mr O’Dowd’s suggestion that the Committee expresses a view as to whether we are going in the right direction helps in the work that still needs to be done. Were the Committee able to take a view on the amendment that is before it, it would give us a clear indication as to whether we are heading in the right direction away from the original clause. That amendment considerably changes the clause, as introduced. Ultimately, whatever view the Committee takes of the amendment in front of it will be helpful.

**The Chairperson:** It does not get any simpler the more we talk about it, does it? However, I think that the Committee must make its views known. I am informed that members could, if they wish, agree that it is content with clause 34, subject — maybe with some relief to the Department — to the Department bringing forward an amendment that encompasses the issues that it has highlighted for the Attorney General. However, the Committee may state that it also wants to see the draft amendment as soon as possible. Would Thursday be too soon to ask for it, Mr Hughes? Are you waiting for an Executive meeting?

**Mr Johnston:** We are increasingly under pressure of time and are keen for the Committee to complete its consideration of and to vote on the various clauses today so that they can be taken to the Executive on Thursday. We recognise that the Committee can work formally only with what it is presented. The Committee may reject that clause, or its members may choose to abstain or to approve it. It would certainly be helpful for the Committee to state in the text of its report that it felt that additional changes were needed. However, a definite decision from the Committee today on clause 34 would be particularly helpful to us in getting the entire Bill through.

**The Chairperson:** We have to move on one way or the other. I will put the recommendation that the Committee is content with clause 34, subject to the Department proposing an amendment that addresses the issue that it highlighted and that the Attorney General wishes to see those draft amendments as soon as is humanly possible. Do Committee members agree?

**Ms Ní Chuilín:** Chairperson, although we do not want to be disruptive, we will abstain. Through

no one's fault, this has been a convoluted conversation. I am not content with clause 34.

**The Chairperson:** With any part of it?

**Ms Ní Chuilín:** Not from what I have seen. I would prefer to abstain, let it go forward and see what is there.

**The Chairperson:** I cannot direct any Committee member on how they should vote. The position of the Committee was that it was content with most of clause 34, but that there were aspects of it that it wanted to be changed. Are members now saying that it does not matter what way the clause is amended, because they will not be content with it?

**Ms Ní Chuilín:** No.

**The Chairperson:** Committee members have heard what has been said and what I proposed as a possible way forward. Some members wish to abstain. What do other members feel about clause 34?

**Mr A Maginness:** If clause 34, as amended, still creates a new statutory duty on a public body, and that statutory duty is not sufficiently qualified, the clause will not be acceptable. I, Lord Empey and others expressed the view that we do not want an additional statutory duty that will further burden public bodies. That is the essence of the argument.

**Mr Givan:** I concur with Alban's views about creating a statutory duty. It concerns me that that new duty would be put on any public body. I do not need to elaborate, because I share the same concerns as Alban. I am content to vote down the clause or to abstain, but it is not something that I enthusiastically support.

**The Chairperson:** Members can do all those things. They could agree, although I suspect they will not do so. They could also vote against or reject the clause. That would give the Department some time to come back on the clause at a later date, and it does not need to be told that we are running out of time. If I have read the mood of the meeting correctly, I am right in saying that different members have different problems with different aspects of clause 34.

**Ms Ní Chuilín:** For different reasons.

**The Chairperson:** It is up to members how they want to vote.

*Question, That the Committee is content with the clause, put and negatived.*

*Clause 34 disagreed to.*

**Mr McCartney:** Sinn Féin members abstained.

**The Chairperson:** OK. Clause 34 is not agreed. I am sure that the officials will take cognisance of that decision, and will come back to the Committee.

### **Clause 35 (Functions of joint committee and Policing Board)**

**The Chairperson:** Is the Committee content with clause 35 as drafted?

**Ms Ní Chuilín:** We will abstain.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 35 agreed to.*

**The Chairperson:** We now move to schedules one and two, which are virtually the same. Is the Committee content with paragraphs 1 to 3 of schedule 1 as drafted?

**Ms Ní Chuilín:** We are abstaining.

*Members indicated assent.*

**The Chairperson:** Are members content with paragraph 4 of schedule 1?

**Ms Ní Chuilín:** We are abstaining.

*Members indicated assent.*

**The Chairperson:** Are paragraphs 5 and 6 of schedule 1 agreed?

**Ms Ní Chuilín:** We are abstaining.

*Members indicated assent.*

**The Chairperson:** We move to paragraph 7 of schedules 1 and 2. I remind the Committee that we have discussed the issue of designated organisations, and the Department has now proposed two alternative amendments for the Committee to consider. Alternative A allows for a list of specified organisations for inclusion in every PCSP to be made by affirmative resolution as requested by the Committee. Alternative B is the Department's preferred option, and it believes that it meets the Committee's concern but maintains the flexibility of individual PCSPs. I ask the officials to comment.

**Mr Hughes:** Following extensive discussions, we thought it would be useful to put forward these two alternatives setting out the Department's preference for a system that allows for a degree of discretion on the part of local partnerships, since that underpins the value of local partnership working where circumstances in that district are taken into consideration first rather than a solution being dictated by the Department and the Policing Board. We put forward the second alternative as our preference, but we also provide the Committee with a first alternative. It sets out the conclusion of the Committee's previous deliberations, which was that an Order designating organisations that must be represented on a PCSP must be made by affirmative resolution. That is what the Committee was seeking.

We want to flag that we think that the mechanism for making that Order is somewhat cumbersome. There would be a considerable issue around the timeliness of the first Order that would need to be made for the PCSPs to be in operation. We heed the clear views that the Committee has taken on this previously.

**The Chairperson:** Does any member wish to comment or ask a question? You know what the alternatives are. Alternative A allows for a list of specified organisations for inclusion in every PCSP to be made by affirmative resolution, as requested by the Committee. That is what we asked for. Alternative B is the Department's preferred option, and the Department believes that it meets the Committee's concerns but retains the flexibility of individual PCSPs.

**Mr McDevitt:** Although I am sympathetic to Mr Hughes's argument to some extent, alternative B fails the basic test that the Committee set; namely that we wish to see a list of core organisations that will automatically be members of PCSPs. As much as I understand the arguments about flexibility, alternative B certainly does not meet the test that the Committee collectively set some time ago.

**The Chairperson:** Does any other member wish to comment? Are members content to adopt the Committee's original position of alternative A, under which the Order would be subject to affirmative resolution, as requested by the Committee?

**Ms Ní Chuilín:** We abstain.

*Members indicated assent.*

**The Chairperson:** Are members content with paragraphs 8 to 9 of schedule 1?

**Ms Ní Chuilín:** We abstain.

*Members indicated assent.*

**The Chairperson:** We move to paragraph 10 of schedule 1. I remind the Committee that we requested that the Department look at amending this paragraph to ensure that the chairperson of the PCSP is an elected member. The Minister indicated that he is not minded to make that amendment. The Committee, therefore, agreed to request a draft amendment to be prepared for consideration. We are told that the draft amendment is on its way to us, so we had better wait until we have sight of that. We will move on and return to paragraph 10 when we are in possession of the text of the draft amendment.

We move to paragraphs 11 to 16. The Committee indicated in the past that it is content with these paragraphs. Is the Committee agreed on paragraphs 11 to 16?

*The following members indicated assent:*

*Lord Browne, Mr Givan, Mr A Maginness, Mr McDevitt*

**The Chairperson:** The Committee indicated that it was content with paragraph 17 of schedule 1. Is that still the case?

*The following members indicated assent:*

*Lord Browne, Mr Givan, Mr A Maginness, Mr McDevitt*

**The Chairperson:** The Committee indicated in the past that it is content with paragraphs 18 to 21. Are members agreed on paragraphs 18 to 21?

*The following members indicated assent:*

*Lord Browne, Mr Givan, Mr A Maginness, Mr McDevitt*

**The Chairperson:** We move to schedule 2. As I said at the start, the two schedules are virtually the same. Are members agreed on paragraphs 1 to 3 of schedule 2?

**Ms Ní Chuilín:** We abstain.

*Members indicated assent.*

**The Chairperson:** The Committee intimated in the past that it was content with paragraph 4 of schedule 2. Are members agreed on paragraph 4?

*The following members indicated assent:*

*Lord Browne, Mr Givan, Mr A Maginness,  
Mr McDevitt*

**The Chairperson:** We indicated that we were content with paragraphs 5 and 6 of schedule 2. Are members agreed on paragraphs 5 and 6?

*The following members indicated assent:*

*Lord Browne, Mr Givan, Mr A Maginness,  
Mr McDevitt*

**The Chairperson:** We move to paragraph 7. Is paragraph 7, as amended, agreed? There are abstentions.

*Members indicated assent.*

**The Chairperson:** Are paragraphs 8 and 9 agreed?

*The following members indicated assent:*

*Lord Browne, Mr Givan, Mr A Maginness,  
Mr McDevitt*

**The Chairperson:** Paragraph 10 should come next, but we are waiting for the draft amendment. We will come back to that in a moment or two.

The Committee indicated that it was content with paragraphs 11 to 16. Is the Committee agreed on paragraphs 11 to 16? There are abstentions.

*The following members indicated assent:*

*Lord Browne, Mr Givan, Mr A Maginness,  
Mr McDevitt*

**The Chairperson:** Is paragraph 17 of schedule 2 agreed?

*The following members indicated assent:*

*Lord Browne, Mr Givan, Mr A Maginness,  
MrMcDevitt*

**The Chairperson:** Are paragraphs 18 and 19 agreed?

**Ms Ní Chuilín:** We abstain.

*Members indicated assent.*

**The Chairperson:** At this stage, we would normally thank the officials for being here. However, we will perhaps retain you for a moment or two until

we get a look at the amendment to paragraph 10. We will pause here for a moment or two. Do not let the officials out.

We are going to have to move on. Perhaps the officials should leave the table, but not leave the room. We would like to retain you for a few moments. We will move on to our consideration of Part 7 of the Bill, which comprises the legal aid clauses 85 and 89.

I welcome Robert Crawford and John Halliday from the Northern Ireland Courts and Tribunals Service. I remind members that, at its meeting on 3 February, the Committee agreed to make a decision today on clauses 85 and 89 so as to allow members more time to consider a draft amendment proposed by the Committee and an alternative amendment from the Department concerning the requirement for affirmative resolution in relation to a fixed means test for criminal legal aid.

The Committee had wished to see an amendment that would ensure that all regulations on a fixed means test are subject to affirmative resolution. The Department of Justice is proposing an amendment that will allow the first rule to be subject to affirmative resolution and subsequent rules to be made by negative resolution. The correspondence from the Department sets out the reasons for that preferred approach. The relevant summary papers and the draft amendments have been tabled.

I now ask the officials to comment.

**Mr Robert Crawford (Northern Ireland Courts and Tribunals Service):** I have not seen the Committee's amendment. We are still of the view that our amendment would spare the Committee and the Assembly from having to take time to make simple changes.

**The Chairperson:** We will have to stop you there. The Division Bells are ringing.

**Ms Ní Chuilín:** It is for the legislation on dangerous dogs. How appropriate. *[Laughter.]*

**The Chairperson:** We will check whether they are ringing for a Division or because the House is inquorate.

*Committee suspended.*

*On resuming —*



**The Chairperson:** The meeting is reconvened. We were with you, Mr Crawford, when we suspended.

**Mr Crawford:** I have a couple of points to make, Chairperson. As we said at the last meeting, we do not resist the principle of affirmative resolution in respect of this particular clause. However, we have been advised by legislative draftsmen that there were some complications of a practical nature, and we attempted to explain what those might be. In particular, there could well be quite a number of frequent amendments to these regulations; for example, amendments to take account of changes in social security legislation. We felt, therefore, that the Committee might be attracted to the idea of using affirmative resolution on the first occasion only, and we have offered an amendment on that basis.

**The Chairperson:** Members, you have heard what Mr Crawford said. Does anyone wish to comment?

**Mr O'Dowd:** I want to ask about the process. If we go for affirmative resolution for all the rules, in line with the Committee's proposal, would the rules come before the Committee for it to decide whether a vote is required? Could the rules be dealt with at Committee rather than going to the Assembly on each occasion?

**The Committee Clerk:** Under the affirmative resolution procedure, they would have to go to the Floor of the Assembly. The amendment that the Committee is looking for would require any proposals or changes regarding means testing to be decided by affirmative resolution. The Department has advised that its draftsman thinks that amending the clause in such a way may have consequential or knock-on effects for other legal aid regulations. Those regulations may now have to be agreed by affirmative resolution, whereas they are currently subject to negative resolution. The draftsman is saying that, from the Department's point of view — I may not be phrasing this right — it is too difficult to put it through as a draft, and that is why it is suggesting that affirmative resolution be used on the first occasion only.

**Mr McDevitt:** Could I ask for some clarification from officials, Chairman? Would the Department's draft amendment not capture the means test? In other words, the first set of rules would have to, by definition, include the means test.

**Mr Crawford:** That is what clause 85 does; it is all that it does. It gives us the power to set the means test, and that would involve setting the means test at a particular level or threshold. Subsequent regulations could amend that threshold, but, after that first occasion, there would be a means test in place — or not, if it were rejected.

**Ms Ní Chuilín:** Does that mean that, if it is set once, it would be unlikely that an affirmative resolution would be ignored if we were just to go for negative resolution in any other instance?

**Mr Crawford:** In subsequent instances under negative resolution procedure, regulations would still be subject to consultation and would still come before the Committee. So, the Committee could pray against them in the normal way under negative resolution procedure. It would still have the power to prevent a change. However, if a test were in place, that would continue unaffected. For example, if the Department's proposals were to reduce the thresholds so that more people would move out of legal aid, the Committee could reject that and leave the existing threshold in place.

**Ms Ní Chuilín:** So, this really just sets the power to means-test legal aid?

**Mr Crawford:** We are saying that, if the Committee were minded to accept clause 85, on the first occasion that the proposals for regulations were brought forward, there would be public consultation and Committee scrutiny of the level of that threshold. That would then go to a vote in the Assembly under affirmative resolution procedure. So, it gives maximum protection for the first time that the level is set.

**Mr A Maginness:** Are you saying that the first set of regulations would provide the template for the threshold, and so on, and that subsequent changes would be incidental amendments to various aspects of that but would not affect the substance?

**Mr Crawford:** They could, but they would be subject to negative resolution. The most obvious occasion that the legislative draftsman had in mind was if there was significant inflation in a particular year and there was a desire to increase fees across the board for legal aid. The power that is being amended in article 36 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 is the power that drives all the legal aid fee-setting at present.

An inflationary increase would be made to all regulations under that power. If one area required affirmative resolution, that would have to be debated on the Floor of the House, even for something as simple as, for example, a 5% increase across the board. We are inviting the Committee to consider whether that is what it wishes to do or whether it is more concerned with the structure of a threshold. Members might recall the seven possible options that we presented to the Committee. The way that we go about it may be what the Committee really wants to see, in which case using affirmative resolution on the first occasion would provide that protection.

**Mr A Maginness:** That seems OK.

**The Chairperson:** Are you saying that the draftsman has not come up with the wording yet?

**Mr Crawford:** The draftsman has, in fact; we put a proposed amendment before the Committee last week.

**The Chairperson:** But there is a distance between us and you.

**Mr Crawford:** We have not seen the Committee's amendment, but we understand that it would provide for affirmative resolution on every occasion that regulations are made.

**The Chairperson:** Could the draftsman not draw up words to reflect that adequately?

**Mr Crawford:** The draftsman advised against it. He said that it would create great practical difficulties. That is the advice that we have brought back to the Committee.

**Lord Browne:** It seems that we are setting a precedent here. If we use affirmative resolution for the first set of rules, what is the difficulty in using that for future changes? Legal aid seems to be an extremely important issue that goes through not just the Justice Department but right through society. If we are setting the precedent of using affirmative procedure for the first set of regulations, I cannot see what difficulty there would be in bringing regulations to the Assembly for a vote each time. I am thinking about welfare reform and so on. I cannot see what practical difficulties there would be.

**Mr Crawford:** The practicality that the draftsman has in mind is simply the effect that that would have; it would make the general operation of, for example, legal aid subject to affirmative

resolution, because the clause would then apply to that. The question is whether that is, indeed, the contention that the Committee wishes to apply. The Courts and Tribunals Service has no objection to including affirmative resolution in that particular area. We have heard the Committee's views, and we understand the sensitivity of the situation, but the practicality is more about the time that it will take to debate every change on the Floor of the Assembly.

For example, as we said the last time, if there is a change in social security and we need to change the way in which benefits are counted in, although it may be obvious that one thing changes to another, as may happen with the introduction of universal credit, the Committee might well be happy to deal with that change through negative resolution. However, if affirmative resolution is specified for every occasion, the Committee would have no choice but to use that.

**Mr A Maginness:** What you are really saying is that the adjustments to the scheme are relatively minor and that it would be impractical to come back all the time to deal with things through affirmative resolution.

**Mr Crawford:** We are asking for the Committee's view, because we are suggesting that, potentially, we will have to bring in regulations in that area every year to reflect, for example, social security changes. We wonder whether that will require a debate on the Floor of the House on each occasion.

**Mr A Maginness:** If the adjustments to the scheme are relatively minor, I do not see why they have to be made by way of affirmative resolution.

**The Chairperson:** Yes, because we could have negative resolution, as proposed by the Department.

**Mr McDevitt:** I am sensitive to the Department's solution, because clause 85 would make a substantial policy change, namely the introduction of a means test, and that is what concerns the Committee. As I see it, the Department is proposing that we get the chance, through affirmative resolution, to express our opinion on the substantial issue in clause 85, which is the introduction of a means test, but that we do not seek to set a precedent so that every minor change to the outworkings or implementation of the means test must also be subject to

affirmative resolution. The Department seems to have met us halfway, which is probably where we want to be.

**The Chairperson:** That begs the question, Mr Crawford, of what would happen if, after the first occasion, the Department wanted to change the levels substantially.

**Mr Crawford:** The Committee would still be able to engineer a debate on the Floor of the House by praying against a rule. However, before that could happen, we would have to come to the Committee with proposals for public consultation. At that stage, we would, in effect, find out whether the Committee has concerns, which we would have to deal with before moving to public consultation.

**Ms Ní Chuilín:** Would you bring a prayer of annulment?

**The Chairperson:** Yes, but there would be no obligation on the Department to come to the Committee. You could just say, "Tough; that is what you signed up to. That is the way it is, and that is the way it is going to be", although you might not adopt that attitude.

**Mr Crawford:** We must come to the Committee when we make regulations, and we must carry out public consultation, which begins with us coming to you with proposals for the consultation.

**Mr A Maginness:** Perhaps the Committee Clerk will tell us the difference between the Committee's amendment and the Department's amendment.

**The Committee Clerk:** The difference is that the Department's suggested amendment would allow regulations to be subject to affirmative resolution the first time that they are brought through for means testing. Subsequent regulations would be subject to negative resolution. The difference is that matters subject to affirmative resolution would have to be debated and approved on the Floor of the House.

**Mr A Maginness:** So, what is our amendment?

**The Committee Clerk:** The Committee asked that any regulations relating to means testing be adopted by affirmative resolution, and that is the aim of the amendment that has been prepared. The Committee was not looking at the wider aspects of legal aid. It looked at the means test and the impact that any fixed means test is likely to have. Witnesses had suggested

that that impact could be substantial. Therefore, the Committee looked at it and decided that it should be subject to affirmative resolution. The Examiner of Statutory Rules also highlighted in his report to the Committee that the Department will be taking on a substantial new power under clause 85 and that, in his view, it should be subject to affirmative resolution. That was the background to the Committee's writing to the Department initially to ask for affirmative resolution to be used. The Department has suggested that draft amendment.

**Mr A Maginness:** If we were to adopt our own amendment, would that be permanently subject to affirmative resolution?

**The Committee Clerk:** Yes. Any regulation to do with means testing would be introduced by affirmative resolution procedure. We asked the Bill Office to prepare a draft amendment on that basis.

**Mr A Maginness:** It strikes me that the Department has come up with a compromise that seems to meet our concerns at first instance. I am concerned about the establishment of the means test and whether it is fair and allows people proper access, and so on. If that is established as a template — excuse the phrase — any subsequent changes would be by way of adjustments for inflation.

**The Chairperson:** We will have to decide what way we want to go forward: do we want to go back to the position that the Committee had adopted or are we content with what we have been told today? You have heard Mr Crawford outline the clause in some detail.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 85, subject to the Department's proposed amendment, agreed to.*

**The Chairperson:** Thank you very much, gentlemen.





# Northern Ireland Assembly

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## Committee for Justice

8 February 2011

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## Justice Bill [NIA 1/10]

### Members present for all or part of the proceedings:

Lord Morrow (Chairperson)  
Lord Browne  
Mr Thomas Buchanan  
Mr Paul Givan  
Mr Alban Maginness  
Mr Conall McDevitt  
Ms Carál Ní Chuilín  
Mr John O'Dowd

### Witnesses:

Ms Nichola Creagh	
Mr David Hughes	<i>Department of</i>
Mr Gareth Johnston	<i>Justice</i>
Mr Dan Mulholland	

**The Chairperson (Lord Morrow):** We return to paragraph 10 of schedule 1. We now have the wording of Mr Givan's proposed amendment. The officials and Mr Givan are with us, so we will not get lost with this one.

We know that the Minister is not minded to agree to the amendment. Mr Givan, do you want to comment on your thinking behind it?

**Mr Givan:** Yes, thank you. It is a point that I raised previously, and the Committee has been content to allow it to come to this point. The rationale for what I am suggesting is based on a couple of key issues that I highlighted previously. I am suggesting that the procedure for appointing the chair and vice-chair of the policing community safety partnership should be the same as the procedure for the policing committee. There should be an elected member chairing that body at all times, and elected using the same provision that applies to the policing committee. So, it will be the council that appoints that political member to be chair.

That will be done on the basis of the four largest parties following the election. That is the way the district policing partnerships operate. Primarily, democratic accountability is a key issue for that role.

The other issue is also to ensure that councils buy into the process. We are creating legislation that will mean that councils ultimately, if they choose, will not need to contribute a penny to the scheme. I think that locking in the council through an elected member holding the position of chair will put a greater degree of responsibility on the elected members, and they will therefore go to the council and make a stronger case as to why the council should be making a contribution to the role of the committee.

When I was a member of the South Eastern Education and Library Board, elected members were a minority, as they will be in the proposed new bodies. There were obviously relationship problems between elected members and independents. Ultimately, the elected members of all parties — we were all on it — felt disenfranchised, and, for whatever reasons, it did not work. To a certain extent, we were able to shirk our responsibility because we were a minority. My fear is that, for whatever reason, that potential might exist if we do not ensure that an elected member is chair of the body, and those elected members may not buy into the process.

My proposal will give democratic accountability and buy the council into the process by following the same procedure for the appointments of the policing committee. That is why I am proposing the amendment.

**Mr A Maginness:** You are talking about the overall chair; would the chair of the policing committee be the same person?

**Mr Givan:** No. It could be a different person. Under the legislation, for the first year the chair of the policing committee will also chair the community safety partnership as a whole, but in the years thereafter, it can be a different person.

**Mr A Maginness:** It could be an independent.

**Mr Givan:** It can be a different person, but my amendment proposes that it would be an elected representative.

**The Chairperson:** Does anyone else wish to comment or ask a question? Can we hear from the Department?

**Mr David Hughes (Department of Justice):**

The Department is not minded to make the amendment because of the principle that setting up local partnership working is to give increased delegated authority to the local partnerships to make arrangements for themselves. We do not think it is necessarily explicable why independent members should be excluded from chairing the partnership as a whole. Although Mr Givan makes a very cogent case, it is still the Department's position that an independent member should be in a position to chair the overall partnership.

**The Chairperson:** Thank you. Mr Givan, do you want to respond to what you have heard?

**Mr Givan:** No. I am content that the Department can have that position.

**The Chairperson:** Is the Committee agreed on the amendment as put before you today?

*Members indicated assent.*

# Northern Ireland Assembly

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## Committee for the Environment

8 February 2011

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## Planning Bill [NIA 7/10]

### Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)  
Mr Patsy McGlone (Deputy Chairperson)  
Mr Thomas Buchanan  
Mr Trevor Clarke  
Mr Willie Clarke  
Mr John Dallat  
Mr Danny Kinahan  
Mr Alastair Ross  
Mr Peter Weir  
Mr Brian Wilson

### Witnesses:

Ms Lois Jackson  
Ms Irene Kennedy  
Mr Angus Kerr                      *Department of the*  
Ms Catherine McKinney        *Environment*  
Mr Peter Mullaney  
Ms Maggie Smith

**The Chairperson (Mr Boylan):** I welcome Maggie Smith, Irene Kennedy, Angus Kerr and Catherine McKinney from the Department of the Environment (DOE). Lois Jackson and Peter Mullaney are in the Public Gallery.

### **Clause 1 (General functions of Department with respect to development of land)**

**The Chairperson:** Departmental officials agreed at the meeting on 1 February 2011 to consider changing the reference on sustainable development from “contributing to” to “securing”. The Department’s response indicates that it considers that efforts to secure sustainable development cut across all Departments and that its duty remains one of “contributing to” those efforts.

The Committee also asked the Department to consider removing discrepancies between the wording of the duty towards various policies and guidance between the Department, which is in clause 1, and councils, which are in clause 5. The Department indicates that it will amend the term “have regard to” to “take account of” policies and guidance issued.

In response to the Committee’s query on the timescale for the delivery of sustainability across Departments, the Department replied that sustainable development was an ongoing duty and that the Department and councils must have regard to prevailing policies and guidance of other Departments, including the Department for Regional Development (DRD) and the Office of the First Minister and deputy First Minister (OFMDFM). It also said that the timescale was a matter for the Departments concerned. Members were asking about securing that, so will you go through that again, please, Maggie?

**Ms Maggie Smith (Department of the Environment):** We thought about that very carefully. It was decided to leave it as it is, because it relates to the Department’s role in sustainable development. The duty in the Bill will be a duty on the Department, but it will affect all councils. In effect, it is saying that the planning system is responsible for securing sustainable development.

Clearly, the planning system has an important role to play in sustainable development. We spoke before about sustainable development being one of the issues in planning policy statement (PPS). However, planning is not the only tool to secure, achieve and keep sustainable development going. A public body would contribute to that in many ways, while in the case of councils or the Department, planning would be only one way.

There is a wider duty on public bodies that relates to sustainable development. So from the way that that duty is presented in law, it is clear that there is no expectation that DOE, councils or planning will be the one way to achieve sustainable development. It is clear from the law that there is a recognition that everybody is contributing.

We also feel that it could limit what councils are able to do, because decisions on sustainability are to do with balance. Sometimes that balance goes one way, and sometimes it goes another.

Councils will need that flexibility when carrying out their planning functions.

**Mr Dallat:** Let us hope that we are all singing from the same hymn sheet. What exactly is meant by sustainable development?

**Ms Smith:** I am glad that you asked that question, because that is a big part of the issue. When we were preparing to talk to the Committee at the previous meeting about the early Parts of the Bill, I was doing a bit of research on sustainable development and searching for definitions. There are two interesting parts to the picture. First, there are a number of definitions. Secondly, however, anyone who looks through government documents on sustainable development, that is, those that underpin what we are all trying to achieve through government, would see that they neatly sidestep the whole issue of definition.

We talked about PPS 1 the previous time we spoke, and I said that, when we come to review that part of PPS 1, we will have to think very carefully about what that duty means. That is because we will have to explain, through PPS1, how that new duty will impact on decision-making. At that stage, we will really have to face up to what we mean by sustainable development.

My colleagues may want to chip in about the definition, but generally we look at the three pillars of sustainable development: the environment, the economy and society. In planning terms, we look at issues on how those three pillars are balanced in decision-making.

**Mr Dallat:** I am sorry for hogging this time, Chairman. Am I wrong to link that to the recently introduced PPS 23 and PPS 24?

**Ms Smith:** No.

**The Chairperson:** They are drafts at the minute.

**Ms Smith:** Draft PPS 24 talks about economic considerations, and draft PPS 23 is about enabling development. Those would be looked at alongside all the other planning policy statements. That means that a statement that talks about economic considerations would be looked at against others, such as PPS 6, which is about built heritage. PPS 2, which sets out all the very important environmental considerations, could be looked at. A number of planning policy statements could be looked at for a particular application.

**Mr Dallat:** I do not think that I have ever got a more honest answer to a difficult question. It illustrates that there are horrendous issues to be overcome if we are ever to put right some of the wrongs of the past where there was an imbalance and villages and towns were practically being wiped out because of *[Inaudible.]* and different Departments had different priorities. Perhaps it is the wrong time to ask, but the role of Roads Service in all this is critical. Is the plan to continue to allow Roads Service *[Inaudible.]*

**Ms Smith:** Roads Service and planning are the responsibilities of two different Departments. Roads Service makes a huge contribution to looking at planning applications.

**Mr Angus Kerr (Department of the Environment):** The role of Roads Service is critical in the preparation of development plans and in planning applications and decisions. When it comes to the transfer of functions, roads will still reside with DRD, and it is likely that it will continue —

**The Chairperson:** Excuse me. Could you please talk into the mic?

**Mr Kerr:** Sorry, Chairperson. It is a given that Roads Service will continue to be a key consultee and will have a very important role to play in informing council plans and decisions on planning applications.

**Mr Dallat:** I am almost finished. Do you not see that Roads Service will continue to act completely independently of planning, and the motorways are not —

**The Chairperson:** Excuse me, Mr Dallat. I cannot hear you. Please move your file over a wee bit.

**Mr Dallat:** I am sorry about that.

**The Chairperson:** We are going to sort out this mic thing some time today. Please bear with us.

**Mr Dallat:** Perhaps it would be best if I am not heard. If no serious consideration is given to the role of Roads Service in planning, is there not a missed opportunity to connect roads, railways and all that element of life? Will there continue to be petty fallings-out between planning and Roads Service? Critical planning applications have been held up because people have different personalities or they are on a different floor, or whatever the reason was in the past. Surely this is a golden opportunity to put that aspect of roads at least under planning so that



something that is more coherent and joined up can be presented.

**Ms Smith:** We hear those points about other organisations quite frequently. I do not think that a sustainability duty can change that relationship. However, later provisions in the Bill talk about the relationship between the statutory consultees and the planning system. At the moment, there are only two statutory consultees, and Roads Service is not one of them. Those of us who are not planners take it for granted that Roads Service is a statutory consultee, but it is not. The Bill will give us the opportunity, through regulations, to list a much bigger number of organisations as statutory consultees and to make regulations that govern the timescales within which those organisations respond on planning applications. That timescale would be proportionate to the complexity of the planning application. It is through that part of the Bill and those regulations that we can start to change the relationship between the planning system and other organisations.

**Mr Dallat:** Maggie, are you saying that there is an opportunity to look at this issue later? I am sure that many people around this Table feel that there should be an opportunity through the Bill to end the nonsense that goes on across the 26 councils, where Roads Service does not talk to the Planning Service and we cannot get the two to agree on even small issues, never mind anything fundamental to do with planning. I will bide my time until we come back to that issue.

**Mr Kinahan:** I am sorry that I was not here earlier. You may have covered this point, and tell me if you have, but I want to talk about sustainable development. Yesterday in the Chamber, we had a debate on biodiversity, and we received legal advice from the Attorney General on how to understand that. Have we taken legal advice on how we interpret sustainable development through the Bill so that it is achievable? Is the wording the best?

**Ms Smith:** Legal advice is that the wording in the Bill is the best.

**Mr W Clarke:** I take on board that it is hard to put your finger on sustainable development, because everybody has a different interpretation of it. That is a fair point. Everybody has a role to play in achieving sustainable development, and I think that clause 1(2)(b) needs to be much stronger. The objective needs to be “securing”

sustainable development. A change of wording is needed. Instead of:

*“contributing to the achievement of sustainable development”,*

the objective has to be “securing” sustainable development. The wording needs to be tighter.

Clause 1(4)(a) is about:

*“the physical, economic, social and environmental characteristics of any area, including the purposes for which the land is used;”*

I believe that the term “well-being” needs to be included, and that it would sit well in that clause. Well-being goes to the heart of planning, and, through the Bill, we are trying to become involved in spatial planning.

**Mr Weir:** Sustainable development is a worthy goal. However, is achieving sustainable development purely the function of planning, or do other areas need to contribute? If sustainable development is purely the function of planning, and if planning is the only thing through which we achieve it, the terms “securing” or “achieving” sustainable development would be reasonable. However, if planning is a significant, but not the only, element of how we achieve sustainable development, surely the wording should be “contributing” to its achievement.

**Ms Smith:** Yes. We argue that planning is only one aspect of contributing to sustainable development. Planning on its own cannot achieve sustainable development. Many other factors come into play. We also argue that no organisation on its own can secure or achieve sustainable development. So it involves a contribution from planning and a bigger contribution from a public body.

**Mr W Clarke:** I maintain that the planning element is the framework that the rest of the bodies will fit around. It is like a skeleton. Its ambition is to secure sustainable development. Other bodies contribute to securing the goal of the Planning Bill, the objective of which is to secure sustainable development. The rest can fit in with the goal to secure sustainable development, but someone needs to lead the way. Planning provides the overarching framework, and everyone else must fit into the goal of securing sustainable development.

**The Chairperson:** Mr Dallat, is your comment on the same point?

**Mr Dallat:** Yes, it is. I agree totally with Willie Clarke. Planning has to be the template that everything else functions around, otherwise we will just continue to have the hotchpotch that we had in the past.

**Mr W Clarke:** We could just go round in a circle, like we did in the past.

**The Chairperson:** I am giving members an opportunity to speak on the matter before we go on. Let us go through one thing first. Willie Clarke mentioned the issue at clause 1(4)(a). Is there an opportunity to insert the word “well-being” into that clause? Is there a commitment to —

**Ms Smith:** The issue comes back to what we mean by “well-being”. Clause 1(4)(a) sets out in fairly broad terms what can be surveyed. It says:

*“including surveys or studies relating to any of the following matters—*

- (a) the physical, economic, social and environmental characteristics of any area, including the purposes”*

and so forth. That gives the latitude to measure lots of things.

It is appropriate to consider surveying “well-being” through the well-being powers that are currently being consulted on, rather than through something that would go into the Bill. The well-being powers are being looked at under that consultation, and all the legislation and so on for that will need to be designed. It would be best to consider a need to survey well-being as a part of that policy-development process.

**Mr W Clarke:** I think that the well-being of the people is fundamental to good planning. It is every bit as important as economic, physical and environmental well-being. The term “well-being” is very broad, too.

**The Chairperson:** It is like trying to define “sustainability”.

Do members have any other views? Are you saying that this question has to be looked at in the context of another policy?

**Ms Smith:** We suggest that, to make sure that the study is tied in with the powers, it would be more appropriate to look at it in the context of the powers of well-being. That matter is out for consultation at present.

**Mr Kinahan:** Is that consultation linked to the Planning Bill? Is it one of the 17 or 18 bits of

guidance or subordinate legislation that are forthcoming?

**Ms Smith:** No. It is the consultation on the draft Local Government (Reorganisation) Bill, which is out at the moment. The power of well-being is the part of it that we have not talked about very much in this arena. However, the consultation on local government reform that went out at the end of November, which includes the new governance arrangements for councils, the new ethical standards regime and community planning, also has a power of well-being.

**The Chairperson:** Do Committee members have any comments? Are you still adamant, Mr Clarke, after that explanation by the Department?

**Mr W Clarke:** You could also say that there are different environmental policies, such as economic issues, but those are still included in the Bill. Well-being needs to be in the Bill. Obviously, good housing, infrastructure and crèche facilities are very important for the well-being of a community.

**Mr Kinahan:** Does that not come under social work?

**Mr W Clarke:** Good parks and exercise as well. It comes under social work and well-being.

**The Chairperson:** I propose that the officials take the well-being issue back to the Minister. Unfortunately, we cannot agree the clause until we find out about that. I told members that we would move on if we could not agree a clause.

I also want to nail down the issue of changing “the objective of contributing to” to “the objective of securing”. I need some feel for how members feel about that. The Department will stick with:

*“exercise its functions under subsection (1) with the objective of contributing to the achievement of sustainable development.”*

There was a suggestion of replacing “contributing to” to “securing”. Do members still feel strongly about “securing”?

**Mr Weir:** I am opposed principally on the basis that whatever happens is a contribution. I appreciate what was said. There may be some form of wording that shows that there is a key responsibility. However, simply saying “securing” sends out a signal that everything on sustainable development is done purely by planning, and every other agency or Department

could forget about it. There may be a form of wording in between, such as “leading on”. I am plucking words out of the air, but there is probably a halfway house that could secure everyone’s support.

**The Chairperson:** We will look at that issue again and come back to it.

*Clause 1 referred for further consideration.*

**Clause 2 (Preparation of statement of community involvement by Department)**

**The Chairperson:** The departmental officials agreed at the meeting on 1 February 2011 that the Minister would write to the Committee about the inclusion of a statutory link between local development plans and community strategies. The Minister’s letter has been tabled. In it, he confirms that the transfer of planning powers to councils will not take place until the new governance arrangements are in place. The Minister also indicates that an additional function of any new local development plan will be to deliver the spatial aspects of the community plan.

The Committee also accepted that, in the absence of a date for its implementation, precise dates would be best avoided in the Bill. Instead, the Committee requested that a time limitation linked to commencement of the Bill be included in clause 2(1) for the Department to publish a statement of community involvement. The Committee requested sight of that amendment prior to formally agreeing clause 2. The departmental response, which is in members’ information packs, includes an amendment that would require the Department to prepare and publish its statement of community involvement within one year from the day appointed for the coming into operation of the clause when enacted.

Are you content, gentlemen? Do members have any questions or want to seek clarification from the Department before I put the Question?

**Mr Dallat:** Is there any definition of “community”?

**The Chairperson:** We will deal with that issue under clause 4.

*Question, That the Committee is content with the clause, subject to the Department’s proposed amendment, put and agreed to.*

*Clause 2, subject to the Department’s proposed amendment, agreed to.*

**The Chairperson:** That concludes Part 1 of the Bill. We will obviously return to clause 1.

**Clause 3 (Survey of district)**

**The Chairperson:** At the meeting on 1 February, the departmental officials agreed to report back to the Committee on the possibility of including climate change in the Bill, along with a possible amendment if appropriate. The departmental response in members’ packs indicates that it believes that it would be impossible for councils to collate the necessary information from the sectors that produce emissions. Gentlemen, do you have any comments in relation to clause 3?

**Mr Dallat:** What is meant by “keep under review” in subsection (1)?

**The Chairperson:** I am sorry; I did not hear that. Did you hear that, Angus?

**Mr Kerr:** Yes. It essentially means “survey” or “gather information”.

**The Chairperson:** I did not hear, but did Mr Dallat ask for the definition of “survey”?

**Mr Kerr:** He asked what was meant by “keep under review”. It means “survey” or “gather information”.

**The Chairperson:** OK. Are you content with the explanation, Mr Dallat?

**Mr Dallat:** I think that I asked this question last week, but “keep under review” seems very vague. Will the review include identifying parts of a town, city or whatever that are falling into dereliction and require regeneration funding? Will it require out-of-balance planning where, for example, one end of a town suddenly becomes a whole concoction of fast-food outlets? There is nothing wrong with fast food outlets, but they tend to cluster, particularly in areas that experience social deprivation. Will the review include all that?

**Mr Kerr:** Yes, Chairperson. That —

**The Chairperson:** Just adjust the microphone, please, John. Pull it towards you.

**Mr Weir:** It is difficult to pick you up.

**Mr Dallat:** It would be very unfortunate if I could not be picked up.

**The Chairperson:** It is for recording purposes.

**Mr Dallat:** I apologise for that. I want Peter to hear every single word that I say.

**Mr Weir:** In a few minutes, I may request that you put the microphone back up again.

**Mr Dallat:** Will the councils be obliged to identify, as an early warning, things that are going wrong in neighbourhoods in which social deprivation is creeping in and there is the need for regeneration, or, indeed, where there are clusters of the same type of business, which upsets the whole balance of the community?

**Mr Kerr:** That is exactly the sort of thing that councils will be expected to do under the clause. Essentially, that sort of information will be critical to preparing their local development plan, which is at the heart of this.

**Mr Dallat:** I certainly welcome that. It is a sound basis for making planning decisions currently and in future.

**Mr Weir:** The wording at the start of clause is that the council “must keep under review”. It is not a permissive power; it is a duty.

**Mr Dallat:** Presumably, the councils will be given some kind of clear indication of what they must do.

**Mr Weir:** Such as guidance?

**Mr Kerr:** Yes, guidance will be issued.

**Mr Dallat:** A review could mean two or three dodgy councillors meeting once a year and ticking boxes. You know what they do.

**Mr Kerr:** There will be clear guidance on that.

**Mr Weir:** I am not sure whether local government would embrace the expression “two or three dodgy councillors.”

**The Chairperson:** I do not even want to ask whether Hansard has recorded that. Mr Clarke, you mentioned climate change.

**Mr W Clarke:** I appreciate the response from the Department on councils not having the resources to gather information on greenhouse gas inventories, and so on.

Climate change will impact on us all. Agriculture probably has a bigger impact on climate change than transport does. The Department of Agriculture and Rural Development (DARD) will look at that, under the direction of the European Union, to see how it will mitigate the impacts

on agriculture. I do not see that as a role for councils.

The point that we are trying to get across is that planning in general has to take on the impact of climate change and militate against that. Rising sea levels in Wales are creating a great deal of concern for the planning authorities and what they need to do. I want the Bill to state that councils will militate against the impact of climate change and will build that into their planning process. We need to be strong on that. I cannot agree the clause at the minute. I need a bit more time to look at it.

**Mr Kinahan:** Is that not included in clause 3(3) (a)? It states that the matters also include:

*“any changes which the council thinks may occur”.*

It is very specifically put.

**The Chairperson:** I still think that we need to look at climate change. Maggie, would you like to respond to the climate change issue and say whether we could tie that into the clause, or why might the Department not consider that?

**Ms Smith:** Clause 3 is about surveys. It is about the council keeping things under review, measuring, and so on. We have said in our response that climate change has a particular meaning in respect of survey and data collection, and that that is laid down internationally under the UN framework.

Under the framework, a host of data is collected, then published, and councils can access it if they wish. The collection is done for them, and it is done in a very specialist way. Therefore, if we were asking councils to collect the data, it would cost them a lot of money.

It is being done under an international framework, so standards are set down for the quality of the data and what goes into the data. As experience builds, the quality will get better and better. Therefore, it is beneficial for councils to use the published data if they wish to consult it, rather than to use their own resources trying to collect data, which, in fact, would be very difficult for them to collect.

It is questionable how much use the data would be to them once they collected it. Willie Clarke talked about the role that agriculture plays, but, in planning terms, a council can do nothing to control the impact of agriculture on climate change in a council area.



**The Chairperson:** There is obviously an issue here. If members are content, rather than try to get agreement on the clause today, I propose that we draft an amendment, bring it back and discuss it.

*Clause 3 referred for further consideration.*

#### **Clause 4 (Statement of community involvement)**

**The Chairperson:** At the meeting on 1 February, the departmental officials agreed to report back to the Committee on neighbour notification and to provide the Committee with examples of community involvement from other jurisdictions. The departmental response says that neighbour notification is a form of advertising and is, therefore, provided for at clause 129. Some examples of statements of community involvement in other jurisdictions are included in the tabled papers.

Neighbour notification would alleviate a lot of problems. You have said that it is covered in clause 129. Does clause 129 determine whether developers or local authorities are responsible for neighbour notification?

**Ms Irene Kennedy (Department of the Environment):** I am sorry, Chairperson, I need to make a correction. We should be referring to clause 41, not clause 129.

**The Chairperson:** Who is going to have responsibility for neighbour notification? Will it be developers in some cases or local authorities?

**Ms I Kennedy:** Clause 41 allows a development order, under subordinate legislation, to make provision for the notice to be given to applications for planning permission and for publishing those applications in the form, content and service of those notices.

**The Chairperson:** OK. That is fine to say that the clause allows for that. In simple terms, however, I want to see neighbour notification in statute. Whoever is going to take responsibility, whether it be the developer or, in some cases, local councils, there needs to be proper neighbour notification. I want to know who will take responsibility and ensure that that is applied.

**Ms I Kennedy:** We are saying that that will be determined by subordinate legislation rather than by the Bill.

**The Chairperson:** Will it be written into subordinate legislation that either the local authority or the developer or both will have responsibility?

**Ms I Kennedy:** There could be different cases or different circumstances. In some cases, it may well be that the Department's current role of neighbour-notifying could continue.

**The Chairperson:** However, it is not discretionary. Let us be honest: the discretionary days, from my point of view, are gone. To cut out all the issues and objections that are raised afterwards, we need to have a proper notification service. Are we putting that in statute? Are we establishing that either the developer or the local authority has responsibility to carry it out? At present, it is discretionary. I would like to see that tied down in the Bill. If you are saying that it will be established in subordinate legislation, we need to ensure that it is included in one or the other.

**Ms Smith:** We have given the Committee the memorandum of delegated powers. The regulation for neighbour notification is not included in that memorandum. We can take that to the Minister and come back to you on it.

**The Chairperson:** I thought that you had taken it to the Minister.

**Ms Smith:** We did —

**The Chairperson:** I understand.

All that I am saying is that, at the minute, it is discretionary. We know what has happened at local council level. The aftermath of all that is a series of complaints, letters and everything else from people who have not been notified. The easy process, wherever the responsibility lies, is to put in statute a neighbour notification process. If you say that, in some cases, it is going to be a developer, and there is provision in statute for him to do it, fine. In other cases, where the local authority itself undertakes to do that, that is fine.

**Mr T Clarke:** Is it not too late for the developer?

**The Chairperson:** I want something in the Bill to ensure that someone undertakes the duty.

**Mr T Clarke:** Surely it is for the application stage?

**The Chairperson:** I do not argue with that. You are correct as to when it is rolled out. However, my point is that we want something in legislation that

puts a statutory duty on whoever's responsibility it is to issue a neighbour notification.

**Mr T Clarke:** It was supposed to be the applicant's responsibility at the outset. How can it be anyone else's responsibility? The Planning Service should act if a question arose after that; for example, if the neighbour notification has not been made. A developer cannot be put in afterwards. If the person willfully withheld it to prevent someone from objecting, that is a problem and that is where problems arose in the past. We have to have some enforceable element in the application.

**The Chairperson:** Therefore, we are saying that the applicant needs to know. When he makes an application, he is duty-bound to neighbour-notify.

**Mr T Clarke:** The cop-out for the Department at the moment is that it can say that an application has been put in the paper. However, not everyone scans the newspapers every week to see whether their neighbours are going to build an extension. The onus has to be on whoever is making an application, and it has to be enforceable.

**The Chairperson:** You are 100% right. I agree with Mr Clarke — Mr Trevor Clarke, for Hansard purposes. However, it is not just about advertising in the paper. That is correct.

Clause 41 states:

*"A development order may make provision".*

There is that wee word "may" again. The Bill uses the word "must" earlier. From previous experience, I think that we should put that word in statute, no matter who is undertaking the duty. It must go into statute. At the minute, it is discretionary, and we need to look at that. I want the Department to take that issue to the Minister.

**Mr Dallat:** I agree entirely with you, Chairperson. We should look at practice in other European countries where, for example, a planning application is posted on the site, giving details of the planning application, the building control and all the other information that the public need in order to have a reasonable chance of objecting.

People do not read newspapers any more, and, in the past, planning has been advertised in obscure magazines that no one reads. There

is also the retrospective planning application. Has that issue been addressed? That is where the clever developer builds the thing first and invariably the planners then cave in. Not always, but mostly.

For the public to have confidence in the planning system, it has to be very transparent. Many people today use the websites, and all that. That is welcome and good. However, occasionally we can learn good practice from, say, France, where notices are posted on the site and people walking past can see, in reasonable detail, what exactly is going to happen.

That suggestion was ventilated in the Assembly before but was turned down. Now that there is a new broom, let us put it in place. What is wrong with putting a notice of what is happening on the site?

**The Chairperson:** Would the Department like to respond?

**Mr Kerr:** There are a lot of different methods and ways of ensuring that the right people get to know about the planning application. The site notice is one that we are aware is used in several other countries. There is provision in the Bill to look at that in subordinate legislation. There are pros and cons with all these things. For example, what happens if a site notice is put up one day and someone takes it away the next? Failure to keep a site notice up for the duration can cause the community serious problems, because people feel that they are not aware of what is going on.

**The Chairperson:** That is fine. Let us worry about the aftermath when it is done. The initial phase of site notices and notification is important.

**Mr Weir:** I broadly agree. We need to tease out the way in which we do anything, whether directly through guidance provisions in the Bill, or whatever. Taking on board what Angus said, we need to ensure that whatever is there is visible and, in meeting the provisions, is watertight so that we do not get people saying that they fulfilled the criteria because they put up such and such a notice. OK, that notice may have been removed the following day, or people may say that they put the notice on site but in a place in which nine out of 10 people would not have seen it.

I may sound cynical, but we must think about how people might subvert the requirements. Whatever is put in the Bill about notification must be watertight. I agree with John Dallat that if an advertisement in a newspaper is deemed enough, nine out of 10 people will not read that. They may not even get the paper. Few people pore over public notices in even their local paper. A wee bit of thought needs to be given to precisely what advertising, in the widest sense of the word, will be required and whether that should be by way of site notices or direct neighbour notification, or whatever. There needs to be something watertight for letting people know.

**The Chairperson:** That is a valid point. However, “For Sale” notices do not generally come down.

**Mr Kinahan:** Peter Weir touched on my point about neighbour notification. Everyone within a certain distance used to be told of plans. Is the intention to keep doing that?

**Mr Kerr:** That is current practice for adjacent properties within 90 m.

**Mr T Clarke:** The problem with that practice is that if the applicant does not disseminate the information, Planning Service does not enforce action against that person for withholding. Although the intention of the provision is good, there must be provision for enforcement action against the applicant, because addresses can wilfully be omitted.

**Mr Weir:** Furthermore, with the best will in the world, most of the time it is grand, because the practice is followed. Where that has not happened, the argument has been that the notification was included in such and such a paper, or whatever. The weakness here is that there is no legal requirement to follow that practice. We need to tie that down.

**The Chairperson:** Have members had all their points answered or covered? Are you happy?

**Mr W Clarke:** Will what constitutes a community group be defined in guidance? I imagine that local authorities will want to consult anyway. I am getting back to the issue of people who have literacy problems and people from deprived backgrounds who will be represented by their community group. That is worth looking at.

**The Chairperson:** I remind members that we have talked mostly about clause 41 as opposed to clause 4. It is just that the issue raised its head under clause 4.

**Mr Weir:** That shows how forward-thinking we are.

**The Chairperson:** On another point, the paper that the Minister tabled indicates that the Department will include a statutory link between community plans and development plans. After all that debate on clause 41, I will put the Question on clause 4 to the Committee.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 4 agreed to.*

### **Clause 5 (Sustainable development)**

**The Chairperson:** Most respondents wanted to see a stronger commitment to sustainable development by replacing the requirement to contribute —

I think that we have discussed this issue. The clause also talks about the timescales for the delivery of sustainable development, as mentioned in clause 1. Any comments in relation to this, gentlemen? Until we see the clause 1 issue, we cannot make a decision on this clause.

*Clause 5 referred for further consideration.*

### **Clause 6 (Local development plan)**

**The Chairperson:** Almost all respondents wanted to see a statutory link between local development plans, and that has been clarified.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 6 agreed to.*

### **Clause 7 (Preparation of timetable)**

**The Chairperson:** Most respondents were content that councils should be required to produce a timetable. However, many sought clarification on the detail, and that clarification was given at that time.

**Mr Dallat:** We know that a timetable is a fairly flexible instrument. It says here that: “It will be up to councils to drive their local development plans forward as quickly as possible.”

There does not seem to be any obligation to do it within a time frame. Who defines “quickly”? Is it tortoises or greyhounds?

**Mr Kerr:** The purpose of the clause is to require councils to set out the timetable for how they

wish to deliver the development plan. Yes, the emphasis is that they will do so as quickly as possible. However, the intention is not to prescribe, certainly at this point in time, anything about specific details on how long it will take to do particular aspects of the development plan-making process. The key requirement is that they prepare a timetable and agree it with the Department.

**Mr Dallat:** Surely that is what was wrong in the past? These plans have all been floating around for years, developers took planners to court and sometimes the plans never appeared. What powers has the Department to check the timetables of the local councils, and will there be some way of rating their performance?

**Mr Kerr:** There is a requirement that councils agree the timetable. If the Department considers that it is an unreasonable timetable and that it is too long, it will be possible for the Department to intervene and direct that the timetable be changed to a more reasonable period.

**Mr Dallat:** I am worried that we are making up the rules on the hoof rather than using this opportunity to have something, if not in the Bill then certainly in the guidance notes, to indicate when councils are messing about, holding something back and not performing at the rate that they should. That is what it is all about these days, is it not?

**The Chairperson:** I agree, but we have to be reasonable. This is a transfer down, and it is the first time in. I know that there is experience and that there will be a body of work. It will be very hard to nail down an exact timetable. However, there needs to be something there to say what is reasonable.

**Mr Kerr:** We have done work on the amount of time in which we expect the development plan to be undertaken and prepared. We put that in the original policy consultation exercise: we hope to see the plan strategy in two years and the final, completed plan in less than four years. Guidance will be prepared for councils to alert them to those requirements. If they come forward with something of the nature of plans in the past, where it took six or seven years or even longer, the Department can address that under clause 7(3).

**Mr Dallat:** You have no fears that it will be a case of déjà vu?

**The Chairperson:** This is a slightly different matter, but I think that it is key. There will be a lot of complications in all this, and the transitional period is key. If we build in a review period on certain elements, it would be very hard to put pressure on and say that we want to start development within a year. We want to start as early as possible and we want to be reasonable, but we need to build in a review to determine how the whole process works. Can we do that, and who would keep tabs on it?

**Ms Smith:** You talked about the transitional arrangements. The first plan will be the trickiest for the councils. Because of the work that will be done through the pilot projects, there will be some lead-in work. The Planning Service has already done some work with the councils to prepare for the plan —

**The Chairperson:** You have answered that point. It keeps coming back again. You are right; the pilot programmes will point towards exactly how it is going. That is correct. I am content enough with that. Mr Dallat, are you happy enough with that?

**Mr Dallat:** OK.

**The Chairperson:** The pilot programmes will show exactly what progress is being made. That is right. Thank you for reminding me about that.

**Ms Smith:** The guidance will as well.

**The Chairperson:** I think that all the questions have been asked about clause 7.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 7 agreed to.*

### **Clause 8 (Plan strategy)**

**The Chairperson:** At the meeting on 1 February, the departmental officials agreed to provide the Committee with details of the subordinate legislation that will follow from this clause and to provide members with an amendment to clause 8(5). The response informs the Committee that subordinate legislation will deal with the form and content of each development plan document, including mapping requirements and justification of policies. It will also cover publicity for the draft development plan documents and outline how and where they must be made available for inspection. The Department also indicates that it will amend clauses 1 and 5



to bring the wording into line with that used in this clause in relation to obligations towards policies and guidance. Do any members have comments?

**Mr Kinahan:** Where does it fit with the area plans that exist or do not exist at the moment?

**Mr Kerr:** The position is that the DOE plans will remain in force as material considerations until the new councils do their own plans, which will then replace those.

**Mr Kinahan:** Will the ones that do not have area plans at the moment and are sitting in limbo be brought into line?

**Mr Kerr:** As soon as the council prepares a plan in an area where a plan is quite out of date, the plan covers brought in by the council plan. Of course, the previous out-of-date Department of the Environment plan is still relevant until it is replaced.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 8 agreed to.*

*Clause 9 agreed to.*

#### **Clause 10 (Independent examination)**

**The Chairperson:** At the meeting on 1 February, the departmental officials agreed to consider Belfast City Council's comment that: "In order to safeguard the objectivity and impartiality of the planning process, the Department should only appoint a person other than the PAC to conduct a hearing in exceptional circumstances when there are unacceptable delays caused by the increasing workload of the PAC. The wording of the statute would need to be amended to incorporate this exceptional clause."

The Department's response indicates that it has maintained the policy that the Planning Appeals Commission (PAC) will be the first port of call for conducting independent examinations. It goes on to say that it is important to have the option of appointing an independent inspector should the commission not be in a position to conduct an examination due to workload pressures. The Department proposes to reinforce that position by amending the Bill to indicate that the Department cannot appoint an independent examiner unless, under clause 10(4)(b), it considers it expedient to do so having first considered the Council's timetable

for preparing the plan. The Department also indicates that it will produce clear guidance on the use of independent examiners that will ensure that they are appropriately qualified and independent.

**Mr T Clarke:** I am not necessarily excited by the Department's response to the Northern Ireland Local Government Association (NILGA)'s point about the cost. The Department's response is that the PAC is sponsored by the Office of the First Minister and deputy First Minister (OFMDFM), which is fair enough, and it goes on to say that: "an adequately resourced planning system will be transferred to councils."

Is the Department saying that it will be resourced adequately so that the councils can pay for the privilege of overseeing some of the plans?

**The Chairperson:** It is a valid point. Will you respond to that?

**Ms Smith:** Sorry?

**Mr T Clarke:** NILGA said that clarity is needed on the costs attached to the independent examination. Who will be responsible for covering those costs? You are saying that an adequately resourced planning system will be transferred to councils. To me, that says that you are suggesting that, because the councils are adequately resourced, they will be able to pay for the privilege of your independently examining something, whether they wish you to do that or not.

**Mr Kerr:** The Department's position is that we are undertaking a number of reviews on the funding of the planning system and planning fees in relation to how funding will work after the transfer of functions, and this is one of the issues that will be looked at as part of that. It is not all worked out.

**Mr T Clarke:** The concern is over who pays for the function. The Department says that it will be on the rare occasion, but I query why the councils should have to do that anyway. Regardless of whether it will be a rare occasion, how can such a mechanism be built into the fee that will cover the cost that the Department will charge the local council for examining that independently?

**Ms Smith:** The costs of the planning system have to be looked at in the round. The councils will have income from the fees, and resources will transfer from the Department. As you know,

we are working on the amount of resource that will be transferred to ensure that the resource is affordable and will provide a really good service. It is in that context that this will be looked at.

**Mr T Clarke:** That is not an answer.

**The Chairperson:** Are there any other views?

**Mr Dallat:** There is an assumption that the Planning Appeals Commission is a highly desirable body that is just the place in which to put all your trust. Who polices the Planning Appeals Commission?

**Ms Smith:** The PAC is completely independent of DOE. It is a non-departmental public body, which means that, legally, it is an entity in its own right. Its sponsor Department is OFMDFM, so its budget comes from there.

**Mr Dallat:** Can we be sure that OFMDFM will provide the Planning Appeals Commission with an adequate budget to ensure that the local councils are doing right? I am influenced by some of the things that I know about the PAC and how it operates. Often it depends on bringing in commissioners, who are frequently from Scotland. There is nothing wrong with that, but it seems that you are giving a blank cheque to an organisation that is independent when we have no idea whether it will be funded properly and, indeed, policed.

**Mr Kerr:** The Bill brings in the opportunity for us to not use the PAC if circumstances at the time mean that that is the sensible way forward. If the PAC is not well enough resourced to deliver a development plan or independent examination, for example, the Department can now appoint independent examiners. The new system will be less dependent on the PAC.

**Mr Dallat:** A lot of faith is required in this.

**Mr Kinahan:** If there is always going to be a constraint on PAC resources, we need some sort of fee structure in the system. You said that you would look at that, but we have to get a firm idea of it into the Bill before we put it through. There needs to be a fee structure so that everyone knows where they are going. It is rather like in court: if you lose the case, you pay the costs. The Bill needs to look at some way of paying for it.

**Mr T Clarke:** Clause 10 states that: "The council must submit every development plan".

That concerns me. Coleraine Borough Council and Lisburn City Council said that that was overly bureaucratic, and I agree. NILGA is concerned about the cost that will be passed on to councils. However, the Department's answer is that councils will be adequately resourced.

I hope that this Bill goes through. There have been two opportunities during the term of this Assembly to change the fees, which the Department can do. Will there be the same opportunities for councils if they find that they are not raising enough money through the planning system? Will they be fit to go back and raise fees continually? The Planning Service had two cracks at this, have not necessarily got it right and keep coming back for more.

**Ms Smith:** We are looking carefully at the fees, because they do not adequately address the cost of processing applications, as I am sure you know. We have been out to consultation on that. The fees particularly do not address the cost of processing large applications. The highest fee for a housing or commercial development is less than £12,000, whereas the cost of processing the application can be much higher. We have a situation where the fees are not adequately covering the costs, and the smallest applications are effectively subsidising the big ones. We aim to sort that out long before the system moves to the councils. We will be coming to you shortly with a report proposing the new fee structure.

The Bill has provision for councils to set fees when the powers transfer to them. However, the intention is for the fees to be set by the Department for the first three years after the powers move to councils, although it will, obviously, consult the councils. The intention is for a review after three years and a decision made at that point as to whether councils should set their fees. The cost of reviewing the plans will be taken into account in the transfer of resources to councils. That cost needs to be met somewhere in the system.

**The Chairperson:** The PAC is under OFMDFM. If a development plan goes to the Department and to the PAC for checking, will OFMDFM pay for that? Is that the proposal? If your requested amendment to clause 10(4)(b) is made — and you are able to appoint an independent other than the Planning Appeals Commission because of work pressures — who pays for that?

**Ms Smith:** At the moment, OFMDFM is the sponsor for the Planning Appeals Commission. There is no proposal to change that. That is part of the vote for OFMDFM. If the Department of the Environment appoints a person to undertake an examination, that will not be paid for by OFMDFM. It will have to be paid for from the planning system.

**The Chairperson:** By the Department or the local council? I am seeking clarity, and I think that that is a valid point. Your proposed amendment to be able to appoint an independent is fine. There is no issue with that — the issue is the cost. Are you saying that, if the local authority goes through the whole process and develops a plan, and the PAC undertakes the assessment or examination, it will be automatically paid for by OFMDFM?

**Ms Smith:** Yes.

**The Chairperson:** But if it goes to an independent and not the PAC, the local authority will have to pay for it?

**Ms Smith:** No. That is not what we are saying.

**The Chairperson:** I am only asking. I am seeking clarification on who pays for it.

**Ms Smith:** It will have to be paid for by the planning system.

**The Chairperson:** Will that resource be there to cover it?

**Ms Smith:** Yes.

**The Chairperson:** So, the local authority does not pay for it?

**Mr Peter Mullaney (Department of the Environment):** It will be paid for out of fees.

**The Chairperson:** Let us be honest: the development plan element is not covered by fees. This is what I am trying to get at. Fees do not cover the element that we are talking about here, folks. You know what the fees cover. If the examination of a development plan is taken back and sent to the PAC, who covers it? Is it OFMDFM?

**Ms Smith:** No, OFMDFM only covers the cost of the PAC.

**The Chairperson:** Yes, that is what I am saying.

**Ms Smith:** The planning system will need to pay for any independent examination. We are just about to look at the —

**Mr T Clarke:** When you refer to the planning system, do you mean local councils or the planning department?

**Ms Smith:** At the moment, we do not know. That has not been decided.

**The Chairperson:** That is the question that I was asking. We have gone round the houses, but we need to sort it out. We need to know who exactly will pay. It needs to be ensured that the resources are there for local authorities to pay for independent checks. There is no point talking about fees. Fees do not count in this respect of a development plan. We need to look at the funding, and we need to know who will pay for it.

**Ms Smith:** We can come back to you. We are just about to look at this separately, so we can come back quite quickly on that.

**The Chairperson:** It all comes back to resources.

**Ms Smith:** Yes, I know.

**The Chairperson:** We are doing formal clause-by-clause scrutiny, and we should have had who is responsible for what nailed down. Is there any other clause where we deal with this, in terms of the funding issue in relation to this matter?

**Ms I Kennedy:** Not in relation to the independent examination of development plans.

**The Chairperson:** I want to take members through the proposed amendment. The proposal is to amend clause 10(4)(b) so that the Department can appoint an independent. Will you clarify the amendment, please?

**Ms I Kennedy:** When we last spoke about this, there were concerns that the PAC might not necessarily be the first port of call. We discussed whether, in exceptional circumstances, the Department should be able to appoint a person to carry out an independent examination. We looked at it and thought further. It is important that the PAC remains the first port of call, but, if there are exceptional circumstances due to workload commitments, the Department should be in a position to appoint someone else to carry out the examination.

We thought that the link with the timetabling for the preparation of development plans would

be important. That was the basis on which the amendment has been drafted. Therefore, just to be clear, we will not appoint anyone other than the Planning Appeals Commission unless we have had a look at the timetable prepared by the councils for the development plan, and the Department considers it expedient to appoint someone else.

**The Chairperson:** That is fine. I understand. How will the wording of the amendment read now?

**Ms I Kennedy:** The wording of the amendment was forwarded to the Committee yesterday.

**Mr Dallat:** It almost sounds as if we are making up the rules as we go along. If the Planning Appeals Commission is too busy, we will appoint someone else. I am sure that every Department would like to have laws like that so that they could do what they like. Am I wrong?

**Ms I Kennedy:** It is acknowledging that it is important that plans move through the system as expeditiously as possible. If there are workload pressures on the Planning Appeals Commission, there will be another option.

**Mr Dallat:** What is the other option?

**Ms I Kennedy:** The other option is that the Department can appoint an independent person.

**The Chairperson:** I have found the amendment among my papers. I think that it came late in the day. It looks fine, but the main issue is the cost. It is reasonable to suggest that if the PAC is snowed under with work, somebody else will have to be appointed. In principle, that sounds OK. Trevor Clarke raised the issue about who is responsible for the cost. If that was clarified, we could look again at the clause.

**Mr Kinahan:** Is there a time frame within which the Department and the councils must agree? They could keep delaying the issue and referring it to the Planning Appeals Commission. However, if it is overloaded and has too many things going on, will there be a time frame within which a decision must be made to go to an independent examiner?

**Ms Smith:** No. We talked a few minutes ago about the timetable that the councils will draw up for their plans. It will relate to that timetable, because the PAC will be able to see when the councils are going to be bringing in their plans. As we go along, a close check will be kept so that we can see what stage everybody is

at, so we will be able to plan ahead and see whether there is likely to be a glut of plans coming through. It is at that stage that we would appoint an independent person. We would not do it unnecessarily. The amendment is saying that we will keep an eye on the timetable all the time and make the decision in that context.

**The Chairperson:** My only fear is that you are giving the PAC an option to say that it is snowed under and that it needs to go back to the Department. That still does not resolve the cost issue.

**Mr T Clarke:** That is called tennis.

**The Chairperson:** Let us be honest, we need to learn from the examples of the past. All I am concerned about is that the PAC will say that it is snowed under and cannot deal with the workload, so it is back to the Department to appoint somebody else.

**Mr Kerr:** The whole reason why we brought this in is because of what has happened in the past. Our legacy is that plans have taken far too long to complete, but many have got to the draft plan stage reasonably quickly. When we looked at the comparison between the work that we have done on plans and that of other jurisdictions, we saw that we get to draft plan stage more or less as quickly as England, Scotland and Wales. The problems in our system arise during the independent examination phase. One of those problems has been the delays that the PAC has created in trying to deal with quite a lot of plans, and quite a lot of big plans, with lots of objections. The legislation as currently drafted requires that we use the PAC. In an attempt to try to get around that and make sure that there is another option, we have made this suggestion, so that we do not find ourselves in the current situation in which plans are delayed and backed up for years and years.

**The Chairperson:** That is fine. I believe in the principle of the amendment. However, we are saying that, even if we tackle the costs through rates, we will then be paying rates for a development plan to be independently checked. NILGA does not believe that that is right. Councils will be doing all in their power to put something upfront, deal with all the other sections and adhere to everything, but then it is going to be independently checked. If plans are signed off to somebody else, who pays for that? We say that that cost goes back to the ratepayer, and that that is included in



all the exercises. They are trying to adhere to something, but somebody else will do a tick-box exercise to check up on that, and that has to be paid for as well.

You are giving powers to local authorities to develop plans. I agree that, at some point, there needs to be a check on that. However, in an ideal situation, they should have complied with everything before that. There is no doubt that there is definitely an issue around who will pay; it will be the ratepayer.

**Mr W Clarke:** Will there be guidance and criteria around how independent examiners are appointed and their impartiality?

**Ms Smith:** Yes.

**Mr Kerr:** It will ensure that the examiners are independent and appropriately qualified.

**Mr T Clarke:** I want to go back to clause 10(1). Is it the purpose of that clause that the independent examination will always go to the PAC if it can cope with the workload?

**Ms I Kennedy:** First and foremost, it goes to the PAC, yes.

**Mr T Clarke:** If that is the case, why can councils not cut out the Department? I am still concerned that the Department is going to have to have some process in this, which will have another cost. Why can councils not send plans directly to the PAC, which is funded by OFMDFM, or, when we find out who is going to pay for them, the independent examiners? Given that the purpose was to give planning powers to councils and let them create their own area plans, why must plans go to the Department at all? *[Interruption.]*

**Mr Kerr:** Saved by the bell.

**The Chairperson:** We were going to break for lunch anyway, gentlemen.

*Committee suspended for a Division in the House.*

*On resuming —*

**The Chairperson:** We will pick up from where we left off at clause 10. I will hand over to Maggie to respond to Mr Clarke's final point.

**Mr Kerr:** If you can just remind me, did you ask why the Bill is written in such a way that would mean that people would not go straight to the

PAC but would go through the Department instead?

**Mr T Clarke:** Yes.

**Mr Kerr:** Essentially, the reason is because the Department is seen as the appropriate body with responsibility, under clause 1, for the:

*"orderly and consistent development of land"*

in the region to undertake the oversight and scrutiny role for development plans and to make sure that they are consistent with the regional development strategy and with central government plans, policies and guidance. That is why the legislation is written in that way.

**The Chairperson:** Mr Clarke, are you happy with that explanation?

**Mr T Clarke:** I will let it go. Will we get an answer to the question about the fees?

**The Chairperson:** What about the costs, Maggie?

**Ms Smith:** We will come back to the Committee in writing on that.

**The Chairperson:** That is part of the problem. We have a lot of paperwork and responses and things to consider. However, we are going through the formal clause-by-clause scrutiny, and we cannot make a decision on this clause until we have the exact information. We may need to suggest an amendment. That is why I asked earlier about the independent examination. If we, as a Committee, feel that we need to suggest an amendment on that, we cannot agree it and then go back and amend again. That is why I want clarity on the costs. Is that correct, Irene? If we were to address the issue of responsibility and costs through this clause, would an amendment need to be made to this clause or to another?

**Ms I Kennedy:** My view is that this clause and our suggested amendment are separate from the issue of cost, which I appreciate is fundamental and very important. However, the wording and purpose of this clause and our suggested amendment stand separate.

**The Chairperson:** That is fine. I just wanted clarity on that. To me, they are not separate. However, the issue of costs under the independent examination has been raised, and we need to discuss it now.

**Mr T Clarke:** The Department has been asked questions on this matter, particularly by NILGA. It has been asked and has answered other questions. When it comes to Question Time, Departments are usually quite clever at looking at what relevant questions might arise as a result of previous answers. I would have thought that, given that most of us are especially concerned about the costs, the Department should have known, given the answer to the original question, that further questions would arise on the costs. So, if it had actually answered the questions that the consultees posed, we would not be in this position today and we would not have to wait any longer to get an appropriate answer. I suggest that the Department look at the questions before it answers them, and it should make sure it gives a full answer so that we are not stuck at this point. It said:

*"An adequately resourced planning system will be transferred to councils."*

That is not an answer. NILGA, which represents all 26 councils, asked a direct question about the cost.

**The Chairperson:** Would you like to respond to that?

**Ms Smith:** We have tried to answer the questions as best we could and to give full answers. I am sorry that the answer that we gave on that situation was not sufficient.

**The Chairperson:** Tell me this, Maggie; do you need to go back to the Minister about this matter?

**Ms Smith:** Yes.

**The Chairperson:** If you bear in mind what Mr Clarke said, that question should have been clearly asked of the Minister. NILGA responded two weeks ago, I think it was, so there was adequate time to find out an answer. I should point out that we are dealing with not just this Minister, but the Minister for this Department at this point in time. That answer should have been given, but it clearly was not. We now find that you have to go back to the Minister to find out exactly what the cost issue is. You said that you answered the question as best you could. Obviously, the Minister should have been asked that question so that he could give a clear answer. You now have to go back to the Minister to find out exactly how the matter will be sorted out, but we are now going through the

formal clause-by-clause scrutiny. I think that we may get agreement on this clause, but we need clear answers about other clauses that relate to funding and to how the system will be funded and resourced. Is that OK?

**Ms Smith:** OK.

**The Chairperson:** Are there any other points?

Due to time pressures, I suggest that all decisions that are made on clauses today be subject to amendments that may be required as a consequence of decisions that are taken on other clauses. I remind members that, because we await answers on clauses and are deferring parts of clauses, there may be consequential amendments. We will agree some clauses today and put off decisions on others while we wait for more responses. I highlight that point in case it leads to consequential amendments. Are members content with that, or are there any questions?

**Mr Weir:** Are you just operating on the standard wording? I am a little concerned. I appreciate what you are saying about consequential amendments, but I do not like that we may agree clauses that we will potentially revisit.

**The Chairperson:** I am concerned about that.

**The Bill Clerk:** Should time allow, the ideal procedure would be that the Chairperson would try to facilitate tying down all the issues and taking formal clause-by-clause consideration in the light of all information and proposed amendments. However, given the present pressure, the Committee has decided to proceed as best it can.

**Mr Weir:** Is that so that we can hopefully speed things up a bit?

**The Chairperson:** That is it. Obviously, we are working against time. We could well take another two days out and go over issues that we already discussed. Other issues have raised their head but have not been answered. On this clause, if the Committee is not happy with the Department's response, we have to consider suggesting an amendment, be that to this clause or to another. That is all that we are saying.

**Mr T Clarke:** This is Tuesday, so surely the Department can communicate to us by Thursday before we accept this clause.

**The Chairperson:** There is no doubt about that. However, if we defer this clause and agree others, we may have to revisit certain clauses, and that may lead to consequential amendments. That is the detail of it. In the normal process, we would go through clauses 1 to 40 and deal with them on the day. However, I have to defer them, because unanswered questions mean that we cannot take a decision. Deferring the clauses is the right thing to do. If we had more time during our informal clause-by-clause consideration, we would have been able to nail those things down, have all the answers and deal with the clauses. However, we are under time pressure.

**Mr Buchanan:** Is the problem that, by deferring this clause, the answer that we get could have a knock-on effect on some other clause?

**The Chairperson:** Yes, that is possible. Alternatively, we may have to revisit something that we already agreed.

**Mr Weir:** Let us keep rolling, then.

**The Chairperson:** I was just informing members that that was the case.

Irene Kennedy outlined that the resource issue has nothing specifically to do with this clause; it is an amendment to give powers to —

**Ms I Kennedy:** Yes, that issue is related to the overall purpose of the clause, but not to the suggested amendment and the clause itself.

**The Chairperson:** Will the answer come back to us that other clauses or options can deliver what we want to achieve in addressing the costs? If we need to, will we be able to address the matter under another clause?

**Ms I Kennedy:** I am not sure whether that issue will be directly related to the funding clauses. It may be a separate issue of overall funding.

**The Chairperson:** We will have to leave this clause. I propose to defer clause 10 and move on to clause 11.

*Clause 10 referred for further consideration.*

#### **Clause 11 (Withdrawal of development plan documents)**

**The Chairperson:** Concern was raised about the Department's powers under clause 11. The Department stated that it is an oversight power.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 11 agreed to.*

#### **Clause 12 (Adoption)**

**The Chairperson:** Respondents had concerns, but the Department stated that it was an oversight power. I do not think that there are any other issues on this clause.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 12 agreed to.*

#### **Clause 13 (Review of local development plan)**

**The Chairperson:** Most respondents wanted to see more detail on the time frames under clause 13. The Department stated that more detail would follow in subordinate legislation and that officials expected a review at least every five years.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 13 agreed to.*

*Clause 14 agreed to.*

#### **Clause 15 (Intervention by Department)**

**The Chairperson:** Respondents indicated concern at the level of control being retained by the Department and sought more detail. The Department stated that clause 15 was a safeguard and would be used only in exceptional circumstances. I am content with that response.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 15 agreed to.*

#### **Clause 16 (Department's default powers)**

**The Chairperson:** The Committee requested that the Department report back to members on consultation with the Planning Appeals Commission to ensure its buy-in on its role under clause 16. The Department's response was referred to earlier when we discussed clause 10. Are members content with the response?

*Members indicated assent.*

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 16 agreed to.*

*Clause 17 agreed to.*

**Clause 18 (Power of Department to direct councils to prepare joint plans)**

**The Chairperson:** There was no objection to the power being given to the Department. One organisation queried how the Bill would address linear infrastructure that may cross several boundaries.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 18 agreed to.*

**Clause 19 (Exclusion of certain representations)**

**The Chairperson:** The Department stated that clause 19 was intended to prevent duplication of work. I am content with that response.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 19 agreed to.*

**Clause 20 (Guidance)**

**The Chairperson:** There was a suggestion that guidance should include reference to equality and poverty. The Department stated that it has taken that suggestion on board. Would you like to comment on that, please?

**Mr Kerr:** The purpose of clause 20 is to ensure that the council has regard to any guidance that the Department for Regional Development or OFMDFM issue in the plan preparation process.

If guidance is produced on any of the additional issues, the clause will have the ability to ensure that that guidance will be taken into account and that the council will have regard to it.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 20 agreed to.*

**Clause 21 (Annual monitoring report)**

**The Chairperson:** At the meeting on 1 February, the departmental officials agreed to provide the Committee with examples of monitoring

reports. The Department's response is before members. The tabled papers include examples of monitoring reports.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 21 agreed to.*

**Clause 22 (Regulations)**

**The Chairperson:** Most respondents called for a commitment from the Department to produce regulations and a timescale for their production. The Department stated that it is already working on subordinate legislation. We are relying on subordinate legislation, Maggie.

**Ms Smith:** We gave the Committee a memo of delegated powers. The Committee also has a timetable for that subordinate legislation in the 10 January letter.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 22 agreed to.*

**The Chairperson:** I advise members that that concludes Part 2 of the Bill. No doubt we will return to it.

Let us move to Part 3, which is "Planning Control".

**Clause 23 (Meaning of "development")**

**The Chairperson:** Some respondents had concerns about the proposals for applications for demolition and suggested that they should be required only in conservation areas or where they affected listed buildings. Mr Kinahan was keen on this matter.

Has the Department any comments to make before I put the Question?

**Ms I Kennedy:** Currently, consent for demolition is required only in a conservation area, an area of townscape character or a listed building.

**The Chairperson:** Thank you. I am content with that explanation.

**Mr T Clarke:** Are those the only cases in which consent for demolition has to be applied for?

**Ms I Kennedy:** Yes.

**Mr T Clarke:** Will a listed building be protected by natural heritage only if it is in a conservation area?



**Ms I Kennedy:** I am sorry. I meant a listed building anywhere.

**Mr T Clarke:** Sorry. I thought that you meant that it had to be in one of those areas. I understand.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 23 agreed to.*

**Clause 24 (Development requiring planning permission)**

**The Chairperson:** Some respondents wanted clarification of the circumstances under which circumstances clause 24(2) would apply. We had an explanation of that at the previous meeting.

Are there any other comments from the Department?

**Ms Smith:** No.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 24 agreed to.*

**Clause 25 (Hierarchy of developments)**

**The Chairperson:** At the meeting on 1 February, the departmental officials agreed to report back to the Committee with details of discussions with the Departmental Solicitor's Office (DSO) regarding the wording of the clause. Officials also agreed to consider including criteria for determining "regional significance" in subordinate legislation and ways in which cumulative impact will be taken into consideration for regionally significant developments.

The Department's response, which is in members' information packs, indicates that a direction would most likely be issued by the Department if there were two or more applications for local development and their cumulative effect met the threshold identified under the major development category in the development hierarchy. In that situation, a direction would issue for each application, and that would allow a pre-application community consultation to occur.

Gentlemen, do you have any questions? I am content with the response.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 25 agreed to.*

**Clause 26 (Department's jurisdiction in relation to developments of regional significance)**

**The Chairperson:** Respondents wanted the term "regionally significant" to be defined. That is being addressed by subordinate legislation.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 26 agreed to.*

**Clause 27 (Pre-application community consultation)**

**The Chairperson:** Departmental officials agreed at the meeting on 1 February 2011 to consider the possibility of changing "community consultation" to "community participation" and to report back to the Committee with a definition of "consultation" and "community". The Department's response, which is in members' information packs, refers the Committee to dictionary definitions of the words "consult" and "participate" and argues that "consult" is more appropriate. The Department indicates that "community" is any "persons who appear to the council to have an interest in matters relating to development in its district" and argues that that is wider than those who live in the district.

I think that that is clarification, although I prefer "participation". I am content with the explanation, gentlemen.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 27 agreed to.*

**Clause 28 (Pre-application community consultation report)**

**The Chairperson:** Many respondents wanted the public and community groups to have an opportunity to comment on the consultation report. The Department said that the report would be made available to the public and put on the Internet.

In its response after the stakeholder event, the Department indicated that the clause introduces a requirement on applicants to prepare a pre-application consultation report, which will need

to demonstrate how developers approached pre-application consultation and what they did to amend their proposals in the light of the consultation.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 28 agreed to.*

**Mr T Clarke:** Sorry, Chairman, perhaps I am too late, but would the whole community consultation not actually make it more attractive for the person making the application? It is basically residents' groups that go against applications, and not necessarily for the right reasons. Would that not give them another opportunity to stall the process?

**Ms Lois Jackson (Department of the Environment):** It is up to the planning authority to consider as material considerations objections to a report. However, the duty on applicants to show that they have complied with the requirements of pre-application consultation is separate from that. The application could be submitted provided that they fulfilled those requirements to the required standard.

**Mr T Clarke:** That is OK. I was concerned that there was another way for somebody to delay the process unduly.

**Ms Jackson:** That is separate again from when people can object to a planning application once it is received. Obviously, people are entitled to object even on receipt of the application again. There are two opportunities to object.

**Mr T Clarke:** If the proper process were followed, would it take any longer?

**Ms Jackson:** No.

**The Chairperson:** The Committee has agreed clause 28, so I will not put the Question again.

**Clause 29 (Call in of applications, etc., to Department)**

**The Chairperson:** Many councils were concerned about clause 29, feeling that it was excessive. They also wanted the clause to be made more specific and to see the criteria that would make an application subject to call-in. The Department stated that the call-in of applications will be consulted on and that applications will be called in only if they are regionally significant. I am

content with that explanation. Do any other members wish to raise any issues on call-in?

**Mr T Clarke:** Was the issue of compensation raised about call-in?

**The Chairperson:** The Bill deals with compensation later.

**Mr T Clarke:** Does it apply to call-in?

**The Chairperson:** Would you like to respond to that, Maggie?

**Ms Smith:** The provisions on compensation do not apply to call-in. The provisions come later in the Bill and prescribe who is responsible for compensation when the Department steps in and carries out the duties of a council.

**Mr T Clarke:** I appreciate it that it comes later in the Bill. However, clause 29(1) states:

*"The Department may give directions requiring applications for planning permission made to a council, or applications for the approval of a council of any matter required under a development order".*

My reading of that is that the Department will be calling into question something that was already approved.

**Ms Jackson:** No. It does not happen at that stage.

**Ms Smith:** The Department can call in plans for a determination.

**Ms Jackson:** An application would be called in only during its determination stage. Call-in would not occur after an approval were issued

**The Chairperson:** Are you satisfied with that, Mr Clarke?

**Mr T Clarke:** It was just the wording, Chairperson.

**The Chairperson:** Can we deal with that issue later when we look at the area of compensation?

**Ms I Kennedy:** There are no implications for compensation. Call-in would occur before decisions were reached. The Department would call in an application that had gone to a council.

**Mr T Clarke:** Would it also apply when applications go to a council for approval?

**Ms I Kennedy:** The power applies only to approval for reserved matters.

**Mr T Clarke:** Where does it say that?

**Ms I Kennedy:** Clause 29(1) refers to:

*“applications for the approval of a council of any matter required under a development order”.*

A development order is a reserved matters application.

**The Chairperson:** Do you want more clarity on that, Mr Clarke?

**Mr T Clarke:** No, I will let it go. It is not a die-in-a-ditch issue.

**The Chairperson:** If you are not happy with the explanation, I want the explanation to —

**Mr T Clarke:** No, it is OK. Will call-in happen only prior to a decision being made?

**Ms I Kennedy:** Yes.

**Mr T Clarke:** OK.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 29 agreed to.*

#### **Clause 30 (Pre-determination hearings)**

**The Chairperson:** I remind members that several organisations wanted minimum criteria for clause 30. The Department stated that the criteria will be dealt with in subordinate legislation.

Members should also be aware that, in its response after the stakeholder event, the Department indicated that clause 30 will give councils the power to hold pre-determination hearings. The aim of those hearings is to make the planning system more inclusive, allowing the views of applicants and those who had made representations to be heard before planning decisions are made. I am content with that explanation. As there are no comments from Committee members, I will put the Question.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 30 agreed to.*

#### **Clause 31 (Local developments: schemes of delegation)**

**The Chairperson:** We have received examples of schemes of delegation from the Department, and they will be passed around to members now. While that is being done, I will ask the

Clerk of Bills to go through the proposed amendment to clause 247. She will clarify the point on clause 247, page 160, line 16, which was raised earlier.

**The Bill Clerk:** I was advised that the Committee wished to link the commencement of the Bill to the new arrangements on decision-making for councils under the review of public administration (RPA) and local government reform. Matters relating specifically to decision-making in councils are not within the scope of the Bill. Nevertheless, there are things that I felt that we should do on commencement.

First, by way of background, in order to achieve the Committee's objective, decisions would be required in a number of areas, not just in this Bill. However, there is an option to delay commencement with reference to other matters that are known and definable in law. At the moment, to refer to a particular type of decision-making or a particular moment when that decision-making is defined is not definable in law. We cannot refer to the draft Local Government (Reorganisation) Bill because it does not exist in law yet. However, we can look ahead to the process of local government reform and identify the next stages in the process. For example, before the new councils exist, there will have to be a boundaries Order, which will be made under section 50(10) of the Local Government Act (Northern Ireland) 1972. On the basis of those boundaries, new elections will take place to the new councils. Therefore, the amendment proposes to state that no commencement Orders can be made for the Bill until after those two things happen. Therefore, first, the boundaries Order will have to be made and then new elections will have to be held on the basis of those new boundaries. Therefore, the Committee's amendment would not deal with decision-making.

**Mr Weir:** My understanding is that checks and balances will be put in place for current councils as part of overall local government reform. Matters will not simply be put on the long finger for the new councils to deal with. If we tie it into specific things that relate to the review of public administration, we preclude planning from coming in ahead of the RPA, which is clearly not the intention.

The intention is for it to come in within the next couple of years, so I would be loath for us to be tied into an amendment of that nature.

Indications have been given that it will not happen until there is broader local government reform in respect of some governance arrangements, but that can come in under the 26-council model rather than the 11-council model.

**Mr McGlone:** If the RPA does not go ahead as constituted under the proposed 11-council model, there will be no requirement for boundary changes. I want to make sure that one issue is tied in sequentially with the other. Reform of planning will not happen unless there has been local government reform. The proposal is that local government reform needs to go ahead, but the boundaries Order must be made first and then elections will be held. However, that does not tie it specifically into proposed local government reform, because the legislation is not there yet. What I am saying is that it could conceivably happen with the 26-council model.

**The Bill Clerk:** The Committee's draft amendment appears to me to prevent the Planning Bill from taking effect until after a boundaries Order has been made and elections to new local government councils take place.

Mr Weir is correct. If the next local council elections take place on the basis of the existing 26 council boundaries, the way in which the amendment is drafted at present will not address his desire to allow planning to go ahead on the basis of the current 26 councils before an election or council elections without a boundaries Order. Therefore, if the Committee agrees to take that approach, I will have to take the proposed amendment back and look at it again.

The difficulty presenting itself is that the Committee wishes to connect the Planning Bill to another Bill that does not yet exist and to another set of decisions that have not yet been made. Therefore, we are working with limited possibilities —

**Mr Weir:** I appreciate that I have arrived in the middle of the issue. However, one possibility is that the commencement Order could be linked to an affirmative resolution of the House, which would require —

**The Bill Clerk:** Do you mean making commencement subject to draft affirmative resolution?

**Mr Weir:** That would be one way of doing it and would kick in the provisions. The idea is that broad local government reform happens from

a reorganisation and governance point of view ahead of the planning side. If commencement were subject to draft affirmative resolution, that could be by way of RPA or pre-RPA, by way of local government reorganisation. However, linking commencement to an affirmative resolution means that if, for example, parties on one side or the other feel that there is an attempt to push in the provisions ahead of RPA, they would effectively have the power to veto or block it and, ultimately, could put down a petition of concern. Cross-party consent would then be required for commencement to go ahead, and it would not necessarily be tied to RPA and the 11-council model; rather, commencement would be tied to the broad reform of local government.

**The Bill Clerk:** Chairperson, you may wish to explore the issue further with the Department, because commencement Orders are usually not subject to any Assembly control. Moreover, under the Bill, there will be a raft of commencement Orders, so the Committee may want to consider which of those are key.

**Mr Weir:** I am sure that something could be worked out on that side of things so that some level of approval would have to be given.

**The Bill Clerk:** Yes.

**Mr McGlone:** It is quite simple in my mind that the handover of planning powers should not happen until we have RPA, with the adequate checks and balances in place. How we give shape and form to that is another matter. We may want to give a wee bit more thought to how we do that. That seems logical to me.

**Mr Weir:** Patsy, the one complication is that, if a resolution ties commencement to the implementation of RPA and 11 councils, it cannot take place while we have a 26-council model. Everyone has accepted that, as part of this process, there needs to be governance reform, and, as part of that, commencement could take place before there are 11 councils. However, it has to take place after there has been reform.

**Mr McGlone:** My understanding is that we would have an 11-council model, RPA, reform of local government and checks and balances, with planning being one of the powers to be handed over. If somebody is now suggesting that we move from an 11-council model to a 26-council model, we are getting into —



**Mr Weir:** I am not suggesting that. I am saying that, on the governance side, we could be moving towards an 11-council model. However, planning powers could be handed over post-governance reform but before the 11 councils are set up. Therefore, in the interim, planning powers could come to the 26 councils. However, if we tie commencement to an affirmative resolution, commencement can happen only when RPA is fully set in place. That would preclude planning powers coming to the 26 councils ahead of the introduction of an 11-council model. We can all take a position on that. However, my understanding is that it is the Executive's position that governance changes, which are not necessarily linked to RPA being fully implemented or to the 11-council model, be agreed and implemented before planning powers come to councils. That is the differential.

**Mr McGlone:** We are back to the —

**The Chairperson:** I heard and understand that 100%. I have asked that since day one of the Bill's Committee Stage, and I know that members have gone back and forward on the issue of governance and reorganisation since then. I agree that the 11-council model and everything else are key to commencement, but I need the Committee to come up with some options. Otherwise, we will talk in circles.

**Ms Smith:** For clarification, the Minister's position is that planning powers will not go to councils until the governance and ethical standards are in place. The expectation is that there will be a complete transfer of functions — governance arrangements, ethical standards and everything else will come in. However, if that does not happen, giving those powers to the 26 councils is not ruled out. It is tied to the governance arrangements.

**The Chairperson:** We are really talking about commencement. Until that governance is in place, which we support, there will be no commencement of the Bill. We have said that since day one. That is my point of view. Do any other members wish to speak?

**Mr McGlone:** We need the mechanism to tie it all in, because that is our duty as a Committee.

**The Bill Clerk:** A Committee always has options and ways of delaying commencement, subject to its getting satisfaction on matters. A standard method is to seek an assurance from the Minister that a Bill will not be commenced

unless or until a specified matter is dealt with. In this case, the Committee has sought and received such an assurance, so that is one level. On another level, the Committee can delay commencement, subject to key definable moments in law. That is where we are struggling, because those are outside the Bill.

Thirdly, connected with what Mr Weir said, it is possible to make certain matters subject to draft affirmative resolution. I will look at that. We will identify certain sets of regulations in the Bill that could be made subject to draft affirmative resolution, which would be key to the transfer of those powers. Doing so would require those regulations to come to the House for approval, albeit that it is not the content but the timing that Members would be approving. That would be the reason for taking that decision.

Finally, the House will vote on the Bill at Final Stage. If the timing were not right, the House could defer that decision until later.

**The Chairperson:** OK. I am content with that. Therefore, you will come back with —

**Mr McGlone:** Will you give us the options, then?

**The Bill Clerk:** To be clear, if the Committee is suggesting that, does it want me to look for sets of regulations that it wants to make subject to draft affirmative resolution?

**The Chairperson:** I am content with that, yes. Are we agreed, gentlemen?

*Members indicated assent.*

**The Chairperson:** We now return to clause 31. Included in members' papers is an example of a scheme of delegation.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 31 agreed to.*

### **Clause 32 (Development orders)**

**The Chairperson:** One submission wanted to see the clause include permitted development rights for minerals. The Department stated that it is currently considering permitted development rights for minerals. Would officials like to clarify that point?

**Ms I Kennedy:** Yes. I understand that we have been looking at permitted development rights across a range of areas. We will look at mineral

rights in phase two of permitted development rights.

**The Chairperson:** OK. We are content with that explanation.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 32 agreed to.*

### **Clause 33 (Simplified planning zones)**

**The Chairperson:** Clauses 33 to 38 all relate to simplified planning zones, so we will discuss them together. The Committee has heard mixed views on the introduction of simplified planning zones. Some members expressed concern about their introduction into the Bill. The Department stated that, if they are to be introduced, there will be consultation on the approach to be taken on simplified planning zones. I have had some discussion about whether the zones have worked or are needed.

If they are proposed, they should go to consultation. That is a safety mechanism that will allow people to consult on it. Can we put a time frame on them?

**Ms I Kennedy:** It is very much up to the councils whether they wish to use that tool. Are you thinking of a time period for them to establish simplified planning zones?

**The Chairperson:** Yes.

**Ms I Kennedy:** It will be very much up to them whether they wish to have any, and when.

**The Chairperson:** We are talking about a planned system, and you are looking to develop. Given the areas that we have, some of which are urban and some of which are rural, specifically where you would need to designate that or look at simplified planning zones. I am going on some of the examples that we have and on whether they worked. Have members any questions on this matter?

**Mr McGlone:** I am sorry that I missed this morning's briefing with Professor Lloyd. A zone that is increasingly defined by a growing number of exclusions from it seems to me to be far from simple. I am looking at the departmental response and expansion of the list of description of land which must be excluded. It is not very simple.

**The Chairperson:** I agree. There are some issues that have to be looked at. Should we consider a planning policy statement?

**Ms I Kennedy:** I think that the exclusions that are referred to are making sure that you do not have a simplified planning zone in place in an area of particular merit, be it a conservation area, a special area of conservation or an area of outstanding natural beauty. There are quite a range of areas where you would not want simplified planning zones to be in place.

**Mr McGlone:** They will not have planning zones anyway, because they are designated separately.

**Ms Smith:** Yes. That is why they are listed in the exclusions.

**Mr McGlone:** Why do you except them when they are not going to be covered in the policy anyway? It is like saying that there is going to be an enterprise zone or a rural community in a national park, for instance. It just does not happen. The policy does not provide for it.

**The Chairperson:** You would not be looking at certain criteria and business plans.

**Mr McGlone:** There seems to be nothing simple about a simplified planning zone. To be frank, we have already had this conversation. The more that I hear, learn and see about it, the more I say to myself that it is one of the most confused designations that I have come across.

**The Chairperson:** The question is whether there is a need for them in the new system and whether they have worked in other places. We have a draft paper to prepare for members for Thursday. I propose that we leave the simplified planning zones until Thursday.

*Clause 33 referred for further consideration.*

*Clauses 34 to 38 referred for further consideration.*

### **Clause 39 (Grant of planning permission in enterprise zones)**

**The Chairperson:** Three councils had concerns about clause 39. One objected strongly, another required clarification and the third was concerned that such zoned areas are often in the ownership of Invest NI and, therefore, confined to Invest NI client companies. The Department stated that the designation of these zones was also available through the local development plans. Have members any questions? Some issues

were raised on this. I am content with the explanation, but we may have to see how we go with simplified planning zones.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 39 agreed to.*

#### **Clause 40 (Form and content of applications)**

**The Chairperson:** The response to this clause called for more robust validation procedures. Other than that, the Committee did not have any issues with it.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 40 agreed to.*

#### **Clause 41 (Notice, etc., of applications for planning permission)**

**The Chairperson:** This clause is back to neighbourhood notification. I hope that we got that all ironed out this morning and that we have a commitment and an understanding of all that before I put it to the Committee. I feel very strongly about it. We need to clarify whose responsibility that will be from the outset, and that needs to be drafted.

We need information back, so I will leave it for the minute. Does the Department propose to bring an amendment to the clause, or some written guidelines? It is simple; all we need is a process to say that we need neighbourhood notification.

**Ms Smith:** We suggested that we should come back to the Committee about that. We talked about it earlier and said that we will talk to the Minister about it.

**The Chairperson:** OK, sorry. We will come back to that. That is why we should not have discussed it at clause 4.

*Clause 41 referred for further consideration.*

*Clauses 42 and 43 agreed to.*

**Mr T Clarke:** I like the principle of clause 42. Is that a change? It says: "a tenancy of which not less than 40 years".

It is back to proving proof of ownership, where there have been loopholes in the past. Is that something new?

**Ms I Kennedy:** There is no change from the existing legislation. The provisions carry forward from the Planning (Northern Ireland) Order 1991.

**Mr T Clarke:** That worries me. It is probably not tight enough. I am sure that most people who have been on councils have been involved in planning. When it gets down to something like that and the ownership of land, the Planning Service continues with the process and tells the applicant and the person who is objecting that it is a legal matter that should be sorted out between themselves. I think that it should be sorted out at the outset. I am reading this, and there is a responsibility. However, Planning Service has always negated that responsibility and told them that it is a legal matter in which it does not get involved.

**Mr McGlone:** It stays clear from it.

**Mr T Clarke:** We need something in there to make that clear.

**The Chairperson:** OK. I will have to come back to clause 42. For the record, I propose to revisit clause 42, and we need the Department to come back in relation to the remarks that Mr Clarke has made.

**Ms I Kennedy:** It might help if I draw members' attention to clause 42(6), which makes it an offence to issue a certificate that does not comply with the requirements of the section, or if someone recklessly issues a certificate: "that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale."

**Mr T Clarke:** Is that new?

**Ms I Kennedy:** No. It is carried forward.

**Mr T Clarke:** They are not using it.

**The Chairperson:** You have heard Mr Clarke's concerns. I have clearly marked that we will have to come back to this clause.

**Mr T Clarke:** On how many occasions has the Planning Service actually used that power?

**The Chairperson:** OK. We will come back to that.

**Clause 44 (Appeal against notice under section 43)**

**The Chairperson:** I remind members that the Committee did not raise any issues with this clause. Have members any points to make?

**Mr T Clarke:** Yes, Chairman. There are always points. We are back to the four- and 10-year rules. We had hoped to bring them both into line as four years. It says “4 years or 10 years” which is what we talked about last week.

**Ms Smith:** This came up at the last session, and we have got something coming back to you on that.

**The Chairperson:** You will come back to us on that. That is fine. That is why the point is made.

Members need to look seriously at what we are asking for. If we say that we are going to go four and four, you have to understand exactly the implications of what we are talking about. However, the Department will come back to us on that.

**Mr T Clarke:** If we are having an “adequately resourced planning system”, it should not take more than four years to fine someone who has breached the planning regulations. If it is adequately resourced and functioning properly —

**The Chairperson:** I do not disagree with that. There is a four-year rule and a 10-year rule, and there is a significant impact on what we are looking at if you now turn round and say four and four. The number of businesses and things that will change under regulations in the six years is — the Department has agreed, and I am not getting into this debate today. The Department will come back to us.

**Ms Smith:** This was in the letter that came through on —

**The Chairperson:** There are serious implications to what we are proposing. We need to discuss it as a group. If members want to bring forward a Committee amendment to the Bill, we will have to look at that ruling. They are two different things: four-year enforcement and 10-year change of use.

**Mr T Clarke:** You talk about change of use. The 10-year rule was designed for unauthorised use, as opposed to change of use. If the building has been used for at least four years as a business, as opposed to as a residence or other, they should pick it up on the four-year rule. If you go

after four, and they go change of use, that is a different category again.

**The Chairperson:** I can see complications. Maggie, you will come back to the Committee and we will discuss that again.

**Mr McGlone:** You are going to have other powers in under the one roof, including building control. It is not as though these officers are going to be 20, 30, 40 or 50 miles away and not communicating with one another. Planning officials and building control officials will hopefully be under the one roof, and certainly within the one management. Therefore, the exchange and flow of information should be that freer and that we get more of a read-across nature, whether planning or building control is dealing with the issue. I do not have too many hang-ups with the four and four; in fact, I do not have any. If the council, with proper powers under the one roof and one management does its job right, it should be able to keep tabs on nearly all developments in its district, unless they are completely and utterly unauthorised.

**The Chairperson:** You will come back to us on that, Maggie?

*Clause 44 referred for further consideration.*

*Clauses 45 and 46 agreed to.*

**Clause 47 (Power of Department to decline to determine subsequent application)**

**The Chairperson:** No issues were raised by the Committee. Do members wish to raise any issues now?

**Mr McGlone:** There is an issue about the validity of planning approval or planning permission. I am not sure whether it fits here, but it is informed by experience in my own constituency. It is those circumstances in which a person is granted planning permission, subject to certain criteria or conditions. Included in those conditions could be the need for sight lines, and, in order to make it workable, the owners of those sight lines may refuse, or may refuse until they are paid the usual commercial transaction of 30% of the value of the site and all that.

Say, for example, in the course of the night, the offending hedge or wall or whatever it might be disappears, not because the owner of the property removes it, but because a N Other conveniently crashes a car or a JCB



into it or whatever it might be, and there is no evidence whatsoever as to who did it. In those circumstances, the Planning Service takes the view that the issue that it required to be resolved has been resolved. In other words, the sight line is in situ, albeit that it has been done illegally. There is a major issue there that I think has to be tied down in law. Some will say that the standard recourse is to the civil courts and all of that, but when those issues are not addressed properly and legally, legitimately and otherwise, and those sight lines or whatever other conditions have not been applied or agreed to by the landowner, there is a legal issue that has to be fitted into the planning condition. If that has not been done with the sanction, approval or commercial transaction with the landowner who is the third party, there is an issue. I do not know whether or how or in what way we can deal with that —

**Mr T Clarke:** *[Inaudible.]*

**Mr McGlone:** It is.

**Mr Mullaney:** That is a civil matter. It is worth reminding ourselves that you do not actually have to own land to receive planning permission —

**Mr McGlone:** I know that.

**Mr Mullaney:** You can serve a certificate C and, in theory, develop land without the facility to do so, because you do not own it. The scenario that Mr McGlone outlined is a civil matter between the respective parties, assuming that the relevant condition has been fully complied with.

**Mr McGlone:** A condition that is attached to the planning approval can be a negative condition, or it can be just that sight lines must be in place before any construction work commences on site — you know, that type of approval. Is there not a consequence for the legality of the planning approval if sight lines have been obtained fraudulently or illegally or whatever it might be?

**Mr T Clarke:** The answer is in the previous one that we asked about earlier. If the Department was enforcing the conditions in relation to clause 44, where someone indicates that they control the land, as Patsy quite rightly said, what happens is that hedges mysteriously disappear by all sorts of means so that someone can get their visibility splays. That has happened in South Antrim as well, not just in Mid-Ulster but in South Antrim. The Planning Service gives the

same answer as Mr Mullaney has today: that it is a legal matter. It should not be, because clearly the land should be in the control of the applicant. If it is not, the Planning Service should be revoking the planning permission.

**Mr Mullaney:** I am far from being a lawyer, but you can serve a certificate without owning any land. Even outside the scope of a planning permission, if there was, for instance, a dispute between neighbours and a party hedge or wall was removed or amended in some way, that would be a civil matter between the parties, I would have thought.

**The Chairperson:** I would like to see how that could be amended in a planning application. For example, as Mr McGlone said, if you put in a planning application in the countryside for a single dwelling and you have to attain sight lines on land that you do not own. Unless you acquire that piece of ground or are able to do that, you will be refused that permission. It will not be approved.

**Mr Mullaney:** No, because you —

**The Chairperson:** Mr Clarke is saying, and I take it that you will clarify this, that we need to look at that through the Planning Bill. To be honest, even looking at it, it is about owners of land and whether you give permission. It is very difficult, Trevor, under the planning system.

**Mr T Clarke:** We have all been involved in cases when a neighbour has given written consent to have use of a visibility splay, whether commercially or in just a friendly way. In the absence of that, there has to be something in the Bill to prevent someone from just taking something from someone else and making them take a legal case against them to get them to court.

I was involved in one recently. Even the PAC gets involved in this. I was told that because the splay is there, the developer — and it is unfortunate that this was a developer as opposed to a single development; this is multiple houses — has obtained a visibility splay by the wrong means. They put a condition in the application that he cannot, because of that. However, I am told that if that goes to PAC it will rule in his favour because the splay is there. There has to be something in the Bill to prevent that.

**The Chairperson:** That is a prime example that you have highlighted, Mr Clarke. You are correct.

That issue has raised its head under this clause. Does this or some other clause deal specifically with that?

**Ms I Kennedy:** I do not think that it would come under clause 47, which we are discussing at the moment, which is the power of the Department to decline to determine a subsequent or repeat application. There is no link there.

**The Chairperson:** Is there a clause that refers to that?

**Mr T Clarke:** Was it clause 44?

**Mr Mullaney:** Is it clause 42? Planning permission relates to the land. You could apply for planning permission and obtain it on my land, and I could do the same on your land.

**The Chairperson:** You see, Peter, you are 100% right, and that is the problem. I can drive down the road, pick out a site and put in a planning application for it. It is not until that application starts to be assessed that you find out who does and does not own the land.

**Mr Mullaney:** A fundamental premise is that planning permission relates to the land.

**The Chairperson:** Yes, exactly right. That is correct.

**Mr Mullaney:** Not to the person, unless there is a particular circumstance such as an occupancy condition.

**The Chairperson:** We understand. I am only saying that the member asked for something in the Bill.

**Mr T Clarke:** That point is going off the point about splays. However, that point could also be tied down in the Bill to prevent people from making applications without the permission of the owner of the land. You need to be in control of the land or have some document to say that you have permission to apply for that application.

**The Chairperson:** Yes, there is an application process, Peter. Is there anything there?

**Mr T Clarke:** Why is there such an anomaly in the system that I can drive along, pick a field in Danny's estate and decide that I am going to put in a planning application without his permission? That is wrong. I think that you must provide evidence as part of the validation process that you are in control of the land or in agreement with the landowner.

**Mr Mullaney:** A lot of people in the development industry obtain planning permission subject to purchasing the land. There may be no legal agreement as such. To go down this road would prevent that from happening. If you had to be in ownership of land before you could submit a planning application, it would close off that avenue altogether.

**Mr T Clarke:** No, it would not, Chairperson. The agreement of the landowner could be obtained without actual ownership.

**The Chairperson:** I agree, but it is back to clause 42, yes? We need more information, and we need to look at it.

**Mr T Clarke:** Yes, but the debate has expanded from what we were talking about in clause 42. Rather than rehearsing this when we next meet, we will, hopefully, have suggestions about one part of it. The fact that we have gone back to clause 42 to expand the conversation has been useful, because if we want to get through this, there is no point in leaving these issues until the next time.

**The Chairperson:** No, I totally agree. Do you understand what we are talking about, Peter?

**Mr Mullaney:** Absolutely.

**The Chairperson:** I agree that it may be difficult, but when we are going through this we need to look at that process. It is no longer acceptable that someone should be able to drive down the road, pick out a site and submit an application, followed by the whole rigmarole of the assessment. Sight lines for visibility, in some cases, are a slightly different matter. We need to look at whether we need to bring that through in an application in the early part of the process of identifying. I do not know, I am just throwing out suggestions about how to deal with that. I do not know, to be fair. You keep saying that it is a civil matter. It is difficult.

**Mr Mullaney:** It is, and I do not think that the Department has an answer. One might say that it is a philosophical point, but there is a fundamental point to be made about the purpose of the planning system. The planning permission goes with the land, unless there are particular circumstances, such as in an occupancy condition or whatever, to restrict it to a particular person or persons.

**Mr McGlone:** The big problem for me is that there are people who have been distraught

about this issue. A situation in which someone, in order to comply with the legality of a planning permission — a legally binding document — has obtained sight lines illegally, is not a matter for a civil action, which the person who, usually, has been offended against, has to take. That person has to spend a pure fortune going to court to assert that something was theirs and is theirs, and even after all that, may not get the outcome that they require. Furthermore, if they reinstate a hedge, put up a fence or build a new wall, it is more or less ignored by Planning Service as long as some official comes out, looks at it and says that it is compliant with sight lines at that particular time. It is a wee bit perverse that a planning application can be obtained, be it fraudulently, illegally or whatever. There is something in there. I do not think that the Department or Planning Service should walk away from that, wash their hands of it and say that it is a matter for the courts. That is very unfair.

**Mr Mullaney:** This discussion has illustrated that it is a broader issue and has wider consequences, as Mr Clarke and Mr McGlone have said.

**Mr T Clarke:** Look at the way in which clause 42(1) is worded:

*“the Department must not entertain an application for planning permission in relation to any land (... referred to as ‘the designated land’) unless it is accompanied by one ... of the following”.*

The safeguards are there, but they are not being enforced:

*“a certificate stating that the application is made ... on behalf of the person who at the date of application is in the actual possession of ... the designated land”.*

Why are we not enforcing that? The wording that we are looking for is there, but in practice, we are not getting the Department to enforce that.

**Ms I Kennedy:** It is my understanding that each application that comes in is checked to make sure that it does have that certificate attached.

**Mr Mullaney:** In fact, the application is not valid if the certificate is not with it. That is one of the reasons why an application would be returned as invalid.

**Mr T Clarke:** Do you return them and ask the applicant to fill in a different form in its place? Is that the one that you referred to?

**Mr Mullaney:** Certificate C?

**Mr T Clarke:** Yes.

**Mr Mullaney:** Yes, but the point that Irene is making is that you have to have a completed certificate for it to be a valid application, whatever the certificate is, whether it is A, B, C or D.

**Mr T Clarke:** I cannot remember the name of the form.

**Ms I Kennedy:** P2.

**Mr T Clarke:** P2, yes. But then you can fill in certificate C, which covers land that you do not own. Clause 42(1) says that:

*“the Department must not entertain an application for planning permission in relation to any land”.*

It goes on to suggest that it is on behalf of the person who owns the land and what have you.

**Ms I Kennedy:** There are three options under that: certificate A, B or C.

**Mr Mullaney:** There is a P2A. In other words, if a person submits a certificate C, they are meant to serve notice on the person on whose land they are applying for permission.

**Mr T Clarke:** You can tell that the system is very complicated.

**The Chairperson:** It turns out that, when the system rolls out on the ground, it is still complicated at times. There is no doubt about that.

**Mr T Clarke:** Another problem is that, although the Planning Service is in regional offices at the moment and the councils are very detached from them, we are bringing the issue to the local councils, which are probably beside the people who will be affected. The people who usually lose out are those who live on their own and have been bullied by developers. There is no other word for it; they have been bullied by developers who were obtaining land or visibility splays. So we need some sort of protection in the Bill. It is OK to assume that we can just take those guys to court, but how can someone without the means take a developer to court? If that were tied down definitively in the Bill, we would not have that issue.

**Mr Buchanan:** The reality is that they are receiving the sight lines under false pretences. For example, if I make an application for a benefit and give false information, it is not a civil matter. The Department would take me to court to get back the money that I got illegally, if

you like, because of that false information. Why should the Bill create a difference if someone gives false information to obtain sight lines, and the Planning Service gives approval for it? Why is it not the responsibility of the Planning Service to sort that matter out, rather than to wash its hands of it and say that it is a civil matter?

**Mr Mullaney:** There are two issues in that. One is the question of the certificate being correct, which is Mr Clarke and Mr McGlone's point. A consequence to that can be that somebody enters land illegally that they do not have a right to enter. However, under clause 42(6), as Irene mentioned, someone is guilty of an offence if they issue a certificate that contains a statement that is false or misleading, which is Mr Buchanan's point. That also applies under 42(6)(b) if someone recklessly issues a certificate that purports to comply with those requirements and contains a false or misleading statement. Those two provisions deal with Mr Buchanan's point in cases where somebody knowingly submits a false certificate. That again is a different issue from the point that Mr Clarke and Mr McGlone are making.

**Mr T Clarke:** It is not, because an assumption is being made. I suggest that they are making them under that. In six years, I have never seen or heard of the Planning Service treating a case in that way. In any cases that we have been involved in, the Planning Service says that it is a legal matter between the applicant and the person who lost their hedge or visibility, or whatever the case may be.

**Mr Mullaney:** I think that that is a different issue again. It is another subset, if you like. It is of whether those two provisions apply to that practice in those circumstances — presumably not. They are in statute.

**The Chairperson:** We need to look at clause 42, and the Department needs to come to the Committee with an amendment.

**Mr T Clarke:** There are three pages to clause 42, but it could probably be made into one paragraph. There are seven paragraphs to the clause, and five and a half of them contain get-out clauses.

**The Chairperson:** On behalf of Mr McGlone, we are requesting information and perhaps a departmental response on the issues raised. Agents should not submit sight lines when they do the applications, because they clearly mark

them out as well. I have seen on a number of occasions that they do the work when they mark out the visibility and the sight lines. So, questions have been asked. I think that we have teased out that issue enough.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 48 agreed to.*

#### **Clause 49 (Power of Department to decline to determine overlapping application)**

**The Chairperson:** The Committee did not raise any issues about this clause, but the Department advised that it will be making a textual amendment to the clause to ensure a consistent approach throughout the Bill. Will you clarify that, please?

**Ms I Kennedy:** The amendment that we are proposing is to confirm that it would be for regionally significant development applications submitted to the Department, not call-in.

**The Chairperson:** Thank you for that clarification.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 49, subject to the Department's proposed amendment, agreed to.*

*Committee suspended.*

*On resuming —*

#### **Clause 50 (Duty to decline to determine application where section 27 not complied with)**

**The Chairperson:** You are welcome back. We have one hour left.

I remind members that the Committee did not raise any issues with this clause.

I must make members aware of the response from the Department following the stakeholder event. The Department indicated that the clause introduces a new power whereby it will be possible for the Department or a council to decline to determine those applications where the applicant has not complied with the necessary consultation.

*Question, That the Committee is content with the clause, put and agreed to.*



*Clause 50 agreed to.*

*Clauses 51 and 52 agreed to.*

**Clause 53 (Power to impose aftercare conditions on grant of mineral planning permission)**

**The Chairperson:** At the meeting on 1 February, the departmental officials agreed to consider an amendment to include landfill in the clause and to report back to the Committee on how aftercare conditions will be delivered in the event of insolvency. The departmental response indicates that, as the Department believes that landfill is dealt with elsewhere, there is no need to include it in the Planning Bill.

There is no response on the issue of how aftercare conditions will be delivered in the event of insolvency.

Excuse me, Willie, do you have to go? We cannot take any decisions with only four members.

**Mr W Clarke:** Can you give me two minutes?

**The Chairperson:** OK.

I am disappointed with the lack of response on landfill aftercare.

**Ms I Kennedy:** One of the difficulties is in dealing with insolvent cases. One option that we have discussed with our colleagues who are involved in such cases is to take a phased approach to planning decisions so that when one phase is completed, any aftercare restoration conditions be carried out before the next phase can begin. That would incrementally ensure that, at the point at which a decision and permission are implemented, and where there has not been regular, steady implementation of aftercare throughout the process, we are not left with a situation in which lots of aftercare work or restoration is needed at that point.

**Mr T Clarke:** That sounds better than what we have at the moment. However, it will be difficult to build in anything. Although you are talking about mineral planning, the same could be said about developments in which developers become insolvent and leave developments unfinished. Danny will know of the conditions of application in a case in Antrim in which roads have not been finished. I cannot see how we are ever going to build in anything by which, when someone becomes insolvent, someone else can be imposed to do that work.

My question for Irene is, if we go about this piecemeal, what are the possibilities for the Planning Appeals Commission (PAC), which has to take applications for extension without the aftercare relating to the first part of the application?

**Ms I Kennedy:** Normally, if someone has not complied with a condition attached to the planning permission, enforcement action could follow. An enforcement notice would be issued and, if there were an appeal, it might go to the PAC.

**Mr T Clarke:** Does this come back to the stop notice?

**Ms I Kennedy:** That would be if a development were unauthorised. In that case, if there were an enforcement element to the case, a stop notice could be issued.

**Mr T Clarke:** I can see where the Chairman is coming from. I take some comfort from what you said about doing it in stages, Irene. However, it worries me that, if the principle of a development is accepted on a site, even though it is for landfill, that could continue without the aftercare. Can we tie in something to prevent phase two happening before phase one is complete? It comes back to the principle.

**Ms I Kennedy:** That is what our colleagues have been exploring. Options were that it would be in breach of the permission to commence phase two if phase one were not complete.

**Mr T Clarke:** Do they believe that to be enforceable?

**Ms I Kennedy:** That is certainly what our discussions with them have been about.

**Mr Kinahan:** Is there room for a bond system, similar to that used for roads, by which, in going through each application, the developer pays towards a bond that will cover at least some of the cost?

**Mr Mullaney:** Mr Buchanan raised that point at the previous meeting, at which I drew an analogy with Roads Service. The bond for roads development comes under the Private Streets (Northern Ireland) Order 1980, which is separate legislation allied to the planning system. However, quite clearly, in the case of landfill and mineral extraction quarries, which I think were mentioned at the previous meeting, we are talking about potentially significant developments that would require significant

amounts of money to rectify if necessary. Therefore, I am not sure how practical bonds would be. It is something that we would have to think further on.

**Ms Smith:** That would be a significant financial burden on the owner.

**The Chairperson:** We are not considering an amendment to the clause, because you believe in the current system.

I think that it was Trevor Clarke who talked about not only the aftercare but about the impact of that years later. We have seen sites, especially landfill sites, that have been levelled and sown in seed. Are there after-effects of that that would not be seen initially? Was that raised by Mr Dallat at some point?

**Mr T Clarke:** Landfill comes under different legislation.

**The Chairperson:** I am only asking.

**Mr T Clarke:** It lasts for 99 years.

**The Chairperson:** I think that that was raised originally. Is it dealt with in different legislation?

**Ms Smith:** Yes.

**The Chairperson:** We will have to suspend, because we are inquorate for the purpose of taking decisions.

*Committee suspended.*

*On resuming —*

**The Chairperson:** Welcome back. We have discussed clause 53. I would have liked to have seen an amendment, but the Department has clarified that aftercare conditions for landfill are covered in other legislation.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 53 agreed to.*

**Clause 54 (Permission to develop land without compliance with conditions previously attached)**

**The Chairperson:** I remind members that the only issue raised about this clause was the need for guidance, and the Department has stated that guidance is being drawn up. Can you assure us that that is the case?

**Ms Smith:** Yes.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 54 agreed to.*

*Clause 55 agreed to.*

**Clause 56 (Directions etc. as to method of dealing with applications)**

**The Chairperson:** Some of the councils objected to this clause because they believe that it seems excessive. The Department stated it has an oversight role in respect of clause 56.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 56 agreed to.*

*Clause 57 agreed to.*

**Clause 58 (Appeals)**

**The Chairperson:** The reduction of the appeal time frame from six months to four months was generally welcomed.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 58 agreed to.*

**Clause 59 (Appeal against failure to take planning decision)**

**The Chairperson:** Respondents wanted clarification on the period that may be specified by a development order. The Department stated that the time period was two months, and I am content with that explanation.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 59 agreed to.*

*Clauses 60 to 68 agreed to.*

**Clause 69 (Procedure for section 67 orders: opposed cases)**

**The Chairperson:** One respondent felt this clause gave unnecessary scrutiny powers to the Department. The Department maintain that it has an oversight role in this clause.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 69 agreed to.*

**Clause 70 (Procedure for section 67 orders: unopposed cases)**

**The Chairperson:** The Committee did not raise any issues with this clause. However, the Department has since advised that it will make a textual amendment to this clause to ensure a consistent approach throughout the Bill.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 70 agreed to.*

**Clause 71 (Revocation or modification of planning permission by the Department)**

**The Chairperson:** Some councils did not support this clause. The Department stated that it would consult the councils before using these powers. Consultation is key in respect of this, and there is a guarantee from the Department in relation to that.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 71 agreed to.*

**Clause 72 (Orders requiring discontinuance of use or alteration or removal of buildings or works)**

**The Chairperson:** The Committee has raised no issues in respect of this matter.

**Mr McGlone:** I wonder whether there is any sort of read-across between this and the issue that we raised earlier about third-party land. Is there anything there that could be factored in? You know the point that I made earlier about third-party land, and stuff being removed, and the likes.

**Mr Mullaney:** I am not sure, to be honest.

**Mr McGlone:** As I read through it, it struck me that if there can be orders requiring discontinuation of use or alteration or removal of buildings or works, then that is more or less what we were discussing earlier. Maybe it is not in the same context here, or maybe it was not thought about it in that context. However, it is what we were talking about earlier, in practice.

**Mr Mullaney:** I am not sure, but I would have thought that any notice served under that clause could be served only on a person or persons having a legal interest in it.

**Mr McGlone:** But that is the issue.

**Mr Mullaney:** Yes. I do not want to go over old ground, but my understanding of the first query that came up under clause 42 was that it relates to where an applicant removes or does something on land which is not in his or her ownership to affect a planning permission. Is that not a different issue? That is where the person who has a planning permission is moving outside his or her ownership. The point that I was making about this case, without having looked at it closely, is that a notice is served on whoever is in control of the land.

**Mr McGlone:** Or the approval. Maybe I am thinking of this wrongly or thinking a wee bit outside the box, but can an order be served if there is a consequence for a live approval? I am thinking out loud here. Is there an order that can be served on a person to stop works on a live planning application, be that construction works or whatever, for instance, where non-compliance, illegal compliance or fraudulent compliance has been obtained in regard to planning application? It might relate to their sight lines, or whatever it might be. Do you get where my thinking is going on this?

**Mr Mullaney:** I do. I do not know the answer; I think that I will have to take advice on that.

**Mr McGlone:** Thank you.

**The Chairperson:** I need some clear explanation on clause 70 and the textual amendment.

**Ms I Kennedy:** Are we going back to clause 70?

**The Chairperson:** It has been agreed already, but we could not pick it up exactly. Will you clarify the textual amendment?

**Ms I Kennedy:** Essentially, we are removing clause 70(8)(b), because it should not be in that position. An order would not apply to revoke or modify a planning permission deemed to have been granted by direction of the Department of Enterprise, Trade and Investment, so there is no need to include that exclusion. It is to ensure consistency with another part of the Bill.

**The Chairperson:** Thank you. I come back then to clause 72. Mr McGlone, you have sought clarification. Are you happy enough with the explanation that you have been given?

**Mr McGlone:** Yes.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 72 agreed to.*

*Clause 73 agreed to.*

**Clause 74 (Power of Department to make section 72 orders)**

**The Chairperson:** One submission suggested that, to avoid confusion, the function provided by this clause should lie solely with councils. The Department stated that it will retain the power but will only use it in rare cases.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 74 agreed to.*

**Clause 75 (Planning agreements)**

**The Chairperson:** We had issues with this clause. At the meeting on 1 February, the departmental officials agreed to provide the Committee with further clarification on a community infrastructure levy and how it would work in practice. The Department's response provides details of the principle of such a levy, and we also have a departmental response on the issue following the stakeholder event. The Department believes that the community infrastructure levy is not a planning reform issue and should be considered at Executive level. Research Services have also provided an overview of the community infrastructure levy in use. Do members have any comments?

**Mr McGlone:** Where is that community infrastructure levy? Maybe I am on the wrong clause.

**The Chairperson:** It does not exist, but there was support for it in the responses. We can look at clause 75 and then come back, because a paper will be provided to us for Thursday on the community infrastructure levy.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 75 agreed to.*

*Clauses 76 and 77 agreed to.*

**Clause 78 (Land belonging to councils and development by councils)**

**The Chairperson:** The Committee did not raise any issues with this clause. However, the Department has since advised that it will make two textual amendments to the clause to ensure a consistent approach. It will be safer if you clarify that for us.

**Ms I Kennedy:** Under clause — *[Interruption.]*

**The Chairperson:** If you clarify that, we will finish with this clause.

**Ms I Kennedy:** Under clause 78(2), we have included the provisions of Part 5, which is about enforcement. The second textual amendment relates to the bottom of page 49 in clause 78(7), where we have left out from "except" to "107". There is a duplication in that clause, and we did not need to repeat the reference to sections 84 and 104 because it is already covered under 78(2)(b).

**The Chairperson:** Thank you.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 78 agreed to.*



# Northern Ireland Assembly

## Committee for the Environment

10 February 2011

### Planning Bill [NIA 7/10]

#### Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)  
Mr Patsy McGlone (Deputy Chairperson)  
Mr Thomas Buchanan  
Mr Trevor Clarke  
Mr Willie Clarke  
Mr Danny Kinahan  
Mr Alastair Ross  
Mr George Savage  
Mr Brian Wilson

#### Witnesses:

Mr Stephen Gallagher  
Ms Irene Kennedy  
Mr Angus Kerr  
Mr Peter Mullaney  
Ms Maggie Smith

*Department of the  
Environment*

**The Chairperson (Mr Boylan):** Welcome back, Irene, Stephen and Angus. We will go through each clause one by one, starting at Part 4. We will continue from clause 79. I will seek the Committee's position. We will deal with deferred clauses after we have dealt with the schedules and before we look at any other issues. I remind members that this is their last opportunity to respond to the clauses. I also remind members that they are more than welcome to bring whatever amendments they feel have not been talked through in Committee to the House at Consideration Stage.

Therefore, we will start clause-by-clause scrutiny from Part 4, which covers additional planning control. OK, gentlemen? With all that in mind, and now that you are appropriately armed with all the information and documents, we will move on.

#### **Clause 79 (Lists of buildings of special architectural or historic interest)**

**The Chairperson:** Councils wanted further clarification of their role with regard to the clause. The Department stated that there would be no change in council responsibility.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 79 agreed to.*

*Clauses 80 to 82 agreed to.*

#### **Clause 83 (Issue of certificate that building is not intended to be listed)**

**Mr McGlone:** Why is there a need to issue a certificate for a building that is not intended to be listed? I thought that a certificate would only be issued for a building that is intended to be listed. Why would you go to all the bother of being that official? A letter would, probably, suffice.

**Ms Irene Kennedy (Department of the Environment):** It is really is not much more than that. The certificate provides certainty for the developer or person who owns the property that the building will not be listed within the next five years.

**Mr McGlone:** It seems a very formal way to simply say no. That has just struck me. It is a bit like getting a certificate from the doctor to say that you are not sick. *[Laughter.]*

**The Chairperson:** You can put laughter in the record. Are you content with that explanation, Mr McGlone?

**Mr McGlone:** Whatever floats your boat.

**The Chairperson:** I am not putting that to the Committee.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 83 agreed to.*

#### **Clause 84 (Control of works for demolition, alteration or extension of listed buildings)**

**The Chairperson:** I remind members that the Committee did not raise any issues in relation to clause 84.

**Mr Savage:** I am concerned that some of our towns have quite a lot of listed buildings that have deteriorated to such an extent that they are having an adverse effect on those towns. I am thinking of a building in one town in particular, the whole left side of which has deteriorated. Some of the planners here will know exactly where I am talking about. Nothing is happening, and something needs to be done, either to help the owner to do something about it or knock it down and replace it with a new building.

As it stands, people want to develop old listed buildings. They were all right in the days of the horse and cart. The planners will not let the owners make any alterations. Something has to be done in that case. It is no secret that I am talking about Lurgan. Mr Mullaney knows exactly where I am talking about. There needs to be some relaxation so that the owners of buildings at the top end of the town can modernise. They want to do that, but they are subjected to restrictions. Something has to be done about that.

**The Chairperson:** We will find out the name of that town yet. Mr Mullaney's name was mentioned there.

**Mr W Clarke:** I have a question about the £30,000 fine. I do not believe that that is a deterrent. During the boom, £30,000 was nothing. It would not even have covered the cost of a garage in a new development. We should look at an amendment that would increase that amount to around £100,000.

**Mr Kinahan:** I agree. I was going to suggest that to the Department, because it should have the power to impose a suitable fine. I know that a row of eight Victorian houses in Ballycastle were flattened in one weekend. A £30,000 fine would have been a pittance in that case.

**Mr Ross:** I would not disagree. During the boom years, as Willie says, it would have been factored into the overall cost.

**The Chairperson:** Would you like to respond to Mr Savage's point?

**Mr Peter Mullaney (Department of the Environment):** I will not comment on the specific town, although I am aware of the circumstances to which Mr Savage referred. The purpose of listing a building in the first place is to protect the built heritage. There is provision in the legislation to apply for listed building consent to

alter a building. Whether consent is forthcoming is the issue, but the provision does and will exist.

**Mr Savage:** All I want is something that will help owners to modernise and upgrade their buildings. They cannot do so because of restrictions placed on them by the Department. The big issue is that people are land-locking quite a bit of property. Others cannot get to the back of their properties because of the old buildings along the front of the street. To be quite honest, for £30,000, it would be far better to knock those buildings down. People want to stay within the law, and something needs to be put in place to bring those buildings into play.

**The Chairperson:** There are two issues. Will you consider an amendment to the fine, which Mr Kinahan, Mr Clarke and Mr Ross were —

**Ms I Kennedy:** It is important to look at clause 84(6) and at the current offences and penalties. It states: "A person guilty of an offence under subsection (1) or (5) shall be liable:

*(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding £30,000, or both;*

*(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both,".*

**Mr W Clarke:** I see that, but can the Department tell me of one developer who was jailed for knocking down a listed building? I am not aware of any; certainly not for two years. I do not know of any who were imprisoned for six months; not in my constituency, anyway. Even a fine of £100,000 during the boom would not have been a deterrent, but it is certainly more of a deterrent than £30,000. As Alastair said, people took that into consideration when they thought about developing the site and looked at how many houses they were going to put there. It is similar to what George said: taking the listed building out of the way provided for another site and paid for whatever fines they would face. It is the same with tree preservation orders as well: trees were just ripped out of the road and people took the fines. When the Ministers were asked questions about that type of behaviour, the response from the Department was that the matter was in the hands of the courts and that it could not interfere. We want the Bill to state that the deterrent will be at least £100,000 because I cannot see people going to prison for it.

**Mr Kinahan:** I agree.

**Ms I Kennedy:** Clause 84(6) points out that:

*“in determining the amount of any fine ... the court shall have particular regard to any financial benefit which has accrued or is likely to accrue to that person in consequence of the offence.”*

There is flexibility in that provision for, potentially, a hefty fine. However, as Mr Clarke indicates, it is a matter for the courts.

**Mr W Clarke:** If the legislation states that the maximum fine is £30,000, the judge will be influenced by that. He will give the maximum fine.

**Ms I Kennedy:** That is for summary conviction. Conviction on indictment would be in a different court.

**Mr Buchanan:** What difficulty does the Department have in raising the fine from £30,000 to £100,000?

**Ms I Kennedy:** I am drawing to the Committee's attention that there is flexibility in the provision.

**Mr Buchanan:** With due respect, that flexibility does not seem to have been used over the years. I know case in which listed buildings have been demolished and the developers got a slap on the wrist more or less, and that has been it. No action was taken against them. At least, if the fine were raised to £100,000, it would be some sort of deterrent for someone who knows that there will not be a court case and that they will not have to go to prison.

**Ms Maggie Smith (Department of the Environment):** I am more than happy to ask the Minister whether he would be content with that amendment. Alternatively, it may be something that the Committee might want to put forward.

**The Chairperson:** I agree. I think that the Committee would be willing to propose an amendment. It would be far stronger. Will you bring the matter to the Minister? We will certainly consider an amendment. We will leave this clause, gentlemen? Are you content?

**Mr W Clarke:** I do not think that we should leave the clause. We should table an amendment, and, if the Minister comes back to the Committee, we will remove our amendment.

**Ms Smith:** That is fine.

*Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.*

*Clause 84, subject to the Committee's proposed amendment, agreed to.*

### **Clause 85 (Applications for listed building consent)**

**The Chairperson:** The Committee did not raise any issues with this clause. However, the Department has since advised that it will be make two textual amendments to this clause to ensure a consistent approach throughout the Bill. Are there any comments from departmental officials?

**Ms I Kennedy:** They are minor amendments to clarify that any particulars in clause 85(1)(b) must be verified by such evidence as required by the regulations — that would be the list of building consent regulations — or by any direction. The amendments will also clarify, at clause 85(4), the time within which applications are dealt with by councils or the Department, because, in some cases, the Department will deal with such applications.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 85, subject to the Department's proposed amendments, agreed to.*

*Clause 86 agreed to.*

### **Clause 87 (Call in of certain applications for listed building consent to Department)**

**The Chairperson:** The Department stated that the use of the call-in power would depend on the circumstances of each case. Are there any comments on the clause?

**Mr Kinahan:** I have a general comment on listing, and it relates to my colleague's comment that the difficulty is that buildings are either listed or not listed. We sometimes need a middle ground. Listing tends to keep a certain structure. However, doing so sometimes prevents buildings being put to other uses. We need to look at this with a view to seeing whether it is within the powers of councils or others to vary what is retained in a building rather than just, religiously, save that building. The approach prevents a lot of buildings being used for other things. I know that that is a difficult one. I am just not sure how to get round it.

**Mr Mullaney:** The situation pertains at the minute. Obviously, an assessment has to be made on

the merits of the development proposal vis-à-vis the listed building, and the classic case is facade retention. There are clearly cases of listed buildings being amended or altered in a way that retains the integrity of the building and enabling development to proceed. It is always going to be a case of looking at the particular circumstances of each case. The intention behind listing a building is to retain it in its entirety. However, the other issue, which brings me back to Mr Savage's point, is that the purpose is to have a use for that building. Buildings decay if they are not put to use, so we have both those considerations.

**Mr Kinahan:** I should at least declare an interest. I do not want to be fined £100,000 for knocking my room down.

**The Chairperson:** Before we move on; which clause can we strengthen in response to Mr Savage's point about the use of buildings and everything else? Can we do anything?

**Ms I Kennedy:** I think that that is more of a policy issue.

**Mr Mullaney:** It is. It falls under PPS 6. The point that I made on clause 85 was that, as in the 1991 Order, there is provision to apply for listed building consent. I also made the point that the issue is one of outcome. To follow up on what I just said to Mr Kinahan, each case has to be judged on its merit. The purpose is to retain the listed building as much as possible.

**The Chairperson:** That is the problem. In some cases, we need to use a bit of flexibility and common sense. Obviously, you have to look at policy first.

**Mr Mullaney:** That is set out in PPS 6.

**The Chairperson:** We will put a recommendation on that matter in the report.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 87 agreed to.*

*Clauses 88 to 92 agreed to.*

#### **Clause 93 (Duration of listed building consent)**

**The Chairperson:** No issues were raised by the Committee. We clarified the point that was raised by Belfast City Council. It requested

further consideration on the duration of listed building consent, which is granted for five years.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 93 agreed to.*

*Clauses 94 to 96 agreed to.*

#### **Clause 97 (Revocation or modification of listed building consent by council)**

**The Chairperson:** I remind members that, at its meeting on 1 February the Committee requested that the departmental officials report back to the Committee on the need for and provision of arbitration in relation to listed buildings and conservation. The Department's response suggests that the proposed powers are a safeguard only to be used in rare, exceptional circumstances if a council fails to fulfil its duties. The Department is required to give notice or consult with councils before carrying out those actions. On that basis, it does not consider it necessary to establish formal arbitration arrangements.

**Mr Savage:** That is the one that I have been talking about. I had better declare an interest as a member of Craigavon Borough Council. I would like some clarification on this matter, and I suppose that the Department has gone some way towards providing that. Councils cannot hold people to ransom who want to modernise listed properties. Half of those properties do not even have foundations. People want to do something to those buildings but are being restricted from doing so. I want to see something in the Bill that helps owners to go ahead and spend money on such properties in order to bring them into play.

**The Chairperson:** Does anybody wish to comment? The Department is saying that this matter is covered by PPS 6. The Committee has previously discussed how planning policy statements are out rolled, and at the minute, we are seeing inconsistencies with PPS 21. However, the division is getting better at that. Mr Savage has obviously raised an important, valid point about what is happening in his constituency. If the Department is saying that PPS 6 covers this issue, it needs to ensure that guidance is sent out, otherwise we will need look at the Bill.

**Ms Smith:** PPS 6 will cover it.



**The Chairperson:** Can you give us that assurance?

**Ms Smith:** Yes.

**The Chairperson:** Mr Savage is correct: half the buildings have no foundations. Will you keep the Committee informed on whether the Department will give guidance about PPS 6 on the matter? Do members have any other points?

**Mr W Clarke:** The Chairperson has clarified that guidance will be given. If a building is worthy of listing, then it is not a matter of whether it has a foundation. Centuries ago, a lot of buildings had no foundations. If it is a matter of keeping facades and interiors, that is fair. I do not know the particular circumstances in Craigavon, but people cannot just knock down listed buildings to encourage development. If there is a historical aspect to a building, it has to be preserved. People cannot just continually knock down our heritage until we are left with only glass and concrete. There has to be a line drawn. It is fair to consider the need for flexibility, but people just cannot take out buildings to put in new developments.

**The Chairperson:** I do not disagree, but this comes to down to common sense. Sometimes frontages and doorways are not kept, but that usually depends on what a person wants to do with the building for modern living. That is something that people need to be very sensitive about. I agree that the facade is kept in most cases.

**Mr W Clarke:** George was talking about buildings being taken down completely to open up opportunities for new developments.

**The Chairperson:** To be honest, it is down to PPS 6.

**Ms Smith:** Yes, it is.

**The Chairperson:** It is on a case-by-case basis.

**Mr Kinahan:** I was just going to say that I agree. It will get to the point where an old building is in such bad order that no one will be able to afford its upkeep.

**The Chairperson:** I do not think that there is anything wrong with your building, Mr Kinahan. We will be down for breakfast one of these days.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 97 agreed to.*

#### **Clause 98 (Procedure for section 97 orders: opposed cases)**

**The Chairperson:** I remind members that councils expressed concern about the degree of scrutiny being retained by the Department. The Department stated that this clause is part of its oversight role. We have continuously asked for a two-year review to be built into this. We will discuss that at the end. All that I am saying is that the councils keep reminding us about all of these things.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 98 agreed to.*

*Clauses 99 and 100 agreed to.*

**The Chairperson:** Gentlemen, we have scrutinised 100 clauses; only another 148 clauses and a few other matters to go.

*Clauses 101 and 102 agreed to.*

#### **Clause 103 (Conservation areas)**

**The Chairperson:** I remind members that, at its meeting on 1 February, the Committee requested that departmental officials report back to the Committee on the need for and provision of arbitration in relation to listed buildings and conservation areas. I refer members to the Department's response. I will give Mr Kinahan a minute. Do members wish to comment? No.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 103 agreed to.*

#### **Clause 104 (Control of demolition in conservation areas)**

**The Chairperson:** I remind members that the Committee did not raise any issues. However, the Department has since advised the Committee that it wishes to make two textual amendments to ensure a consistent approach throughout the Bill.

**Ms I Kennedy:** It is simply a matter of putting in "conservation area".

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 104, subject to the Department's proposed amendments, agreed to.*

*Clause 105 agreed to.*

**Clause 106 (Application of Chapter 1, etc., to land and works of councils)**

**The Chairperson:** I remind members that the Department stated that further details on this clause would follow in guidance and subordinate legislation. In addition, the Department has since advised the Committee that it wishes to make textual amendments to the clause to ensure a consistent approach throughout the Bill. We are now relying a lot on guidance and subordinate legislation.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 106, subject to the Department's proposed amendments, agreed to.*

**Clause 107 (Requirement of hazardous substances consent)**

**The Chairperson:** No issues have been raised in Committee. Do members have any comments to make about hazardous substances?

**Mr W Clarke:** Just on the £30,000 fine, again.

**The Chairperson:** Indeed. Armagh City and District Council raised the issue of the £30,000 fine.

**Mr W Clarke:** There is a huge amount of money to be made from removing hazardous waste.

**The Chairperson:** Do members have any comments?

**Ms Smith:** I am happy to raise that matter with the Minister, but it might be something that the Committee will *[Inaudible]*.

**The Chairperson:** For clarification: that comment relates to clause 116, Mr Clarke.

**Mr W Clarke:** I see that now, Mr Chairperson.

**Mr Savage:** Some big containers of hazardous waste have been brought into certain areas recently and just detached from lorries. That has happened quite a bit in the Craigavon area. Who has the power to remove them?

**Ms Smith:** That is in the Waste and Contaminated Land (Amendment) Bill.

**The Chairperson:** A protocol is being put into place, through the Waste and Contaminated Land (Amendment) Bill, to see who deals with what. It is valid to raise the point. However, that relates to clause 116.

**Mr McGlone:** How does this Bill fit in with the role of the Northern Ireland Environment Agency (NIEA) with respect to what is interpreted as a hazardous substance constituting pollution?

**Mr Savage:** It sat there for six months —

**The Chairperson:** Hold on.

**Mr McGlone:** There is also the issue of fines. Could there be two issues: a hazardous substance that is illegal and one that constitutes further pollution, which is also illegal? What is the role of the local council, as it might be intended to be, and the NIEA, as it could be intended to be?

**Ms I Kennedy:** I do not have an answer to that.

**Mr McGlone:** It was not clear to me either.

**Ms Smith:** The Planning Bill relates to planning. We cannot comment on waste, but we could come back to the Committee on that matter.

**The Chairperson:** You know the issue.

**Ms Smith:** Yes.

**The Chairperson:** The key point is about the waste issue. However, that will depend on the protocol. Mr McGlone asked about the NIEA and its responsibility as opposed to that of the local council. A waste protocol is being agreed on the amounts and types of waste. Perhaps you could come back to the Committee about that. Mr Savage also raised specific issues in his council area. Will you respond to us in writing on behalf of the Minister on the issue of hazardous materials?

**Ms Smith:** Yes, we will.

**The Chairperson:** Are there any other comments, gentlemen? Are you content with that, Mr McGlone?

**Mr McGlone:** Yes.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 107 agreed to.*

*Clauses 108 to 112 agreed to.*

**Clause 113 (Call in of certain applications for hazardous substances consent to Department)**

**The Chairperson:** I remind members that the Committee raised no issues about the clause. However, the Department has since advised that it will be making an amendment to the text of the clause to ensure a consistent approach throughout the Bill. The text of the draft amendment is in members' papers.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 113, subject to the Department's proposed amendment, agreed to.*

*Clause 114 agreed to.*

**Clause 115 (Effect of hazardous substances consent and change of control of land)**

**The Chairperson:** I remind members that the Committee did not raise any issues, but there is again an amendment to the text of the clause to ensure a consistent approach throughout the Bill. The text of that amendment is in members' papers.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 115, subject to the Department's proposed amendment, agreed to.*

**Clause 116 (Offences)**

**The Chairperson:** This clause deals with offences. I remind members that, at our meeting on 1 February, the departmental officials agreed to report back to the Committee on the possibility of criminalisation being included in this clause. The Department's response is included in members' papers, and indicates that it is already an offence. This clause creates a criminal offence if there is contravention of hazardous substances control. Mr Clarke, this relates to the fine as well. Will the departmental officials clarify the matter?

**Ms I Kennedy:** It is a criminal offence and those are the penalties for it.

**The Chairperson:** The £30,000 has been raised again; in these economic times. Mr Clarke, you had an issue about the fine in clause 116.

**Mr W Clarke:** I would like the Committee to consider an amendment. Is there a schedule of substances so that we can get an idea of what we are talking about?

**Mr Stephen Gallagher (Department of the Environment):** Substances are listed in the regulations, along with the relevant quantities. I would have to go back and look at them; it is a technical issue that I am not really qualified to talk about.

**Mr W Clarke:** It would just give me a better idea. Why is there no custodial sentence?

**Mr S Gallagher:** It matches other jurisdictions. We were asked to go back and look at that, and we can confirm that prison sentences are not handed down in other UK jurisdictions. That is where the Health and Safety Executive (HSENI) pointed us. We went back to the HSE to get its views on the imprisonment issue, and I will quote from its letter:

*"While HSENI holds no expertise in planning law I recall the introduction of the 1993 Planning Hazardous Substances Regulations."*

As operators of sites —

**The Chairperson:** Excuse me; just for reference. What you are reading from needs to be handed to Hansard staff once you are finished with it.

**Mr S Gallagher:** I will do that, yes. In essence, the HSE was pointing out:

*"As operators had sites in both jurisdictions it was seen as essential that the enforcement regime was persuasive and proportionate as well as comparable across the UK."*

It went on to say:

*"Currently, there is interaction on parity of the enforcement regimes though better regulation colleagues, with site operators taking note of any perceived differences within the UK. HSENI would hold the view that a comparable enforcement approach should be maintained within the UK."*

We received that letter, which reflects the HSE views, yesterday.

**The Chairperson:** Are we not devolved?

**Mr W Clarke:** Exactly.

**The Chairperson:** I know that we could talk about this all day. Mr Clarke, did you want to put a figure on that? The clause states a "fine not exceeding £30,000". What matters

to the Committee is how many people have been prosecuted. Let us be honest, we know how enforcement has worked before and how the process has been rolled out. There have been very few convictions in cases in which hazardous substances have been involved and most of those cases were cleared by councils. That is the general belief anyway.

**Mr Kinahan:** Where do the fines go? Do they go to Northern Ireland or to the Treasury?

**Ms Smith:** My understanding is that fines go into the Consolidated Fund.

**Mr Kinahan:** Which is where?

**Ms Smith:** It is in the Treasury; sorry.

**The Chairperson:** You do not need to apologise. The money goes back to the Treasury.

**Ms Smith:** I will find out the answer to that question for you.

**The Chairperson:** This relates to our earlier discussion of the other fine. Do members want to propose an amendment or leave the matter until we come back?

**Mr W Clarke:** I want some clarity about whether the provision will apply to a particular site where substances are buried?

**Ms Smith:** Yes.

**Mr W Clarke:** I am trying to get my head around this. Are we talking about building sites or some other sites?

**Ms I Kennedy:** More often, the sites would be industrial complexes in which chemicals are used for certain processes. Another example would be a water treatment works. The provision is not necessarily concerned with waste, this concerns the consent for hazardous substances to be on sites. There are very few applications, because the regulations exempt many of the normal day-to-day chemicals that are needed for industrial processes.

The offence could attract a fine of over £30,000 for conviction on indictment. The Committee should also be aware of that.

**The Chairperson:** The Committee sought clarification on that matter and you provided that clarity with a slightly different explanation.

**Mr Savage:** The issue of the disposal of hazardous waste is again raised in clause

116(3)(a)(i), which states that an appropriate person means:

*“any person knowingly causing the substance to be present on, over or under the land”.*

Hazardous waste is a big issue. A container load of it could be left on a farmer's land, and when the Department comes along the farmer will be the fall guy and will lose his single farm payment.

I am a member of the Southern Waste Management Partnership (SWaMP), and the Chairperson's colleague also sits on that partnership. We were faced with the issue of containers of waste being hooked off on farmers' land six months ago. Those responsible could not dispose of the waste and no one would take the decision about who owned the waste or who should dispose of it. It sat there for ages and ended up costing the various councils a fortune. It probably cost the DOE two fortunes before it was eventually removed. I would love some powers in this Bill so that such waste could be removed.

The issue is a big one and it will raise its head more often in the future. If people are doing things that they should not be doing and are under pressure, they may put the waste on a container and, under the cover of darkness, dump it outside anyone's place. I would love some clarification on that.

**The Chairperson:** That does not apply to the Planning Bill, but perhaps Maggie would clarify the position.

**Ms Smith:** That is a very important issue, and I am more than happy to come back to the Committee on it.

**The Chairperson:** Mr Savage, are you happy for us to return to that issue later?

**Mr Savage:** I am quite happy to leave it in your hands.

**Ms Smith:** OK. Thank you.

**Mr Savage:** I am only drawing it to your attention.

**The Chairperson:** Given that clarification and the clarification on the fine; the issue has been cleared up.

**Mr W Clarke:** I want more clarification, because I am totally confused.



**The Chairperson:** We will have to leave it, then.

**Mr W Clarke:** I would also like to see what the fine is in the South.

**The Chairperson:** Unfortunately, we will have to leave clause 116. How soon can you come back to us in relation to this matter?

**Ms Smith:** Can I clarify where we are in relation to the fine? Are you asking us to go back to the Minister on the size of the fine? Is that correct?

**The Chairperson:** What else?

**Mr W Clarke:** We would like to find out how often it is being used and how big an issue it is. Then we can decide whether the fine is an appropriate deterrent.

**The Chairperson:** That is fair. Whatever we do not clear up today we will clear up on Tuesday at lunchtime. It will only take half an hour.

*Clause 116 referred for further consideration.*

*Clauses 117 to 120 agreed to.*

#### **Clause 121 (Tree preservation orders: councils)**

**The Chairperson:** I remind members that, at the meeting on 1 February, the departmental officials agreed to report back to the Committee with further thoughts on the issues raised by the submissions on the clause, particularly the approach to dead or dying trees. Members also requested that the Department report back on the need for arbitration on the issue. The Department's response is in members' papers and argues that the clause provides that tree protection orders in relation to trees, groups of trees, or woodlands, include areas of trees, and it does not see a requirement for expanding on that. It does not intend to change its approach to dead, dying or dangerous trees.

That is very disappointing. Can we change our attitude towards dead or dying trees, if not our approach? OK, members, the issue is clarified, unless anyone would like to make any points in relation to it.

**Mr Kinahan:** My point may be a more general one, but I have a concern that, at the moment, many historic or important trees are not governed by tree preservation orders. People cut them down at weekends and there is nothing we can do about it. Is there any guideline coming through on trees and groups of trees? There are

not that many tree preservation orders, so trees are often cut down and then everyone says that they wish they had saved them.

**Mr Mullaney:** Obviously, we are talking about the future, when it will be for the council to impose tree preservation orders in relation to the amenity or historical value of a tree or group of trees. I would think that, broadly speaking, that is already established. Whether, as with other things, further elaboration and guidelines are needed —

**Mr Kinahan:** Could it be part of the local development plan to look at which trees need to be protected and which do not?

**The Chairperson:** I think that I touched on the protection of trees within development plans or developments at another meeting.

**Ms I Kennedy:** Development plans could indicate areas where there is a particular landscape character.

**Mr Mullaney:** Trees could be part of that.

**Mr Kinahan:** I am happy.

**The Chairperson:** We will put that in our report anyway.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 121 agreed to.*

*Clauses 122 and 123 agreed to.*

#### **Clause 124 (Replacement of trees)**

**The Chairperson:** I know that I said that this matter was not raised in Committee before, but I would like to seek views on it. We know about the issues involved in replanting trees at individual houses, never mind in urban developments. There is clearly an issue about who goes back to check whether the work has been carried out, because that does not happen. Looking at the Bill and looking forward, maybe something can be done to ensure that that is part of the role of building control or local councils.

**Mr Mullaney:** There are two separate issues. Clause 124 covers the replacement of trees that are covered by a tree preservation order. I think that the point that you are raising relates generally to conditions in which trees are required to be planted. That is a separate issue

concerning the follow-up of conditions. I think that it is something that the Committee has raised before.

**The Chairperson:** You are correct; I am sorry. When I read “replacement of trees”, it brought to mind the non-compliance with conditions.

**Mr Mullaney:** That is the point that you raised, but this is a specific point.

**The Chairperson:** Are there any clauses that I can look at in relation to that matter?

**Mr Mullaney:** There is obviously the general ability to impose conditions. It is really practice and resources that are the issue.

**The Chairperson:** We will be happy to look at that.

**Mr Kinahan:** It is a great clause, and I empathise with it. However, I want to raise an issue because of something that happened in my local area. If a diseased tree that is covered by a TPO comes down, it cannot be replaced, because the spot that it was on is diseased. There needs to be something in the Bill about that. Clause 124 represents the right thing to do, but diseased trees cannot be replaced because the ground is diseased.

**Mr Mullaney:** This is covered by clause 124(3) (a), which states: “In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed ... by planting the same number of trees—

*(a) on or near the land”.*

**Mr Kinahan:** OK.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 124 agreed to.*

#### **Clause 125 (Penalties for contravention of tree preservation orders)**

**The Chairperson:** I remind members that, on 1 February, departmental officials agreed to consider the possibility of codifying — that is a new word for us — the two offences in clause 125 in a way that retains flexibility but strengthens the law applying to trees. The Department’s response indicates that it does not believe that the clause should be amended, as the current balanced approach benefits landowners and councils.

**Mr W Clarke:** I seek a Committee amendment to the clause. The fine is outdated and not fit for purpose. For consistency in the Bill, we should look at a £100,000 fine, for the same reasons that we outlined earlier. During the boom times, trees were taken out, and the fine was built into the development costs.

**The Chairperson:** Do you wish to raise the fine for contravention of a tree preservation order?

**Mr Kinahan:** I want to play devil’s advocate. Tree preservation orders are put on groups of trees. I only know that from the experience of a developer who said that it was all right, and that he could prove that that tree and that tree and that tree were not very important. The end result was that, out of 200 trees, only 10 were important. There needs to be an appeal system or some system for challenging that. The fine is right — whatever level we put it at — but there must be a way of looking at which tree or group of trees is important. Do you see my difficulty?

**Mr Mullaney:** There are two things there. One is the penalty and the other is the remedy afterwards. In that sense, it is not just sufficient to have a penalty; there has to be some outcome that requires the planting of replacement trees, which goes back to the previous clause. There is obviously the deterrent or the penalty aspect, but what do we want to achieve? Although it is regrettable to be in such a situation, we want a replacement.

**Mr T Clarke:** Surely, if the tree preservation order has been taken out before the development takes place, the appeal should be to the tree preservation order and not to the contravention of planning.

**Mr Kinahan:** Yes, it is an appeal of the tree preservation order.

**Mr T Clarke:** That should happen before the contravention of the planning. If a tree preservation order is put on a tree, which would happen before a planning application is made, the appeal should be to the preservation order, not to the contravention of the planning that comes afterwards.

**Mr Kinahan:** I think that is right.

**Mr Mullaney:** Mr Clarke is quite right: the tree preservation order has authority in its own right, irrespective of whether there is a planning application.

**Mr T Clarke:** If there is an appeal to be made, it should be made at the outset when the preservation order is made, not subsequently when someone decides to make a planning application to try to use it as a tool to get the application passed. The appeal should be made as soon as the preservation order is put in place.

**Mr W Clarke:** I agree with Trevor. If someone is trying to revoke a tree preservation order because a tree is diseased or whatever, it can be done in that process. I am talking about a number of trees together. I am thinking about Newcastle in my constituency, where a number of trees were taken out. The fine of £30,000 was not a deterrent at all; it was just added to the development costs. We are trying to achieve a deterrent. For consistency, we should put it up to £100,000, because it is outdated. Perhaps when it was set, £30,000 was a lot of money — it is still a lot of money.

**Mr T Clarke:** But it is nothing compared to the value of a site.

**The Chairperson:** Are members content?

**Ms I Kennedy:** There is no appeal mechanism when a TPO is applied. The appeal would kick in when someone applies for consent to do works to the tree and that consent has been refused. There is then the opportunity for appeal.

**The Chairperson:** Are members happy to raise the fine?

*Members indicated assent.*

**Mr W Clarke:** Will you bring that back to the Minister?

**Ms Smith:** Yes, we will.

**The Chairperson:** Depending on what the Minister says, we will agree the clause subject to amendment. If the Minister agrees to go with it, the Committee will withdraw its amendment.

**Ms Smith:** So, the Committee's amendment will be to raise it from £30,000 to £100,000.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 125, subject to the Department's proposed amendment, agreed to.*

**Mr T Clarke:** There is a difficulty with how it is worded. It is a fine "not exceeding £30,000".

Unfortunately, when people go to court, they seem to stay away from the upper limit of the fine. While we might set a fine not exceeding £100,000, would it be in order to include "not less than" as well? A fine of £100,000 may be introduced. However, there was a case recently when a judge fined someone £1 for not wearing a seatbelt, while there was a maximum penalty.

**Mr Kinahan:** It could be "not less than £50,000".

**Mr T Clarke:** Yes, something like that.

**Mr Ross:** I do not necessarily go along with that. There has to be discretion. The point that the Committee tried to make about having a £100,000 fine in the Bill is that it looks like more of a deterrent. We are not the people responsible for it.

**The Chairperson:** I agree. It is the deterrent, and we want to raise that. It sits on the face of the Bill.

**Mr Ross:** We want to give the judges discretion. We are not giving them direction.

**Mr T Clarke:** We are not giving them direction. We are just saying "not less than".

**Mr Ross:** That is a sort of direction.

**The Chairperson:** Gentlemen, are you content with the clause, subject to amendment? Do we need clarification on that? Do I need to read it again? Are you happy enough? I know that we are bandying figures around. Please do not record this bit. That is fine. It is about time that we raised the fines.

**Ms Smith:** Whatever amendment you are saying —

**The Chairperson:** If the Minister agrees to raise the fine, that is OK, but if not, we will withdraw our amendment.

#### **Clause 126 (Preservation of trees in conservation areas)**

**The Chairperson:** The Committee did not raise any issues in relation to clause 126. We had discussions with the south Belfast residents, and only one of a number of groups. They talked about the protection of conservation areas, how that is enforced and how people comply with the conditions and everything else. There seems to be a problem with that. They raised that issue in relation to trees as well. We need to look

at that. Maybe the solution lies with building control in local councils.

**Mr Mullaney:** There is a wider issue about enforcement in conservation areas. However, clause 126 protects trees in conservation areas. That is an important provision.

**The Chairperson:** It does do that, but we have seen cases where trees have been removed, and things have been changed that should not have been changed. I know that we are talking about imposing fines, but in time, generally, there may be a role for building control officers or somebody else to ensure that conditions are complied with.

**Mr Mullaney:** It is a point that we have dealt with before. It comes down to the practice of enforcement.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 126 agreed to.*

*Clause 127 agreed to.*

#### **Clause 128 (Review of mineral planning permissions)**

**The Chairperson:** At the meeting on 1 February, the departmental officials agreed to report back to the Committee on the need for centralised expertise in this area. There was a feeling that such expertise is not required on a frequent basis and may be costly for councils. The Department recognises that there are a number of specialised areas in the planning system which councils will wish to consider how best to deliver. It suggests that one option might be a shared service delivery model. That is fairly reasonable.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 128 agreed to.*

*Clause 129 agreed to.*

**The Chairperson:** That concludes Part 4 of the Bill. I refer members to the clause-by-clause summary of Part 5, which deals with enforcement.

#### **Clause 130 (Expressions used in connection with enforcement)**

**The Chairperson:** At the meeting on 3 February, the Committee requested details of the number

of staff transferred from Planning Service to the enforcement section and a reply on how the issue of legal costs influences decisions on enforcement action. Members also requested figures on the number of enforcement cases that the Department considered it expedient to pursue.

The departmental response indicates that in 2004-05, enforcement teams were bolstered throughout the planning agency, with each divisional office and headquarters having dedicated enforcement staff. The number of staff employed in enforcement in 2009-2010 was 50. The response also notes that legal costs do not influence the Department's decisions to take enforcement action.

The key objectives for planning enforcement are: to bring unauthorised activity under control; to remedy the undesirable effects of unauthorised development; and to take legal action where necessary. The Planning Service will investigate all alleged breaches but will prioritise those which, in the Department's opinion, are likely to cause the greatest harm. Lists of indicative numbers of breaches and enforcement actions in 2009 have been provided. There are currently 3,928 open cases and 5,415 closed cases, and 406 enforcement notices have been issued. Does anyone want to raise any points?

**Mr T Clarke:** I would like more time to dissect it.

**The Chairperson:** We can defer it and get clarity from the Department.

**Mr T Clarke:** I can see possible questions in it. I would like more time to analyse it.

**The Chairperson:** We can defer it until the next meeting if you wish, as we have a couple of other clauses to come back to.

**Mr T Clarke:** OK.

**The Chairperson:** No problem. We will defer clause 130. Do we need more information?

**Mr T Clarke:** I have not had time to look at this, but it talks about the number of cases opened, the number of cases closed, and the number of enforcement notices. I appreciate that some of the cases are closed. Were they closed because it was not expedient to pursue them, or because they concluded what they set out to do? I do not see a column for that.



**Ms Smith:** In that group, there will be cases that are closed because they have been seen through to fruition, and there will be cases that are closed because they are not being pursued.

**Mr T Clarke:** That is the point that I was trying to make the last day. That does not actually tell us anything. We are all aware that there are many cases where people have breached planning or flouted the rules. I appreciate that there is a team, and we have the figures here to show how many people are involved in enforcement. However, it does not tell us how many of those cases have actually been successful. To bring the figures for files that have been closed because they have not been expedient and files that have been closed because they have been resolved into one sum does not give us a clear picture of what is happening.

**The Chairperson:** Can you clarify some of those points?

**Ms Smith:** We can get some.

*Clause 130 referred for further consideration.*

### **Clause 131 (Time limits)**

**The Chairperson:** At the meeting on 3 February, the departmental officials agreed to consider an amendment to reduce the timescale for change of use from 10 years to four years. We have not received a response to that.

**Ms Smith:** I can tell you what the decision is —

**The Chairperson:** Tell it like it is, Maggie.

**Ms Smith:** We have an amendment, but it has not reached you on paper yet. The Minister's amendment raises the four-year period to seven years and reduces the 10-year period to seven years. Therefore, in each case, it is seven years.

**Mr T Clarke:** That is called playing chess.

**The Chairperson:** I do not know about that. I will have to defer the clause. I have been having some discussions on it, and I think that I will defer it until Tuesday to allow for some discussion.

Just for clarity, I know that Mr Clarke asked about enforcement. A number of cases are sitting in the bracket of four to 10 years. We need to be serious. It could be any building. They are mostly residential, but may not be

residential, buildings. They are buildings that are sitting there for four years and cannot be touched, practically. There is also change of use. There are quite a number of applications for retrospective planning permission to retain a business use that are not within the 10-year bracket. If we went four and four, a substantial amount more would have to be looked at, unless you are going to say that there is a clean break from that period. Seven and seven is a bit extreme.

**Mr T Clarke:** Four and four would be much better.

**The Chairperson:** Maybe we will look at that again; we will certainly come back to this clause.

**Mr T Clarke:** Surely any breach is from the date, so, if a file on that were open, the breach would have been made already.

**Mr W Clarke:** This would not apply.

**Mr T Clarke:** This would not apply. The breach would have been made already. Is that right, Maggie?

**The Chairperson:** You may find that some of the enforcement cases have not been followed through.

**Mr T Clarke:** Yes, but the breach has applied.

**The Chairperson:** Once you come back with more information on Tuesday, we will find out exactly what has been going on. We will come back to this clause on Tuesday.

**Mr T Clarke:** To be fair to the Department, I am asking for figures on cases that are closed as opposed to those that are open. We would nearly need an indication of what some of the open cases are for. Are they because of change of use or because of unauthorised development?

**Mr W Clarke:** Can we get clarity about the cases that being dealt with now? Will the legislation apply to cases that are already in progress?

**Ms Smith:** Any amendment would not apply until the legislation comes into force.

**Mr W Clarke:** So it would impact on investigations that are ongoing now?

**Ms Smith:** No, it would apply once the Bill comes into force. The Bill is tied into the whole issue of the governance arrangements, the

ethical standards and the transfer to councils, so that is some way away.

**The Chairperson:** Seven and seven, Maggie. It is always good to come back with that. It is like playing a game of chess. We will talk about it on Tuesday. We will defer clauses 130 and 131 to Tuesday.

*Clause 131 referred for further consideration.*

*Clause 132 agreed to.*

**Clause 133 (Penalties for non-compliance with planning contravention notice)**

**The Chairperson:** At the meeting on 3 February, the departmental officials agreed to consider an amendment to raise the level of fine to level 5. The departmental response indicates that the Minister will bring forward an amendment to clause 133(4) to that effect. In addition, the Department has since advised that it will be making a textual amendment to the clause to ensure a consistent approach throughout the Bill:

*"At clause 133, page 85, line 21, leave out '3' and insert '5'."*

That raises the fine to level 5. What is the amount of fine at level 5?

**Ms I Kennedy:** Level 5 is £5,000.

**The Chairperson:** Please do not mention figures. We have mentioned £100,000 enough as it is.

**Mr W Clarke:** I did not start it; you did.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 133, subject to the Department's proposed amendments, agreed to.*

**Clause 134 (Temporary stop notice)**

**The Chairperson:** Departmental officials agreed to provide further information on the number of stop notices that have been issued. The departmental response is that, since 2009, 10 stop notices and seven temporary stop notices have been issued. Of the temporary notices, three were followed by a notice and one by an injunction.

The Department notes that clauses 149, 150, 184 and 186 also relate to stop notices. Professor Lloyd indicated that he could see

the need to have stop notices but hoped that they would not have to be used under the new planning system. In addition, in response to queries raised by south Belfast residents' groups about stop notices, the Department said that powers to issue temporary stop notices are carried forward into the Bill at clause 134. That enables the Department to prevent unauthorised development at an early stage without first having to issue an enforcement notice. The provisions also impose certain limitations on activities and specify that contravention of such a notice is a criminal offence punishable on summary conviction by a fine of up to £30,000 or on indictment by an unlimited fine.

That was welcomed by residents in Armagh city and south Belfast residents' groups. It is there to be used. Obviously, that will be down to local authorities, but it is about all types of enforcement, information and ensuring compliance, as you well know, Mr Mullaney. The question is how that system will roll out. There has to be a role in a local authority for a specified person to carry that out.

**Mr Mullaney:** Again, it is a matter of resources and practice. One would have thought that each council, as planning authority, would take its enforcement duties seriously and put in place a structure, whatever that structure may be, to meet its obligations under enforcement powers.

**The Chairperson:** Building control has a certain responsibility. We have noticed on a number of occasions, even in enforcement cases, that it has been a phone call to the office and a complaint. Whether or not people believe in that way of doing things, once somebody receives planning permission the condition should be complied with, as opposed to the system that operates at the minute.

**Mr Mullaney:** That is the same point. It is a question of the planning authorities — the councils — prioritising whatever they wish to undertake and looking at the resources for that.

**The Chairperson:** Again, resources are an issue that we will be talking about.

**Ms Smith:** Yes.

**The Chairperson:** Do you have the issue of resources sorted for the end, Maggie? Do you have a whole file ready to tell the members of the Committee how that will be rolled out?

**Ms Smith:** We can tell you some things when we get to that.

**The Chairperson:** Any other points on stop notices, gentlemen? I am content with that.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 134 agreed to.*

*Clauses 135 to 137 agreed to.*

**Clause 138 (Issue of enforcement notice by Department)**

**The Chairperson:** There were no major issues with this clause. The Department said that this is an oversight power.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 138 agreed to.*

*Clause 139 agreed to.*

**Clause 140 (Variation and withdrawal of enforcement notices by councils)**

**The Chairperson:** This is an oversight power of the Department. Do members have any comments?

**Mr McGlone:** Belfast City Council made a relevant point, if I pick it up right, that this should be the responsibility of a single authority. That could be to ensure consistency of application. Councils may be less diligent or more diligent. How will the overall consistency of the circumstances under which enforcement notices are withdrawn or varied be monitored?

**Ms Smith:** When the powers move to councils, they will be the authorities with the responsibility for enforcement, so they will be able to make sure that their enforcement is properly designed and exercised to address the needs of their areas.

**Mr McGlone:** Maybe I did not articulate myself properly at all there, Maggie. We will work with the 26-council model, since it was raised during the week. Under that model, you could have 26 variants of the circumstances under which you had a variation or withdrawal of an enforcement notice. I am looking at the consistency of application of the circumstances under which you vary or withdraw an enforcement notice. It is relatively simply at the minute insofar as it complies or is referred up to headquarters for

guidance or whatever, if it is that complex or complicated. How do you ensure consistency when you have multiples, just as you ensure consistency of interpretation of ordinary planning policy throughout?

**Ms Smith:** Every council will need to comply with the legislation in how they do that. Ultimately, however, the council is the authority and will take decisions for itself. There will be differences in the way that councils do things.

**Mr McGlone:** That is my concern. In most cases, enforcement notices boil down to interpretation of policy, whether a planning application adheres to policy and all that stuff. However, it is a question of ensuring consistency of application. I live in Cookstown District Council area, but move down the road a wee bit and I am into Magherafelt District Council's area. You could conceivably have different variants or emphases, with one planning application going to enforcement and one being withdrawn in more or less the same types of cases. Not every case is the same, but the mechanism that is put in place must ensure that policy is applied fairly consistently across the board.

**Ms Smith:** I will ask Irene to clarify what is in the Bill on that point, and I will then say something about the overall position.

**Ms I Kennedy:** Part 10 of the Bill may assist with that, because it deals with the Department's audit powers. The Department could conduct an audit or appoint someone to conduct an audit into how councils deliver the different functions, or, indeed, particular functions, under what will be the Act. Obviously, the aim of that type of audit and assessment work is to disseminate best practice, but it could also be used as a mechanism to review how a particular council delivers its functions.

**Mr McGlone:** I am trying to get my head around that. Would that function include an audit of the application of policy, in the same way as an auditor audits the books, how money is spent and whether the system complies with proper practice and due process? Would that audit be built in to the handover process? Would it also be a regular and consistent feature that would be carried out on an annual basis, for example? If it were, everyone would know that a particular council would be audited at some time in that year. I am also interested to hear how the good practice will roll out from those

audits. I presume that the auditors will all be fully qualified planners with an audit function. Indeed, they would have to be, because how else could it be determined how policy was interpreted?

**Ms I Kennedy:** Obviously, councils are expected to be aware of policy and the language that relates to enforcement, and they are also expected to follow that policy in the delivery of their functions. The Bill does not stipulate that a council's performance will be assessed every year. The best way to deliver the Department's audit function still has to be resolved.

**Mr McGlone:** I am trying to get a handle on how that mechanism will work post-handover.

**Ms I Kennedy:** A lot still has to be worked out about precisely how all that will work. There will be discussions with councils to make them aware of that.

**Mr McGlone:** I would like to think that the powers will be in place before those discussions with the councils happen. Perhaps I picked you up wrong, Irene, but I am talking about this all being dealt with before the powers are handed over.

**Ms Smith:** Yes, and it will be. At the moment, we are putting the framework in place. We have the legislation and PPS 9, but other work within that framework, including that on those practical matters, needs to be done before the handover. Work also needs to be done on what the relationship between the Department and the councils will be. The audit function is part of that relationship. However, it will be looked at, and the arrangements will be put in place.

**Mr McGlone:** Will it be looked at with a view to some structure and mechanism being set up, along with a way to let us know how it is working?

**Ms Smith:** Absolutely. The Department is putting in place structures that are as close as possible to those that will be in place when the councils get the powers. We are starting that process now to make sure that everything is lined up and the functions are there and ready to take over on day one.

**Mr McGlone:** Is there more to come?

**Ms Smith:** Yes.

**The Chairperson:** Thank you, Maggie. I was getting ready to wind that discussion up.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 140 agreed to.*

*Clauses 141 and 142 agreed to.*

**Clause 143 (Appeal against enforcement notice — general supplementary provisions)**

**The Chairperson:** The Department stated that this clause is part of its oversight powers and that it would have to consult the councils before using it, which is welcome.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 143 agreed to.*

**Clause 144 (Appeal against enforcement notice — supplementary provisions relating to planning permission)**

**The Chairperson:** The Committee did not raise any issues with this clause. However, the Department has since advised that it will be making a textual amendment.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 144, subject to the Department's proposed amendment, agreed to.*

**The Chairperson:** We are at the halfway stage.

**Clause 145 (Execution and cost of works required by enforcement notice)**

**The Chairperson:** The Committee did not raise any issues with this clause. However, the Department has since advised that it will be making a textual amendment to ensure a consistent approach throughout the Bill.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 145, subject to the Department's proposed amendment, agreed to.*

*Clauses 146 and 147 agreed to.*



**Clause 148 (Enforcement notice to have effect against subsequent development)**

**The Chairperson:** At the Committee's meeting on 3 February, departmental officials agreed to consider an amendment to the clause to raise the level of the fine from level 5. The Department's response indicates that the Minister takes the view that it would be proportionate to raise the fine to £7,500, and it will bring forward an amendment to that effect. I think that members would welcome that.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 148, subject to the Department's proposed amendment, agreed to.*

**Clause 149 (Service of stop notices by councils)**

**The Chairperson:** Departmental officials agreed to provide further information on the number of stop notices, which are also dealt with under clause 150, that have been issued. This matter has already been discussed under clause 134, and members were content with the information that was provided.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 149 agreed to.*

*Clauses 150 and 151 agreed to.*

**Clause 152 (Fixed penalty notice where enforcement notice not complied with)**

**The Chairperson:** The Committee did not raise any issues with this clause.

**Mr T Clarke:** Does this tie in with something that we were saying on Tuesday about fixed penalty notices not being complied with? It probably goes back to the statistics that we were asking for. Is the clause strong enough? I think that we should park the matter until Tuesday, when we will get the figures about closed cases. Notice has not necessarily been complied with just because cases have been closed for expediency. Is the clause strong enough?

**The Chairperson:** Once we see the figures, we will discuss the clause again on Tuesday.

**Mr T Clarke:** We do not actually want an enforcement section, but we need one, because people breach planning. Where we have an enforcement section, we want it to be effective, so that councils can prevent people from abusing the system.

**The Chairperson:** We will park clause 152.

*Clause 152 referred for further consideration.*

**Clause 153 (Fixed penalty notice where breach of condition notice not complied with)**

**The Chairperson:** We will need to park this clause as well. This is like taking a taxi. We are going to park clauses 152, 153 and 154.

**Mr T Clarke:** I think that we can reach a resolution easily, as long as we make sure that there are effective measures in those clauses.

**The Chairperson:** We are going to leave those clauses until Tuesday.

*Clause 153 referred for further consideration.*

*Clause 154 referred for further consideration.*

*Clause 155 agreed to.*

**Clause 156 (Issue of listed building enforcement notices by councils)**

**The Chairperson:** The Committee raised no issues on this clause. Do members have any comments to make?

**Mr McGlone:** I raised an issue when we were dealing with this matter previously, and I see that Armagh City and District Council and Belfast City Council raised the same issue. It concerns the whole question of from where the expertise and resources are going to come and the practical outworking of that. Those rest with the Department at the moment. Has there been any further information about that?

**The Chairperson:** There will be a response to that later, so we will raise the issue at that point. We will discuss the issue of resources later.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 156 agreed to.*

*Clauses 157 to 159 agreed to.*

**Clause 160 (Urgent works to preserve building)**

**The Chairperson:** An issue was raised about this clause. At our meeting on 3 February, the departmental officials agreed to provide further clarification about ownership. The Department's response is in the tabled papers and indicates that, under this clause, the planning authority may carry out and recover the costs of urgent works to either a listed building or a building in a conservation area whose preservation is important for maintaining the character or appearance of that area. The owner must be given at least seven days' notice of the work to be carried out, and it will have 28 days to appeal.

In addition, the Department has since advised that it will be making two textual amendments to ensure a consistent approach throughout the Bill. Do members have any comments to make on that?

**Mr W Clarke:** Does that also apply to scheduled buildings and monuments?

**Ms I Kennedy:** It applies to listed buildings and those that are in a conservation area for which the Department has given a direction. Scheduled monuments come under different legislation.

**Mr W Clarke:** Are they covered in the same way as listed buildings?

**Ms I Kennedy:** I am not sure whether there is the same provision for urgent works.

**Ms Smith:** We can check that. Different legislation is involved.

**The Chairperson:** Are there any other comments? Are members content with the Department's explanation? Mr Clarke, we will receive more information about your query.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 160, subject to the Department's proposed amendment, agreed to.*

**Clause 161 (Hazardous substances contravention notice)**

**The Chairperson:** The Department stated that the HSENI's role under this clause would be left to guidance. Do members have any comments to make on this clause? Can we have clarity

on the HSENI's role? It is not defined in the Bill, so are you saying that it will be defined in guidance?

**Ms I Kennedy:** Yes.

**The Chairperson:** Do members have any comments to make on clause 161?

*Question put, That the Committee is content with the clause, put and agreed to.*

*Clause 161 agreed to.*

*Clauses 162 to 166 agreed to.*

**Clause 167 (Enforcement of orders under section 72)**

**The Chairperson:** The Department stated that this clause will form part of its oversight powers. In addition, the Department advised that it will be making a textual amendment to the clause to ensure a consistent approach throughout the Bill.

**Mr T Clarke:** What does "under section 72" mean?

**The Chairperson:** Will you please clarify that?

**Ms I Kennedy:** Clause 72 deals with:

*"Orders requiring discontinuance of use or alteration or removal of buildings".*

That is the enforcement provision that will allow those orders to be enforced under what will be section 72.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 167, subject to the Department's proposed amendment, agreed to.*

**Clause 168 (Certificate of lawfulness of existing use or development)**

**The Chairperson:** The Committee did not raise any issues about clauses 168 or 169. Do any members want to ask questions about those two clauses?

**Mr T Clarke:** Does this go back to what we were saying about what happens after four years and 10 years? Is it tied into that type of stuff again?

**Ms I Kennedy:** They are linked. After four years or 10 years, a certificate might be issued to say that the development in question is lawful.

**Mr T Clarke:** That answers my question.

**The Chairperson:** It would still apply every few years, no matter what year it was issued in. The certificate still needs to be issued.

**Ms I Kennedy:** Those years would have to be taken into consideration before a certificate were issued. The time limit is one of the factors.

**The Chairperson:** You will get that sorted out. It still does not matter, because we can park it. I think it applies anyway.

**Mr T Clarke:** They come separately. That does not tie us down. Whatever we agree on the years, if we can get an agreement, regardless of what it is, that ties us to the agreement. However, it does not tie us to anything specific itself.

**Ms I Kennedy:** I am just scanning the provision at the moment. It does not mention those —

**The Chairperson:** I agree. However, we can still agree the clauses today. We are definitely going back to these clauses.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 168 agreed to.*

*Clauses 169 to 171 agreed to.*

**Clause 172 (Appeals against refusal or failure to give decision on application)**

**The Chairperson:** The Committee had no issues with this clause. However, the Department advised that it will be making a textual amendment to this clause to ensure a consistent approach throughout the Bill.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 172, subject to the Department's proposed amendment, agreed to.*

*Clause 173 agreed to.*

**Clause 174 (Enforcement of advertisement control)**

**The Chairperson:** No issues were raised about this clause. However, the Department advised

that it will be making a textual amendment to the clause to ensure a consistent approach throughout the Bill.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 174, subject to the Department's proposed amendment, agreed to.*

**Clause 175 (Rights to enter without warrant)**

**The Chairperson:** The Department stated that clauses 175 to 177 will allow the Department or councils to enter land.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 175 agreed to.*

*Clauses 176 and 177 agreed to.*

**The Chairperson:** That concludes Part 5 of the Bill. We will now turn to Part 6, which deals with compensation.

**Clause 178 (Compensation where planning permission is revoked or modified)**

**The Chairperson:** Departmental officials agreed at the meeting on 3 February to provide information on both the total number of applications that were revoked and the amount of compensation that was paid. They also agreed to consider an amendment to require the Department to pay the compensation that is due when a council is not fulfilling its responsibilities under the legislation and when the Department exercises its power to revoke a planning permission. The Minister will not bring forward an amendment to make the Department responsible for compensation if it revokes an application. Did we receive information on the number of revocations of applications?

**Ms I Kennedy:** Yes, I am sorry; that came to you late.

**The Chairperson:** Members have that information now. I think that Mr Clarke brought up the issue of compensation.

**Mr T Clarke:** Was it about the PAC?

**The Chairperson:** It was about revoking planning applications.

**Mr T Clarke:** Yes, I brought that subject up. The departmental officials were to give us an indication of the number of properties involved.

**The Chairperson:** Members have that information in their tabled papers.

**Mr T Clarke:** We had a table to consider at the previous meeting, but I cannot remember the figures. The information that I am looking at details the number of revocations over a period of years, but I cannot remember the cost.

**Ms I Kennedy:** The costs were provided in the clause-by-clause table.

**The Chairperson:** Sorry, what page is that?

**Ms I Kennedy:** The Department's response might assist.

**Mr T Clarke:** The figures show that there were 24 revocations between 2000 and 2006. I am not trying to be awkward, because it is very difficult to tell the figures for each year, but in 2005-06, you paid out £43,500. It is difficult to know whether that was for one or more cases. Given the value of the sites, it would probably be for one of those years. In 2007, £11,000 was paid out, but that would not compensate anyone for the loss of a site.

**Mr S Gallagher:** For reasons that I will come to in a moment, we have difficulty in tying compensation payments to revocation and modification cases. As I said, our records show that there were 24 revocation and modification cases between 2000 and 2006.

Compensation for revocation and modification is dealt with under the Land Development Values (Compensation) Act (Northern Ireland) 1965, also known as the 1965 Act. Prior to 2000, the 1965 Act also dealt with both compensation and refusal of planning permission in certain very closely controlled and specified cases. The last of those cases went through the system around 2006. Unfortunately, however, our records do not distinguish between the two, so there is a mixture of compensation payments for both the refusal of planning permission and for revocation and modification. We cannot tell what payment was made for which circumstance before 2006. However, we are clear that no payments were made for revocation and modification between April and November 2010 and in the financial years 2009-2010, 2008-09, 2007-08 and 2006-07.

We can say that it is normal practice to revoke or modify planning permission only with the agreement of the parties concerned, so, in those cases, no compensation liability would arise. It is very likely that those 24 revocation and modification cases did not give rise to compensation, but the records mean that we cannot be categorically certain about that.

**Mr T Clarke:** That is a bit clearer, in that someone will not lose anything if there is agreement. Can we have something in the clause that will ensure that people are protected if there is no agreement and that compensation will be paid at a particular value? The number of cases is low, and, as Stephen said, compensation has been paid only by mutual agreement between the applicant and the Planning Service. That is fair enough if that agreement can be reached. I am concerned that, in cases where mutual agreement cannot be reached, we will revoke someone's planning permission and they will be at a loss. I know that the number of cases is low, but can a protection measure be built in for people in those circumstances?

**Ms I Kennedy:** Most cases will be settled by agreement. For example, one person will go off the site for which they have approval to another site, and compensation will not be applicable. However, the legislation provides that, in other cases in which revocation is necessary, the person concerned is in a position to claim for compensation.

**The Chairperson:** Does that mean that it is built in?

**Ms I Kennedy:** It is; it is in the legislation.

**Mr T Clarke:** So is it there already? That is good.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 178 agreed to*

*Clauses 179 to 181 agreed to.*

### **Clause 182 (Compensation in respect of tree preservation orders)**

**The Chairperson:** The Committee did not raise any issue on clause 182. Do members have any comments to make?

**Mr Kinahan:** I am happy enough with it.

*Question, That the Committee is content with the clause, put and agreed to.*



*Clause 182 agreed to.*

**Clause 183 (Compensation where hazardous substances consent modified or revoked under section 115)**

**The Chairperson:** No issues were raised in relation to this. Stop notices were discussed, but I like to think that we would not get that far, Peter, in terms of compensation for issuing temporary stop notices if there is proper compliance.

**Mr Mullaney:** Quite so, Chairman.

**The Chairperson:** We discussed that at clause 134.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 183 agreed to.*

*Clauses 184 to 195 agreed to.*

**Mr McGlone:** Sorry, Chairperson. Clause 189 is about the purchasing of land. There seems to be an issue around clarification being required about the term “reasonably beneficial use”. Where has that gone, or what is the response from the Department in that regard?

**Ms I Kennedy:** Reasonably beneficial use will vary in each case. In some cases it may be pretty obvious, but, otherwise, it has to be looked at in a bit more detail. I am afraid that each case is determined by the piece of land, where it is, what the surroundings are and the circumstances. It is very difficult.

**The Chairperson:** It is based on its own merits.

**Mr McGlone:** It has been raised as an issue, so is it about interpretation?

**Ms I Kennedy:** It is.

**Mr McGlone:** OK. Thank you.

**The Chairperson:** That completes Part 7. I ask members to turn to the clause-by-clause summary paper for Part 8.

**Clause 196 (Historic Buildings Council)**

**The Chairperson:** At the meeting on 3 February, the departmental officials agreed to provide information on the current system for dealing with listed or historic buildings. The Department's response indicates that it is responsible for

the listing and delisting of buildings of special architectural or historic interest.

**Mr Kinahan:** There is quite a lot here. Can we deal with this on Tuesday, or will that cause problems?

**The Chairperson:** Just take a minute to read the departmental response about the current system for dealing with it.

**Mr T Clarke:** The issue the last day was that some people believed that the DOE would not be taking any responsibility and that it would be over to the Historic Buildings Council. This clarifies that situation: the DOE will still be responsible through the NIEA and the Historic Buildings Council. There was a concern the last day that the councils would go directly to the Historic Buildings Council. Was that not the issue?

**Ms Smith:** The Department will still be responsible for listing and delisting. However, it seeks advice from the Historic Buildings Council, which is a statutory advisory body whose members have relevant expertise in historic buildings.

**The Chairperson:** It is something that Mr Dallat raised.

**Mr T Clarke:** I thought that he was concerned that the councils had to go directly to the Historic Buildings Council and that there were not enough measures there. The fact that the Department will still be doing that is there.

**Ms Smith:** The responsibility for listing and delisting will stay with the Department, because it is a highly specialised and technical area.

**Mr T Clarke:** His concern was that taking that responsibility away from the Department would cause dilution; he was under the impression that the councils would have that responsibility instead.

**The Chairperson:** No, it will not. We sought assurances about that and have received information on it today.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 196 agreed to.*

**Clause 197 (Grants and loans for preservation or acquisition of listed buildings)**

**The Chairperson:** At the meeting on 3 February, departmental officials agreed to provide clarification on whether councils will be charged for services by NIEA and information on who would be responsible for a national register of trees. The Department's response indicates that statutory bodies will be designated through subordinate legislation as statutory consultees to the planning system. A list is being compiled with a view to public consultation. So far, there has been no discussion of fees with any of those bodies. The Department also noted in an earlier response on statutory consultees that clause 224 will place a duty on those bodies to respond within a given time frame. It also indicates that there is no statutory national register for trees and that the Department of Agriculture and Rural Development is responsible for forestry.

**Mr T Clarke:** Does that mean that, if and when the Department is likely to consider implementing fees, it will put that out for consultation before doing so?

**Ms Smith:** Yes. In fact, we have just been out to consultation on the fees.

**Mr T Clarke:** No, this is about the fees for consultative work, about which the councils had raised concerns. Your response says that there are no fees, although I do not think that you actually said that. However, the Department might consider implementing them at a later date. So, if it did, would it go to consultation first? Our agreeing to this today does not mean that we agree to the Department's bringing in fees, because we should have an opportunity to consult on that at a later date.

**Ms Smith:** There are no plans whatsoever. That issue has not been raised as regards the statutory bodies.

**The Chairperson:** Listen very carefully while I read out the Department's response:

*"Some statutory bodies will be designated through subordinate legislation as statutory consultees to the planning system, a list is being compiled with a view to public consultation. So far, there has been no discussion about fees with any of these bodies."*

**Mr T Clarke:** "So far" means that the Department has not ruled that out. If consideration is given to fees in the future, will that be subject to a

consultation process? Our agreeing to clause 197 today does not mean that we agree to the Department's implementing fees. We are agreeing to the clause as drafted, but they can consult on fees at a later date.

**Ms Smith:** Yes, the fees are a completely different matter.

**Mr T Clarke:** That point was raised because the councils were concerned about the fees. So, we are really addressing their concern. We are not agreeing to fees.

**The Chairperson:** No.

**Mr T Clarke:** That is all right.

**The Chairperson:** No problem.

**Mr Kinahan:** As regards the comment that there is no national tree register, someone — I know this because I have met him — is being paid by the Irish Government to go round Ireland logging all important trees.

**The Chairperson:** Logging them? *[Laughter.]*

**Mr Kinahan:** There is someone doing that.

**The Chairperson:** Excuse me a minute, please. Sorry about that; apologies. With that in mind, and with all that information, is the Committee content with clause 197?

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 197 agreed to.*

*Clause 198 agreed to.*

**Clause 199 (Acceptance by Department of endowments in respect of listed buildings)**

**The Chairperson:** The Department confirmed it will retain the powers in respect of listed buildings. I think that we are content with that, gentlemen.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 199 agreed to.*

*Clause 200 agreed to.*

**The Chairperson:** That concludes Part 8 of the Bill. We are in the home straight.

*Clause 201 agreed to.*

**Clause 202 (Procedure of appeals commission)**

**The Chairperson:** Departmental officials agreed at the meeting on 3 February 2011 to consider an amendment to stop the practice of new information being presented at appeals. The Department's response indicates that the Minister will bring forward such an amendment. I will defer this one until Tuesday. I need to look at it, because there may be issues. Mr Trevor Clarke brought that issue forward.

**Ms Smith:** You do not have the amendment because it is an amendment that makes quite a difference. It takes quite a lot of drafting and is being worked on.

**The Chairperson:** Will we have it for Tuesday?

**Ms Smith:** Yes.

**The Chairperson:** All things being equal, I am slightly concerned. The principle behind the idea is fine in terms of what Mr Trevor Clarke raised last time, but I need to have a look at that again.

**Ms Smith:** Would you like us to say something about the detail of the amendment, or would you prefer to leave that until later?

**Mr T Clarke:** We cannot agree it without the wording.

**The Chairperson:** No, we cannot agree without the amendment.

**Mr T Clarke:** We are better waiting until we get the wording.

**The Chairperson:** I agree. We need to look at it again.

**Mr McGlone:** This issue is about what some would call late evidence and others would call new evidence. There is the principle of natural justice: you could have new evidence that was relevant to the case but, for whatever reason, people just had not got it. Where do the principles of reasonableness or natural justice figure with regard to the admission of what might be called late evidence? I can see situations when flexibility could be needed.

**Mr T Clarke:** I suggested that the last day because when a case is taken to the PAC it is for non-determination or determination of a planning application by the Planning Service on the information provided. I am sure that many of us have been at appeals where developers come in and make an amendment to the

scheme at the last moment and present it on the day of the hearing. The planners, who have never seen that information, are then given half an hour to view it.

That is unfair to objectors and the Planning Service. Developers are very good at that because they usually put in for a large development, get it turned down, go to the PAC, and come in with a late submission, especially on the day of the hearing, which is the first time that the Planning Service has set eyes on it. The commissioner looks at the information and the PAC takes it as a material consideration. It is an abuse of the system to take the Planning Service to the Planning Appeals Commission because it has taken a decision on the basis of the information provided. That is all that the commission should take into consideration.

**Mr McGlone:** I was not even thinking of developers there. I hear completely what Trevor is saying in the case of non-determination. I can understand that. However, I hope that cases of non-determination should be fewer now.

**Mr T Clarke:** A case should only be before the PAC for non-determination or because of a planning decision by the Planning Service. Most of the ones I have seen are where developers change applications, particularly for apartments. They reduce the number of apartments and bring the revised scheme to the commission on the day of the hearing. That is the first the Planning Service sees of it, and it is unfair.

We have all asked for statistics on the decisions made by the Planning Service. Approximately 33% of its decisions are overturned at the Planning Appeals Commission. That is unfair as well, because Planning Service has not judged all those applications as they appear at the PAC. Some of those statistics are based on new information provided at the PAC hearing. If that were provided before it got to that stage, the chances are that the Planning Service would have come to the right decision in the first place. The ball is in the court of the developers to provide the information before it gets to the stage of a refusal.

**The Chairperson:** I have an issue with this. Principally, Mr Clarke is right. All the information should be brought forward. However, I suggest that, in the amendment, Planning Service be given a period of time to see it before the appeal on the day. I do not rule out bringing the new information but, if Planning Service were to

see it a day or two beforehand, that would be another matter.

**Mr T Clarke:** That is still not fair, because —

**The Chairperson:** No. I understand that, but I am entitled. We can look at many decisions over the last five years, that is, my time in council. Many a decision was unfair and mistakes were made by Planning Service. We are going to discuss this amendment on Tuesday. I am just throwing it out here. I agree that all the information should be provided.

I have another issue, as I have said before on this Committee, and that is about the issue of the PAC being independent and it just being a tick-box exercise. It is only assessing whether the Planning Service has assessed the application properly. There is no flexibility or common sense and it is strictly down to policy. In one case, a person can make a decision interpreting policy in a particular way; in another area, they might look at it in a different way. Planning is about individual applications assessed on their own merits, no matter what size it is, no matter what the development is, generally speaking. There are issues with some of the developments, problems and decisions.

We need to be careful. I will have to bring this one back and we will discuss this on Tuesday. All new information should be brought forward.

**Mr T Clarke:** Applicants have the opportunity for a discussion with planners and can speak to them about what the application is about. The first time an application goes to council it may be refused, but the applicant has an opportunity to defer that and bring new information to the table again and meet the planners, provide the new information and amend their schemes. If the applicant is not prepared to do it at that stage, he has exhausted his opportunities. They are given ample time.

While I often disagree with the Planning Service and do not know how it arrives at its decisions, there is recourse to the PAC. Applicants have opportunities on at least two occasions to meet the Planning Service face-to-face and put forward their case. Planning Service may even make suggestions as to what can be done to make the scheme more suitable for them to approve. If an applicant does not take those opportunities, he should not be given the opportunity, after refusal, to go to the Planning Appeals Commission.

**The Chairperson:** I understand where you are coming from, and we can talk about this. I can argue the point back to agents putting in applications and then they are refused. I am only talking about single applications that are dealt with over a long period of time and then go to appeal. If people were given proper information at the very start, and proper advice 3 we can talk about that all day. We will consider this clause again on Tuesday, but members have heard the debates about it. It is up for discussion on Tuesday.

*Clause 202 referred for further consideration.*

**The Chairperson:** That concludes Part 9 of the Bill.

**Mr T Clarke:** I agree with what you said about information. However, if the wording reflected an amendment to a plan, it is usually an amendment to a plan that is the biggest flouting of the rule. It is one thing if there is new evidence that makes a case different, but changing a development from 24 houses to 16 is altering a plan, Patsy. That is a complete change of the original plan. However, if they provide new information that the Planning Service has overlooked, that is slightly different.

**Mr McGlone:** Yes, that is the bit that I am on about.

**Mr T Clarke:** It is a question of the choice of words and what material is considered.

**Mr McGlone:** Words such as “reasonable” or “complying with natural justice”. I am thinking of special needs cases.

**The Chairperson:** You are correct. You know the planning system as well as I do, Mr Clarke. You are right: we will discuss that issue. Also, an issue has been raised with regard to clause 102. With your agreement, gentlemen, we will maybe look at that again on Tuesday. It is in relation to acts causing, or likely to result in, damage to listed buildings. With your agreement, we will come back to clause 102 on Tuesday.

*Members indicated assent.*

**Mr W Clarke:** That is what I am talking about; it is like arson attacks.

**The Chairperson:** OK. We will talk about that on Tuesday, Mr Clarke.

**Mr Buchanan:** There are too many Clarkes on this Committee.



**The Chairperson:** Yes, that was Mr Willie Clarke, just for the record. OK, let us turn to the clause-by-clause summary paper for Part 10.

*Clauses 203 to 205 agreed to.*

**Mr McGlone:** Presumably that level of scrutiny is tied in with the audit function and the likes. We are getting more detail on that anyway

**The Chairperson:** Yes, we are getting more detail.

**Clause 206 (Report of assessment)**

**The Chairperson:** The Department stated that “may” in this clause provides greater flexibility for the Department.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 206 agreed to.*

**The Chairperson:** That concludes Part 10 of the Bill, gentlemen. We now move to Part 11.

**Clause 207 (Application to the Crown)**

**The Chairperson:** Members requested a departmental response on Crown land in the Clean Neighbourhoods and Environment Bill. Will you give us some clarification on that response?

**Ms I Kennedy:** I think that that was between the Committee and the Clean Neighbourhoods and Environment Bill. We do not have sight of the response. It is more —

**The Chairperson:** That is fine. That is OK.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 207 agreed to.*

**Clause 208 (Interpretation of Part 11)**

**The Chairperson:** The Committee did not raise any issues with this clause. However, the Department has since advised that it will be making two textual amendments to the clause to ensure a consistent approach throughout the Bill. I am content with that.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 208, subject to the Department's proposed amendments, agreed to.*

*Clauses 209 to 214 agreed to.*

**The Chairperson:** That concludes Part 11. I ask members to turn to the clause-by-clause summary paper for Part 12.

**Clause 215 (Correction of errors in decision documents)**

**The Chairperson:** No issues have been raised by the Committee in respect of clauses 215 to 218.

**Mr McGlone:** I seek a bit of clarity. I am a bit thrown by the double negatives. Clause 215(3) states: “But the council must not correct the error unless not later than the end of the relevant period it receives a request mentioned in subsection (2)(a) or sends a statement mentioned in subsection (2)(b).”

I think that there is a double negative there. That is probably legalistic stuff.

**Ms I Kennedy:** It is just pointing out that there will be a time frame within which the council must correct the error.

**Mr McGlone:** I am sure that the English is brilliant and all that, but it is a wee bit unintelligible to me. There are double negatives in a sentence and stuff, and an “unless” thrown into the middle of it. It is probably perfectly right, but at 1.00 pm in the day —

**The Chairperson:** Is the Bill Office OK with it?

**Mr McGlone:** Can you make sense of it?

**The Bill Clerk:** I can make sense of it, but it is not necessarily my job to comment on the drafting. I can see that it is specifying that a time period will be given in the development order, and it is saying that any error must be corrected within that time period. I see the double negative, and it may be necessary to read it a couple of times.

**Mr McGlone:** The language used is cumbersome. I do not know whether it can be changed.

**Ms I Kennedy:** We can certainly talk to our legal people.

**Mr McGlone:** It is just that I read it and I am only —

**The Chairperson:** This is a clause that we were going to agree, but if we need to change it, Mr McGlone —

**Mr McGlone:** I am not saying that we need to change it. I am suggesting that it might be written more simply, in a way that is more intelligible. The language is cumbersome.

**The Chairperson:** I will defer a decision on clause 215, and we will bring it back on Tuesday.

**Mr McGlone:** Thank you.

*Clause 215 referred for further consideration.*

*Clauses 216 to 218 agreed to.*

#### **Clause 219 (Fees and charges)**

**The Chairperson:** The Department has stated that a review of fees is under way and that it will set the fees for the first three years before the situation is reviewed. I am content with that.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 219 agreed to.*

*Clause 220 agreed to.*

#### **Clause 221 (Grants to bodies providing assistance in relation to certain development proposals)**

**The Chairperson:** At our meeting on 3 February, departmental officials agreed to contact the Department of Finance and Personnel to discuss the possibility of removing its oversight role under this clause. Officials also agreed to consider the proposed amendment from Community Places.

Members have the Department's response, which indicates that the Minister will bring forward amendments to remove DFP's oversight role in issuing grants and to expand paragraph 221(1)(a) to include the words "of planning policy proposals and". Do members have any comments to make about that?

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 221, subject to the Department's proposed amendments, agreed to.*

#### **Clause 222 (Contributions by councils and statutory undertakers)**

**The Chairperson:** No issues on this clause were raised, but the Department has since advised that it will be making four textual amendments

to the clause to ensure a consistent approach throughout the Bill. Members have a copy of the draft amendments.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 222, subject to the Department's proposed amendments, agreed to.*

#### **Clause 223 (Contributions by departments towards compensation paid by councils)**

**The Chairperson:** No issues were raised on the clause. Once again, the Department has advised that it will be making a textual amendment to ensure a consistent approach throughout the Bill. Members have a copy of the draft amendment.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 223, subject to the Department's proposed amendment, agreed to.*

**The Chairperson:** That concludes Part 13 of the Bill, so we will move on to Part 14, which deals with miscellaneous and general provisions.

#### **Clause 224 (Duty to respond to consultation)**

**The Chairperson:** The timescale to respond to consultation is likely to be 21 to 28 days, and holding responses will not fulfil that duty. In addition, the Department has since advised that it will make two textual amendments to the clause to ensure a consistent approach throughout the Bill. Members have a copy of the draft amendments.

**Mr T Clarke:** What happens if people do not respond to the consultation after 28 days?

**Ms I Kennedy:** Obviously, the local authority will chase up the response. The local authority, that is, the council as the planning authority, could make a decision based on the information that it has. It would have to decide whether it could proceed and make that decision in the absence of the consultation response.

**Mr T Clarke:** What would the Department be likely to do if it did?

**Ms I Kennedy:** That will be a decision of the council, so it will be the council's responsibility.

**Mr T Clarke:** Will the Department have oversight of council decisions?

**Ms I Kennedy:** Yes.

**Mr T Clarke:** Invariably, the NIEA is slow. I suppose the councils are also slow, but that is in-house, so it is different. However, if the Environment Agency is slow to respond and the council makes a decision, what happens if the decision has been made in the absence of the Environment Agency? What then happens if the Environment Agency's response is negative?

**Ms I Kennedy:** The council will have to take responsibility for its decision.

**Mr T Clarke:** I do not like that, because if the consultee is asked to respond within 28 days and does not do so within that statutory time, the council should not be held responsible for the decision that it made as a result of the consultees not responding within the given time. The onus has to go back —

**The Chairperson:** I totally agree. However, as we talked about with the Planning Appeals Commission, people are given a bite of the cherry to appeal within the given time. The consultees in this case are given 28 days to respond, and we need to ensure that they do so within that time. If the decision is made on the twenty-ninth day, that is fine. In the South, the council has to make the decision. It is as simple as that. Somebody else is accountable, therefore. I would say that that would happen in extreme cases. It should not be happening, and we are dealing with it now. However, Mr Clarke is saying that, if it happens on the odd occasion, we should look at what is built in to the legislation.

**Mr T Clarke:** We do not want it to happen, but I am concerned that, as Irene said, councils will be held responsible for their decisions. Councils make decisions based on information that they have or have not been given. If a council has not been given information that is detrimental to an application, but it comes afterwards, the council should not be held responsible because an agency did not respond within the given time. Something has to be built in to the Bill to punish agencies.

**The Chairperson:** If it is a matter of compensation, the agency would be responsible. For example, are we saying that the NIEA would be liable to pay compensation for decisions that were made

as a result of its failure to respond within a specified time?

**Ms I Kennedy:** I am not sure that that would be the case.

**Mr T Clarke:** Why are we saying 28 days? Why not just say that people can have for ever? For example, we could give a consultee 28 days to respond, but they decide to respond after that time, say, 56 days later. The council may have issued its decision based on the fact that the consultee has not responded. In that situation, the council cannot then be held responsible, because it gave the consultees an opportunity to respond but they did not take that opportunity. If it takes consultees twice as long to come back, the council cannot be held responsible.

**Mr McGlone:** From what I know, in the rest of Ireland, planners can say that a consultee has a certain length of time to respond, and, if they do not respond within that time, the planners make a determination. That system has focused attention on a lot of statutory consultees to get their act together. I know that some of them are under work pressures, but, in some cases, they are just coddling about. How many times have any of us in this Room attended meetings where, all of a sudden, a file is hoked out from the bottom of a pile or it has been sitting on somebody's desk and was not being attended to, or somebody has been off sick and the matter has just been forgotten about? Therefore, we should build that in to sharpen the efficiency of planning and put a wee bit more focus on to agencies.

**The Chairperson:** I will suggest that the decision cannot be overturned. Let us be serious about this, Peter. The days of people being given 30, 40, 50, or 60 days and of people being off sick and not being accountable are over. I propose that, if a council makes a decision based on information that it received within a specified time frame, that decision cannot be overturned, irrespective of who comes back. Would that be a fair way to deal with it?

**Mr McGlone:** That would be the case as long as the emphasis on third-party appeals does not open up an opportunity for consultees to appeal the decision. I know that third-party appeals may not appear in the Bill, but it has been an issue as well. Technically speaking, if the third-party appeal mechanism were opened up, an agency

could use it, and we could wind up in a crazy situation.

**The Chairperson:** If a third-party appeal mechanism were introduced, it would be specific, and the people in question would be involved from the start.

**Mr T Clarke:** In fact, they would not be a third party.

**The Chairperson:** They would not be a third party. We can talk around the houses about this. Trevor Clarke made a valid point. We are saying 21 to 28 days. Therefore, if a council makes a decision without having the appropriate information, I would certainly support that decision, which, no matter what it is, should not be overturned.

**Mr Mullaney:** Although I am open to correction, my understanding is that, in the Republic, there is what is commonly referred to as deemed approval. In other words, after a certain period of time, although I am not sure what that time is, if the planning authority does not make a decision, approval is deemed to have been granted. That obviously focuses people's minds, including those of consultees and the planning authority, to reach a determination within that time, otherwise it goes by default.

**The Chairperson:** That is 100% correct.

**Ms Smith:** On the relationship between councils and consultees, regulations to come will set out, first, who the consultees are and, secondly, the time periods in which they must respond. The time period for responding would be proportionate to the decision that has to be made on the application.

**Mr T Clarke:** I do not mean this to be rude, although it will probably sound rude, but decisions would not take so long if the Planning Service were more robust in following up consultees. Councils are the biggest offenders. For example, I was involved in a case recently when, after four months, environmental health had still not gone back to the Planning Service. However, if it were given 28 days to assess an application and was then responsible if a wrong decision were made, nothing would exercise its mind more than if it were put behind the eight ball.

The problem at the minute is that applicants are left in limbo, because environmental health, the Environment Agency, Roads Service, which is actually not the worst, and the Water Service

do not respond. That means that applications are being held in the system with the Planning Service. We do not want that situation to occur when the powers go to local councils.

**Ms Smith:** Everybody, including the Planning Service, is very aware of that problem. That is why we wanted to bring those organisations into the statutory framework. At the moment, most of them are not statutory consultees. They are consulted, but not within any statutory framework. That is why the Bill provides for regulations to be made, first, to list organisations and to establish that they have responsibilities in the planning system, and, secondly, to set out the time frame within which they must reply.

The time frame relates to the hierarchy of development that we talked about. At the local, lower end of the hierarchy, the period to reply will probably be around 21 to 28 days. However, once major applications come into play, especially regionally significant applications, it is clear that much bigger issues will be at stake. The aim in that is to make sure that the timetable for the statutory consultee to come back is laid down at beginning of the relationship on any particular application. That means that everyone will be clear from the beginning how the process will work.

**Mr T Clarke:** That is fair, and there is no problem with it. However, the issue is the given time. The time will obviously be longer for a major application, and there is no problem with that. I was involved with a case recently of a farmer building a shed. The council had still not come back to him about it four months later. It had not got back to him four months into the project, and that was not even a major application.

**Ms Smith:** You are absolutely right about making sure that there is a shorter and more predictable timescale. That is what the regulations will be designed to do.

**Mr T Clarke:** Is there no penalty in the regulations?

**Ms Smith:** Not at the moment. The intention is that the statutory consultees will have to publish performance records.

**Mr T Clarke:** Irene's answer on this clause makes me nervous. If councils make the decision, and it turns out to be the wrong decision because the agency did not respond, we are saying that, by agreeing the clause as it



is worded, the responsibility is on the council. The responsibility has to be on the agency. That would mean that, if a stage is reached where compensation has to be paid on the revocation of a planning application, it should be paid by the agency that did not respond within the given time frame. It should be paid not by a council or the Department, but by the agency that did not respond within the time.

**Mr McGlone:** Trevor's point is very valid. The issue is not so much that the council is empowered to override a non-opinion, if you like, by a consultee; it is that a statutory consultee's non-opinion is deemed to be an approval. I can see them all of a sudden saying to people that they can go ahead. The Planning Service can do that at the minute anyway and make a determination if it disagrees with the consultee, be it environmental health or the NIEA. However, that then becomes a liability issue, and people accuse the Planning Service when it overrode a decision and approved planning on, for example, a flood plain. The question for us is that a non-response within a reasonable time is deemed to be an approval by that consultee. That is the issue that needs to be dealt with.

**The Chairperson:** That is a fair point, and we will have to come back to it. Maggie, you are right about major planning applications and developments. However, a system is already in place for discussions, if nothing else. People should be involved from the very start.

I am concerned about the staff budget. I know that it will be transferred to local government, but I am using examples of what has already happened [*Inaudible due to mobile phone interference.*] Staff will possibly be moved from that Department. Councils will then have responsibility for the NIEA, which I am using just as an example.

You need to talk to the Minister about bringing back an amendment. The 28-day issue needs to be nailed down. A single application for the countryside normally has to have approval within 12 weeks. If a council agrees a time frame for a response, a deemed approval should be given if an organisation does not respond within that time, or compensation will be required. Will you talk to the Minister about that?

**Ms Smith:** We will talk to the Minister and let you know about it as soon as possible.

**The Chairperson:** That is only but fair. So, we will park clause 224.

**Mr McGlone:** Maggie said that the time frame will be commensurate with the extent of development required and that the Department has already worked out a framework of deadlines.

**Ms Smith:** Yes.

**Mr McGlone:** It might be useful if we got a bit of a handle on those.

**Ms Smith:** I will ask Angus Kerr to correct me if I am wrong, but the intention of the regulations is that the time frame for a local development will be around 21 to 28 days. However, it would be a set period in the regulations. The response time frame for major developments, particularly those of regional significance, will depend on the nature of the development, because some will be much more complicated than others. An agreement would then be made that is commensurate with the scale and complexity of the development.

**The Chairperson:** We will park clause 224.

*Clause 224 referred for further consideration.*

*Clause 225 agreed to.*

#### **Clause 226 (Local inquiries)**

**The Chairperson:** The Department stated that the Bill does not give councils the power to hold local inquiries. Do members have any comments to make about clause 226?

**Mr McGlone:** There was an issue about apportioning costs.

**The Chairperson:** There was indeed.

**Mr McGlone:** For example, who would bear the cost of involving external agencies if a public inquiry is held?

**The Chairperson:** Belfast City Council responded by saying that: "the decision to hold public inquiries should be made in close consultation with local councils."

That is fine. The Department said that it would pay for any inquiry. However, the question was whether local councils would be able to hold an inquiry. Is that correct? I am content with the Department's response. Do members have any comments to make?

**Mr McGlone:** I am unclear as to what those inquiries are for and their scope. A council can take on the costs of an inquiry if it wants. However, I am thinking specifically about the remit of the Planning Bill. An inquiry into a local development plan, for example, would be extensive and expansive and would involve barristers and such people floating about the place. In previous inquiries, barristers represented the Department, depending on the level of legal representation that was made for area or development plans.

So, I am conscious that we could be into big territory with considerations of defrayment of costs and of who bears them. The regional development strategy will be coming up shortly, and that could take us into local inquiries, depending on how it impacts on capped figures and suchlike. That is even before we get to the length of local development plans. We are getting into interesting territory about who defrays those costs.

**The Chairperson:** I agree, but clause 226 states that:

*"The Department may cause a public local inquiry to be held"*

and the Department says that it will pay for it.

**Ms I Kennedy:** Yes, that applies under that clause. I think that Mr McGlone is talking about the independent examination of a development plan. That would be held under —

**The Chairperson:** We will come back to the issue of independent examination.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 226 agreed to.*

*Clauses 227 and 228 agreed to.*

#### **Clause 229 (Directions: Department of Justice)**

**The Chairperson:** The Examiner of Statutory Rules drew the Committee's attention to the proposal to give the functions under this clause to the Advocate General rather than to the Attorney General for NI. The Examiner of Statutory Rules also suggested that that was out of place. The Department stated that it would seek the Department of Justice's position on the clause. Do we have a verbal update on that?

**Ms I Kennedy:** As of this morning, we have not had a response from the Department of Justice, but we are chasing that up.

**The Chairperson:** So, we have to park this clause until Tuesday.

**Ms I Kennedy:** I may be able to check over lunch.

*Clause 229 referred for further consideration.*

*Clause 230 agreed to.*

#### **Clause 231 (Rights of entry)**

**The Chairperson:** The Committee did not raise any issues with this clause. However, the Department has advised that it will be making four textual amendments to the clause to ensure a consistent approach throughout the Bill. The draft amendments are in members' tabled papers.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 231, subject to the Department's proposed amendments, agreed to.*

*Clauses 232 to 236 agreed to.*

#### **Clause 237 (Planning register)**

**The Chairperson:** At the meeting on 3 February 2011, departmental officials agreed to report back to the Committee on the compatibility of council and departmental IT systems. The Department provided two responses on that issue. It indicates that planning systems conform to IT best practice and that they use Civil Service strategic tool sets. Those enable the exchange of information, as well as integration, with other IT systems. It also stated that the compatibility of departmental and council IT systems will be dealt with under the pilot projects with local councils.

The Department also noted that, under this clause, councils will be required to keep and make available a planning register. A development order may require the Department to populate the register of the relevant district council when an application is submitted directly to it or when it issues a notice under departmental reserve powers. Would you like to expand on that?

**Ms I Kennedy:** They are just very simple amendments.

**The Chairperson:** I was talking about the link between councils' IT systems. Concerns were raised about that.

**Ms Smith:** I beg your pardon. The systems comply to the same standards, so there is an expectation that they will be compatible most of the time. Again, however, that will have to be looked at on a case-by-case basis, because it will be about the compatibility of a council's planning office with whatever platform it needs to share information. That will be looked at as councils increasingly work together through the pilot projects.

**The Chairperson:** Let us be honest. The Committee went to Scotland and saw an IT programme that did not work too well. If the reports about e-PIC are anything to go by, we would need to ensure that we get this right.

**Ms Smith:** Yes, absolutely. In fairness to e-PIC, it is early days for it.

**The Chairperson:** Even though it has been going since 2006?

**Ms Smith:** No; I am talking about its implementation.

**The Chairperson:** Maggie, we will not go down that route.

**Mr McGlone:** It is a costly baby.

**The Chairperson:** We have been dealing with e-PIC for four years. Certainly, the plans should be possible with modern technology.

**Ms Smith:** Yes, they should be.

**The Chairperson:** Besides that, you are talking about pilot projects. We are relying a lot on pilot projects, so we need to make sure that we get it right.

**Ms Smith:** Yes, and they are a very important part of making sure that the integration between the offices happens.

**Mr McGlone:** I know that this is not your remit, Maggie, but that of the technical buffs who got e-PIC so wrong at the start. However, they all knew four years ago and before then that the RPA was coming, yet here we are scratching ourselves. Even the existing programmes are not working properly, and websites have to be re-jigged to make them accessible to the public. I find it incredible that £16 million was spent on that and the guys involved did not even think

about the RPA coming down the line or that a lot of computer systems out there might need to be looked at. It is incredible that we are still looking around for computer systems that could be available for councils.

**The Chairperson:** We have every assurance that the pilot projects will crack that.

**Mr McGlone:** The problem is that it will cost somebody somewhere a fortune to do that again. We saw that at the Public Accounts Committee, and we heard about it here from the people responsible. It is just incredibly bad management.

**The Chairperson:** I want to maintain the quorum, gentlemen, just to quickly get through the last 10 clauses.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 237 agreed to.*

*Clause 238 agreed to.*

#### **Clause 239 (Time limit for certain summary offences under this Act)**

**The Chairperson:** The Department advised that it will be making a textual amendment to the clause to ensure a consistent approach throughout the Bill. I am happy enough and content with that.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 239, subject to the Department's proposed amendment, agreed to.*

#### **Clause 240 (Registration of matters in Statutory Charges Register)**

**The Chairperson:** There will be a textual amendment to the clause.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 240, subject to the Department's proposed amendment, agreed to.*

*Clauses 241 and 242 agreed to.*

**The Chairperson:** That concludes Part 14 of the Bill. We will now move to Part 15, which deals with supplementary issues.

**Clause 243 (Interpretation)**

**The Chairperson:** The Department stated that the term “reserved matters” in relation to the clause would be defined in subordinate legislation. I am content with that.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 243 agreed to.*

*Clauses 244 to 246 agreed to.*

**Clause 247 (Commencement)**

**The Chairperson:** I propose to defer consideration of clause 247 until after lunch. We may have to look at a Committee amendment.

*Clause 247 referred for further consideration.*

*Clause 248 agreed to.*

**Mr T Clarke:** What is the purpose of the amendment to clause 247?

**The Chairperson:** We are going to talk about how the commencement of the Bill will not take place until governance arrangements and a code of conduct for councils is in place for local government reform. The Executive made a commitment about that. If you are happy to stay, we will discuss that now.

**Mr T Clarke:** Go ahead, but you can pay my speeding ticket.

**The Chairperson:** Do not record that, please. Mr Clarke will honour us with another bit of time.

**Clause 247 (Commencement)**

**The Chairperson:** At the meeting on 3 February 2011, departmental officials agreed to report back to the Committee on discussions with the Office of the Legislative Counsel about how the commencement of the Bill is linked to local government reform. There does not appear to be a response from the Department on that. Before I continue, do we have a response, Maggie?

**Ms Smith:** No. I am sorry, Chairperson. I understood that the Committee was going to —

**The Chairperson:** You are leaving that to us. OK.

**Ms Smith:** That the Committee was going to —

**The Chairperson:** No, that is fine. I was just seeking clarification. We have been dealing with a lot.

A draft Committee amendment suggests that the commencement of Part 3, which deals with planning control, could be made subject to draft affirmative procedure.

**The Bill Clerk:** That is a revised version of the amendment that was tabled but was not acceptable. Some members, in particular Mr Weir, raised issues about linking the commencement of planning to boundary changes and elections. He made the point that perhaps governance arrangements might be agreed in advance of such boundary changes or elections. It was suggested that that be left open so that planning powers could be devolved once those governance arrangements were in place.

So, because we cannot refer specifically to such governance arrangements or to any particular relevant legislation, it was discussed that the Committee might delay some of the commencement orders on some of the key provisions and make those subject to draft affirmative procedure. In other words, the Bill will have to go back to the House before those powers can be transferred. The House would be left to decide when those provisions might be commenced.

**Mr T Clarke:** OK.

**Mr McGlone:** Was there any particular reason why we are dealing with social well-being, climate change and sustainable development?

**The Chairperson:** We deferred some clauses, and we will be coming back to those this afternoon.

**Mr McGlone:** I am sorry, I am reading this paper wrong. That is OK. Sorry, excuse me.

**The Chairperson:** Are members content that the Committee amendment will deal with a requirement that councils cannot carry out planning control functions until an order has been laid before and approved by a resolution of the Assembly.

*Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.*

*Clause 247, subject to the Committee's proposed amendment, agreed to.*



*Schedules 1 to 4 agreed to.*

**Schedule 5 (The Historic Buildings Council)**

**The Chairperson:** At the meeting on 3 February 2011, the Department agreed to provide further clarification in the Bill on the role of the Historic Buildings Council. We discussed that under clause 196 and were content.

*Question, That the Committee is content with the schedule, put and agreed to.*

*Schedule 5 agreed to.*

*Schedules 6 and 7 agreed to.*

**The Chairperson:** Thank you very much, gentlemen. We will now break for lunch.

*Committee suspended.*

*On resuming —*

**Clause 1 (General functions of Department with respect to development of land)**

**The Chairperson:** At last Tuesday's meeting, the Committee was content with the proposed departmental amendment to clause 1(3) that would change the words "have regard to" to "take account of", making the clause consistent with clause 8(5). However, before agreeing the clause, the Committee agreed to ask the Department to consider including a reference to well-being and to reconsider strengthening the obligation to sustainable development. Members also requested that a draft Committee amendment covering those points be provided for discussion.

A departmental response indicates that the Minister is prepared to amend in clause 1(2)(b) the words:

*"contributing to the achievement of sustainable development"*

to "contribute to sustainable development". However, the Department says that it is not possible to refer to well-being in the Bill.

We will discuss the sustainability issue first, and I will let the Department speak a wee bit on that. I will then go to the Committee amendment. What exactly would the departmental amendment do?

**Ms Smith:** We spoke at the previous meeting about how sustainable development is a

wide-ranging responsibility to which many organisations, including all Government Departments, contribute. The idea behind the amendment is to reflect the fact that the Department contributes to sustainable development. Departments and councils have a responsibility to contribute to sustainable development, and, within that framework is the planning system. Therefore, it is about contributing to sustainable development.

**The Chairperson:** Basically, you would remove the word "achievement". The Committee wanted strongly to get this issue tied down. You are correct to say that the responsibility is cross departmental and that everybody has to play their part. However, this is primary legislation, and we need to try secure something stronger if we are to adhere to sustainability. You raised that issue, Mr Clarke.

**Mr W Clarke:** I agree with you, and I will not rehearse what was said. As you said, this is a big piece of primary legislation, and, in my opinion, every other Department will feed off it. This Bill will be the central plank, so it is important that we make it as strong as possible.

The Committee wanted the words "the securing of sustainable development" to be added to the clause, but I understand that the Bill Office had problems with that wording. The Committee amendment would remove the words "contributing to the achievement of" and would insert the word "furthering". I would be happy enough with that amendment.

**The Chairperson:** I will ask the Clerk of Bills to go through that.

**Mr Weir:** Would that then read "contribute to furthering sustainable development"?

**The Chairperson:** We have two proposed amendments —

**Mr W Clarke:** The word "contributing" would be removed, because it is weaker.

**Mr Weir:** I am just trying to clarify what Mr Clarke said.

**The Chairperson:** I propose that the Clerk of Bills take us through the first amendment, because the Committee may bring its own amendment.

**The Bill Clerk:** The draft Committee amendment would leave out line 11 in its entirety. It would

leave out the words: “contributing to the achievement of sustainable development”

and replace them with the words “furthering sustainable development”. Although the Bill Office cannot offer a cast iron guarantee on statutory interpretation, that seems not to preclude the notion of co-operating or to suggest in any way that the Department was entirely or solely responsible for sustainable development. However, it appears to me to be somewhat stronger than “contributing to”.

**Mr W Clarke:** I propose that amendment.

**The Bill Clerk:** Do you want me to address social well-being?

**The Chairperson:** How would the Committee amendments read in the Bill?

**The Bill Clerk:** The clause would read:

*“The Department must —*

*(a) ensure that any such policy is in general conformity with the regional development strategy and*

*(b) exercise its functions under subsection (1) with the objective of furthering sustainable development and (2) promoting or improving social well-being.”*

**The Chairperson:** There are two amendments there.

**Mr Weir:** Those are two separate issues: sustainable development and well-being.

**The Chairperson:** So, the first amendment would add the words “the objective of furthering sustainable development” and remove the words “contributing to the achievement of”. Did every member hear that?

**Ms Smith:** We would need to go back and ask the Minister whether he would adopt the words “furthering sustainable development”.

**Mr W Clarke:** We could table our amendment, and the Minister could then come back to us.

**The Chairperson:** Yes, OK.

**Ms Smith:** Yes, that is fine.

**The Chairperson:** The second part of the amendment aims to promote or improve social well-being. How does the Committee feel about that?

**Mr Weir:** I do not have a major problem with the broad concept behind that. However, is

the issue not that the term “well-being” is not defined anywhere? The amendment may be meaningless if that term is not defined. That is my only concern.

**The Bill Clerk:** The Committee would be at liberty to request that I go off and bring back an appropriate definition. However, I understand that the definition of social well-being was aired and is to be addressed as part of other related legislation. Therefore, the Committee may wish to leave that for the moment. If the amendment were made, it would then be open for the Department or Minister to come back with a definition that was consistent with what is in either progress or planning for the other related bits of legislation. It would be sufficient to make clear the Committee’s intention or desire.

**The Chairperson:** Would you like to take those thoughts away with you and see what the Minister will not say?

**Ms Smith:** Yes.

**The Chairperson:** Obviously, he indicated what he thinks about the well-being issue.

**Ms Smith:** The well-being issue comes back to what we talked about when we discussed governance arrangements and ethical standards. Well-being does not exist in statute at the moment, but it is in the consultation document that is leading up to the next local government Bill. That is our issue with well-being.

We can certainly ask the Minister about furthering sustainable development. We can also ask him again about well-being, but our position on that is as I stated.

**The Bill Clerk:** The other wee point to note about well-being is that if it goes into clause 1, it will impact on the way that the Department exercises its general duty under clause 1(1), which is that:

*“The Department must formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development.”*

The Committee would, in effect, be asking the Department to take on some responsibility to consider social well-being as part of the development of its policies and general duty under clause 1(1). I understand that any time that social well-being has been discussed in the past, it has generally been in connection with

the next level of government down. Any such discussions have been about local government considering social well-being by identifying local populations and quality-of-life issues in their areas. That means that the concept would be used in a very different context in the Bill.

**Mr Weir:** I would not die in a ditch about this, but would it not make sense if social well-being came under the duties of a council rather than the Department, especially if it is more about looking at a community holistically? Leaving aside the comments that we made about definition, it may be better to make some reference to well-being. It may be more appropriate for it to be dealt with at the local government rather than the departmental level.

**Ms Smith:** The power of well-being will go to the councils. It will not really lie at departmental level. The power of well-being is also about the purpose of the planning system and what it is there to do. The planning system, as clause 1 states, is about:

*“the orderly and consistent development of land”.*

So, it is about the land, rather than social well-being. Social well-being is about the state of the people, which is a different matter.

**Mr W Clarke:** It is my opinion that we are moving away from a land-based to a spatial planning system, and fundamental to spatial planning is citizens' well-being. So, I think that well-being very much fits in with that. It also fits in with other elements of the Bill, such as those on councils and so forth. However, it has to be at the start of the Bill and listed with the general functions, so that the Department's role would be to consider the well-being of the community and its citizens.

**Mr Weir:** I think that the responsibility for well-being is more appropriate for councils, because they have to be more focused on citizens in how they interpret planning matters. However, if the term “well-being” were clearly defined, it would have to lie with the Department and with councils. The complication is that, if the same responsibility were given to two groups, there is a danger that neither, rather than both, would consider well-being.

I would feel more comfortable if there were a reference to social well-being in the development side of councils' duties. It would also fit in with councils' responsibilities to consult with the community and community involvement. Well-

being fits more naturally there, rather than on a high, esoteric level with the Department.

**The Chairperson:** How do we nail down well-being in statute, if it is not in the Bill? Where do we put it?

**Ms Smith:** If we are talking about the slightly different term of social well-being, that would take us back to community planning and councils' responsibilities for plans. The community plan goes much wider than the development plan and is concerned with all sorts of areas of life in a council area. The development plan is the spatial aspect of the community plan. We are now talking about what councils would do through their community plans and other policies that Government Departments bring forward. In our context, however, we are talking about the community plan.

**The Chairperson:** That is fine, Maggie, but how do we put that in statute? Where do we go with legislation?

**Ms Smith:** Community planning is out for consultation in the local government reform consultation. That will come in along with governance, ethical standards and the power of well-being. All that goes together.

**The Chairperson:** I agree. That would be fine, if we were talking about local government reform. If well-being is not going into the Planning Bill but into community planning, members may or may not be happy to go down that route. However, we need assurance from the Department that that will happen.

**Mr W Clarke:** That is not good enough. We should table the amendment, and, if it is competent, it can go forward and be debated in the Chamber.

**Mr Weir:** The Committee will agree the amendment or Mr Clarke will table it. I can see the general concept, but this is not the right place to put the amendment. Therefore, I would oppose it in a Committee vote.

**Mr W Clarke:** We should vote on it.

**Mr Weir:** The Planning Bill may not even be the right legislation for it, to be perfectly honest.

**The Chairperson:** Do you have any other views, gentlemen? I am just looking at the possibility of different clauses for it. Is there an opportunity to put social well-being in PPS 1?

**Ms Smith:** We can certainly think about it in that context. The Bill is really about the planning system. If we start to talk about social well-being, we go way into all sorts of other responsibilities that the Bill is not designed to meet.

**The Chairperson:** Could you consider putting it into PPS 1?

**Ms Smith:** Yes, we could.

**Mr Angus Kerr (Department of the Environment):** PPS 1 would be an appropriate place for it.

**The Chairperson:** Could it be included under guiding principles? I am trying to be reasonable about what exactly we are looking at in primary legislation and at what fits in the Bill.

**Mr W Clarke:** That is fair enough, Chairperson. If you do not want to take that route, do not take it.

**The Chairperson:** No, I am opening up the issue for discussion. I am only saying.

**Mr W Clarke:** We will be talking in circles all day. I am proposing the amendment, so we either put it to a vote or we do not.

**The Chairperson:** I asked whether any other members had a comment to make. We have a Committee amendment, and I can put it to a vote.

**Mr Weir:** I know that we are trying to get all the outstanding issues resolved, but we can have a final bite at this on Tuesday.

**The Chairperson:** I was just going to say that we will have to park this clause again.

**Mr Weir:** Perhaps the Department can come back with something in writing about the suggested PPS 1 route. That might inform any decision that we make on the matter on Tuesday.

**The Chairperson:** We will come back to that, and you and I will debate it, Willie.

**Mr W Clarke:** We will go back to the same scenario.

*Clause 1 referred for further consideration.*

**The Chairperson:** Moving on to —

**Mr W Clarke:** What about the issue in clause 1 on sustainable development?

**The Chairperson:** Yes, I am sorry; we will come back to that again on Tuesday.

**Mr W Clarke:** We do not need to come back to it.

**Mr Weir:** I do not think that there is a major issue from a Committee point of view with the words “furthering sustainable development”.

**The Chairperson:** The problem is that we cannot agree the clause in part.

**Mr W Clarke:** We could agree that element of it.

**Mr Weir:** Presumably we could agree at least that part.

**The Chairperson:** Excuse me, gentlemen, I will tell you what we will do. We will come back to the clause on Tuesday.

**Mr McGlone:** Will we do the whole clause then?

**The Chairperson:** Yes. There is no point trying to agree the clause in part and then adding another part to it. We will agree or disagree the clause, whatever the case may be.

### **Clause 3 (Survey of district)**

**The Chairperson:** Members deferred this clause until they had an opportunity to consider a Committee amendment that would require climate change to be in the survey of a district. A draft Committee amendment is in members' tabled papers. I will get the Clerk of Bills to go through the amendment. You are overwhelmed, Maggie, and cannot wait to put that in the Bill. Would you like to comment?

**Ms Smith:** I have to apologise for what I said earlier when we were talking about well-being. I was getting mixed up between the two clauses. What we are saying about well-being for the survey is that well-being does not exist in statute. It is also off the subject of the Bill.

**The Chairperson:** Are there any issues about climate change?

**Ms Smith:** We explained before the previous meeting that there are international UN standards for the collection of climate change data and that that is done at a UK level.

**The Chairperson:** I will ask the Clerk of Bills to take us through the Committee amendment to clause 3.

**The Bill Clerk:** Clause 3 is broken into subsections. Clause 3(2) concerns matters by which a council would derive factual information about the district. Clause 3(3) refers to:



*“any changes which the council thinks may occur”.*

I suggest that councils consider any potential impact of climate change as one of those changes that might occur. So, there would be a new subsection (a) after 3(3) that would read:

*“The matters also include the potential impact of climate change”.*

**The Chairperson:** Are there any comments on that?

**Mr W Clarke:** I propose the amendment.

**Mr Weir:** The councils are not going to be recording the information. How can they assess the potential impact and take account of it if it is recorded on a national basis?

**Mr W Clarke:** You are getting into constitutional stuff when you talk about a “national basis”.

**Mr Weir:** Leaving aside broader constitutional issues, whatever way you look at it, the recording of the data is done on a national basis.

**The Bill Clerk:** That is why the amendment is drafted to say that councils have to take into account the potential impact; it is not asking them to collect data, assess it or adapt it.

**Mr Weir:** If you are looking at a local plan but the information is collected at a national level, councils will be trying to apply national information locally. I am not questioning the competence of the amendment; I am questioning its appropriateness.

**Mr McGlone:** Sure you are not going to have local information on climate change.

**Mr Weir:** That is exactly my point. How can you assess the potential impact of something at a local level if you do not have any local information?

**Mr McGlone:** You have to do it in the global sense with the information that you have got. That is the nature of climate change.

**Mr W Clarke:** As Mr McGlone said, the councils will be taking account of worldwide best practice on climate change and configuring it into their plans for flood defence and planning zones for the lifetime of a local plan. Obviously, councils will have to take in factors such as that. For example, if they got information that sea levels were going to rise by a metre in a year, they would have to take it on board.

**Mr Weir:** If sea level rises by a metre in the space of a year, the Four Horsemen of the Apocalypse will be going past. *[Laughter.]*

**Mr W Clarke:** You are saying that the councils would ignore that information. We are saying that it should be put in so that councils are aware of it.

*Question, That the Committee is content with the clause, subject to the Committee’s proposed amendment, put and agreed to.*

*Clause 3, subject to the Committee’s proposed amendment, agreed to.*

### **Clause 5 (Sustainable development)**

**The Chairperson:** Last Tuesday, we deferred this clause, pending the decision on the reference to sustainable development in clause 1. Will the Department confirm that its amendment to clause 1 will also apply to clause 5?

**Ms Smith:** Yes.

**The Chairperson:** To confirm, the amendment is on “furthering sustainable development”.

*Question, That the Committee is content with the clause, subject to the Committee’s proposed amendment, put and agreed to.*

*Clause 5, subject to the Committee’s proposed amendment, agreed to.*

### **Clause 10 (Independent examination)**

**The Chairperson:** At Tuesday’s meeting, we sought clarification on who would pay in the event of an independent examiner being appointed. At that meeting, the Department confirmed that it would amend the Bill so that it:

*“cannot appoint an independent examiner unless, under clause 10(4)(b), it considers it expedient to do so having first considered the Council’s timetable for preparing the plan.”*

*Question, That the Committee is content with the clause, subject to the Department’s proposed amendment, put and agreed to.*

*Clause 10, subject to the Department’s proposed amendment, agreed to.*

### **Clause 33 (Simplified planning zones)**

**The Chairperson:** The Committee agreed to defer a decision on clauses 33 to 38, pending

a note of the meeting with Professor Lloyd being made available and further information being provided from the Assembly Research and Library Service. The Committee also asked the Department to consider an amendment that removes those clauses.

Professor Lloyd suggested that risks associated with simplified planning zones include confining them to a set period, reducing the number of planning policy statements, introducing a threshold and requiring a sound business case. The Department's response indicates that the Minister will not consider such an amendment. A research paper has also been provided.

**Ms Smith:** You asked us to consider an amendment to basically remove simplified planning zones. The Minister thinks that simplified planning zones are a useful tool that councils may want to use, so he is leaving the provision in the Bill.

**The Chairperson:** Gentlemen, any issues? Mr McGlone, you brought up the issue of simplified planning zones at the last meeting.

**Mr McGlone:** I see from the papers that there are a number of grounds on which it can be introduced, including a planning policy statement. However, I am not at all convinced that it is a useful tool. Other than the Department's wish for it to be in there, any evidence that we have heard has been to the contrary. I do not know whether the Committee can propose an amendment to remove the provision. I seriously do not see any merit in it being there other than to say that it is there.

**The Chairperson:** I raised the issue of whether or not we need simplified planning zones at the last meeting. Can the departmental officials clarify things for us? We are talking about a plan-led system. Will you give us an example of where this would be of benefit?

**Mr Kerr:** It will be an option open to councils, over and above the local development plan, to pick out a particular area, usually an industrial area or an area that has been earmarked for economic development, do some work in the preparation of the scheme and bring about a situation where the uses that that it sees as being appropriate and important can come forward without the need to put in planning applications. The idea is that it can foster rapid economic development and take away the need for developers to put in applications. Therefore,

you get faster development and do not get bogged down in bureaucracy.

**Mr McGlone:** I am listening very carefully, Angus, to try to get my head around this concept. I have not got my head around it yet, but maybe I am just slow on the uptake. You give the example of an area that is zoned for industrial development within the boundary of a village or a town, wherever it might be. There would be a presumption in favour of development there anyway. Are you saying that somebody could be deemed to have planning approval without submitting a planning application? How can that work?

**Mr Kerr:** When you prepare a simplified planning zone, it does not necessarily have to be on industrially zoned land, it could be that the council has decided that it is important that an area be developed quickly.

**Mr McGlone:** I was just taking your example.

**Mr Kerr:** There is quite a lot of work involved in building the scheme itself, because you are assessing what is acceptable on that land.  
[*Interruption.*]

**The Chairperson:** I remind all members to switch off their mobile phones.

**Mr Weir:** It is not necessarily the members for once.

**Mr McGlone:** For once it is not me. [*Laughter.*]

**Mr Weir:** For once, we have an alibi.

**The Chairperson:** It is OK. Hansard will come back the next day, and we will do the recording all over again.

**Mr McGlone:** Rewind there, Chairperson. What did you say?

Maybe I will rewind a bit. We will stick with the example of an industrial proposal. There is a presumption in favour of development anyway; at the minute a developer has to put in a planning application. Earlier, we were trying to resolve whether someone could receive planning approval in circumstances where the consultees had not replied within a certain period of time. Their consultation would be deemed to be positive.

In a simplified planning zone, there is no consultation with environmental health officers, no consultation with Rivers Agency, no consultation with Roads Service and no consultation with

NIEA. If it is deemed to not require planning permission because it is that simple to get it, I would be interested to hear about the other examples to see how complicated they could quickly become, rather than being simplified.

**Mr Kerr:** The idea of a simplified planning zone is that the planning authority does all of that work up front. That could be in an area where a council wants to see certain types of development coming forward quickly. It might be high-tech communications development or something like that. The planning authority will consult all of the relevant bodies, almost as if it is an application, and clear the way for the uses that are specified in the simplified planning zone scheme. In other words, there would already be full consultation for particular uses to make sure that they are acceptable and to identify any conditions, so a developer could look at a scheme and know that he or she does not need to submit a planning application for a certain use under a certain condition.

**Mr McGlone:** Forgive me if I go with this. I do not want to make something that is termed “simplified” any more complicated than it is. You could have a simplified planning zone with all of the boxes ticked by the statutory consultees, but six months later, depending on the nature of development that is around it and on the nature of the proposal that is being suggested, the nature of the consultation itself could be completely different. For example, there is a big difference between an architect’s office and an engineering works. The consultations on the potential for noise nuisance, or, say, a sawmill or whatever it might be, would be entirely different in those two. One might get through and the other might not.

Maybe I am wrong, but from sitting through discussions on many planning applications and stuff, I have learnt that no two are precisely the same, although you can have certain precedents that read across. I do not see how anything could be that simple and not be further complicated by a change in the type of application or in the circumstances in and around a site. You have been there and know that much better than I do.

**Mr Kerr:** What I am telling you is based on looking at other schemes that have come forward in the other jurisdictions. We have not —

**Mr McGlone:** That is part of the problem. The information and the evidence that we are getting

from the experts in the field is that this does not work and creates more problems than it has attempted to resolve. When somebody like Greg Lloyd says to me, based on his experience and academic expertise, that this is problematic and refers to it as a Pandora’s box, it leads me to think that they are peculiar. Simplified planning zones are not as simple as their title would lead you to believe. They are probably fraught with a lot of difficulty.

**Mr W Clarke:** I am trying to get my head around this. If I am hearing you right, it allows a council the opportunity to send in business where other areas have — no, I will correct that. My understanding is that if a council decides that it wants to zone an area for activity tourism, for example, there will be strict criteria set and the consultation has already been carried out and you will get the go-ahead with regard to that. However, there will be strict criteria from the council that a developer has to meet.

The same will apply to the zoning of an area for renewable energy businesses; all of the boxes in the criteria set by the council will have to be ticked. Similarly, if a council zoned the land beside a hospital and wanted health businesses to be located there to create a one-stop shop, it could do that. That makes sense and will provide good opportunities for a council. Is that correct? Am I reading that right? They can do that?

**Ms Smith:** Yes. It is important that the zone is specific to particular types of development. The work is done by the council — all of the consultations, all of the assessments and examinations — in order to set the zone up. Once the line is drawn, it is only in the context of those assessments and those consultations. Only applications that fit the very precise criteria set by the council will be allowed. That is why the individual applications do not need planning permission.

The whole process that you would normally go through with a planning application will have been done beforehand by the council. It is almost like an area for which the council has processed the application. That is the arrangement that allows those types of development.

**Mr W Clarke:** That is worthwhile and is a very useful tool for councils. It will create jobs for a start and will bring in investment. If somebody has a particular idea, they can slot neatly into a council’s zoned area.

**Mr Buchanan:** It makes good economic sense to have something like this tied into the Planning Bill.

**Mr Weir:** Mr Clarke has teased it out quite well. One of the things that we are sometimes told, particularly when various Ministers go off in terms of investment bits, is that particular companies say that if they were in the United States they could set up their operations in six weeks. The scale of land is very different there, but here, even if the proposal is a no-brainer and everybody is in favour of it, with the amount of hurdles that have to be overcome, boxes that have to be ticked and the time delays, you can be waiting 18 months to get the thing.

Creating a zoned area for high-tech business or environmental business — whatever it happens to be — getting block planning permission at an early stage and then allowing flexibility is something that makes sense. The only issue is that there have clearly been teething problems in other jurisdictions. The key thing is ensuring from an implementation point of view that it is done correctly. I agree with Mr Clarke that this is an opportunity to embrace something that can be of benefit, in terms of jobs or whatever, and has got proper criteria.

**Mr B Wilson:** The old enterprise zones did not have much success. My concern is that each council, instead of creating new jobs, could end up displacing jobs from other council areas. Is there any experience of that sort of thing?

**Ms Smith:** The zones will be tools that councils can use; this is not an exhortation to councils. Not only will all the planning work have to be done before the zones are set up, but the councils will also need to look very carefully at the economic implications, because the whole thing has to be based on a very sound business case. It is something that has to be looked at broadly, and you are absolutely right that the impact on jobs, both positive and negative, needs to be taken into account in the business case.

**The Chairperson:** You have hit it on the head. We need to make sure that a sound business case is one of the criteria. At the last meeting, I mentioned producing a planning policy statement in relation to this. I suppose that that would defeat the purpose, or would it set out proper guidelines?

**Mr Kerr:** Guidance would be essential.

**The Chairperson:** There is talk about thresholds, and there was a good discussion the other day about having a set period or a time frame to keep a hold on the piece and what you are trying to achieve. You would not go down the line of a planning policy statement, but you will look at guidelines, is that right?

**Mr Kerr:** Yes.

**The Chairperson:** How would that stand up to challenge? Planning is all about interpretation.

**Mr Kerr:** Obviously, anything that a planning authority does is open to challenge. In that sense, a simplified planning zone will be no different from a local development plan or any planning decision. The councils will be working very hard with their planners and officers to carry out whatever task they are doing correctly and in line with both the guidance and legislation, but you can never rule out the possibility of challenge.

**The Chairperson:** I am in and out with respect to this. I can see both advantages and disadvantages. I want to park it until Tuesday. Can you bring some examples of how you would nail the guidance down and ensure that it is properly adhered to and that the zones are beneficial to the local authorities? I want to know that there will be proper control and certain criteria, such as a sound business case. Will you bring something to the table in respect of that? We will look at it again on Tuesday.

**Mr W Clarke:** You mentioned disadvantages, but I do not see any disadvantages. Clause 34 talks about a council being able to alter a zone at any time. A lot of that is covered. I am happy enough to wait until Tuesday, though.

**The Chairperson:** I am only looking for examples. It is not about individuals; it is about the system itself.

**Mr W Clarke:** There will be a great deal of community involvement. A council is not going to decide overnight to do something.

**The Chairperson:** I agree, but I have to stop you there. We are going through a plan-led process for councils, and communities are involved from the start. Let us be open and honest. The system is front-loaded. I could very well argue that we should get the plan right from the start and be done with it. Land should be zoned in a certain way with the community's involvement and aspirations and be based on need. A plan



should be based on need when it comes to housing and allowing for business and economic development.

I could argue that there is no call for this. I can see merit in it, but the enterprise zones have not worked in other areas. If we are going to introduce something like that, we have to make sure that it is beneficial for local communities. That is all that I am saying. So, there are criteria that we need to look at.

*Clause 33 referred for further consideration.*

*Clauses 34 to 38 referred for further consideration.*

**Clause 41 (Notice, etc., of applications for planning permission)**

**The Chairperson:** The Committee deferred its decision on this clause and on clause 42, pending a response from the Department on neighbourhood notification and site notices. The response indicates that the Minister has agreed to bring forward —

**Ms Smith:** Yes, he has agreed to make regulations for neighbourhood notifications and site signs.

**The Chairperson:** I am absolutely delighted. To clarify, are we saying that in some instances it will be the developer and in others it will be the local authority, or will it always be down to the developer?

**Ms Smith:** We need to look carefully at the best way to do it, but the agreement is there.

**The Chairperson:** Obviously we will need to consult on those regulations.

**Ms Smith:** Yes. The regulations will be subject to the normal process. There will be research done and proposals produced, the proposals will go out for consultation, and the report will come to the Committee. The full process will be gone through.

**The Chairperson:** Mr Willie Clarke noticed the issues of neighbourhood notification and site notices, and the Committee was in favour of it.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 41 agreed to.*

*Clause 42 agreed to.*

*Clause 44 referred for further consideration.*

**The Chairperson:** There are other issues that we need to consider, which are relevant but are not covered in the Bill. The first one is the small matter of resources, capacity building and training. I remind members that this was the single biggest area of concern that was brought to the Committee's attention. No respondents felt that the process should be considered to be cost neutral by the Department.

**Ms Smith:** We will start with capacity. We are very conscious of the whole issue of capacity building. We are aware of capacity building in terms of the people who work in the Department, council employees and councillors.

It is something that councils, councillors and the professional organisations have been raising with us. That is one of the very important reasons behind the Minister's announcement that there will be pilot projects.

The specification for the pilot projects is being drawn up. Central to that is how the Department and the councils will work together in each area, and central again to that is the issue of capacity building, what can be learned on both sides and what needs to be learned so that a smooth transition can take place. That is capacity building in a general sense.

We are also talking to NILGA, the Environmental and Planning Law Association for Northern Ireland (EPLAN), the Royal Town Planning Institute (RTPI) and the Royal Institution of Chartered Surveyors (RICS) about more specific training, because particular issues are involved with councils taking on the responsibilities. That means that specific, formal training will be brought forward in conjunction with those organisations.

**The Chairperson:** Do members have any questions to ask on capacity before we move on to resources?

**Mr W Clarke:** Would it not be useful to specify a date, for example, just after the next local elections, for training programme on planning for councillors and council staff to begin?

**Ms Smith:** Do you mean the election in May?

**Mr W Clarke:** Yes.

**Ms Smith:** Our aim is that the first of the pilot projects will be starting around April or May, so effectively the training will be starting from that point. The first step is to get a couple of pilots

in place, after which the programme will be rolled out. We are talking with the organisations that I mentioned about the specific content of the formal training, which will then be put in place.

**Mr W Clarke:** I am saying that a tailor-made training programme should be set up almost immediately after the elections for councillors to attend. I am not talking about a NILGA conference that will last one day; I am talking about a properly resourced training programme that lasts a couple of years. I am not talking about sitting and waiting for a couple of pilot schemes to be rolled out, while everybody else is in the dark about what is happening. We need to start the training now. From reading all this material, I know that I will need plenty of training. I should have declared an interest as a councillor.

**The Chairperson:** We should bear in mind that we do not know who will be on the councils come May.

**Mr W Clarke:** That is why I said that it should happen straight after the council elections.

**The Chairperson:** Maggie, you mentioned all the other groups that you have been talking to, and you said that there is a role for them to play. There is no doubt about that.

**Ms Smith:** There is; absolutely.

**Mr Buchanan:** Following on from what Councillor Clarke said, I want to add my concerns about rolling out a pilot scheme. Pilot schemes are all very well in their own place, but if one is rolled out, a few councils and a few councillors will get involved, but many will get left behind. The pilot scheme could run for 12 months. If people are not happy with the scheme, they will turn to something else. How long will that go on? If that happens, people will be sitting on councils with these powers coming to them, yet they will have no training and will know absolutely nothing about them.

**Ms Smith:** Perhaps I can clarify the term "pilot". Every council will eventually be involved in the pilots that we are talking about. What was said about the pilots is absolutely right. However, we will start with a couple of councils. It will be the councils' responsibility to make sure that they have their arrangements in place so that the powers can be transferred very smoothly. Therefore, a couple of councils will be involved in the pilots to start with.

That will happen at the beginning of the financial year. By March 2012, every council will be involved, and they will be working with the planners in their own areas to start to put in place the arrangements for transition. By the time that we have the transition of powers, councillors will really understand their roles, and the planning staff and other council staff will be working together and will also fully understand their roles.

We want to be able to give people the opportunity to rehearse the new system. Effectively, therefore, they will be playing the roles that they will be playing after transition, even though the councils will not yet have the powers. Although council staff will not be able to make the planning decisions, they will be able to go through the process for themselves and will come to understand, not just through formal training but through practice, what is required when the powers transfer. That means that when the powers transfer, we will have a very confident and competent cadre of councillors ready to take them up.

**Mr Buchanan:** You hope.

**Mr W Clarke:** Councillors will still need tailor-made training over a number of years on community plans, well-being, climate change and development plans. *[Laughter.]*

**The Chairperson:** I do not think that they will need training on that last one.

**Mr W Clarke:** They will also need professional training on spatial planning that will last over a number of years, not just over 18 months.

**The Chairperson:** I totally agree. I am saying that there is a role for the advisory groups, which Maggie mentioned, and we need to look at that.

Our two-year review is the key to all this, and that includes the pilots. All you have to do is say yes, Maggie. I believe that, even with the best intentions in the world, there will be serious problems, given all the training and the capacity building that is needed. Having said that, depending on who will be on the councils, there is a lot of experience in councils.

**Mr Weir:** That is a good argument for keeping double-jobbing.

**The Chairperson:** Yes. We will talk about the two-year review before you leave today.

**Ms Smith:** I can deal with it now.

**The Chairperson:** If you say yes, we are going to do a two-year review.

**Ms Smith:** You asked us whether the Minister was willing to mention a review in the legislation. Our reply to you, which is on its way, will say that it is not necessary to put it in the Bill, because the legislation can be reviewed at any time.

**The Chairperson:** So, it is not going in the Bill, but it will be done.

**Ms Smith:** I am not in a position to say whether it will.

**The Chairperson:** OK, but you will have that answer for me on Tuesday.

Mr Savage has been waiting patiently to ask a question.

**Mr Savage:** I have been listening very carefully to the conversation that has been going on for the past half an hour. Obviously, the whole system will be more streamlined.

**Ms Smith:** Yes.

**Mr Savage:** Will the planners hold on to their identity, or will they become council employees?

**Ms Smith:** When the planning powers transfer to councils, the planners will become council employees. That means that, on the day of the transfer, responsibility for each area office will move from the Department to the relevant council, and the staff will become council employees.

**Mr Savage:** That is fine.

**Mr Weir:** I appreciate that I came in midway through this session. That point may be clarified on Tuesday, but it strikes me that there may be things that we can recommend in our report. Issues connected to training are vital. They may not be legislative, but they are things that we can include in our report.

**Mr McGlone:** This may be discussed later, but George touched on an important matter, which is about getting clarity on the distinction between the development control staff and those charged with policy development or whatever else. We have not had any clarity on what the charge for that will be; however, that clarity may be coming. In other words, who will have responsibility for those who may be

involved in other aspects of planning, such as policy development? I mean those such as your legal people and the likes. How will that merge, not merge, co-exist or whatever with the new authorities? That again takes us down the route of resources, charges and costs for planning applications and fees. I raised that issue here previously. Some clarity may be coming on that, but it is clearly something that councils, let alone ratepayers, would need to know about.

**Ms Smith:** The powers that will go to councils include the development management and the development plan functions. Staff who are working on those functions in local areas will transfer to councils, and their resources will go with them. The fee will also transfer. Fees, which at the moment come to the Department, will go to the council in the same way. In preparation for the transfer of functions, we are looking carefully at the fees and the structures. As you know, we have been out to consultation on proposals for a new fee structure. We are finalising our report on that to the Committee, and it should be with members in the next few days.

We aim to ensure that the fees cover the costs, because, at the moment, they do not. Therefore, we have planning applications that take a huge amount of work to process and for which we charge only a very small proportion of the cost in fees. That part of the service has been running very much at a loss. We propose to make the fees much more realistic and fairer by raising the maximum fees. At present, for a developer who puts in a planning application for housing, for example, the maximum fee payable will be less than £12,000, no matter how many houses are to be built. That is the equivalent to the fee for 49 houses. Therefore, the builder of a development of more than 49 houses basically gets each additional house for free. That work is simply not being paid for.

The proposal is to extend that maximum up to £250,000, within which there would be a realistic sliding scale. Therefore, the system that we will pass over will be much better resourced from fees, and that will reflect the work that is involved in planning applications.

**Mr McGlone:** For £250,000, most of us could probably get an awful lot of work done for an awful lot of people. I do not know how many planning applications would get through quickly

in the private sector. However, that discussion is for another day.

**Ms Smith:** I will just clarify that point. I suspect that we will never see a housing application for which the fee is £250,000, because that would take us up to a couple of thousand houses. Therefore, that process illustrates that we are building flexibility into the system for the Department in the short-term and, in the longer-term, the council, to charge the fee for the job.

**Mr McGlone:** I appreciate that, and I sort of sidetracked us into that issue. However, I am conscious that, maybe unintentionally, I am hearing that, the higher the fee, the more responsibility there will be for a council. Yet, to my mind, that does not follow sequentially, because some responsibilities are currently paid for as part of the planning process, but the planning fees would not provide enough work at council level for one of the individuals involved.

Other aspects of the planning process that dip in and out of our policy development are needed once in a blue moon, whether they are legal services or whatever. A council may need them sporadically here or there, maybe once every six months or so, depending on what issue arises. I am trying to get it clear in my mind that, regardless of the fees' issue, there will be clear demarcation of the responsibilities that need to be transferred. That demarcation will be between those functions that can be devolved and those that it will be totally impracticable to devolve, such as each council having a legal officer associated with planning issues. That would be the equivalent to the Departmental Solicitor's Office (DSO). I am trying to get my head round the collective responsibilities that sit with the Planning Service and with the Department so that I can establish how many functions will transfer and what others cannot be transferred or do not need to be transferred because they are so big. Those would be of a regional, as opposed to a council, nature.

**Ms Smith:** Most of the Bill is about what will transfer to councils. We are talking about the development plan system and the determination of the majority of planning applications in a council area. The applications that will stay with the Department are those that are of regional significance and that are, therefore, very big. However, the council will also advise on development management and development plans.

**Mr McGlone:** The council?

**Ms Smith:** I am sorry; I meant the Department. Planning policy will stay with the Department, because that is a function of it and the Minister. When it comes in, responsibility for marine planning will stay with the Department, which will also provide advice on landscape and design.

The Planning Service does not have its own lawyers; it buys in its legal expertise. We routinely use lawyers in DSO who are experts in planning matters. If we need one, a barrister is hired through DSO for a particular case on the basis of their expertise and experience.

**Mr McGlone:** Does the Planning Service or the Department pay the DSO?

**Ms Smith:** No, I do not think that we do.

**Mr McGlone:** Responses to my Assembly questions state that there is some sort of a fee-type structure, or the cost is factored in. If it is factored in there, it would be factored in elsewhere. There are some loose ends, if you like, and I would like to get them tied up to make sure that the ratepayer does not end up paying.

**The Chairperson:** I have a wee simple question for you. The answer may not be simple, but it is a simple question. Fees will cover those planning applications. Development plans are paid for out of the central government block. Will that funding be transferred to councils?

**Ms Smith:** I will have to refer you to the discussion that you had with my permanent secretary about that. I understand that he made it clear that our aim is to ensure that the resources transfer with the functions.

**The Chairperson:** That is all we need to hear.

Mr McGlone made a good point about legal services. I know that councils have their own legal services, but proper legal expertise would be needed for the planning system. I am not sure whether the legal expertise in councils would be able to manage planning

**Mr McGlone:** They could not handle it.

**The Chairperson:** Are we saying that resources will go towards that as well?

**Ms Smith:** Our aim is to make sure that the councils get the resources that they need to carry out the function.



**The Chairperson:** I understand that 100%. However, I need clarity on this point. If the Planning Service seeks legal advice for any reason, you said that that expertise was not in-house.

**Ms Smith:** That is right.

**The Chairperson:** Do you pay for it, or is a facility available in the Department? Is departmental legal advice given if it is required? What happens?

**Ms Smith:** I have to express ignorance here, because there are different arrangements with DSO for different parts of the Department. I will check whether we pay hard cash for DSO advice, because I genuinely do not know.

**The Chairperson:** No problem. I was trying to tease that out, because those questions have been asked. I know that all councils have legal advice.

**Mr McGlone:** That is an important issue, because an Assembly question about legal costs would uncover what I found, which is that, although not exclusive to the Department of the Environment, an amount is factored in to be paid to the DSO for bookkeeping or whatever. That figure is a cost that is associated with the Department or whatever agency is involved. Secondly, and getting to the nub of the issue, the permanent secretary appeared before the Committee a few weeks ago, and he said that he was not able to give an assurance that the transition would be cost neutral. That sent shockwaves through the representatives from the body corporate, local government — you name it — who were at that meeting.

The clarification was given that there could be no guarantee that the transition would be cost neutral. On top of the fee structure that will be introduced, all that makes the argument that the fees should be bumped up unreasonably. I am a bit fearful that what might have been cost neutral four years ago is not cost neutral now. There will be the same number of staff to pay and so forth. The only consequence will be that fees will be bumped up unreasonably.

**The Chairperson:** I know, and we can certainly look at that, Patsy. However, I have to be honest; the fees structure over the past five, six or 10 years has been absolutely ridiculous. Fees should have risen with inflation every year, as opposed to being left. We are now faced with going from one extreme to the other. Maggie

mentioned that someone could have submitted a planning application for 500 houses for less than £12,000, despite the work that is involved in processing such a plan. Is that not why there are problems in your bringing forward that workforce financial model for me? I know that it is difficult and that we have to be reasonable. There are two elements to consider. I am glad that you confirmed that resources will follow functions and that fees will go to local government.

**Ms Smith:** I gave you the same line that the permanent secretary gave.

**The Chairperson:** That is 100%. That is fine, and I take that on board. It is OK; it is recorded in the report.

**Ms Smith:** I am giving you the same line that the permanent secretary gave you. So, our aim is —

**The Chairperson:** Are you asking me to get the permanent secretary back in just to clarify that? It is OK. Let us be serious about this; the fees will cover the ordinary applications, the area plans and everything else, and the resources need to go down to councils. If, in years to come, it is a case of looking at the issue of generating rates, which you mentioned, that will be a different matter to be considered in time.

**Ms Smith:** Can I clarify a couple of points, the first of which is Mr McGlone's about the temptation to bump up fees "unreasonably"? There is very strict guidance on what fees can and cannot cover. All that a fee can charge for is what is called full cost recovery. Unless it is for something that is part of processing the planning application, it cannot be paid for out of fees. The fee has to relate to the amount of work that is involved.

**Mr McGlone:** Again, for the record, the permanent secretary specifically said that he could not guarantee that the transition would be cost neutral. Full cost recovery now, with, as you know, what is probably an excess number of staff, and full cost recovery four years ago, when there was an adequate complement of staff, could be presented in two different ways. I do not need to be an accountant to talk about that. A big concern of local government is that, without proper management of the transition of staff, one of the major issues facing it will be a need to look at the number of staff. There will be a transition of a planning body, and the first thing that a council will say is that it has far

too many people. So, that is another issue to consider. Therefore, I realise that the costs, the issues, full cost recovery and all those sorts of things can be well presented in a way that looks hunky-dory, although the underlying associated issues may be far from that.

**The Chairperson:** I understand, but, to be fair, we will be making a case about the fees structure, the receipts being down and the number of staff that are there at the minute. The only issue that I have with that is that when things were good and the fees were coming in, not all of them went into the Planning Service for employment and everything else. Some of those moneys went back to the block. That is the problem, but once we guarantee that the fees will go to local councils, the responsibilities will lie with them. Obviously, councils have an underlying fear that they will have to look at the planning structures as they roll out and at the number of people who are involved.

Maggie, you dealt with the issues with resources, capacity building and training. Did you say that that you will have it rolling out from next Monday? No, I know that it will start in May. We all understand that this is a major and serious transformation.

You have dealt with those issues, so we will move on to the award of costs. The Minister indicated he will bring forward an amendment through a new clause allowing costs to be awarded where a party has been put to unnecessary expense and where PAC has established that the other party has acted unreasonably. I think that we are content with that.

Marine spatial planning has not been mentioned.

**Ms Smith:** Marine spatial planning is not in the Bill. It will be dealt with in separate legislation. The Executive agreed the policy memorandum before Christmas, so the next stage is for a Bill to be drafted. It was always intended to introduce legislation on that in the next Assembly mandate, rather than in this one. We can look forward to that in the next session.

**The Chairperson:** If we are looking at the development of land, community planning and everything else, marine spatial planning certainly needs to be included. What legislation is coming?

**Ms Smith:** A marine Bill is due to come forward in the next Assembly session. Having said

that, I should also say that that is the bit of the legislation that we will make. A lot of work has already been done. A UK-wide Bill that was enacted in 2009 was the first step in the process of introducing marine planning. Part of what we will be doing in marine planning is in that Act, because it deals with reserved and excepted matters. Following on from the Marine and Coastal Access Act 2009, which is the UK legislation, there is also a UK-wide marine policy statement. That is doing the rounds at the moment, and we expect that that will be laid in this parliamentary session and in the Assembly. The third step will be the Northern Ireland marine Bill. As I said, the Executive have agreed the policy for that, which is intended for introduction early in the next session. That Bill will give Northern Ireland its first marine plan, which should be available in 2014.

**Mr McGlone:** Can we not do it next week?

**The Chairperson:** There is no point in saying that we are transferring powers and giving local government the authority to develop plans without the knowledge base for marine planning issues. Are you saying that the marine plan will not be available until 2014?

**Ms Smith:** The plan will be ready in 2014.

**The Chairperson:** What is in place? By the time that we have looked at the process, 2014 will not be that far off. Is there something in marine planning that local government can refer to? Some of the councils in coastal areas could develop their plans, for example, for wind power, in the context of economic regeneration. Although we are talking about land use, that element should be considered.

**Ms Smith:** You are absolutely right. There will be one marine plan for the whole of Northern Ireland. The responsibility for marine planning will stay with the Department, and we are preparing now for the development of the marine plan. Although the legislation has not been introduced and DOE is not yet the planning authority for the inshore area, we are starting the work to look forward to the marine plan. It will be interesting to see the overlap between the marine plan for the high tide area and the terrestrial plans, which go out to the low tide area. Therefore, there will be no gap, and arrangements will be put in place for the management of that overlap.

**The Chairperson:** The North has slipped up with some of the renewable energy projects that could have been in place up to now. However, that is a separate matter.

**Mr Savage:** I want to follow up on what you were saying. The powers that are going to the new councils will mean that councillors will be taking on greater responsibilities that will take up quite a bit more of their time. Do you feel that they are prepared for that? Anyone who is involved in councils now knows that it is a full-time job. Will councillors be remunerated for taking on that extra responsibility?

**Ms Smith:** I am sorry, Chairperson; I am not in a position to comment on that.

**Mr Savage:** They will be taking on a big responsibility.

**Ms Smith:** I cannot answer that.

**The Chairperson:** I know. Be careful what you wish for.

**Mr Weir:** Councils will have added responsibility, but at the end of the day, although the council will be the judge and jury in making final decisions, I presume that, each time, planning officers will still provide a schedule with a suggested route. It is not as though councillors will be poking around each house to see what is there.

On one level, while there is added responsibility, there is also a slight shift as well because, under the ethical standards side of it, councillors will not be able to hear representations from developers, applicants or objectors. So, that side of it will be taken out a little bit. They will be barred from taking decisions if they are involved with any of them. So, there is a wee bit of swings and roundabouts —

**Mr McGlone:** That would be some culture change.

**Mr Weir:** Absolutely; it would be some culture change.

**The Chairperson:** You will be sitting at home watching the football when the decisions are being made.

**Mr Savage:** I will have to leave very soon. All the planners in Craigavon do not get credit for the work that they do. I really mean that. A lot of the planners in Marlborough House do not know where their future is, and they have been redeployed in various places. That is why

I asked the first question. Will they be under the control of councils or still under the control of the DOE? I do not want those people to be bumped about from pillar to post, because they have played a big part in Northern Ireland. I want them treated with respect.

**The Chairperson:** That is a fair parting shot, Mr Savage. There are very good staff in Newry and Mourne and Armagh council areas. Marlborough House is very good.

**Ms Smith:** I will reflect that back.

**The Chairperson:** You can reflect that back. We have dealt with that issue. We will try to move the marine planning Bill forward from 2014 to 2012 or 2013.

**Ms Smith:** The aim is that it should be introduced early in the next Assembly mandate, but that is, clearly, a matter for the Assembly.

**The Chairperson:** That is OK. Is there any word on completion notices? Has that been mentioned?

**Ms I Kennedy:** Completion notices are in the Bill. We spoke about the other tool, notices of completion, at a previous session. We had consulted, through the policy consultation, about introducing them. They are notices where developers, at different stages in the process, provide a notice to the council to say that they have commenced the development or, perhaps, have got to a certain phase. They then provide a notice that the development is complete. The policy decision of the Minister and the Executive was to not take those forward at this time. So, notices of initiation and completion of development are not in the Bill.

**The Chairperson:** That was not too hard, Irene, was it? We should look at something in relation to completion notices. Are there any other comments on that? It is an issue that was raised here, gentlemen.

**Ms I Kennedy:** It adds quite a lot of bureaucracy to the process if developers have to inform the council when they are initiating development and at the various stages. We have to be mindful of functions transferring to councils, the functions that the councils already have in the building control process and the various stages at which developers will be notifying the council. One of the options was to look at this in the future when those functions are together in the councils.

**The Chairperson:** There does not seem to be any appetite within the Committee for it. Could it be part of the role of building control officers?

**Ms I Kennedy:** That is one of the options. Certainly, with the family of building control and planning functions together, there may be ways of looking at it. We were mindful of that.

**The Chairperson:** Would the Committee like to make a recommendation in the report? It is not just that role but other roles for building control.

*Members indicated assent.*

**The Chairperson:** Are there any comments on the community infrastructure levy?

**Ms Smith:** As we explained, clause 75 includes the provision to transfer money, as part of a planning agreement, from a developer to a council or to a Northern Ireland Department.

**The Chairperson:** No problem. I know that we have talked enough about it. What are members' views?

**Mr McGlone:** I raised the issue, and we have talked a lot about it, but I am still not clear in my mind. You can make provision for it in the Bill, but I am not clear about the distinction between the community levy and the developer contribution. As we have just heard, they are both apparently coming from the developer. I know that the whole concept or idea of developer contributions has been talked about at the Executive backwards and forwards. In the times that are in it, I do not want people to be hit with a double whammy. I have already made the point that I would rather one be done well than two done poorly.

**The Chairperson:** We talked to Professor Greg Lloyd about this, and other people have raised the issue. There is a clear distinction between the developer contribution and the community levy. That is not in the Bill. What is in the Bill is an opportunity, under clause 75 —

**Ms Smith:** What is in the Bill is transfer within a planning agreement. Planning agreements go much wider than financial transfers; they can also be things that are built or developed as part of the application. The community infrastructure levy does not exist in Northern Ireland at the moment. Effectively, it is a levy or a form of taxation.

**Mr McGlone:** I do not have any difficulty with a community infrastructure levy if it ticks the boxes and achieves everything that it is supposed to do. However, I have a difficulty with double levies.

**The Chairperson:** But there is no double levy.

**Mr McGlone:** Sorry, I know that that is not in the Bill.

**The Chairperson:** Even at that, there would not be. In my knowledge and experience, the developer contribution has been for putting in a road or a connection to a main road. There have not been too many. The community levy would be for the benefit of the community. However, the Bill does not state a community levy one way or the other. You can be assured of one thing, community levy or not: the community will pay for it. If it is in a private development and people want to get some community benefit out of it, it will be put on the price of the houses. People will be paying one way or another, whether it is a store or something else. It will be paid in one way from the community and it will be taken back out again. At the end of the day, just like the ratepayer, the community will pay for it. We should not be under any illusion. It is not as though a developer will have to give some money to the levy or be levied on a development; he will probably just put £500 or £1,000 on to the price of each house. Let us not say that it is down to the developer having to hand back more money or being levied twice, because that is generally what happens. Even with developer contributions, the business plan is geared to that in the first place.

**Mr McGlone:** I know that it is beyond the scope of the Planning Bill and all that sort of stuff, but we have given a fair bit of time to it. Is there any update from the Executive on where the developer contribution is?

**Ms Smith:** PPS 22.

**Mr McGlone:** Leading on from that, are there any PPSs coming up that have either the intention or the potential to introduce a community infrastructure levy?

**Ms Smith:** Yes, for developer contributions. PPS 22 is geared towards helping to provide funding for social housing. The community infrastructure levy is way beyond the planning system and the PPS. It would be a whole new levy, which would require legislation. It is a big issue that would



need to be dealt with in the appropriate way. It would not be a DOE issue; it would be more a Department of Finance and Personnel (DFP) issue. It is not about planning, although it uses the planning system. It is really about taxation and paying for infrastructure, so it is a finance issue.

**The Chairperson:** Taxation of the people, Maggie. Do not ever forget that.

**Mr W Clarke:** I agree that developers will not be doing this out of their kindness; it will be the people who buy the homes. The way I see the community levy, or call it what you may, rolling out, if it is included in the Bill, is what we touched on in relation to the very first clause: well-being. On a development of a certain size, a levy is placed to provide community infrastructure, be it a community hall or a crèche. At the beginning of our discussions on the Bill, I was trying to tease that out. The spatial planning aspect, which is at the heart of the Bill and driving it, is going to improve the well-being of citizens. That is where I see this dovetailing in. Something needs to there so that, in a development of a certain scale, so much will be paid towards community infrastructure. It is not about roads. If a developer were to build 200 or 300 houses, they would, through developer contributions, put in the road infrastructure for that. The community levy is different. It is primarily for the well-being of the community. It would be useful if a clause or an amendment were included for that.

**Ms Smith:** The things that Mr Clarke is talking about — roads, something which is going to develop the community that is being built — can be negotiated through the existing planning agreement arrangements, which are covered in clause 75. That will be very useful to the councils, because, through their development plan system and that whole process, they will have a clear idea of what the needs of a particular area might be. Through planning agreements, they will have the flexibility to achieve the sorts of things that are being talked about.

**Mr W Clarke:** Do you not see that needing to be strengthened? I am saying that, with a development of a certain scale, that levy needs to be made. There is an agreement, but maybe an amendment is needed to say that a levy has to be made, and a schedule could set out a sliding scale of development. A development of 200 homes or 150 homes should not take place

without any community infrastructure. I include the Housing Executive and housing associations in that, not just private developments. Without community infrastructure, a large housing area with new families living in it is a recipe for disaster at times.

**Ms Smith:** Just to clarify the term “agreement”, the agreement is something that is negotiated, and it is legally binding. It is negotiated before planning permission is given, so it is a strong agreement between the developer and the planners.

**Mr W Clarke:** Maybe some guidance on that would suffice.

**Ms Smith:** There should already be guidance. We will send that over.

**Mr W Clarke:** On the particular stuff that we are talking about?

**Ms Smith:** Yes, on planning agreements.

**Mr W Clarke:** I have not seen it.

**Ms Smith:** They are what we call article 40s, at the moment.

**Mr McGlone:** With regard to the sort of developments that take place and the community well-being aspects of them, I suppose that we are talking about existing policies on green areas and how they can be expanded and adapted to take into account the well-being concept in an area. However, based on the policy, we have the agreement, and that agreement, as you rightly said, is a legally binding document.

Unfortunately, a lot of those have fallen down recently when developers have gone belly up. The only recourse for Planning Service, Roads Service, NI Water or whoever it might be is the use of the bonds. The big, number one question is: is the bond that is held to ensure that that is done big enough to ensure that the work is carried out and to be used for carrying out the work, be that the installation of property and sewers, the adoption of roads or street lighting or whatever? Secondly, there is an awfully elongated process before we get possession of the money that is held as a bond, so that we get the work done and get it rolled out, if, for example, the contractor on the site has gone belly up, which is, unfortunately, increasingly seen in society. We see it in our constituencies more and more often.

I am probably saying that, if you look at the agreement, there is probably a need for a bigger financial bond to be required, but, secondly, the process of reinstating or leaving those estates at a proper spec should be much quicker and more efficient. Now, that may well be to do with legal process and stuff that I do not know. However, I find it interminably slow to get to the point where people who bought their houses in good faith are able to drive in and out of their homes over a proper footpath, with proper street lighting and sewerage systems.

**The Chairperson:** I totally agree. We have all dealt with cases. I am dealing with one at the minute. There is a wee letter on its way at this very moment. However, it is a valid point. The aim is to ensure that the developer does the job. The problem is that, in the case of the levies, it is a different matter. Can we insert a provision in the Bill, bar that in clause 75, to introduce a community infrastructure levy at some point again?

**Ms Smith:** That is beyond the scope of the Bill, because it is not really about planning. It is really about taxation and infrastructure.

**The Chairperson:** Is it in any other legislation?

**Mr W Clarke:** Chairperson, it is about well-being.

**The Chairperson:** I know that. Class ingenuity to bring that back round again by accident. Look at other legislation. You say to me that it is not in other legislation. We looked at other legislation here and there to see what best practice was. Is it in any other legislation? If I were to look at the Scottish legislation, would there be a facility in it? I am only saying.

**Ms Smith:** It is in England.

**The Chairperson:** There you go. So, it is in England. OK. Although, that may not be a good thing to say. All that I am saying is that you have heard the Committee's views, and what if the facility was there to use? I can see it coming up again on Tuesday. It is something that we can talk about outside.

**Mr McGlone:** What of the ability to enforce the agreements more efficiently, whatever about the community infrastructure levy? Even if we cannot introduce that, what is being done at the moment is not being done effectively.

**The Chairperson:** It is down to enforcement again.

**Mr McGlone:** It is slightly more than that.

**The Chairperson:** I know where you are coming from. Whether it is a private developer whom you might meet down the street on a Friday night, or a housing association or anything else, there needs to be something there to ensure that, at each step in the development process, that should move on. It is not happening.

**Mr McGlone:** It is not being done efficiently at the moment. I do not know how that happens or in what way, but people have been left for years in limbo. That is not good enough. You could argue that their solicitor should have advised them not to buy until it was done, but then you are in different territory. It is about getting done what has not been done much more efficiently, and that is the issue that I have at the moment, irrespective of whether we move to DFP with the infrastructure levy or not.

**Ms Smith:** It is an enforcement matter.

**The Chairperson:** It is an enforcement issue. We can put a recommendation in the report.

**Mr McGlone:** It may well be more than an enforcement matter.

**The Chairperson:** It certainly is, Mr McGlone. When a developer is given planning approval, it is up to the developer to undertake that development. Unless you put a time frame, as we were saying about a completion notice, that person, whoever it is, has to complete the development up to standard. The bond ensures that the work is done properly.

**Mr McGlone:** That is correct, but the bond does not cover that at the moment in some cases.

**The Chairperson:** Maybe not, but the only other way to do it is by enforcement. I am saying that there may be a role for a building control officer, not just to issue stop notices but to ensure that the completions are carried out, perhaps at each phase. I do not know —

**Mr McGlone:** Maybe I am not making myself clear enough. I am speaking from a point of ignorance. I do not know what the control of the bonds is, nor do I know whether it is fixed as a percentage of the projected cost of the scheme. I do not know whether it is a realistic figure based on what it would cost to properly reinstate the roads, the pathways, the sewers or whatever. I do not know whether that is fixed somewhere so that someone can say that, for

example, where a project costs £2 million, 10% must be taken as a bond. I do not know whether we can establish that.

**The Chairperson:** To my knowledge, the bond is paid at the start, but at the time of completion, for example, the road or footpath in question must be surfaced properly. That is generally what the bond is. If you do not complete that, the bond will not be surrendered. That is the basic principle. That may or may not be dealt with in this Bill, but we may look at a future role for someone in a local council to ensure that. We are not going down the road of completion notices, so we need to look at things in another way.

**Mr Mullaney:** The road bond that you are referring to is included in related legislation: the Private Streets (Northern Ireland) Order 1980. It is a determination by Roads Service.

**The Chairperson:** Who is on the Committee for Regional Development? Do not even mention it. Do members wish to make any other points in relation to that matter?

**Mr W Clarke:** Are we coming back to the community infrastructure levy?

**The Chairperson:** Yes, we will come back to that on Tuesday.

**Mr W Clarke:** Maybe we can look at some sort of amendment.

**The Chairperson:** We are starting at 6.00 am on Tuesday and hopefully we should be out by noon. I am only joking, Peter.

**Mr Weir:** You can be here at 6.00 am if you want, but I will not be here. *[Laughter.]*

**The Chairperson:** We will move on to land use strategy.

**Mr Kerr:** Clause 1 allows DOE to create a land use strategy. Obviously, the regional development strategy is already in place, which was prepared by the Department for Regional Development, and that will continue. However, under clause 1, DOE will still be able to prepare PPSs, but also a land use strategy for the region.

**The Chairperson:** It all ties back in to the simplified planning zones and how this is rolled out in general. We are supposed to conform to the regional development strategy, and you are trying to balance that up with giving local councils an opportunity to develop economically as well.

How do we ensure that that is consistent in decision-making and giving the local councils opportunities?

**Mr Kerr:** Whatever particular direction a council wants to go in with their local development plan, it has to do it within the parameters of the regional development strategy. When it comes to the independent examination, that, along with all the other aspects of the plan, is taken into account and considered to make sure that that alignment that you are talking about in a sense between the local level and the regional level is achieved.

**The Chairperson:** What about the call-in application process? One example that was in the news a couple of years ago was the golf course in Scotland. Was it Donald Trump?

**Mr W Clarke:** Do you want one?

**The Chairperson:** No, I am only using the example of that whole process.

**Mr Kerr:** As we have discussed before, there is the opportunity for the Department to call in regionally significant applications, which that example, presumably, would have been in Scotland. If there were a similar proposal here, there is the possibility for that to happen within those thresholds.

**The Chairperson:** It is about the basis on which something is called in. The Department could call something in, but it has to strike a balance between the proper use of land — that is not a good term to use — but giving local councils opportunities to develop while protecting the land as well in the regional development strategy, the area plans and the planning policy statements. On what basis will the call-in work?

**Mr Kerr:** As we have discussed, there are safeguards and oversight provisions throughout the Bill in respect of the applications and the policies that will come through a plan so that there is the opportunity for regional government to ensure that there is that level of consistency and compliance with the direction that is being set centrally.

**The Chairperson:** To be honest, Angus, we are asking for a review to make sure that we get it right. It is about consistency. People have interpreted planning policy all along in different ways. Generally, the broad majority has been fine, but not the interpretation in divisional offices. Some members are keen on simplified planning zones, which is fine for

economic growth. However, if it was an area that backed on to a residential area or something, there would be problems. We need to be very careful in that respect. Do members have any questions?

There is only one other question in this session, which is about the chief planner.

**Ms Smith:** When the powers move to councils, they can, if they wish, designate the person who is in charge of planning as a chief planner. It is not something that needs to be put in to legislation; they can do that within their own arrangements. They can have a chief planning officer if they want, or they can give that post a different title.

**The Chairperson:** Any questions? I think that that is it.



# Northern Ireland Assembly

## Committee for the Environment

15 February 2011

### Planning Bill [NIA 7/10]

#### Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)  
Mr Patsy McGlone (Deputy Chairperson)  
Mr Thomas Buchanan  
Mr Trevor Clarke  
Mr Willie Clarke  
Mr Danny Kinahan  
Mr Alastair Ross  
Mr Peter Weir  
Mr Brian Wilson

#### Witnesses:

Mr Stephen Gallagher	
Ms Irene Kennedy	
Mr Angus Kerr	<i>Department of the</i>
Mr Peter Mullaney	<i>Environment</i>
Ms Maggie Smith	

**The Chairperson (Mr Boylan):** I welcome Maggie Smith, Irene Kennedy, Angus Kerr and Stephen Gallagher from the Department of the Environment (DOE). I know that you are hoping that this will be the final session, Maggie. If we can get Committee agreement, we will be fine.

#### **Clause 1 (General functions of Department with respect to development of land)**

**The Chairperson:** Members deferred making a decision on the clause until the Department had responded on the wording of the Committee's suggested amendment to further sustainable development. The Department's response states that the Minister has agreed to an amendment referring to "furthering sustainable development". A departmental amendment is in members' tabled papers. Are members content for the Department to bring forward an

amendment requiring it to further sustainable development?

*Members indicated assent.*

**The Chairperson:** The Department also indicated that it will similarly amend clause 5. Members agreed clause 5 last week, subject to a Committee amendment to do that in the light of the Department's response. The Committee will now not table that amendment at Consideration Stage. Are members content with that further consideration of the clause?

*Members indicated assent.*

**The Chairperson:** Members also asked the Department to reconsider the inclusion of a reference to well-being as per the Committee's draft amendment. In its response, which is in members' tabled papers, the Department reiterated its position, stating that: "Well-being does not appear in statute and so cannot be referenced in the Bill."

Are members content with the Committee's amendment requiring the Department to "promote or improve social well-being"? Are there any comments about that, gentlemen?

**Mr W Clarke:** Perhaps the Clerk of Bills could take us through the wording of the Department's response and discuss whether the language of the amendment is competent.

**The Bill Clerk:** The Committee's amendment, including the reference to furthering sustainable development, was drafted prior to the Department's commitment to now include that in the amendment. That means that they now overlap somewhat. If the Committee agrees that, it would be tabling just the latter part. The words "promoting or improving social well-being" would be inserted in clause 1(2) (b) after the reference to furthering sustainable development. It could be tabled as is, and both could be voted on. However, they would be alternatives.

**Mr W Clarke:** That is fine.

**Mr Kinahan:** Have we taken any legal advice about whether that will cause us problems? I empathise with what the amendment is trying to do.

**The Bill Clerk:** The Committee has a number of options at this point. However, the reference to social well-being is indicative of the

Committee's intentions, albeit that it may not be 100% complete in terms of legislative effect. Nevertheless, it would provide a vehicle for debate at Consideration Stage and could be remedied, should it be made *[Inaudible]*. That is an option for the Committee, given the pressures of time.

**The Chairperson:** Do any other members have any comments to make about amending the clause to include promoting or improving social well-being? We may have to vote on that. We could agree the Department's amendment and then perhaps take the Committee amendment to the House. However, I would like some other comments. Are we happy enough to include that?

**Mr McGlone:** I am happy enough with that.

**Mr W Clarke:** I am happy.

**The Chairperson:** The Department has agreed to insert the words "furthering sustainable development". I need an indication from the Committee now before I put the Question. Do we need to vote on a Committee amendment requiring the Department to promote or improve social well-being?

**Mr Buchanan:** I cannot accept the amendment, simply because the Department made it clear that well-being is not yet in legislation. Therefore, we are upsetting the whole issue by trying to add something such as that to the Bill when there is no legislation for it. I would have to vote against it.

**The Chairperson:** I will put the Question on whether the Committee is content with the Department's proposed amendment to insert the words "further sustainable development" and with the Committee's proposed amendment requiring the Department to promote or improve social well-being.

*Question, That the Committee is content with the Department's proposed amendment, put and agreed to.*

*Question proposed:*

*That the Committee recommend to the Assembly that the clause be amended as follows: In page 1, line 11, at end insert "(ii) promoting or improving social well-being." — [The Chairperson (Mr Boylan).]*

*Question put.*

*The Committee divided: Ayes 4; Noes 2.*

## AYES

*Mr Boylan, Mr W Clarke, Mr Kinahan, Mr McGlone.*

## NOES

*Mr Buchanan, Mr Ross.*

*Question accordingly agreed to.*

*Question, That the Committee is content with the clause, subject to the Committee's and the Department's proposed amendments, put and agreed to.*

*Clause 1, subject to the Committee's and the Department's proposed amendments, agreed to.*

## Clause 33 (Simplified planning zones)

**The Chairperson:** I will move on to clauses 33 to 38, which deal with simplified planning zones (SPZ). Members were provided on Thursday with further information from Research Services on simplified planning zones and with a note of the meeting that I had with Professor Lloyd. Members have also been provided with a response from the Department indicating that the Minister was not prepared to drop clauses 33 to 38 from the Bill.

Members they deferred decision on the clauses and asked the Department to provide examples of guidance on SPZs and to consider including references to time limits, thresholds and the need for a business case.

The note and the research have been provided, along with the relevant extract from the Committee's summary table of the clauses and an example, which the Department provided, of an SPZ for the Slough trading estate. The Department's response is provided, and it informs the Committee that, in Scotland, there is guidance on SPZs. In England and Wales, planning policy guidance 5 (PPG) on simplified planning zones was published in 1992 but was cancelled and replaced in 2009 by planning policy statement 4 (PPS), which relates to planning for sustainable economic growth, in which there is a brief reference to simplified planning zones.

The Department also notes that the Planning Bill sets the time period for SPZs at 10 years, and councils will be able to set their own thresholds when they prepare their SPZs in accordance with local circumstances. We asked questions that were raised about those matters. I had a chat with Professor Lloyd, and

I am content that the Department has taken on board the time limits, the thresholds and local circumstances. Do members have any other comments to make?

**Mr McGlone:** Can I ask the officials to expand on that?

**Mr Angus Kerr (Department of the Environment):**

The timescales are set in the Planning Bill at 10 years. The thresholds would be at the discretion of the council, depending on what they are trying to achieve in the particular simplified planning zone and on the circumstances that would prevail in the area in question. For example, if an economic development-focused SPZ were involved, the council may want to set certain size limits for which planning permission would be deemed to be granted through the scheme or beyond which a formal planning application would need to be submitted.

**Mr McGlone:** What is the significance of the 10 years in operational terms? Why is 10 years so golden or otherwise?

**Mr Kerr:** At the time of developing the Bill, we took account of the approach that is taken elsewhere, and 10 years seemed sensible. The length of time is a wee bit shorter than it would be for a local development plan. That seemed appropriate, because it enabled a review, if necessary. It is quite a strong provision for a council to use when it decides to come down and do this. That is why it is slightly shorter than some other forward-planning tools that we use.

**Mr McGlone:** I am still puzzled. Why 10 years? Will a specification be built in to the Bill to say that local development plans are done every 10 years? To my mind, there should be some synchronicity with the local development plan or area plan — call it what you will — and the simplified planning zones. I am wondering why that works in the way that it does. I still do not have that concept in my head yet. Perhaps I am continuing to have a thicko moment, but I still do not get it.

**Mr Kerr:** In a sense, the simplified planning zone is similar to local development plans, but the fundamental difference is that it is a separate tool that a council can use, even if it has prepared its local development plan. There are two scenarios where it could occur. First, a council could prepare a local development plan in which it may flag up, particularly in the plan strategy part, that it has a problem with

an area, and at some point in the future — it may indicate a timescale — we intend for it to bring forward a simplified planning zone in that area. The council may have decided that it does not want to do it in a local development plan, because it would delay the plan. Quite a lot of work is involved in it. It is a case of flagging it up in the local development plan, and it would appear in years to come.

Secondly, a council could prepare a local development plan, it could carry on for a number of years, and, when an issue arises, it could decide to either amend the local development plan or to go ahead with a simplified planning zone. If, four or five years into the plan, there is a regeneration or economic development issue that was not anticipated when the original plan was prepared, this tool provides the flexibility for them to go straight in, designate the area and introduce the scheme. There can be links, but not always.

**Mr McGlone:** I am not sure whether we got the response to this question. What happens if circumstances change on one of the so-called designated simplified planning zones, be they amenity or development changes, that alter the impact of what the proposed development may be in that zone? The more I talk about this, the more it sounds like a complicated planning zone, rather than a simplified planning zone. I am foreseeing circumstances where this sort of situation could occur. I am dealing with a case regarding industrial zoned land where complications have arisen. You are the practitioner, so you would know better than I that one of the greatest complexities in balance is the difference between residential and industrial land and the problems that are involved in accommodating them. I am intrigued by how this would work. In fact, I have been intrigued from the word go.

**Mr Kerr:** That is a good point. If a simplified planning zone were in place and circumstances changed either in it or adjacent to it, as you are suggesting, there is the opportunity for the council to amend the simplified planning zone to take account of that. The council could even withdraw it, if the circumstances were so strong that that were found to be necessary. If it were withdrawn, the council would then revert to the normal planning process.

**Mr McGlone:** I am still not over the line.

**The Chairperson:** I suppose we could sit here all day. Do you have any other points, Mr McGlone? Are you not convinced?

**Mr McGlone:** No, I am not.

**The Chairperson:** Are there any other comments about simplified planning zones?

**Mr Buchanan:** We discussed them in detail at the previous meeting. It was fairly well thrashed out at that meeting, and most members were fairly content with it. There were concerns at the beginning of the debate, but, the longer it went on, the more clarification was given, and I think that most members were satisfied with it.

**The Chairperson:** I am interested to know whether anybody has any objections to it, but I asked some questions about thresholds and time frames, and I am content.

**Mr McGlone:** I am simply not content with it as an operational concept. If the rest of the Committee wants to run with it, I will be the abstaining voice.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 33 agreed to.*

*Clauses 34 to 38 agreed to.*

**Mr McGlone:** I do not agree.

**The Chairperson:** That has been recorded.

### **New Clause**

**The Chairperson:** Clause 58 deals with appeals. During the informal clause-by-clause scrutiny of clause 202, the Committee asked the Department to consider an amendment to stop the practice of new information being presented at appeal. Last week, the Department advised that the Minister was content to bring forward such an amendment, but it was not available at last week's meeting. The amendment is now provided in the Department's response. It indicates that the amendment to bring about the requirement will be made in a new clause after clause 58. The proposed amendment will prevent any new material being presented unless it can be demonstrated that it could not have been raised at the time when the appeal was lodged or that the reason for it not being raised was due to exceptional circumstances.

Trevor Clarke raised that issue. Gentlemen, any comments about the amendment?

**Mr McGlone:** I thank the Department. This makes provision for the exceptional circumstances that a lot of us deal with.

**Mr T Clarke:** It covers both. You and my colleague beside me raised concerns that were the opposite of what I suggested, but this captures both. Although it allows for some, it does not allow for them all. It is very good, so I concur with what Patsy said.

**The Chairperson:** Any other comments?

*Question, That the Committee is content with the new clause, put and agreed to.*

*New clause agreed to.*

**The Chairperson:** The Committee agreed clauses 84 and 125 subject to Committee amendments raising the scale of fine from £30,000 to £100,000. The Committee agreed that if the Minister subsequently agreed to bring forward amendments to the same effect, the Committee would not table or not move the Committee ones.

**Mr Kinahan:** Anyone who is looking at planning at the moment and has trees that they think might receive a tree preservation order (TPO) will be cutting them down over the next while. We will lose a lot of trees. I know that it is a bit late in the day, but it is a dangerous one because that is what they do; they cut them down at the weekend so that no one can put a TPO on them.

**Mr Weir:** Is that not, to some extent, what we have already? It is the same if they think that there will be some sort of listing; they will get the bulldozers in. I am not sure how we can legislate to prevent current bad action in light of — *[Inaudible.]*

**The Chairperson:** We will put a recommendation in the report. Are you happy enough? The clauses have already been informally agreed subject to Committee amendments to raise the level of fine. They will be tabled at Consideration Stage. We did make an agreement, and the Minister is content to move forward, so are we happy enough?

*Members indicated assent.*



**Clause 102 (Acts causing or likely to result in damage to listed buildings)**

**The Chairperson:** The Committee agreed to revisit this clause at today's meeting to consider the implications of arson, in particular, in relation to damage to listed buildings. Will the Department comment on that, please?

**Mr Peter Mullaney (Department of the Environment):** Quite clearly, it is not always possible to say whether something is arson. Obviously, there could be destruction to a listed building in a number of ways. The Department does not have any statistics in relation to arson. If it is arson, it becomes a criminal prosecution matter, to be raised through the police rather than the Department.

**Mr W Clarke:** I flagged this up, and I agree with your comments and where you are coming from. There is a lot of spontaneous combustion in listed buildings in my constituency, and then, suddenly, there is a development. I think that they are right. There is no faulty wiring; it is arson. There are very few proper police investigations into these incidents because they generally involve old buildings in a bad state of repair. In my opinion, the police generally do not treat those fires as arson. I want at least to increase the fine to make it a more serious offence than it seems to be. I am speaking just from experience. I do not have statistics either, but it is mysterious that those fires occur and then the building is tossed and a development of numerous houses put in its place. We are looking to strengthen the legislation.

**The Chairperson:** Will you consider looking at that?

**Ms Maggie Smith (Department of the Environment):** The Minister would be content to raise the fine to level 5, which would be a £5,000 fine.

**Mr W Clarke:** That is something of a deterrent.

**Mr T Clarke:** I hate to break the habit of a lifetime and agree with somebody on the opposite side of the room. *[Laughter.]* If you are actually trying to prevent something, £5,000 will not prevent someone from burning a house if that would give them the opportunity to redevelop it. A fine of £5,000 is not a strong deterrent.

**Mr W Clarke:** Are we limited under that scale?

**The Chairperson:** I do not know whether we are limited. Mr Clarke, are you proposing to raise that fine?

**Mr T Clarke:** I think that £5,000 is meaningless if it means the difference between being able to develop or not develop.

**The Chairperson:** Would you like to comment, Maggie? Obviously, you will have to go back to the Minister about that. We would like to get the clause agreed, perhaps subject to an amendment depending on the level of fine. Is that outside the scope of the Bill? Can we only go to level 5?

**Ms Smith:** We have only got a line that covers to level 5. What level of fine were you thinking of?

**Mr W Clarke:** I am talking about a fine for those circumstances involving arson. There could be other parts of the clause for when damage has occurred or a wall has been knocked down. Knocking a wall down would not justify a £50,000 fine. I want to address the extreme nature of arson. Perhaps we need an amendment for that.

**Mr T Clarke:** It is still "up to".

**The Chairperson:** There were other cases when the fine could be raised on indictment. Is there any chance of putting in a clause in relation to that? Can we look at that?

**Ms Irene Kennedy (Department of the Environment):** Currently there is only provision for summary conviction.

**The Chairperson:** Can we look at putting in an amendment ourselves, gentlemen?

**Mr T Clarke:** That might be quicker.

**The Chairperson:** I think it is right. At the minute we have a level 5. If there is arson, especially in a listed building, the walls would practically fall down themselves in some cases, so a £5,000 fine, and depending on what a developer puts in after that —

**Mr T Clarke:** Perhaps the Clerk of Bills could draft something and we could agree that before we finish this meeting. She knows the thoughts of what some of us are considering.

**The Chairperson:** OK, we will come back to clause 102 at the end of the meeting.

**Mr Kinahan:** What about wilfully not rewiring a building so that it is at risk and then catches fire? Where does that fall, given that the cost of rewiring most old buildings is sometimes prohibitive? If you chose not to, someone could easily argue the case that —

**Mr Weir:** I am very supportive of higher fines. On the point that Danny has made, I suspect that the really big problem is that the deterrent or the incentive will not be the level of the fine but the difficulty of getting caught. I suspect that a court would not be able to convict in the case of someone wilfully not rewiring a building. One of the big problems is that, although a fire report will be fairly clear cut in showing that is arson, it will be difficult to prove who carried it out. That is not an argument against raising the fine to a higher level, but there may well be limitation on the basis that people will take the chance that they will not get convicted. I suspect that it will be quite difficult to prove.

**Mr W Clarke:** It also applies to an owner who asks someone to carry out an act.

**Mr Weir:** I am not denying that. I do not have a great deal of experience, but I suspect that it is relatively difficult to get the level of evidence in court, unless someone is caught red-handed and confesses that Joe Bloggs who owns the place bunged them some money to torch it. Nine times out of 10, however, the evidence will not be there to get a conviction. That is no argument against a higher fine, which I still support.

**The Chairperson:** We are content to table an amendment, so I will put that at the end of the meeting. I will leave that to the last clause. Are members content to defer the clause?

*Clause 102 referred for further consideration.*

**The Chairperson:** Members agreed clause 107 as drafted, but requested more information from the Department to clarify the respective roles of the planning authority and the Environment Agency (NIEA) in relation to its enforcement. The Department's response indicates that hazardous substances must be disposed of in ways that render them as safe as possible and minimise their environmental impacts, in line with NIEA regulations. I know that Mr McGlone raised that issue. We are seeking clarity on responsibility.

**Mr Stephen Gallagher (Department of the Environment):** The planning authority will be responsible for issuing hazardous substance consent. It will also be responsible for deciding whether consent is required, and it will enforce that.

**Mr McGlone:** So the likes of NIEA will not have any involvement in that?

**Mr S Gallagher:** It will not have any involvement in hazardous substances consent. It will have a limited involvement in the control of major hazard regulations, which are an EU thing, but that is a separate issue.

**Mr McGlone:** That is fine. I just wanted a bit of clarification on that.

**The Chairperson:** The clause has already been formally agreed. We were just seeking clarification.

### **Clause 116 (Offences)**

**The Chairperson:** As with clauses 84 and 125, the Committee considered tabling an amendment to raise the £30,000 fine in this clause to £100,000. However, we deferred making a decision until we had more information on the hazardous substances to which the clause might refer, how often the fine has been used to date and where the money generated from the fine will go. Members also sought an indication of the level of fine for a similar offence in the South.

The Department's response indicates that only one warning letter has been issued in recent years and that the Department aims to avoid breaches by conducting regular meetings to discuss upcoming or potential cases in advance. A list of hazardous substances is provided in the same document. The Minister has indicated that he is minded to support an increase from £30,000 to £100,000, and an amendment is provided in the tabled papers.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 116, subject to the Department's proposed amendment, agreed to.*

**The Chairperson:** Three other clauses also refer to fines of £30,000: clauses 136, 146 and 149. Those clauses were formally agreed by the Committee last week. However, the Minister has indicated that he is willing to support levels of

increase in the level of fine to £100,000. The Department has provided draft amendments. Are members content to accept departmental amendments to that effect if tabled at Consideration Stage?

*Members indicated assent.*

**Clause 130 (Expressions used in connection with enforcement)**

**The Chairperson:** Members agreed to defer clause 130 and clauses 152 to 154 until they had received further information relating to current and past breaches. In particular, members wanted to know how many closed cases had been brought to a natural conclusion and how many had been dropped having been assessed as not expedient to pursue. Also, members wanted to know the types of breaches that were currently open. Details have been provided, along with last week's response from the Department on breaches and its enforcement strategy.

The Department's response indicates that of the 4,899 closed cases in 2009-2010, 1,093 were resolved, 842 had planning permission granted, 978 were deemed to be not expedient to pursue, 1,636 were found to not be a breach, 324 were immune and 26 had appeals allowed or notices quashed. Further information is also provided on breach of conditions and material change of use cases only. Members have been provided with a further response from the Department.

**Mr Mullaney:** Hopefully, Chairman, the figures are self-evident. Concerns were raised last week, particularly in relation to the "not expedient" category. Although I have not worked it out as a percentage, I estimate that somewhere in the region of 15% to 25% of cases are closed because they are not expedient.

**Mr McGlone:** To be honest, it is very difficult to absorb that detail of information from tabled papers. For me to make any conclusion on this, I would like to take a bit of time to look over it.

**Mr T Clarke:** While I appreciate what Patsy says, appendix 1 gives a quick summary. The table that Patsy referred to goes into a lot of detail, but the shorter table gives a quick summary of cases not expedient to pursue in respect of breach of condition and material change, which would probably come under the 10-year rule. First of all, there are not many cases to

start with. Of 1,200 cases, only 229 were not expedient to pursue. The whole thrust is that we are pushing the time frames to try to get the two to work together.

The Department suggested last week an amendment of seven and seven. I think that the Committee should be looking at tabling an amendment to make it five and five. We will go one way on one, and the Department has obviously made a move on the other. I suggest that the Committee come up with an amendment to make it five and five.

**The Chairperson:** I take on board what Mr McGlone is saying. We have to try to do this —

**Mr McGlone:** I know, Chairperson. However, most of us were here very late last night, and we have only received the papers this morning.

**The Chairperson:** Certainly.

**Mr McGlone:** Those papers were only tabled today, and you do not need me to tell anybody here that that does not allow us to do justice to scrutinising them properly. We are normally given at least a couple of days to go through stuff. I cannot draw any definitive conclusions from that other than maybe just to absorb some bit of the detail that is in front of us.

**Mr Mullaney:** Mr Clarke is right about the 10-year rule aspect. Quite clearly, there are a number of reasons why cases are closed. As Mr Clarke said, that table sets out the various categories. I have not calculated the number of "not expedient" cases as a percentage, but I imagine that it is somewhere between 15% and 20%, although I am not sure exactly. However, quite clearly, it is a minority of cases. It is significant that one of the two categories in which there are over a thousand cases is the "remedied/resolved" category. The whole purpose of enforcement is not necessarily to penalise people but to get a satisfactory outcome on the ground, and it is satisfying that a significant number of cases — over 1,000 — have resulted in that. Similarly, planning permission was granted for a number of others. Taken together, those two categories make up a significant number.

It is also significant that in some cases there was no breach. I think that it was Mr Dallat who raised an issue last week about vexatious bad-neighbour-type claims. Quite clearly, it is incumbent on us and any planning authority to

investigate every case, even if there has been no breach. There are a whole variety of reasons. Some people maybe do it to be vexatious and others may do it for genuine reasons because they think that there has been a breach of control. However, quite clearly, our evidence shows that, in a significant number of those cases, there had not been a breach. If you take all those together and remember that the purpose of the exercise is to try to achieve a satisfactory resolution on the ground, you will realise that a significant proportion of those cases fall into that category.

**The Chairperson:** Are there any other comments? I am content with the tables. Taking on board what Mr McGlone is saying, members are entitled to bring amendments to the Floor of the House. I think we have gone through this. We sought clarification on the numbers today. I am going to have to put it to the Committee —

**Mr McGlone:** I have no problem with numbers and stuff like that. However, I have a problem with tabled papers with that level of detail being presented —

**The Chairperson:** I understand. We are all in the same boat.

**Mr McGlone:** We are all in the same boat. However, it is for us to ensure that we are not in that boat at all. Anyway, that is a separate thing. Mr Clarke has a very valid point about five and five —

**The Chairperson:** Hold on, that is the next clause. In relation to these clauses, I am content with the clarification from the Department on the figures. I am going to have to put it to a vote. Can members indicate whether or not they are content to move on before I put the Question?

*Members indicated assent.*

**Mr McGlone:** Go ahead. I just think that we need to learn from —

**The Chairperson:** I completely understand and certainly agree. I will say this again: we have a limited amount of time in which to get through this, but we have been very focused. However, Members should bear this experience in mind the next time that they stand in the Chamber and support a Bill's coming to this Committee knowing rightly that we will have only four to six weeks to go through it. That is something that we maybe need to look at.

**Mr T Clarke:** You have done a great job.

**The Chairperson:** The issue is simple. We have these tabled papers like everybody else. I am content. I will put it to the vote. Those in favour of moving on, before I put the Question on these clauses?

**Mr McGlone:** You do not need a vote.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 130 agreed to.*

*Clauses 152 to 154 agreed to.*

### **Clause 131 (Time limits)**

**The Chairperson:** The Committee deferred a decision on clauses 131 and 44 pending a response from the Department relating to the requirement for the 10-year period being reduced. At last week's meeting, officials indicated that the Minister was prepared to introduce an amendment that would make both time limits for breaches of planning control seven years. The amendment was not available at that meeting. Members agreed to defer a decision until they had had an opportunity to consider the implications of such an amendment and also asked the Department to clarify whether new time limits would be applied retrospectively or at what point they would become applicable. No further information on that specific issue was provided in the Department's written response, but there is more detail on breach statistics.

**Ms Smith:** Time limits will not be applied retrospectively. At the time of the last session, the Minister had proposed seven years and seven years, but members were not comfortable with that.

**Mr T Clarke:** That makes sense. It could not be applied retrospectively, because that would open the floodgates on cases that are already open. However, I propose the amendment that I was a bit premature with the last time, which is that the Committee amends it to five years and five years, and accept what the Department has said about it not being applied retrospectively.

**The Chairperson:** Let us get this issue ironed out before we deal with the numbers issue. So it will not apply retrospectively?

**Ms Smith:** No.



**The Chairperson:** At present, a number of businesses are sitting in the four- to 10-year rule — change of business use — and that will not apply to them. Is that correct?

**Mr McGlone:** Can I have clarification? As any of you who have been planning officers will know, retrospection is a key part of this. How do you define retrospection in a practical application if, for example, someone says that their business has been up and running for 10 years, or that their house has been there for four years? What aspect of retrospection are you dealing with? I want to get it perfectly clear in my mind. I am sorry for being a wee bit laborious on this. Nevertheless, it is important.

**Mr Mullaney:** Irrespective of whether the time limit is four years or 10, if a building's use or development has become immune from action, it is immune: it already is immune. In the case of a building it will be four years, and in the case of a change of use it will be 10 years.

**Mr McGlone:** Maybe my definition of "retrospective" is a wee bit different. If a person is able to retrospectively prove that their dwelling has been there for four years — they can look back and prove four years plus — are we still in that position with what has been proposed?

**Mr Mullaney:** Yes, because you are not reducing it below four years. The proposition on the table of seven years or, as Mr Clarke suggests, five years, would not reduce it below four years. To take the example of four years, if you had had a building up for four years —

**Mr McGlone:** And you can prove four years plus, that is OK?

**Mr Mullaney:** Yes. To the Department's satisfaction.

**Mr McGlone:** That is clear enough. Thank you.

**Mr T Clarke:** But you still have to make an application for your permitted development or new use.

**Mr Mullaney:** You do not have to. However, you can, for peace of mind or financial reasons or whatever.

**The Chairperson:** Do members have any other questions to ask?

**Mr Weir:** I am happy enough with the retrospection issue. We were talking about numbers, and the time limits of seven years and seven years,

and five years and five years were mentioned. *[Interruption.]*

**The Chairperson:** I ask members and people in the Public Gallery to switch off their mobile phones.

**Ms Smith:** I am sorry about that, Chairperson.

**Mr Weir:** I was just going to ask about the time limits of seven years and seven years. Mr Clarke mentioned five years and five years. Is there any further information about the right balance of the numbers? Do you have a view on that?

**Ms Smith:** Yes, if you mean maintaining the same numbers.

**Mr Weir:** I appreciate that the numbers are the same in both instances. Are you reasonably relaxed about whether a seven-year time limit or a five-year time limit is appropriate? What is the position on that?

**Ms Smith:** We were sitting at seven years and seven years. Are you now asking us —

**The Chairperson:** I want to talk about the retrospection issue, because Mr Clarke asked about five years and five years. I think that we got a seconder for that. That is how things sit at present. I have another proposal.

**Mr T Clarke:** Can I answer Mr Weir's point? It is as well that I am sitting down here today and not beside him, because he might hit me. I suggested five years and five years because previously, it was four years and 10 years, which was confusing. The time limit was four years for residential developments and 10 years for commercial use or change of use. I could be asked why I suggested five and five instead of settling for seven and seven. The Planning Service should have been more proactive over the past few years. If someone were to build a house in the countryside, I would find it very strange if the Planning Service had not been able to find out about it within four years. I am saying that, if it is going to be that slow, give it another year. By suggesting the five-year time limit, I am bringing it into line with the time limit for commercial use or change of use. It may be disadvantageous, however, to some people who fall into the permitted development or lawful use category, to push them into a seven-year time limit for residential developments. That is why I suggested five years and five years.

**Mr Weir:** I am just trying to establish the numbers. It seems to be common sense to have an equalisation of the time limits. I am trying to tease out the Department's specific views about the numbers and whether five and five or seven and seven are reasonable.

**The Chairperson:** I am going to propose four years and four years.

**Ms Smith:** We can go to five and five; we cannot agree to four and four.

**Mr McGlone:** You cannot agree to four and four? Who suggested that?

**Mr Weir:** He was about to suggest that.

**The Chairperson:** I hardly got it out of my mouth and you turned me down. *[Laughter.]*

You could take on board what Trevor Clarke said, which is fine. Likewise, however, if you look at the four years and five years, there is an extra year to find breaches. Let us be honest, there are a lot of live issues at the four-year mark already.

**Mr T Clarke:** They are not live, Chairperson.

**The Chairperson:** Can I have a seconder for my proposal for four and four?

**Mr T Clarke:** Mr McGlone was the seconder.

**The Chairperson:** That was for five and five, not four and four.

**Mr T Clarke:** A case is never live until an enforcement action is opened on it. If a case is sitting there today, which you seem to be concerned about, it does not matter whether the time limit is five or six years. I threw six into the mix, because it is a totally different figure that has not been mentioned. A case is not live until an enforcement action is opened.

**The Chairperson:** I am not concerned about the four-year ruling for buildings. That is not my issue, to be honest. I am concerned about the change of use and business use, and the 10-year ruling on that was the major issue. Let us try to define this. Can you give me some clarification, please? There is a proposal for five and five. You turned me down flatly on four and four, even before I got someone to second the proposal. I am not sure whether Mr Clarke was going to second it.

**Ms Smith:** I beg your pardon, Chairperson.

**The Chairperson:** Will you please clarify why the Department would accept five and five?

**Ms Smith:** Trevor Clarke made the point that enforcement officers should be able to see a building within four years.

**The Chairperson:** That did not apply to the boy in England who had bales around the building. They did not find him for six or seven years.

**Mr T Clarke:** That is called an Englishman's castle.

**Ms Smith:** The experience is that it can take longer than four years to spot a change of use. Mr Weir and others made the point that it can be confusing when two different lengths of time are involved.

**The Chairperson:** I agree. Four and four is not confusing; four and 10 is, as is four and six.

**Ms Smith:** The aim of keeping the two periods the same is to remove that confusion and to make sure that everyone is clear that, if they are operating without planning permission, there is one period.

There is a tension that four years is not sufficient time to pick up on all the cases, particularly cases of change of use. A dwelling can be changed to an office building, for instance, quite quietly, and it is possible that people would not notice it for a long time. That is why the Minister is prepared to go to five and five.

**The Chairperson:** I thought that we got all our planning policy statements right. I thought that PPS 21 was good.

**Mr McGlone:** Some of us did not think that.

**The Chairperson:** Mr McGlone, you are agreeing to five and five. I will make a proposal for four years. Would anyone like to support that proposal?

**Mr Kinahan:** From what Ms Smith is saying, I am sure that we should make it for longer.

**The Chairperson:** That would be the five and five. It is four years now for enforcement for a building and 10 years for change of use to business use. I propose four and four. Do I have someone to second my proposal?

**Mr W Clarke:** I will second it.

**Mr Weir:** You were almost shamed into that.

**Mr W Clarke:** It was the puppy dog eyes.

**The Chairperson:** Thank you. There are two proposals. Are members in favour of five years and five years? I will put the Question.

**Mr T Clarke:** Is the Committee making the amendment, or is it a departmental amendment?

**The Chairperson:** The Department is content to make the amendment.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 131, subject to the Department's proposed amendment, agreed to.*

*Clause 44 agreed to.*

#### **Clause 202 (Procedure of appeals commission)**

**The Chairperson:** We deferred clause 202 pending an amendment from the Department that would allow costs to be awarded where a party has been put to unnecessary expense and where the Planning Appeals Commission has established that the other party has acted unreasonably. Members have been provided with details of the clause and with the Department's response from last week referring to new information at appeals, which is dealt with in clause 58. The Department's recent response is provided, and it indicates that two new clauses will be brought forward after clause 202 to allow for the awarding of costs.

I think that we are content with the awarding of costs. Is the Committee content with the departmental amendment, including introducing new clauses to allow for the wording of cost by the appeals commission where a party has been put to unnecessary expense?

*Question, That the Committee is content with the new clauses, put and agreed to.*

*New clauses agreed to.*

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 202 agreed to.*

#### **Clause 203 (Assessment of council's performance)**

**The Chairperson:** Although members agreed the clause last week, the Committee requested more information on how the level of scrutiny under the clause will tie in with the audit function.

The Department's response indicates that clause 203, together with clauses 204 to 206, forms a key part of the Department's audit role in councils' performance of their planning functions. The local government auditor is currently responsible for financial and value-for-money audits, which is very different from the planning audit function. It is the Department's view that a central government statutory audit and/or inspection function could cover a general or function-specific assessment of local government's planning functions, reviewing planning processes and the application of policy with a focus on quality assurance, advice and the promotion of best practice. Are we content with the Department's response?

*Members indicated assent.*

#### **Clause 215 (Correction of errors in decision documents)**

**The Chairperson:** The Committee was concerned about the cumbersome wording in the clause and asked the Department to consider an amendment. The Department indicated that it will amend the clause, and the draft departmental amendments have been provided. Mr McGlone, I think that you brought this subject up. Are you content with the response, or do you need any more clarification?

**Mr McGlone:** It seems to be a bit clearer.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.*

*Clause 215, subject to the Department's proposed amendments, agreed to.*

#### **Clause 224 (Duty to respond to consultation)**

**The Chairperson:** The Committee was concerned when the Department indicated that, in the event of a late or non-response from a statutory consultee, a council would be liable for its decision. That would apply even if a decision that had been made after the agreed time limit had to be revoked as a result of information coming forward from a statutory consultee that had not responded in time. The Committee asked the Department to consider an amendment to ensure that councils would not be held liable for decisions where a statutory consultee had failed to respond within the required period.

The Department's response indicates that it will not bring forward such an amendment. A draft Committee amendment has been provided that would require statutory consultees to be liable for any compensation payable after a decision is revoked as a result of information that the consultee could have provided, if planning permission were granted after the time allowed for a response to be made by that consultee had lapsed. I will ask the Clerk of Bills to go through that.

**The Bill Clerk:** My understanding of the Committee's concern was that it wanted a provision to ensure that the council would not have to pay compensation where it took a decision in a situation where it had not received information that might have influenced the decision to grant planning permission, such as where a statutory consultee either did not respond or responded too late, with the result that the council then went ahead.

The Department may advise that there is a better procedural or technical method for achieving the objective. I propose that a new clause to rule the council out from liability in such circumstances be inserted towards the end of the Part of the Bill that deals with compensation. I will now go through that. A number of things would have to happen at the same time. First, the consultee would not have responded in accordance with an agreed or set time period. Secondly, the council would go ahead and make a decision after the agreed time period has expired. Thirdly, planning permission would be revoked because of the absence of information that subsequently emerges. The council could reasonably have expected that information to be in a response from that consultee. Fourthly, the council could decide to revoke or modify the planning permission because of information that comes to light later, and, finally, the council would be liable for compensation in that situation. We want to say that the council would not be responsible if all those criteria were met, but that the relevant Department would pay to the council the compensation payable. In other words, rather than trying to change the whole system here, effectively, the Department would reimburse the council. Members will notice that I said "relevant Department", rather than "agency". Subject to what the Committee might wish or advise, I drafted the amendment that way so that it would have a broader back, if you like. Referring to the Department, rather

than to specified agencies, would deepen pockets for the Department. I suspect that the definition of the term "relevant Department" would need some tweaking, but I have provided a draft amendment to indicate the Committee's intention as far as I understand it.

**Mr T Clarke:** I thank the Clerk of Bills. I like the intention, but I am concerned about what she said about the council subsequently receiving information that it could "reasonably expect" to have been included. What does "reasonably" cover, given that the time period to respond is either 21 days or 28 days?

**The Bill Clerk:** "Reasonable" is a term that is understood in law. If that word were not included, in some ways, the amendment would be less effective, because a council could come along and say that it thought that it would have been in that report, whereas that might not have been a reasonable expectation. An agency might come along and say that it would not have included that information, because it is not in their purview to do so.

**Mr T Clarke:** Does it not weaken it?

**The Bill Clerk:** A reference to reasonableness should not alter the position; it should just clarify what would be the case in law anyway if there were a judicial review.

**The Chairperson:** Are members content with that explanation?

*Members indicated assent.*

*Question, That the Committee is content with the new clause, put and agreed to.*

*New clause agreed to.*

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 224 agreed to.*

#### **Clause 229 (Directions: Department of Justice)**

**The Chairperson:** On the advice of the Examiner of Statutory Rules, the Committee questioned the reference to the "Advocate General" in the clause instead of to the "Attorney General". I advise members that the details of the clause have been provided. The Department's response indicates that the Department will bring forward an amendment to change the reference to "Attorney General".



**Ms Smith:** We now have that amendment, and we can give it to the Committee Clerk.

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 229 agreed to.*

**Clause 102 (Acts causing or likely to result in damage to listed buildings)**

**The Chairperson:** The Committee must consider whether it wants to table an amendment to the clause, so that a person who is currently guilty of an offence under it may be liable on conviction of indictment to a fine. Fines on indictment are not subject to the limits of a standard scale, although the clause is currently drafted to suggest that that is the case. The Department has also proposed an amendment to raise the level of fine for summary conviction to level 5 on the standard scale.

*Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.*

*Clause 102, subject to the Committee's proposed amendments, agreed to.*

**The Chairperson:** The Department has advised that it will be making textual amendments to clauses 8 and 9 and to schedule 6 to provide a consistent approach throughout the Bill. The Committee has already agreed those clauses and the schedule. However, if the Committee is content to accept those amendments now, it will be noted in its report, and the Committee position will be clear when the Bill comes back for consideration. Do Members agree with that approach?

*Members indicated assent.*

**The Chairperson:** The Committee asked the Department to consider an amendment introducing a mandatory review period of the new planning system once it has been devolved to local authorities. The Department's response in its members' tabled papers, and it indicates that the Minister is not bringing forward an amendment on that issue. Members have been provided with a draft Committee amendment, which suggests the introduction of new clause 223A entitled "Review of Planning Reform Act." That clause will require the Department to review the system within three years of the Bill's

commencement and at least once every five years thereafter. The terms of such a review will be set out in regulations, and the amendment to clause 242 would require such regulations to be subject to draft affirmative procedure and would mean that it would come back to the Assembly for debate. I will ask the Clerk of Bills like to go through that amendment, before I put the Question.

**The Bill Clerk:** Once again, this issue did not appear to fall neatly in any of the clauses of the Bill. Therefore, I propose that a new clause be added at the beginning of the Part of the Bill that deals with its miscellaneous and general provisions. The new clause would set out the time frame in which the first review of the implementation of the Act would take place. It would also require a five yearly review thereafter and a report on the implementation of the Act to be published. The detail is not clearly set out in the proposed clause, and the easiest way for the Assembly to have input to or make decisions on the content of the review or the report is to set those out in regulations. Those regulations would then need to come back to the House to be approved, thus allowing it to have some further input to the details.

**The Chairperson:** Are there any comments on that proposed new clause? It will make provision for a review to be carried out no later than three years after the Bill is enacted.

**Mr Kinahan:** Did you say no later than three years?

**The Chairperson:** It is giving it a chance in two years, and, hopefully, it will be completed by three years.

**Mr T Clarke:** What is the Department saying about that?

**The Chairperson:** The Department is not content.

**Ms Smith:** The Bill already provides for the Department to assess the way that councils are implementing their responsibilities under the legislation. *[Inaudible due to mobile phone interference.]* Arguably, that would cover the review.

The other point is that it would be open to a future Environment Committee or to the Assembly to review any piece of legislation that *[Inaudible due to mobile phone interference.]*

**Mr Weir:** I appreciate what is being said about *[Inaudible due to mobile phone interference.]*

**The Chairperson:** I would like to see a review. I will have to put it to a vote.

**Mr T Clarke:** Why would something be reviewed so soon? The process will take a while to bed in and go through its outworkings. If we try to agree to a review taking place too soon, we are not giving it an opportunity to work properly.

**The Chairperson:** I think that two years is a reasonable time. *[Inaudible due to mobile phone interference.]* To a certain extent, the Bill will have to hit the ground running. I am building in a mechanism that the process can be reviewed by trying to make sure that the resources and everything else are there. It will be trial and error in some cases. I support a review.

**Mr Kinahan:** *[Inaudible due to mobile phone interference.]*

**Mr W Clarke:** I agree with having a review. *[Inaudible due to mobile phone interference.]* Surely we are learning from best practice in England, and surely the implementation should be more streamlined here in the North. It would give some degree of comfort to councils. You touched on that when we discussed resources and capacity for training. It will give a review of things overall and will show where improvements have to be made. That is sensible.

**The Chairperson:** We have heard all the views on that, so I will ask the Committee whether it is in favour of a Committee amendment that deals with the review.

*Members indicated dissent.*

**The Chairperson:** I will move now to the community infrastructure levy. At last week's meeting, the Committee asked for examples of guidance on planning agreements and information on developer contributions. The Department provided a response on the community infrastructure fund or developer contributions on 3 February. Professor Lloyd's comments on a community infrastructure levy are provided for members, as is the Department's latest response. The Department has indicated that it believes that contributions to support the infrastructure that is necessary to deliver economic and social development is a cross-cutting issue and that it should be considered at Executive level. The Department has also provided an example of guidance on planning agreements.

A draft Committee amendment is also provided. It would make provisions for a community amenity levy to be introduced if and when the Department deems it appropriate. I will ask the Clerk of Bills to go through that.

**The Bill Clerk:** The first point to note is that, as has been mentioned, the community infrastructure levy is legislated for in Britain in very different circumstances. Councils there have a greater range of powers and greater budgets than they do here. Therefore, the suggested amenity levy will reflect that difference. According to my understanding of what the Committee talked about, the intention is about leaving such funds for amenities in council areas. *[Inaudible due to mobile phone interference.]*

**The Chairperson:** Any comments on that?

**Mr Kinahan:** I have a slightly oblique comment. *[Inaudible due to mobile phone interference.]*

**The Bill Clerk:** That would be slightly at odds with this amendment. That is another issue that the Committee may wish to explore, but it would not sit neatly within the confines of this amendment.

**Mr W Clarke:** It is an important clause to have in. We discussed the rationale behind it at the last meeting, where there is large-scale development and no community infrastructure is in place. That goes for private development and housing associations and the likes of community provision, community halls and play areas. Those should be subject to a contribution from the developer. Again, for the well-being of that community, a crèche might be required. There are a number of ideas that could be out there. We are trying to say that the well-being of the community is at the heart of the new development, and there is no point putting 100 houses in without the necessary community infrastructure. That will put a burden on local authorities. We are trying to look at when the new powers come down. There are greater powers across the water. We are hoping that the clause will be used at that stage, when the powers are delivered down to improve the well-being of the community.

**Mr T Clarke:** I have a bit of difficulty with this. If we go in that direction, we will create a rod to beat the councils' backs. If we suggest that, every time there is development in an area, you have to use that money to build community

facilities, once the facilities are built, the councils will be left to run them. The council has —

**The Chairperson:** They will not. It goes into a central pot of money. Can we have some clarity on that?

**The Bill Clerk:** As the amendment is drafted, there is no such level of detail yet, so there is flexibility on the regulations of the detail that will come forward as a result of this.

There is another really important point that I meant to mention. Given the nature of this as a levy, it potentially engages section 63 of the Northern Ireland Act 1998, and a recommendation may be required from the Finance Minister. That is just a cautionary note.

**Mr T Clarke:** The other problem with this is that it is a levy in relation to the community. However, there is also a levy in relation to other infrastructures that the developers have to do in relation to the development. If we put too many levies on this, we will have no development at all.

**The Chairperson:** I will answer that quickly, Mr Clarke. Developers put it on the property. Even Tesco gets the money back. This nonsense that developers will not develop — they will put £1,000 on each house.

**Mr T Clarke:** So you want to flog the people even more?

**The Chairperson:** I do not; it is up to the people who want to buy the house.

**Mr T Clarke:** That is what I mean.

**The Chairperson:** It is up to individuals whether they want to live in or buy that house. We talked last week about a developer paying £11,000 for a planning application to develop any number of houses thereafter.

**Mr T Clarke:** That is a different argument.

**The Chairperson:** No, it is ridiculous. Let us be under no illusion about this, Mr Clarke: it is up to people if they want to buy a house. That will go on to that house. I am not saying that it will go on to the people.

**Mr T Clarke:** But you are saying that this levy is used for community development. I welcome development in any area that I live in. When someone moves into an area, he is enlarging the rates base, which is contributing to the running of the council. That is how those things

should be funded. A developer should pay for the development of the road structure. I agree with that. Road structure has to be improved for the developer to make his development. However, he should not have to put money up for community development as well.

**The Chairperson:** The road infrastructure that he is developing is putting back —

**Mr T Clarke:** Yes, I agree with that.

**The Chairperson:** This is about building a community centre or something for the benefit of the community. There is a lot of scope for councils to draw down match funding and everything else. Community groups can draw down match funding. That is the way that most public representatives work with community groups to try to encourage them to look after communities.

We could go round the houses with this argument over who is responsible and who is not. All I am saying is that a levy is a good idea. What it will be will have to be worked out, but it will go into a central pot. It could pay for something that the community needs, go to the community plan or anything else — whatever those people decide. That will mean the local council will take a decision on it.

**Mr Weir:** There are couple of points. I take Trevor Clarke's point as well. The charge will make a pot, which may well then be used for capital. However, the issue is that there could be a complication of downstream annual year-on-year expenditure which may not necessarily be covered. There is a danger of that.

The developer contribution is a big issue, and I have heard what has been said as regards a potential issue over finance. It is something that will have to be tackled, in terms of things. I am not sure how clearly this has all been thought through. There is a level of vagueness. I am not sure that this is the appropriate place for an amendment. It is something that will have to be gone back on, but I am not minded to make an amendment to this particular Bill. Something in the broader development contribution issues is going to have to be decided upon. I do not think that this is the right place.

**Mr W Clarke:** This is a unique opportunity for us to build a mechanism and put it in place. We should give the local authority at least the powers or the tools to benefit communities.

Particularly in areas of deprivation where greater development is taking place, this ensures that the developer takes on the responsibilities as regards putting proper planning into place for communities and does not just stick a number of houses into an area without thinking about the amenities needed for that community.

It could be a community park, a play park, a hall, a crèche — there are a number of things that it could be. It is to give at least the flexibility when the application has been made. We talk about front-loading systems where the developer can come on board and say that, as a part of his proposal, he would like to put in place some of the community infrastructure. That is what it is about. *[Inaudible due to mobile phone interference.]*

I am not a professional planner. The Department will have to come back and give us more detail, and touch on the finance aspect as well. The clause needs to go in there to ensure that we have better communities.

**The Chairperson:** OK gentlemen, I will have to put that to the Committee. Is the Committee content with inserting a new clause to address the issue of a community levy?

*Members indicated dissent.*

**The Chairperson:** That is something. Are members content with putting in a recommendation to explore ways of doing that?

**Mr T Clarke:** Yes. That is different. I agree with that.

**Mr Weir:** Yes. I just think the issue needs to be thought out.

**The Chairperson:** No problem. Thank you. We will bring it back and ask for further explanation of the form of words.

Can we put something in the report in relation to the three-year review?

**Mr T Clarke:** We had a vote on it.

**The Chairperson:** I am only asking the question.

**Mr T Clarke:** I am only answering you.

**The Chairperson:** OK, there is no appetite for it.

Let us turn to the land use strategy for the North. At last week's meeting we asked the Department on what basis, or against what framework, decisions on major regional

planning applications would be made to ensure consistency.

**Mr T Clarke:** Is that in north Antrim?

**The Chairperson:** That was in response to Professor Lloyd's comments on the need for a land use strategy. In its response, the Department indicates that it will base decisions on regionally significant applications on the policy framework provided by the regional development strategy, planning policy statements, local development plans and other relevant material considerations.

Angus, we are still going with the regional development strategy. Conformity, conformity, conformity. PPSs and everything.

**Mr Kerr:** We feel that that is an appropriate framework on which to make the decisions.

**The Chairperson:** Do members have any comments to make on land use strategy? What about the final report on the land use strategy?

**Mr T Clarke:** How can you put it in if we have no comments?

**The Chairperson:** I am asking the Committee for comments.

**Mr T Clarke:** Given that there is no thought or feeling in relation to that, why would we want to put anything in? I suggest that we leave it out.

**The Chairperson:** So, Mr Clarke, you are content that the local development plan and community plans will roll out along with the suite of planning policy statements and the area plans, and they are all going to conform to the regional development strategy, along with the simplified planning zones that you supported last week and today. Are you content that that the way land strategy will develop?

**Mr T Clarke:** You are not coming with any proposals. Why would you put something in a report, when you have nothing to put on the table?

**The Chairperson:** I did. If you had read Professor Lloyd's notes, which I referred to —

**Mr T Clarke:** So, it is Professor Lloyd's suggestion, as opposed to yours.

**The Chairperson:** It is only a suggestion. Likewise, Mr Clarke, you have supported many people who have come to the Committee to make presentations.

**Mr T Clarke:** Where was it?



**The Chairperson:** I do not think that there is any appetite for that.

I forgot to mention planning agreements. We did not get a chance to talk about them. Would you like to touch on that?

**Mr Weir:** Not really.

**The Chairperson:** Disregard that remark.

**Ms Smith:** Planning agreements are at clause 75, I think.

**The Chairperson:** You are struggling, Maggie. It is OK. This is the last day of scrutinising the Bill, and, to be fair, we have gone through a concentrated piece of work. The Bill has 248 clauses. We are going to wind up today, but I would like something on planning agreements.

**Ms Smith:** Planning agreements are agreements which are negotiated during the process of agreeing planning permission, and they must be agreed before planning permission is granted. They are between the developer and the planning authority. Planning agreements can provide opportunities to include, as part of the planning permission, requirements on the developer which are relevant to the development. That links back to what Willie Clarke said earlier. That might include things like road junctions that service the development. It could also include the sorts of community amenities that you were talking about earlier.

In the main, clause 75 is carried forward from the Planning (Northern Ireland) Order 1991. However, there is an extra provision in this Bill that relates to financial contributions, because there may be situations in which, as part of the agreement with the developer, the planning authority might wish to negotiate that a sum of money be paid over for some purpose.

The Bill, as drafted, provides that that sum of money can go either to the planning authority, which would be the DOE or the council, or to a Northern Ireland Department. Some work is ongoing in the area of social housing, whereby we are using planning policy and Department for Social Development (DSD) housing policy in the context of that new provision. That will allow developers to contribute money to DSD, through planning agreements, which can then be used by the Housing Executive and the housing associations to provide social or affordable housing.

**The Chairperson:** Thank you. Did you also want to mention the proposed amendment to schedule 2?

**Ms Smith:** Yes.

**The Chairperson:** I have tabled a question for oral answer in the Chamber, so can you just mention that briefly?

**Ms Smith:** I apologise for bringing this in at this late point. Schedule 2 deals with dormant mineral sites, and paragraph 1 of that schedule refers to sites being dormant if they were not used between 31 December 1993 and 1 June 2007. That provision was never commenced under the previous legislation, so those dates are clearly out of date. Rather than setting specific dates, the Department proposes to amend schedule 2, paragraph 1 to read: "within a period of 15 years, ending on the date on which this schedule comes into operation".

**The Chairperson:** OK. Thank you. Members were provided with a written submission on the Bill from the Belfast Civic Trust. Are members content to note that submission and to include it in the Committee's report?

*Members indicated assent.*

**The Chairperson:** That concludes the Committee's formal clause-by-clause consideration of the Planning Bill. A draft report of the Committee Stage will be produced for members' consideration on Tuesday 22 February. I thank everyone for their patience. I also thank Maggie and her team for their sharp focus. We got through it.



# 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 4 February 2011

## Written Answers to Questions

### Office of the First Minister and deputy First Minister

#### Cross-Border Mobility Issues

**Mr P Callaghan** asked the First Minister and deputy First Minister to outline the potential new or emerging cross-border mobility issues identified by the North/South Ministerial Council Joint Secretariat (i) up to the July 2010 NSMC Plenary; and (ii) since that meeting.

**(AQW 3087/11)**

**First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** In July 2010, the NSMC Plenary noted that the NSMC Joint Secretariat had identified a number of cross-border mobility issues and that these would be examined in greater depth. The issues identified at that stage included taxation, access to welfare benefits and cross-border postal services.

Following that Plenary, the NSMC Joint Secretariat explored these issues in greater depth with departments, agencies and other bodies and at focus group meetings with relevant stakeholders.

The NSMC Plenary on 21 January 2011 noted that the Joint Secretariat had identified a number of potential new/emerging cross-border mobility issues including: taxation, access to welfare benefits and associated advisory services, cross-border transport services, mutual recognition of vocational qualifications, access to vocational training and cross-border postal services.

The Joint Secretariat will now explore and discuss these issues with departments, agencies and other relevant bodies. A progress report will be presented to the next NSMC Institutional meeting.

#### Social Protection Fund

**Ms M Ritchie** asked the First Minister and deputy First Minister what steps they will take to ensure that the Social Protection Fund will be funded for a four year period; and whether they will make a statement on this issue.

**(AQW 3239/11)**

**First Minister and deputy First Minister:** The Executive remains committed to tackling the problem of disadvantage here.

Following on from the Executive's commitment at Greenmount, a key issue will be the need to protect the most vulnerable in our society. The purpose of the Social Protection Fund will be to assist those in severe hardship as a result of the economic downturn.

OFMDFM is recommending that the Executive allocate £20 million in year one, with equivalent or increased funding in future years.

The details of the scheme are still under consideration so we are not yet in a position to make a statement on the matter.

## **Integrated Services for Children and Young People Programme**

**Mr D Bradley** asked the First Minister and deputy First Minister what discussions have taken place within their Department regarding future funding for the Integrated Services for Children and Young People Programme.

**(AQW 3602/11)**

**First Minister and deputy First Minister:** On 30 September 2010, a delegation from the Integrated Services for Children and Young People Programme (ISCYP) met with Junior Minister Robin Newton to discuss the work of the project.

At official level, two officials from our Department met with a representative of ISCYP on 17 June and on 12 October one official visited a number of projects involved in the programme. In addition, on 30 November, a representative from the ISCYP presented to the Children's Champions – a cross departmental group of officials involved in children's issues.

On 2 December, both Junior Minister Gerry Kelly and Junior Minister Robin Newton visited the ISCYP project in North and West Belfast and heard from a number of clients and professionals involved in the projects.

The services provided by the ISCYP cut across a number of departments, including the Department of Health, Social Services and Public Safety and the Department of Education. The issue of possible future funding is still under active consideration.

## **Integrated Services for Children and Young People Programme**

**Mr D Bradley** asked the First Minister and deputy First Minister what meetings they have had with community and voluntary organisations and other Government Departments regarding future funding of the Integrated Services for Children and Young People Programme.

**(AQW 3603/11)**

**First Minister and deputy First Minister:** The services provided by the ISCYP cut across a number of departments, including the Department of Health, Social Services and Public Safety and the Department of Education. We are currently examining what funding options may be available to the ISCYP programme.

## **Meetings with Banks**

**Mr S Anderson** asked the First Minister and deputy First Minister what meetings they have had with banks in the last three months in relation to lending to local small businesses.

**(AQW 3710/11)**

**First Minister and deputy First Minister:** We arranged for a number of meetings with local financial institutions at the outset of the current economic crisis. The Cross Sector Advisory Forum, which includes representation from local banks, has continued this work. In addition, the Ministers of Enterprise, Trade and Investment, and Finance and Personnel have held a series of meetings with local banks to discuss the contribution they are making to assist local companies overcome the prevailing economic conditions. Ministers, along with their officials, have maintained regular contact with the banks and have used this dialogue to highlight a number of specific problems being experienced by local businesses.

## **Transferring the Work of Quangos or Arm's-length Bodies**

**Mr S Anderson** asked the First Minister and deputy First Minister whether any savings have been identified that could be made by transferring the work of quangos or arm's-length bodies to (i) Departments; or (ii) the private sector.

**(AQW 3711/11)**

**First Minister and deputy First Minister:** It is our intention that the Budget Review Group should undertake a review of all arm's-length bodies. We anticipate that the Executive will shortly be invited to consider criteria to be applied in the review and that the Group should make its recommendations with a view to informing final Executive decisions in May. We expect that the identification of savings will be an important element of the review.

### **Sir John Shortridge's Investigation: DRD**

**Mr G Savage** asked the First Minister and deputy First Minister, pursuant to AQW 3445/11, when Sir John Shortridge's report on the Department for Regional Development will be published.  
(AQW 3766/11)

**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 and the contents of Sir Jon's report will not be published. This was set out in letters sent by the Head of the NI Civil Service to the Chair of the Public Accounts Committee and the Chair of the Regional Development Committee.

### **Sir John Shortridge's Investigation: DRD**

**Mr G Savage** asked the First Minister and deputy First Minister, pursuant to AQW 3455/11, 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 the Department for Regional Development.  
(AQW 3767/11)

**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 is ongoing. The costs incurred to date by the office of the Head of NI Civil Service in relation to the investigation are £8,198.

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.

### **Proposed Savings Plans for the 2011-15 Budget Period**

**Mrs D Kelly** asked the First Minister and deputy First Minister to detail their Department's proposed savings plans for the 2011-15 Budget period.  
(AQW 3802/11)

**First Minister and deputy First Minister:** OFMDFM must deliver savings of £3.8m/£6.9m/£10.3m/£13.8m in the Budget 2011-15 period. In addition, the Department must manage a number of unfunded pressures. The Department has developed a series of savings measures to meet its savings targets and to address its funding pressures. These are summarised in the table below.

#### **DRAFT BUDGET 2011-15: OFMDFM SAVINGS MEASURES**

	<b>2011/12 £m</b>	<b>2012/13 £m</b>	<b>2013/14 £m</b>	<b>2014/15 £m</b>
Reduction to victims and survivors funding	1.70	1.70	1.70	1.70
Reduction to SIB funding	1.90	1.90	1.90	1.90

	<b>2011/12 £m</b>	<b>2012/13 £m</b>	<b>2013/14 £m</b>	<b>2014/15 £m</b>
Departmental restructuring savings	0.95	0.95	0.95	0.95
Play policy	0.55	0.55	0.55	0.55
Rationalisation of Civic Forum structures	0.32	0.32	0.32	0.32
Wind-up of ERINI	0.90	0.90	0.90	0.90
3% reduction in Arm's-Length Body administration costs	0.49	0.99	1.48	1.97
3% reduction in Departmental administration and operating costs	0.52	1.05	1.57	2.1
Rationalisation of Arm's-Length Body structures and back-office functions	0	0	To be determined	To be determined
<b>Total Savings</b>	<b>7.33</b>	<b>8.36</b>	<b>9.37</b>	<b>10.39</b>

## Planning Appeals Commission

**Mr G Campbell** asked the First Minister and deputy First Minister to detail the cost to the public purse of the Planning Appeals Commission in each of the last three years.

**(AQW 3831/11)**

**First Minister and deputy First Minister:** The cost of the Planning Appeals Commission in each of the last three financial years was as follows:

<b>2009/10</b>	<b>2008/09</b>	<b>2007/08</b>
£2.642m	£2.347m	£1.914m

## Water Shortage Crisis

**Lord Empey** asked the First Minister and deputy First Minister when they first became aware that external help was available to deal with the emerging water crisis in December 2010.

**(AQO 841/11)**

**First Minister and deputy First Minister:** We were first made aware of an offer of external help to deal with the emerging water crisis on 28th December, in the form of an offer from Alex Salmond, First Minister of Scotland, for 160,000 litres of bottled water.

## Planning Appeals

**Mr J Wells** asked the First Minister and deputy First Minister what progress has been made to date to reduce the backlog of planning appeals currently being dealt with by the Planning Appeals Commission.

**(AQO 842/11)**

**First Minister and deputy First Minister:** The Planning Appeals Commission is an independent Tribunal which operates at arm's length from Government and exercises its functions independently of our Department.

While OFMDFM holds sponsorship responsibility for the Commission and provides financial and administrative support, the Chief Commissioner is responsible for day to day operation of the Commission and for deployment of its resources to meet the prevailing workload. However, in



recognition of the challenges and pressures facing the Commission, we made a commitment through PSA 21 to deliver increased resources to enable it to address increases in workload.

We allocated significant additional budget to the Commission over the three-year period 2008 to 2011 to deliver potential increased spending power by around £2 million over the three years.

This additional funding has enabled us to appoint an additional 14 fee-paid Panel Commissioners to address the backlog of planning appeals, and to increase the Commission's capacity at senior levels to enable it to address an increasingly complex workload.

As a result, the planning appeals backlog has reduced from its height of over 3,000 in 2007 to a figure of 347 at the end of December 2010. In addition, work has commenced or will commence shortly on public inquiries into four major planning proposals classified as Article 31 cases.

We will continue to liaise closely with the Commission regarding its workload and associated resourcing issues.

## Investment Strategy

**Mr A Maginness** asked the First Minister and deputy First Minister to outline the content of their discussion with the British Prime Minister regarding their mutual understanding of the £18 billion long-term investment strategy.

**(AQO 845/11)**

**First Minister and deputy First Minister:** We continue to be in close contact with the Coalition Government on the details of our settlement and its repercussions and we continue to press on this.

Following the Spending Review Settlement we remain unconvinced that the commitment to a long-term investment strategy of £18 billion from 2005 to 2017 will be achieved. Our figures suggest a lower figure for investment and there are a number of areas of disagreement concerning the treatment of items of capital expenditure between ourselves and HM Treasury that remain to be resolved.

We have written to the Prime Minister to express our concerns and there has been much engagement at official level between the Department of Finance and Personnel and the Treasury on the detail of their calculation of the £18 billion investment commitment. DFP continues to have concerns in relation to the assumptions underlying the Treasury figure work.

However, despite our disappointment as to the quantum of expenditure, we went ahead and agreed a Budget on 15 December not just for one year but for four years up to 2014/15. Many people said that agreeing a draft Budget here would be the Executive's biggest challenge and many felt such a challenge would be impossible. Others said the best we could achieve would be a one-year budget. But we are pleased to say that we have now agreed a draft budget not for one year, but for the entire SR period. This we consider to be a major achievement for the Executive.

## Maze/Long Kesh: Peace-building and Conflict Resolution Centre

**Mr G Savage** asked the First Minister and deputy First Minister why their Department sought European funds to build a Conflict Transformation Centre at the former Maze prison site.

**(AQO 846/11)**

**First Minister and deputy First Minister:** We announced on 29 July 2010 our intention to create a Development Corporation to deliver the regeneration of Maze/Long Kesh including the construction of a Peace Building and Conflict Resolution Centre on the site as agreed by the all-party Maze/Long Kesh Consultation Panel.

The Department of Finance and Personnel has confirmed that it was always envisaged that the Peace III Programme had the capacity for large-scale capital projects that would create shared space and have a significant transformational impact.

A successful application to Europe for this Centre will not displace funding to other sectors and will enhance the work of peace building and conflict resolution here and across the globe.

## Child Poverty Strategy

**Mr J Bell** asked the First Minister and deputy First Minister for an update on the Child Poverty Strategy. (AQO 847/11)

**First Minister and deputy First Minister:** The provisions of the Child Poverty Act 2010 specifically require us to produce and present to the Assembly, by 25 March 2011, a Child Poverty Strategy. The strategy will outline those actions that departments are taking to ensure its associated targets are met.

The Act further places an ongoing requirement for child poverty strategies to be produced every three years and for annual reports to be made to the Assembly.

In developing our proposals we are required to consult with local public bodies, children and organisations working with or representing children, and may also consult “such other persons as the devolved administration thinks fit”.

Work is progressing well in this area with a pre-consultation stakeholder event having been held during September. To date, public consultation events have already been held in Belfast on 16th December 2010, Ballymena on 11th January, Newry on 13th January, Derry/Londonderry on 18th January and Enniskillen on 20th January.

Further events are due to take place in Omagh on 25th January and Belfast on both 27th and 29th January. The last of these events will particularly focus on obtaining the views of children and young people and will be facilitated by Playboard.

Formal public consultation will end on Sunday 6 February 2011 and after analysis of the consultation responses, and consultation with the OFMDFM Committee, the strategy document will be finalised and issued to the Executive for approval with the intention of laying before the Assembly by 24th March 2011.

## Institutional Abuse

**Mr R McCartney** asked the First Minister and deputy First Minister for an update on the work programme of the Interdepartmental Taskforce on Institutional Abuse. (AQO 849/11)

**First Minister and deputy First Minister:** The Interdepartmental Taskforce held its first meeting on Tuesday 4 January 2011 to take this matter forward. An important aspect of the Taskforce's work programme will include considering the experiences of other jurisdictions in developing options for an approach that will best meet the needs and circumstances here.

The group is also working to ensure that adequate provision is available through government services to address the short-term needs of survivors of historical institutional abuse.

The group's work programme will include direct engagement with victims and survivors throughout the process. The Taskforce has met with a number of victims/survivors and held discussions with officials in other jurisdictions, with further meetings planned in the coming weeks.

## Department of Agriculture and Rural Development

### Axis 3 of the Rural Development Programme

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development to detail the difficulties experienced by her Department in delivering grant money under Axis 3 of the Rural Development Programme in the ARC north-west area. (AQW 3382/11)

**Minister of Agriculture and Rural Development (Ms M Gildernew):** Funding under Axis 3 measures of the Rural Development Programme (RDP) 2007-2013 is being delivered by local Council Clusters. Assisting Rural Communities (ARC) North West (NW) is one such Council Cluster and is responsible for delivering funding in the Omagh, Strabane, Derry and Limavady Council areas.

Following an invitation I met ARC NW representatives in Omagh on 1 December 2010 to discuss a number of issues which they had identified around Axis 3 delivery. I clarified: that the operating rules are detailed to provide comprehensive support and guidance to clusters; that delays in issuing RD1 numbers are only in exceptional circumstances; that system 2007 Database is fully operational; the guidance on Village Renewal, Co-operation, bespoke training, insurance requirements; and, the use of in-kind contribution.

I expressed my concern with the slow progress of Axis 3 spend in the Assembly on 28 September and asked officials to review the barriers to spend. On the basis of this review, which was on-going, I was able to respond and inform ARC representatives about an easement on procurement rules and that officials are seeking state-aid clarification around support for stand alone renewable energy projects.

We had a very useful discussion and agreed the importance of maximising project spend and minimising administration spend and I asked ARC to further explore if they feel there is a need for an increase in funding intervention rates.

I found the meeting to have been a very useful and clear exchange and was encouraged by the commitment shown by ARC NW representatives to achieving maximum success for our rural community through the Axis 3 measures.

### **Spreading of Poultry Litter on Agricultural Land**

**Mr T Burns** asked the Minister of Agriculture and Rural Development what measures are being taken by her Department to deal with the issues surrounding the spreading of poultry litter on agricultural land; and what guidance is currently provided to poultry farmers.

**(AQW 3563/11)**

**Minister of Agriculture and Rural Development:** My Department, working jointly with the Department for the Environment, has implemented the Nitrates Action Programme. Its purpose is to ensure that spreading of livestock manures, including poultry litter and poultry manure, and chemical fertilisers are appropriately managed on all farms across the north of Ireland.

Measures include limits on how much livestock manure can be spread on agricultural land and when and how it can be spread. The purpose of these controls is to prevent excess applications of livestock manures which could result in nutrient losses to water and subsequent pollution.

A temporary measure under the Nitrates Action Programme Regulations allows poultry litter to be stored in field heaps prior to land spreading. Agreement has recently been secured with the European Commission to extend this to September 2011, when it will be reviewed. The Departments and the industry are currently conducting on farm trials of low cost temporary storage measures for poultry litter prior to land spreading to inform the review.

However, land spreading of poultry litter at current levels is not sustainable in the long term. This is due to its high phosphorus content, the enriched phosphorus status of local soils and the resulting detrimental impact of excess phosphorus on water quality.

Consequently, DARD, in conjunction with Agri Food and Bio Sciences Institute (AFBI), has evaluated a wide range of alternative technologies for processing poultry litter. They have been involved in four studies since 2005 and continue to monitor developments in alternative technologies.

Comprehensive guidance documents are available for farmers on the requirements of the Nitrates Action Programme and include advice on the storage and spreading of poultry litter.

Since 2007, the College of Agriculture, Food and Rural Enterprise (CAFRE) have held some 400 information workshops on the Nitrates Action Programme for farmers, with a number specifically targeted for poultry farmers. Training workshops are ongoing.

A series of online support tools are available to help farmers comply with the Action Programme requirements. These cover nitrogen loading, nutrient management and manure storage calculators.

Specific guidance for farmers on the temporary field storage measure and on spreading of poultry litter will be issued this Spring. Updated guidance on the Action Programme for 2011-2014 will also be issued in the coming months.

In addition, advice on reducing the risk of botulism in cattle from spreading poultry litter has been published and distributed to poultry farmers.

The DARD Code of Good Agricultural Practice (COGAP) for the prevention of pollution of water, air and soil includes practical guidance for farmers on spreading and storage of poultry litter.

## **Broadband Services in Rural Areas**

**Mr P McGlone** asked the Minister of Agriculture and Rural Development what assessment has been made of the availability of broadband services in rural areas; and what areas are currently not able to avail of adequate broadband coverage.

**(AQW 3680/11)**

**Minister of Agriculture and Rural Development:** Access to improved telecoms provides a key catalyst for rural businesses, communities, and a means of communication with the rest of the world for those isolated from urban centres.

I am constantly reminded by rural dwellers of the importance of good communications and of the increasing reliance many place on telecoms in their day to day lives. That is why I decided that funding specifically targeting rural areas should be made available from my Department to provide increased access to these services in rural areas.

To date my department has through two separate interventions provided £2.5 million as part of the BT Next Generation project. These funds have been specifically targeted at rural areas with roll-out to be completed in April 2011.

As you know Department of Enterprise Trade and Investment has statutory responsibility for the provision of communication services including broadband and they can provide the detailed information regarding assessment of availability.

## **Rural Development Programme**

**Mr P Frew** asked the Minister of Agriculture and Rural Development whether she would consider introducing a new application form for the Rural Development Programme which would capture more information at the application stage and reduce the follow up time expended on acquiring further information.[R]

**(AQW 3702/11)**

**Minister of Agriculture and Rural Development:** Officials met with Joint Council Committees, Local Action Groups and Council Admin Units on 19 January 2011. They were informed that a change to the online application to allow summary financial information to be recorded was in the process of being implemented by the software company with an expected live date at the end of April 2011.

As you know since taking office I have strived to reduce bureaucracy wherever and whenever possible.

The application form now used in Axis 3 has been reduced from a cumbersome form of 32 pages to just 7.



## Rural Development Programme

**Mr P Frew** asked the Minister of Agriculture and Rural Development (i) how many levels of audit are carried out on the Rural Development Programme; (ii) what costs are associated with these audits outside of cluster budgets; and (iii) for her assessment of this cost compared to the perceived risk to public funds.[R]

**(AQW 3703/11)**

### Minister of Agriculture and Rural Development:

- i) There are 5 levels of audit undertaken in compliance with requirements under EU Control Regulations governing the terms and conditions associated with EU funding of the Rural Development Programme. These cover the European Court of Auditors, independent audit of accounts by the NIAO, DARD internal audit report on procedures and standards, DARD EU Verification Unit sample audit governing expenditure declared to the EU and percentage re-performance checks on applications by DARD Programme Compliance Unit;
- ii) Reference to “cluster budgets” suggest that the key focus in the question relates to Axis 3 of the RDP; however what follows are the most recent annual audit costs associated with the entire RDP, which is a programme with a total value of over £500m.: DARD Internal Audit £38,000; EU Verification Unit £160,000; DARD Programme Compliance Unit £132,000. I am unable to provide details of the costs associated with the EU Auditors and NIAO as these functions are outside my Department’s responsibility.
- iii) As I have indicated, the above auditing regime is in keeping with EU funding terms and conditions; my own views on audit costs in relation to perceived risk is therefore irrelevant. What I would add though is that audit, in its various forms, is fundamental to good governance practice when managing public funds. It ensures a constant focus towards achieving value for money, fairness and equality of opportunity in procurement processes and delivery practices. It also provides an independent assessment of how programmes are managed and delivered, highlighting any perceived weaknesses and making recommendations towards continuous improvement. Moreover, audit provides a framework for ensuring that procedures are in place to quality assure funding claims and payments processes so that all expenditure can be accounted for. Finally, the auditing process in its entirety helps reduce the risk of EU funding disallowance and penalty.

## Rural Development Programme

**Mr P Frew** asked the Minister of Agriculture and Rural Development what action her Department has taken to allow Rural Development Programme clusters to distribute funds as quickly and efficiently as possible, rather than excessive administration and micro-management of the programme.[R]

**(AQW 3704/11)**

**Minister of Agriculture and Rural Development:** To enable the Rural Development clusters to distribute funds quickly and efficiently, my Department has introduced a partnership delivery mechanism between council clusters and Local Action Groups. The experience of councils in the administration of Public and European funds has enabled the Joint Council Committees to oversee and take responsibility for financial management while allowing Local Action Groups to do what they do best. That is finding local solutions to local problems and encouraging applications from local people.

My Department has supported this mechanism by the provision of a comprehensive operating manual; pre-assessment checks of all first tranche applications; training of all LAG and JCC members in Public Accountability and Project Assessment; and training in scheme specific areas for council administrative staff.

More recently Departmental officials have worked on a one-to-one basis with council staff on the eligibility assessment of applications in order to break the backlog of applications which partnerships had built up.

The slow implementation of Axis 3 /4 by partnerships of which I spoke in the house on 28th September 2010 continues to be a concern. Officials have recently met with JCC and LAG representatives and it

has been identified that the efficient delivery of the Axis is being hampered by the poor standard of claims coming from promoters.

I hope that the Rural Support Networks will be able to offer assistance to both LAGs and project promoters to help improve and speed up the claim process. The Rural Network will also be involved. It is very important for this programme that funds are distributed more quickly to rural dwellers and an efficient claim process is a key point of achieving that.

## Rural Development Programme

**Mr P Frew** asked the Minister of Agriculture and Rural Development (i) how much money each Rural Development cluster has awarded to date; (ii) what is the budget allocation for each cluster; and (iii) how many clusters have reached their agreed targets. [R]

**(AQW 3705/11)**

**Minister of Agriculture and Rural Development:** (i) & (ii) The awards and allocations are as follows:

Cluster	(i) Awarded	(ii) Allocation
ARC	4,025,815	18,484,112
DRAP	2,320,694	13,498,066
GROW	1,790,903	8,890,899
LRP	1,315,889	8,691,556
NER	2,167,122	13,181,300
SOAR	3,155,369	16,731,839
SWARD	5,987,388	20,522,227
<b>Total</b>	<b>20,763,180</b>	<b>99,999,999</b>

(iii) All clusters submitted Local Rural Development Strategies and developed implementation plans for the full period of the programme 2007-2015, these included targets. As the programme still has several years to run all clusters are working towards these.

## Rural Development Programme

**Mr P Frew** asked the Minister of Agriculture and Rural Development (i) how many projects in each Cluster area have dropped out of the Rural Development Programme after receiving approval from a Local Action Group and a Joint Committee due to bureaucracy or because of a technical issue raised by the Department; (ii) the total cost of these projects; (iii) the reason they dropped out; (iv) for her assessment of these reasons; and (v) what action she is taking to rectify this situation.[R]

**(AQW 3706/11)**

**Minister of Agriculture and Rural Development:** The statistics you have asked for have been taken from the EU grants database used by the council administration units on behalf of Joint Council Committees to input their progress and analyse applications.

I have included a table giving a breakdown of the figures you have asked for and would add the following summary;

- (i) To date 6 applications in total are recorded as having dropped out due to bureaucracy and a further 7 due to technical issues.
- (ii) The total cost of these projects is nil as they did not proceed but funding of £ 238,506 had been approved.
- (iii) The reasons are as you requested bureaucracy and technical issues.
- (iv) The reasons are not uncommon within any programme given the number of applications received.

- (v) Officials continually meet with representatives of Joint Council Committees, Local Action Groups and Council Administration Units to examine day to day issues with progress and have recently introduced a number of easements to help progress applications.

<b>Reason for Drop out after approval stage</b>	<b>GROW</b>	<b>NER</b>	<b>LRP</b>	<b>DRAP</b>	<b>SOAR</b>	<b>ARC</b>	<b>SWARD</b>	<b>Total</b>
Bureaucracy	0	6	0	0	0	0	0	<b>6</b>
Non compliance to operating rules	0	2	1	2	0	0	0	<b>5</b>
Ineligible	1	1	0	0	0	0	0	<b>2</b>
	<b>1</b>	<b>9</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>

## Bluetongue

**Mr P Girvan** asked the Minister of Agriculture and Rural Development what is the situation with regard to bluetongue disease; and why it is taking so long for cattle to be allowed entry to Northern Ireland from the rest of the United Kingdom.

**(AQW 3722/11)**

**Minister of Agriculture and Rural Development:** Following the widespread outbreaks of bluetongue in Europe and Britain, I with the support of the UFU and other stakeholders, have consistently urged importers not to put their business, and those 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 coming here from Britain or Europe are tested after they arrive to ensure they have complied with the legal requirements and these animals are restricted and isolated until the results of those tests are known.

I shudder to think of the consequences had these measures not been in place.

Almost three years ago, on 14th February 2008, these control measures allowed us to quickly identify and cull an imported affected animal. Further investigations were carried out and a total of 30 animals were culled because they had also been affected by the disease or posed a threat of further disease spread.

Based on economic estimates the local industry could have suffered to the tune of £75m to date if bluetongue had become established then.

I have been consistent on this issue in maintaining a “Fortress Ireland” approach to keeping bluetongue out and I do not intend to make any changes to this policy at this time.

## Single Farm Payments

**Mr G Savage** asked the Minister of Agriculture and Rural Development how many farmers have not yet received their Single Farm Payment.

**(AQW 3769/11)**

**Minister of Agriculture and Rural Development:** My Department has finalised 34,504 claims for receipt of any payment due by 31 January 2011. This is 90.3% of farmers who claimed the Single Farm Payment in 2010. A further 3,674 claims (9.7%) are not yet finalised for a variety of reasons, including queries on the claim, the need to complete processing of an on-farm inspection report, challenges by others of the right to claim the land, the need to await probate or because the farmer has not provided bank account details to allow payment to be made by electronic transfer. Not all remaining claims will be due a payment because of ineligibility or the application of penalties under scheme rules.

## Rural Development Programme

**Mr P Frew** asked the Minister of Agriculture and Rural Development for her assessment of the delays caused by the different procurement criteria applied by Government Departments and agencies which jointly fund projects under the Rural Development Programme; and what action she will take to address this issue.[R]

**(AQW 3776/11)**

**Minister of Agriculture and Rural Development:** I am unable to answer the question on behalf of other Departments and agencies. However as regards the Department of Agriculture and Rural Development the procurement criteria used by funded projects is informed by best practice and experience gained through audit and inspection findings and recommended actions of current and previous programmes such as Leader +.

My officials have been proactive in working with the Council Administration staff on the ground to address issues and have met with a number of bodies to ensure projects involving multiple agencies progress. Indeed when possible easements and improved practices have been introduced to help in these cases. However the overriding purpose of procurement is to achieve best value for the public purse in line with the 12 principles governing public procurement.

## Single Farm Payments

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development what action she is taking to speed up the delivery of the outstanding Single Farm payments.

**(AQW 3788/11)**

**Minister of Agriculture and Rural Development:** I set challenging targets for my Department for the processing of 2010 Single Farm Payments during December 2010 and January 2011. The objective was to complete 83% of claims for receipt of any payment due by 31 December and a total of 90% by the end of January. I am pleased to say that both targets were exceeded with 84.5% achieved in December and 90.3% in January. A total of £231 million has been paid out for receipt by farmers before the end of January 2011.

I am keen that all the remaining claims are finalised at the earliest possible date and all possible steps are being taken to ensure that this is the case. However, under EU rules my Department can only make payments on fully verified claims and when the results of verification checks have been taken into account and the correct amount due has been calculated. Many of the remaining cases require recalculations going back over a number of years to take account of boundary changes and ineligible areas found at on-farm inspections. These assessments are highly complex and take time to clear. For this reason, I have made available more staff time for dealing with the remaining applications.

It is critical that farmers work with us by reporting changes to their maps and claiming only on eligible areas of land when they submit their claim in order to avoid delays at a later stage.

## Rural Development Programme

**Mr W Irwin** asked the Minister of Agriculture and Rural Development, pursuant to AQW 2657/11, (i) whether the review of Axis 3 delivery has been completed; (ii) to outline the findings of the review; and (iii) whether Local Action Groups will be given clear and coherent guidance to avoid frustration in delivering the programme.

**(AQW 3881/11)**

**Minister of Agriculture and Rural Development:**

- i) The Review of Axis 3 delivery has been completed, and a paper setting out the recommendations to the Minister was issued to Local Action Groups and Councils before Christmas. I understand you are a member of the SOAR Joint Council Committee and I assume you have seen and commented on the paper.



- ii) The Review sets out 7 key issues which are causing concern, some of which may have a direct impact on spend, and others which may have the effect of improving procedures generally.

The seven issues are:-

a) **Audit/Procurement Rules**

Many Article 26 re performance checks have been reduced to 50%. Where they remain at 100%, this is at the request of the LAGs.

Quotations are now 'sought', rather than 'obtained' and it is hoped that e-mail quotations will be accepted – this is still being assessed.

b) **Lack of flexibility on Operating Rules**

Requests for phased payments and the use of underspend have been made. The phased payments, on a case by case basis, is agreed and underspend on Letters of Offer, up to a maximum value of 10% of total grant is also agreed.

c) **Capacity Issues/Spend**

This is the crux of the difficulties within this Axis. Spend (which is processing claims quickly and effectively) is slow.

I have asked the Rural Network to work with Clusters on ways to help them speed up their claim work. There needs to be performance targets which are monitored and reviewed.

d) **Match Funding/Grant Rates**

To change the intervention rates will require a sound rationale for the European Commission.

Raising the maximum of grant available (from £50k to £100k) requires evidence of need, and Monitoring Committee agreement. In Scotland and ROI the Private Sector Intervention Rate remains at 50%. However, evidence of need has been requested from the LAGs.

e) **Self Implementation Programmes**

These types of projects can pose risks for the LAGs and the Department. However, the Rural Network have been asked to assist in assessing the value of these types of Projects on potential spend, in particular, and overall impact of the Programme.

f) **Best Practice**

There are a number of issues which are resolved quickly by some LAGs and much more slowly by others. The exchange of best practice is key in a Programme such as this, and again the Rural Network will be working with LAGs and JCCs to revisit internal procedures and to produce a paper on a practical way forward for best practice communication.

g) **Programme Actions (Required Bid)**

Clusters are keen to see a regional approach taken to Renewable Energy Projects and a Programme for Small Food Processors.

In relation to Small Food Processors, a paper has been drawn up to discuss how this might be taken forward in the context of food policy, and is under consideration.

There are more difficulties in relation to Renewable Energy in connection with State Aid, and advice is being sought.

- iii) Local Action Groups will be kept closely informed on progress. However, the key issue is to find ways to help them increase spend. The level of commitment by way of Letters of Offer is impressive, but this must be quickly realised into the payment of claims to rural businesses and the rural community in general.

I must emphasise that clear guidance for LAGs on all aspects of the Programme has been in place for some time.

## Single Farm Payments

**Mr W Irwin** asked the Minister of Agriculture and Rural Development, given that some farmers have been waiting for 12 months since farm inspections were carried out and have not yet received their Single Farm Payments, what plans she has to address the shortcomings in the Payment system.  
**(AQW 3949/11)**

**Minister of Agriculture and Rural Development:** I set challenging payment processing targets for my Department for the processing of 2010 Single Farm Payments during December 2010 and January 2011. The objective was to complete 83% of claims for receipt of any payment due by 31 December and a total of 90% by the end of January 2011. I am pleased to say that both targets were exceeded with 84.5% achieved in December and 90.3% in January.

I am keen that all the remaining claims are finalised at the earliest possible date and all possible steps are being taken to ensure that this is the case. However, under EU rules my Department can only make payments on fully verified claims and when the results of verification checks have been taken into account and the correct amount has been calculated. Many of the remaining cases require recalculations going back a number of years to take account of boundary changes and ineligible land found at on-farm inspections. These assessments are highly complex and take time to clear. For this reason, I have made available more staff time for dealing with the remaining applications.

My Department has also now completed work to update the systems required to process claims to which penalties have to be applied under the cross compliance requirements because of discrepancies found at cattle identification inspections. These assessments are now being progressed and any payments due will be issued at the earliest possible date.

It is critical that farmers work with us by reporting changes to their maps, claiming only on eligible areas of land when they submit their claims and making sure that they comply with the cross compliance requirements, in order to avoid delays at a later stage.

## Single Farm Payments

**Mr W Irwin** asked the Minister of Agriculture and Rural Development how many farmers were awaiting their Single Farm Payment as of 31 January 2011.  
**(AQW 3972/11)**

**Minister of Agriculture and Rural Development:** My Department had finalised 34,504 claims for receipt of any payment due by 31 January 2011. That is 90.3% of farmers who claimed the Single Farm Payment in 2010. 3,674 (9.7%) claims are not yet finalised for a variety of reasons, including queries on the claim, the need to complete processing of an on-farm inspection report, challenges by others of the right to claim the land, the need to await probate or because the farmer has not provided bank account details to allow payment to be made by electronic transfer. Not all of the remaining claims will be due a payment because of ineligibility or the application of penalties under scheme rules.

## Water Leaks: Farmland

**Mr W Irwin** asked the Minister of Agriculture and Rural Development whether she plans to lobby NI Water on behalf of farmers who suffered water leaks on their land during the recent adverse weather and who might receive significantly increased water bills because of the time taken to locate and repair leaks.  
**(AQO 913/11)**

**Minister of Agriculture and Rural Development:** Farmers and rural dwellers were particularly badly hit during the recent adverse weather. My Department played its full part in supporting NI Water, and during the course of the incident we provided general advice for farmers on checking premises for leaks as well as specific advice regarding drinking water requirements for livestock, and dairy hygiene. We also provided Rivers Agency staff to visit farms and deliver bottled water to vulnerable people; Departmental

staff volunteered to assist with call handling within the NI Water call centre; and we set up a dedicated DARD Helpline.

I would pay tribute to farmers and the wider rural community for their resilience during this difficult time. I would also commend staff from my own Department, as well as NI Water, for dealing with a number of urgent cases reported to our Helpline so quickly.

I have discussed the matter of leakages with the Minister for Regional Development and he has been advised by NI Water (NIW) that damage or defects can occur at any time during the year which can result in leakage on customer supply pipes.

NI Water has advised that it developed its current arrangements for dealing with payment for water lost from customers' pipes in 2008. In these arrangements, non-domestic customers such as farmers 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 on private pipes.

## Farm Maps

**Mr T Burns** asked the Minister of Agriculture and Rural Development what is the proposed timetable for the completion of the new farm maps.

**(AQO 914/11)**

**Minister of Agriculture and Rural Development:** The Land Parcel Identification System (LPIS) Improvement Project to improve the quality of farm maps will be carried out in two Phases. Phase one will deal with the issues which are of most concern to the EU auditors. It will remove areas from fields that are ineligible to receive area based payments. Phase One will be substantially complete by January 2012 with most new maps issued to farmers between August and December 2011.

Phase 2 aims to amend the Ordnance Survey maps and then the DARD farm maps to align them with Global Position System technology. I expect the Phase two changes to be minimal, but they are necessary improvements to the mapping data-base.

## Headquarters: DARD

**Mr S Moutray** asked the Minister of Agriculture and Rural Development if she can confirm that the proposed relocation of her Department's headquarters will cost about £26 million.

**(AQO 915/11)**

**Minister of Agriculture and Rural Development:** As identified in the Draft Budget 2011-15 Spending and Savings Proposals within Department of Agriculture and Rural Development, I have made provision for a capital allocation of £13m in 2014/15 to begin a new building, with the remaining £13m of capital expenditure falling into the following budget period. The overall estimated capital cost of a new DARD Headquarters is in the region of £26m.

This proposal has my personal commitment because it is time that Government was more proactive in decentralising its functions into the rural community, particularly West of the Bann. This presents an opportunity to move public sector jobs out of Belfast into a rural area, which is line with the recommendation of the Bain report on relocating public sector jobs. I am excited at the prospect of having a main Government Department headquartered outside the Greater Belfast Area and more especially so because it is my Department, whose customers are located almost exclusively in rural areas. This represents an important first step to relocate a significant share of public sector jobs to rural areas bringing with it significant socio-economic benefits from increased local spending and access to high quality, local employment.

I envisage the project to relocate the DARD HQ will not be complete until around 2016 and can confirm that an economical appraisal will be carried out as part of the overall plan for the project. I can assure you that this project will be subject to the Executive's usual requirements in respect of business cases and procurement.

### **Cattle: Electronic Tagging**

**Mr D O'Loan** asked the Minister of Agriculture and Rural Development whether she has any plans to introduce the electronic tagging of cattle.

**(AQO 916/11)**

**Minister of Agriculture and Rural Development:** Electronic identification, or EID, of cattle is under active consideration in Brussels and we are awaiting proposals on the issue from the European Commission. The Commission is expected to present a proposal on Cattle EID at the Agriculture and Fisheries Council in May, with the potential to introduce legislation later this year or early next. When the EU legislation comes into force this would allow us to introduce domestic legislation to support the use of EID tags as an official means of identification, and may also allow us to require EID tags on a compulsory basis.

The objective of electronic tagging of cattle is to make it easier to trace individual animals, especially in a serious disease outbreak situation such as Foot and Mouth Disease, and to improve the reliability of cattle tracing, which would in turn increase customer confidence in our products. I would expect a Cattle EID system to offer many of the opportunities that were offered through the Sheep EID system that we introduced last year. These could include advantages to keepers through reduced bureaucracy, paperwork costs, and a reduced risk of recording errors.

There has been significant industry support for Cattle EID here based on the potential for improving competitiveness, increasing market opportunities and exploiting wider technical developments for the benefit of the beef sector. I know that many dairy keepers and some suckler keepers are actively using EID technology to improve their businesses and my officials will continue to work with the industry to ensure that the technology is used effectively.

My officials will also continue to work closely with officials in the south to ensure that any Cattle EID systems adopted are compatible and support the All Island Animal Health and Welfare Strategy objective of the free movement of animals.

### **Cattle Diseases**

**Mr B Armstrong** asked the Minister of Agriculture and Rural Development what action her Department will take over the next four years to eradicate Brucellosis and significantly reduce Tuberculosis.

**(AQO 917/11)**

**Minister of Agriculture and Rural Development:** We have made significant progress in our fight against brucellosis since our peak in 2002, to an annual herd incidence of 0.38% at 30 November 2010. Eradication of this disease in the next few years is a realistic possibility, provided our good progress is not frustrated by further fraudulent activity, including deliberate infection.

We have also made considerable progress in TB eradication, reducing the herd incidence from almost 10% in 2002 to 5.29% at 30 November 2010. There has been an encouraging steady reduction in the animal incidence over the past year which, if sustained, should lead to a further reduction in the herd incidence here.

We continue to work to enhance our TB eradication programme. We now remove as reactors animals that give an inconclusive result to a second consecutive TB test, rather than a third test as before. Removing these reactors at an earlier stage should help further reduce TB levels.

We are now applying DNA identity tags to reactors to help reduce the potential for animal substitution post-valuation, to reduce the risk of both fraud and further disease spread.



We are conducting a TB Biosecurity Study to assess what differences there are between herds that are infected and herds that remain free of disease in a TB high incidence area in County Down. This Study should help inform new biosecurity advice for farmers.

The Agri-Food and Biosciences Institute (AFBI) have been commissioned to conduct comprehensive literature reviews on critical evidence gaps in relation to bovine TB. We are developing links with the current badger vaccination trials that are being undertaken in the south of Ireland and England. We are also reviewing the way we use the gamma interferon blood test in the TB programme to ensure we are making the best use of it. And we have made improvements in the rigour of our TB testing process and supervision.

I am committed to eradicating these diseases and will continue to work towards this end.

## **Dioxin Contamination**

**Mr T Gallagher** asked the Minister of Agriculture and Rural Development whether she will undertake to have the issue of the 2008 Dioxin Contamination Incident placed on the agenda of the next Joint Ministerial Meeting with a view to the two Ministers issuing a joint statement on all the findings since the outbreak.

**(AQO 918/11)**

**Minister of Agriculture and Rural Development:** The Dioxin issue has been discussed at a number of North South Ministerial Council meetings (NSMC) under the Animal Health area of co-operation agenda item. There has already been significant progress made on strengthening cooperation on the island of Ireland in order to deal with such incidents in the future.

My Department has developed a common early warning protocol for major incidents with DAFF which covers the following areas:-

- Pesticides and their residues;
- Meat, dairy and eggs;
- Animal Feed; and
- Plant Health and horticulture.

My officials will discuss and consider with their southern counterparts the frequency of testing of these protocols on an all island basis, in the meantime plans are already underway for an all island contingency exercise later this year to test mapping capability with a more extensive contingency exercise anticipated for next year.

It is expected that the Executive will formally respond to the Mackenzie review into the quality, timeliness and management of the incident in the near future. I would expect progress to be discussed on this issue at the next NSMC meeting.

## **Headquarters: DARD**

**Mr D McNarry** asked the Minister of Agriculture and Rural Development when an economic appraisal will be carried out on the £13 million prioritised capital spend on a new departmental headquarters as outlined in her Department's spending proposals for 2011-15.

**(AQO 919/11)**

**Minister of Agriculture and Rural Development:** As identified in the Draft Budget 2011-15 Spending and Savings Proposals within Department of Agriculture and Rural Development, I have made provision for a capital allocation of £13m in 2014/15 to begin a new building, with the remaining £13m of capital expenditure falling into the following budget period. The overall estimated capital cost of a new DARD Headquarters is in the region of £26m.

This proposal has my personal commitment because it is time that Government was more proactive in decentralising its functions into the rural community, particularly West of the Bann. This presents

an opportunity to move public sector jobs out of Belfast into a rural area, which is line with the recommendation of the Bain report on relocating public sector jobs. I am excited at the prospect of having a main Government Department headquartered outside the Greater Belfast Area and more especially so because it is my Department, whose customers are located almost exclusively in rural areas. This represents an important first step to relocate a significant share of public sector jobs to rural areas bringing with it significant socio-economic benefits from increased local spending and access to high quality, local employment.

I envisage the project to relocate the DARD HQ will not be complete until around 2016 and can confirm that an economical appraisal will be carried out as part of the overall plan for the project. I can assure you that this project will be subject to the Executive's usual requirements in respect of business cases and procurement.

## Department of Culture, Arts and Leisure

### Displays at the Ulster Museum Relating to the IRA Hunger Strikes

**Mr S Anderson** asked the Minister of Culture, Arts and Leisure for his assessment of the displays at the Ulster Museum relating to the IRA Hunger Strikes.

**(AQW 3714/11)**

**Minister of Culture, Arts and Leisure (Mr N McCausland):** The Troubles Gallery at the Ulster Museum contains one interpretive panel relating to the Hunger Strikes.

The Troubles Gallery has been on display since the Ulster museum reopened to the public on 22 October 2009.

This panel is part of the Troubles Gallery which comprises a series of interpretative panels and supporting photographs. It is arranged around particular themes and events which are intended to give a broad platform of information about issues which have shaped our recent history.

National Museums NI are currently undertaking a Post Project Evaluation (PPE) of the Ulster Museum investment. This has been expanded, at my request, to consider matters such as curatorial interpretation and presentation.

I look forward to, in due course, receiving and considering the final PPE report which will contain input from independent advisers.

### Carling Nations Cup 2011

**Mr P Weir** asked the Minister of Culture, Arts and Leisure what action his Department and Sport NI are taking to promote the Carling Nations Cup 2011 in order to take full advantage of the tourism opportunities it will bring.

**(AQW 3758/11)**

**Minister of Culture, Arts and Leisure:** As sports Minister for Northern Ireland, I am pleased that the Northern Ireland international football team will be participating in the Carling Nations Cup 2011. However, neither my Department nor Sport NI have any remit to either promote the Carling Nations Cup 2011 or take advantage of the tourism opportunities it may bring. All games in the 2011 Cup are being staged in Dublin and responsibility for promoting the competition rests, in the first instance, with the organisers namely the Football Association of Ireland, the Irish Football Association, the Scottish Football Association and the Football Association of Wales.

Responsibility for tourism promotion in Northern Ireland, including taking advantage of tourism opportunities provided by major events, is a matter for the Department of Enterprise, Trade and Investment (DETI) and the Northern Ireland Tourist Board.

## Sports Stadia: Development

**Mr F McCann** asked the Minister of Culture, Arts and Leisure to outline the proposed timescale for the development of Casement Park, Windsor Park and Ravenhill.

**(AQO 921/11)**

**Minister of Culture, Arts and Leisure:** Providing fit-for-purpose stadiums for football, Gaelic games and rugby is, and has been since coming into office, one of my key priorities. To secure this objective my Department, through Sport NI, appointed consultants to undertake an Outline Business Case to examine the preferred options identified by the sports for their long-term stadium needs, including variations around those options and two-sport options. The Outline Business Case has been completed, fully considered within my Department and is currently being assessed by the Department of Finance and Personnel.

Funding to take forward stadium development was always subject to normal budgetary processes and I am delighted that the Executive, in announcing the draft Budget 2011-2015, has included £110m for this purpose. This is a significant outcome in financially challenging times and one which will now enable me, in consultation with the Executive, to further consider how best to progress this issue.

In terms of timescales for the development of Casement Park, Windsor Park and Ravenhill, this is very much dependent on the varying nature of work required to bring stadium provision to acceptable standards. The Sports' Governing Bodies will be working on their respective stadiums at their own pace having regard to individual design requirements, planning, procurement and other complexities normally associated with major developments of this kind.

## Sport: Newbuilds

**Mr G Savage** asked the Minister of Culture, Arts and Leisure for his assessment of the impact of the shelving of five new sports centre builds on the sustainability of these sports and what alternative support his Department can offer.

**(AQO 922/11)**

**Minister of Culture, Arts and Leisure:** All Departments are going through the biggest budget cuts experienced in a generation and as a result whilst some of my Department's key priorities were met, some on the other hand were not met. I am disappointed not to have the money to invest in Elite facilities. This will have an impact on the sports' ability to achieve their ambition to enhance and develop high performance athletes in their respective disciplines.

I have already publicly stated that despite this disappointing outcome there has been very significant investment in sport by my Department. Some £53m of capital investment delivering new and up graded sports facilities across Northern Ireland will have been made over the period 2008 to 2011 through programmes such as Places for Sport, Stadia Safety and the Building Sport Programme. This figure also includes the 50metre swimming pool which is on target to be completed in June 2012. Additionally, Lottery funding has also contributed significantly to the establishment of the Sports Institute Northern Ireland and its ongoing role in providing support to elite athletes.

In terms of the specific investment to date by the applicants I would emphasise that consultants were appointed directly by them and negotiation of fees and the amounts involved is entirely a matter between the applicant and their consultants.

## Arm's-Length Bodies: DCAL

**Mr M Brady** asked the Minister of Culture, Arts and Leisure, given the recent budget constraints, how he intends to ensure balanced spending within his Department's arm's-length bodies.

**(AQO 924/11)**

**Minister of Culture, Arts and Leisure:** I am not entirely sure what the member means by "ensuring balanced spending" – whether he is referring to the Department's allocations of budget across its sponsored bodies; or to allocations within various sectors like arts or sports; or to the control of

spending within budget limits. I trust I will have interpreted him correctly if I concentrate on how allocations to arm's length bodies are arrived at.

In reviewing allocations across my Department and its Arm's Length Bodies, following the Executive's announcement, I have been mindful of a number of factors.

I have considered the long term impact of budget cuts on infrastructure and the existence of inescapable pay and cost pressures. I have also borne in mind the existence of alternative funding streams, for example, from Lottery and from charging or other revenue raising possibilities. Indeed, I believe that public bodies should take every step to explore these possibilities as imaginatively as possible.

There are also my priorities as a Minister to consider and the requirement for my Department to service the Assembly.

Finally, I have also tried to offer some measure of protection to smaller bodies

In weighing these factors, I have endeavoured to ensure as fair a balance as possible in the circumstances.

## **2012 Olympics: Training**

**Mr C Boylan** asked the Minister of Culture, Arts and Leisure whether his Department has been successful in attracting any international teams to use local training facilities ahead of the London Olympics in 2012.

**(AQO 927/11)**

**Minister of Culture, Arts and Leisure:** Work to attract countries for pre Games training began in 2007 by ensuring Northern Ireland venues were included in the London 2012 pre Games training camp Guide. A delegation with representatives from my Department, SportNI and Local Government went to the Beijing Games in the Summer of 2008 where they promoted Northern Ireland as a pre Games training destination to all National and Paralympic Committees.

Members of the Pre Games training camp subgroup have attended many major sporting events both abroad and in the UK to promote Northern Ireland for pre Games training. Delegations from other Countries including Palestine and Russia have been hosted in NI and received presentations on this opportunity. Some of the Countries that have been visited include Lebanon, Jordan and Germany.

During my visit to the Commonwealth Games in Dehli last year, I used the opportunity to promote NI venues for pre Games training to key sporting contacts I met.

In addition my Officials have presented to Honorary Consuls in Northern Ireland representing 31 Countries worldwide, who have agreed to promote this opportunity in their respective sponsor countries.

A number of National Olympic Committees and National Paralympic Committees are currently considering Northern Ireland as a destination for their 2012 pre Games training camps these include, Lithuania, Poland, Ukraine, Jordan and Palestine.

It is important to note that apart from all but the very best athletes in the world, few will know whether or not they have qualified to take part in the Games and therefore selection of training camp destinations will not be known for some time, and will be dependent on the number of athletes and their disciplines.

SportNI continue to work with Governing Bodies and key figures in sports to develop contacts in order to run events, visits and qualification events for a number of sports, such as: badminton, athletics, judo, sailing, boxing, table tennis, fencing and gymnastics.



## 2012 Olympics: Benefits

**Mr D McKay** asked the Minister of Culture, Arts and Leisure, given the shelving of sports projects and plans to maximise legacy benefits, for his assessment of the benefits of the 2012 London Olympics for our local community.

**(AQO 929/11)**

**Minister of Culture, Arts and Leisure:** My Department continues to work with Northern Ireland 2012 partners and London2012 to maximise the benefits, in terms of: sport, business, volunteering, cultural activities and tourism.

The Olympic and Paralympic Games taking place so close to Northern Ireland provides us with the unique opportunity to inspire and increase participation in sports and the arts; to engage the young in these activities and make a positive contribution to tackling obesity.

We have worked closely with London2012 to secure 4 days for the Olympic torch relay in Northern Ireland and this will provide the opportunity to raise the profile of community events and for them to become part of the London2012 celebrations and the Cultural Olympiad.

Through a partnership with VolunteerNow we are working hard to maximise the opportunities for our volunteers and will increase both the capacity and capability of volunteering in Northern Ireland that will help to secure future international and major events and support the delivery of the World Police and Fire Games that are taking place in Northern Ireland in August 2013, requiring in the region of 5,000 volunteers.

Furthermore, we have worked closely with Invest NI to maximise the 2012-related business opportunities for Northern Ireland companies, such as Lagan Construction, who have secured a contract to build a bridge in the heart of the Olympic Park. To date more than 30 local companies have won contracts estimated at a value of £24m.

The legacy benefits will be to develop our experience and those 2012 activities and apply them to the significant Northern Ireland based 2013 activities, such as the World Police and Fire Games and City of Culture, ensuring a positive and lasting legacy.

## 2012 Olympics: Sports Centres

**Mr D Bradley** asked the Minister of Culture, Arts and Leisure how much has been invested to date in planning for the five sports centres for the 2012 Olympics, for which funding has now been withdrawn.

**(AQO 930/11)**

**Minister of Culture, Arts and Leisure:** All Departments are going through the biggest budget cuts experienced in a generation and as a result whilst some of my Department's key priorities were met, some on the other hand were not met. I am disappointed not to have the money to invest in Elite facilities. This will have an impact on the sports' ability to achieve their ambition to enhance and develop high performance athletes in their respective disciplines.

I have already publicly stated that despite this disappointing outcome there has been very significant investment in sport by my Department. Some £53m of capital investment delivering new and up graded sports facilities across Northern Ireland will have been made over the period 2008 to 2011 through programmes such as Places for Sport, Stadia Safety and the Building Sport Programme. This figure also includes the 50metre swimming pool which is on target to be completed in June 2012. Additionally, Lottery funding has also contributed significantly to the establishment of the Sports Institute Northern Ireland and its ongoing role in providing support to elite athletes.

In terms of the specific investment to date by the applicants I would emphasise that consultants were appointed directly by them and negotiation of fees and the amounts involved is entirely a matter between the applicant and their consultants.

## Ulster-Scots Agency: Invoices

**Mr R Beggs** asked the Minister of Culture, Arts and Leisure what is the target time for processing invoices within the Ulster-Scots Agency.

**(AQO 931/11)**

**Minister of Culture, Arts and Leisure:** In accordance with Government Accounting Practice the Ulster-Scots Agency has a target time of 30 days for the processing of invoices from suppliers relating to the payment of goods and services.

Under the Financial Assistance Scheme the Agency has a target of 5 weeks for the payment of grants from receipt of fully completed applications with supporting paperwork.

## Sports Stadium

**Mr C Lyttle** asked the Minister of Culture, Arts and Leisure if his Department will reconsider funding a new shared sports stadium, as a cheaper alternative to upgrading the three current stadia.

**(AQO 932/11)**

**Minister of Culture, Arts and Leisure:** The member will be aware of the origins of my Department's present consideration of stadium development. When it was decided that a shared stadium option at the Maze should not proceed it was essential to find a cost-effective, sustainable and affordable way of assisting football, rugby and Gaelic games to meet their regional stadium needs.

We asked the Governing Bodies of these sports to come forward with options on stadium provision to meet their long-term strategic requirements. The outcome clearly indicated that they saw three separate and individually-tailored stadiums as the most practical and effective way as achieving this. The Executive Committee subsequently agreed that we move forward on that basis.

Much work has since been done on this and we have been working closely with the three sports on developing proposals. This has culminated in the production of an Outline Business Case covering all three sports which has closely examined all the options, and variations of options. The Outline Business Case has been completed, examined within my Department and is presently the subject of scrutiny by the Department of Finance and Personnel.

Regional stadium development has therefore proceeded on the basis originally envisaged and agreed by the Executive. There is no opportunity to incorporate the type of approach you suggest at this stage in the process.

## King James Bible

**Mr T Buchanan** asked the Minister of Culture, Arts and Leisure what plans he has to mark the 400th anniversary of the King James Bible.

**(AQO 933/11)**

**Minister of Culture, Arts and Leisure:** I have written to the Chief Executives of PRONI, National Museums Northern Ireland, the Arts Council and Libraries Northern Ireland to encourage them to mark the 400th anniversary of the King James Bible as part of their planned commemoration events.

## Department of Education

### Primary Languages Programme

**Mr K Robinson** asked the Minister of Education (i) which languages are currently being taught through the Primary Languages Programme; and (ii) to list the schools which have chosen to teach each language in the 2010/11 academic year, broken down by Education and Library Board area.

**(AQW 2845/11)**

**Minister of Education (Ms C Ruane):** Is iad na teangacha atá á dteagasc trí Chlár na dTeangacha i mBunscoileanna ná an Ghaeilge, an Spáinnis agus an Pholainnis.

The languages currently being taught though the Primary Languages Programme are Irish, Spanish and Polish.

The 359 schools currently participating in the programme are detailed in the tables below by Education and Library Board Area and the language being taught.

School	ELB	Language
Donegall Road Primary School, BELFAST	BELB	Spanish
Euston Street Primary School, BELFAST	BELB	Spanish
Fane Street Primary School, BELFAST	BELB	Spanish
Forge Integrated Primary School, BELFAST	BELB	Spanish
Glenwood Primary School, BELFAST	BELB	Spanish
Holy Family Primary School, BELFAST	BELB	Spanish
Holy Trinity Primary School, BELFAST	BELB	Spanish
Inchmarlo Prep, BELFAST	BELB	Spanish
Knocknagoney Primary School, BELFAST	BELB	Spanish
Malvern Primary School, BELFAST	BELB	Spanish
Mercy Primary School, BELFAST	BELB	Spanish
Seaview Primary School, BELFAST	BELB	Spanish
St John the Baptist Boys' Primary School, BELFAST	BELB	Spanish
St John the Baptist Girls' Primary School, BELFAST	BELB	Spanish
St Joseph's Primary School, BELFAST	BELB	Spanish
St Mary's Primary School, BELFAST	BELB	Spanish
St Michael's Primary School, BELFAST	BELB	Spanish
St Therese of Lisieux Primary School, BELFAST	BELB	Spanish
Taughmonagh Primary School, BELFAST	BELB	Spanish
Wheatfield Primary School, BELFAST	BELB	Spanish
Acorn Integrated Primary School, CARRICKFERGUS	NEELB	Spanish
Ampertaine Primary School, MAGHERA	NEELB	Spanish
Antrim Primary School ANTRIM	NEELB	Spanish
Armoyn Primary School ARMOY	NEELB	Spanish
Ballycarry Primary School BALLYCARRY	NEELB	Spanish
Ballycastle Controlled Integrated Primary School	NEELB	Spanish
Ballyhackett Primary School CASTLEROCK	NEELB	Spanish
Ballyhenry Primary School GLENGORMLEY	NEELB	Spanish
Ballykeel Primary School BALLYMENA	NEELB	Spanish

<b>School</b>	<b>ELB</b>	<b>Language</b>
Ballynure Primary School BALLYNURE	NEELB	Spanish
Ballysally Primary School BALLYSALLY	NEELB	Spanish
Broughshane Primary School BROUGHSHANE	NEELB	Spanish
Buick Memorial Primary School CULLYBACKEY	NEELB	Spanish
Bushmills Primary School BUSHMILLS	NEELB	Spanish
Carlane Primary School TOOMEBRIDGE	NEELB	Spanish
Carnalridge Primary School PORTRUSH	NEELB	Spanish
Carniny Primary School BALLYMENA	NEELB	Spanish
Carnmoney Primary School NEWTOWNABBEY	NEELB	Spanish
Carrickfergus Model Primary School	NEELB	Spanish
Castledawson Primary School CASTLEDAWSON	NEELB	Spanish
Castleroe Primary School COLERAINE	NEELB	Spanish
Corran Integrated Primary School LARNE	NEELB	Spanish
Creavery Primary School ANTRIM	NEELB	Spanish
Crumlin Primary School CRUMLIN	NEELB	Spanish
Culcrow Primary School, AGHADOWEY	NEELB	Spanish
Cullycapple Primary School, AGHADOWEY	NEELB	Spanish
Culnady Primary School, MAGHERA	NEELB	Spanish
Damhead Primary School, COLERAINE	NEELB	Spanish
Doagh Primary School DOAGH	NEELB	Spanish
Drumard Primary School, Tamlaght MAGHERA	NEELB	Spanish
Dunclug Primary School BALLYMENA	NEELB	Spanish
Duneane Primary School TOOMEBRIDGE	NEELB	Spanish
Earlview Primary School, New Mossley ANTRIM	NEELB	Spanish
Eden Primary School BALLYMONEY	NEELB	Spanish
Fourtowns Primary School AHOGHILL	NEELB	Spanish
Gaelscoil an Chaistil BALLYCASTLE	NEELB	Spanish
Gaelscoil na Speiríní DRAPERSTOWN	NEELB	Spanish
Garryduff Primary School BALLYMONEY	NEELB	Spanish
Glengormley Integrated Primary School	NEELB	Spanish
Glynn Primary School GLYNN	NEELB	Spanish
Gracehill Primary School GRACEHILL	NEELB	Spanish
Greenisland Primary School GREENISLAND	NEELB	Spanish
Groggan Primary School RANDALSTOWN	NEELB	Spanish



<b>School</b>	<b>ELB</b>	<b>Language</b>
Hazelbank Primary School AUGHAFATTEN	NEELB	Spanish
Irish Society's Primary School MOUNTSANDEL	NEELB	Spanish
Kells & Connor Primary School KELLS	NEELB	Spanish
Kilcoan Primary School ISLANDMAGEE	NEELB	Spanish
Kilmoyle Primary School BALLYMONEY	NEELB	Spanish
Kilrea Primary School KILREA	NEELB	Spanish
Knockloughrim Primary School KNOCKLOUGHRIM	NEELB	Spanish
Landhead Primary School, BALLYMONEY	NEELB	Spanish
Leaney Primary School BALLYMONEY	NEELB	Spanish
Loanends Primary School CRUMLIN	NEELB	Spanish
Longstone Primary School AHOGHILL	NEELB	Spanish
Lourdes Primary School WHITEHEAD	NEELB	Spanish
Magherafelt Primary School MAGHERAFELT	NEELB	Spanish
Mallusk Primary School NEWTOWNABBEY	NEELB	Spanish
Millburn Primary School COLERAINE	NEELB	Spanish
Millstrand Integrated Primary School PORTRUSH	NEELB	Spanish
Moorfields Primary School BALLYMENA	NEELB	Spanish
Mossgrove Primary School, NEWTOWNABBEY	NEELB	Spanish
Mossley Primary School, NEWTOWNABBEY	NEELB	Spanish
Mount St Michael's Primary School RANDALSTOWN	NEELB	Spanish
Moyle Primary School, LARNE	NEELB	Spanish
Oakfield Primary School CARRICKFERGUS	NEELB	Spanish
Olderfleet Primary School, LARNE	NEELB	Spanish
Parkhall Primary School ANTRIM	NEELB	Spanish
Portglenone Primary School, PORTGLENONE	NEELB	Spanish
Portrush Primary School PORTRUSH	NEELB	Spanish
Portstewart Primary School PORTSTEWART	NEELB	Spanish
Silverstream Primary School GREENISLAND	NEELB	Spanish
Spires Integrated Primary School MAGHERAFELT	NEELB	Spanish
St Brigid's Primary School, CLOUGHMILLS	NEELB	Spanish
St Brigid's Primary School, BALLYMONEY	NEELB	Spanish
St Brigid's Primary School, BALLYMENA	NEELB	Spanish
St Brigid's Primary School (Tirkane) MAGHERA	NEELB	Spanish
St Ciaran's Primary School CUSHENDUN	NEELB	Spanish

<b>School</b>	<b>ELB</b>	<b>Language</b>
St Columb's Primary School DESERTMARTIN	NEELB	Spanish
St James' Primary School, NEWTOWNABBEY	NEELB	Spanish
St John Bosco Primary School PORTGLENONE	NEELB	Spanish
St Joseph's Primary School CRUMLIN	NEELB	Spanish
St Mary's on the Hill Primary School, NEWTOWNABBEY	NEELB	Spanish
St Mary's Primary School BELLAGHY	NEELB	Spanish
St Mary's Primary School PORTGLENONE	NEELB	Spanish
St Nicholas' Primary School, CARRICKFERGUS	NEELB	Spanish
St Olcan's Primary School ARMOY	NEELB	Spanish
St Patrick's & St Brigid's Primary School BALLYCASTLE	NEELB	Spanish
St Patrick's Primary School PORTRUSH	NEELB	Spanish
Straid Primary School BALLYCLARE	NEELB	Spanish
Straidbilly Primary School LISCOLMAN	NEELB	Spanish
Straidhavern Primary School NUTTS CORNER	NEELB	Spanish
Templepatrick Primary School TEMPLEPATRICK	NEELB	Spanish
Tildarg Primary School, BALLYCLARE	NEELB	Spanish
Tir-na-Nog Primary School, BALLYCLARE	NEELB	Spanish
Tobermore Primary School TOBERMORE	NEELB	Spanish
Victoria Primary School, CARRICKFERGUS	NEELB	Spanish
Whitehead Primary School WHITEHEAD	NEELB	Spanish
Whitehouse Primary School, NEWTOWNABBEY	NEELB	Spanish
Alexander Dickson Primary School BALLYGOWAN	SEELB	Spanish
All Childrens Integrated Primary School NEWCASTLE	SEELB	Spanish
Anahilt Primary School HILLSBOROUGH	SEELB	Spanish
Ballinderry Primary School, LOWER BALLINDERRY	SEELB	Spanish
Ballycarrickmaddy Primary School, LISBURN	SEELB	Spanish
Ballycloughan Primary School SAINTFIELD	SEELB	Spanish
Ballyholme Primary School BANGOR	SEELB	Spanish
Ballymacrickett Primary School GLENAVY	SEELB	Spanish
Ballynahinch Primary School BALLYNAHINCH	SEELB	Spanish
Brownlee Primary School LISBURN	SEELB	Spanish
Bunscoil Bheanna Boirche CASTLEWELLAN	SEELB	Spanish
Carrickmannon Primary School BALLYGOWAN	SEELB	Spanish

<b>School</b>	<b>ELB</b>	<b>Language</b>
Carrowdore Primary School CARROWDORE	SEELB	Spanish
Carryduff Primary School CARRYDUFF	SEELB	Spanish
Cedar Integrated Primary School CROSSGAR	SEELB	Spanish
Christ the Redeemer Primary School, BELFAST	SEELB	Spanish
Cumran Primary School CLOUGH	SEELB	Spanish
Donaghadee Primary School DONAGHADEE	SEELB	Spanish
Dunmurry Primary School DUNMURRY	SEELB	Spanish
Fort Hill Primary School LISBURN	SEELB	Spanish
Glasswater Primary School CROSSGAR	SEELB	Spanish
Hollywood Primary School HOLYWOOD	SEELB	Spanish
Killowen Primary School LISBURN	SEELB	Spanish
Kircubbin Primary School KIRCUBBIN	SEELB	Spanish
Kirkistown Primary School CLOUGHEY	SEELB	Spanish
Lisnasharragh Primary School, BELFAST	SEELB	Spanish
Newtownards Model Primary School NEWTOWNARDS	SEELB	Spanish
Portaferry Integrated Primary School PORTAFERRY	SEELB	Spanish
Riverdale Primary School, LISBURN	SEELB	Spanish
Rowandale Integrated Primary School MOIRA	SEELB	Spanish
Seymour Hill Primary School DUNMURRY	SEELB	Spanish
St Aloysius Primary School, LISBURN	SEELB	Spanish
St Bernard's Primary School, BELFAST	SEELB	Spanish
St Brigid's Primary School DOWNPATRICK	SEELB	Spanish
St Comgall's Primary School BANGOR	SEELB	Spanish
St Joseph's Primary School KILLOUGH	SEELB	Spanish
St Joseph's Primary School STRANGFORD	SEELB	Spanish
St Joseph's Primary School CROSSGAR	SEELB	Spanish
St Joseph's Primary School, LISBURN	SEELB	Spanish
St Macartan's Primary School LOUGHINISLAND	SEELB	Spanish
St Malachy's Primary School, DOWNPATRICK	SEELB	Spanish
St Mark's Primary School DUNMURRY	SEELB	Spanish
St Mary's Primary School SAINTFIELD	SEELB	Spanish
St Mary's Primary School NEWCASTLE	SEELB	Spanish
St Mary's Primary School PORTAFERRY	SEELB	Spanish

<b>School</b>	<b>ELB</b>	<b>Language</b>
St Patrick's Primary, CASTLEWELLAN	SEELB	Spanish
St Patrick's Primary School DOWNPATRICK	SEELB	Spanish
St Patrick's Primary School, PORTAFERRY	SEELB	Spanish
St. Mary's Primary School ARDGLASS	SEELB	Spanish
Armstrong Primary School ARMAGH	SELB	Spanish
Ballylifford Primary School COOKSTOWN	SELB	Spanish
Blessed Patrick O'loughran Primary School CASTLECAULFIELD	SELB	Spanish
Bush Primary School DUNGANNON	SELB	Spanish
Clea Primary School KEADY	SELB	Spanish
Cloughoge Primary School NEWRY	SELB	Spanish
Cookstown Primary School COOKSTOWN	SELB	Spanish
Cortamlet Primary School ALTNAMACHIN	SELB	Spanish
Donacloney Primary School DONACLONEY	SELB	Spanish
Donaghmore Primary School DONAGHMORE	SELB	Spanish
Drumadonnell Primary School BALLYRONEY	SELB	Spanish
Hardy Memorial Primary School RICHILL	SELB	Spanish
Hart Memorial Primary School PORTADOWN	SELB	Spanish
Holy Cross Primary School KILKEEL	SELB	Spanish
Howard Primary School MOYGASHEL	SELB	Spanish
Jonesboro' Primary School NEWRY	SELB	Spanish
Kilbroney Integrated Primary School ROSTREVOR	SELB	Spanish
Lisferty Primary School DUNGANNON	SELB	Spanish
Lisnadill Primary School ARMAGH	SELB	Spanish
Lissan Primary School COOKSTOWN	SELB	Spanish
Milltown Primary School BANBRIDGE	SELB	Spanish
Moneydarragh Primary School ANNALONG	SELB	Spanish
Mullaglass Primary School, NEWRY	SELB	Spanish
Portadown Integrated Primary School PORTADOWN	SELB	Spanish
Poyntzpass Primary School POYNTZPASS	SELB	Spanish
Richmount Primary School, PORTADOWN	SELB	Spanish
Seagoe Primary School, PORTADOWN	SELB	Spanish
St Brendan's Primary School CRAIGAVON	SELB	Spanish
St Clare's Convent Primary School, NEWRY	SELB	Spanish



<b>School</b>	<b>ELB</b>	<b>Language</b>
St Colman's Abbey Primary School, NEWRY	SELB	Spanish
St Colman's Primary School BANBRIDGE	SELB	Spanish
St John's Primary School COALISLAND	SELB	Spanish
St Josephs and St James Primary School POYNTZPASS	SELB	Spanish
St Joseph's Primary School (Meigh) KILLEAVY	SELB	Spanish
St Malachy's Primary School CARNAGAT	SELB	Spanish
St Mary's Primary School COOKSTOWN	SELB	Spanish
St Mary's Primary School BANBRIDGE	SELB	Spanish
St Mary's Primary School (Granemore) KEADY	SELB	Spanish
St Michael's Primary School (Finnis) DROMARA	SELB	Spanish
St Oliver Plunkett Primary School FORKHILL	SELB	Spanish
St Patrick's Primary School (Derrynaseer) AUGHAGALLON	SELB	Spanish
St Patrick's Primary School Loup MONEYMORE	SELB	Spanish
St Teresa's Primary School LURGAN	SELB	Spanish
Windsor Hill Primary School, NEWRY	SELB	Spanish
Bready Jubilee Primary School BREADY	WELB	Spanish
Bridgehill Primary School CASTLEDERG	WELB	Spanish
Broadbridge Primary School EGLINTON	WELB	Spanish
Brookeborough Primary School BROOKEBOROUGH	WELB	Spanish
Christ the King Primary School OMAGH	WELB	Spanish
Cooley Primary School COOLEY	WELB	Spanish
Cumber Claudy Primary School CLAUDY	WELB	Spanish
Donemana Primary School DONEMANA	WELB	Spanish
Drumrane Primary School DUNGIVEN	WELB	Spanish
Dunmullan Primary School KNOCKMOYLE	WELB	Spanish
Ebrington Controlled Primary School DERRY	WELB	Spanish
Edwards Primary School CASTLEDERG	WELB	Spanish
Enniskillen Integrated Primary School ENNISKILLEN	WELB	Spanish
Envagh Primary School DRUMQUIN	WELB	Spanish
Fountain Primary School, DERRY	WELB	Spanish
Gaelscoil Éadain Mhóir, Lecky Road DERRY	WELB	Spanish
Gaelscoil na gCrann, Ballynamullan OMAGH	WELB	Spanish
Gaelscoil Uí Dhochartaigh STRABANE	WELB	Spanish

<b>School</b>	<b>ELB</b>	<b>Language</b>
Glendermott Primary School DERRY	WELB	Spanish
Good Shepherd Primary and Nursery School, DERRY	WELB	Spanish
Gortnagarn Primary School OMAGH	WELB	Spanish
Holy Family Primary School BALLYMAGROARTY	WELB	Spanish
Limavady Central Primary School LIMAVADY	WELB	Spanish
Lisbellaw Primary School LISBELLAW	WELB	Spanish
Lisnagelvin Primary School DERRY	WELB	Spanish
Loreto Convent Primary School OMAGH	WELB	Spanish
Maguiresbridge Primary School MAGUIRESBRIDGE	WELB	Spanish
Moat Primary School, Lisnaskea ENNISKILLEN	WELB	Spanish
Newbuildings Primary School, DERRY	WELB	Spanish
Oakgrove Integrated Primary School DERRY	WELB	Spanish
Queen Elizabeth II Primary School, Kils Kerry TRILLICK	WELB	Spanish
Sion Mills Primary School SION MILLS	WELB	Spanish
St Aidan's Primary School Magilligan LIMAVADY	WELB	Spanish
St Anne's Primary School STRABANE	WELB	Spanish
St Colmcille's Primary School CLAUDY	WELB	Spanish
St Columbille's Primary School CARRICKMORE	WELB	Spanish
St Eugene's Primary School LISNASKEA	WELB	Spanish
St Mary's Girls' Primary School STRABANE	WELB	Spanish
St Mary's Primary School TEMPO	WELB	Spanish
St Mary's Primary School, Maguiresbridge ENNISKILLEN	WELB	Spanish
St Mary's Primary School BELLANALECK	WELB	Spanish
St Mary's Primary School DERRYLIN	WELB	Spanish
St Mary's Primary School, NEWTOWNBUTLER	WELB	Spanish
St Mary's Primary School, Altinure CLAUDY	WELB	Spanish
St Mary's Primary School, Killyclogher OMAGH	WELB	Spanish
St Nailes Primary School, KINAWLEY	WELB	Spanish
St Ninnidh's Primary School, DERRYLIN	WELB	Spanish
St Oliver Plunkett Primary School STRATHFOYLE	WELB	Spanish
St Patrick's Primary School GARVARY	WELB	Spanish
St Patrick's Primary School CASTLEDERG	WELB	Spanish
St Patrick's Primary School NEWTOWNSTEWART	WELB	Spanish

<b>School</b>	<b>ELB</b>	<b>Language</b>
St Scire's Primary School TRILLICK	WELB	Spanish
St. Columba's Primary School DERRY	WELB	Spanish
Tempo Primary School, TEMPO	WELB	Spanish

<b>School</b>	<b>ELB</b>	<b>Language</b>
Holy Cross Boys' Primary School, BELFAST	BELB	Irish
St Kevin's Primary School, BELFAST	BELB	Irish
St Malachy's Primary School, BELFAST	BELB	Irish
Altayeskey Primary School DRAPERSTOWN	NEELB	Irish
Barnish Primary School BALLYCASTLE	NEELB	Irish
Greenlough Primary School (St Mary's) PORTGLENONE	NEELB	Irish
St Brigid's Primary School KNOCKLOUGHRIM	NEELB	Irish
St Columba's Primary School GARVAGH	NEELB	Irish
St John's Primary School SWATRAGH	NEELB	Irish
St MacNissius' Primary School TANNAGHMORE	NEELB	Irish
St Mary's Primary School, Gortaclea CUSHENDALL	NEELB	Irish
St Mary's Primary School DRAPERSTOWN	NEELB	Irish
St Patrick's & St Joseph's Primary School TIRKEERAN, GARVAGH	NEELB	Irish
St Patrick's Primary School, Loughiel BALLYMENA	NEELB	Irish
St Patrick's Primary School (Glen) MAGHERA	NEELB	Irish
St. Mary's Primary School BALLYCASTLE	NEELB	Irish
Christ the King Primary School BALLYNAHINCH	SEELB	Irish
Holy Family Primary School DOWNPATRICK	SEELB	Irish
Millennium Integrated Primary School LISDOONAN	SEELB	Irish
Sacred Heart Primary School DUNDRUM	SEELB	Irish
St Caolan's Primary School SAINTFIELD	SEELB	Irish
St Colman's Primary School BELFAST	SEELB	Irish
St Joseph's Primary School CARRYDUFF	SEELB	Irish
St Kieran's Primary School, DUNMURRY	SEELB	Irish
St Malachy's Primary School CASTLEWELLAN	SEELB	Irish
Ballyholland Primary School NEWRY	SELB	Irish
Carrick Primary School WARRENPOINT	SELB	Irish
Holy Trinity Primary School COOKSTOWN	SELB	Irish

<b>School</b>	<b>ELB</b>	<b>Language</b>
Mount St Catherine's Primary School ARMAGH	SELB	Irish
Our Lady's Primary School (Tullysaran) BENBURB	SELB	Irish
St Brigid's Primary School COALISLAND	SELB	Irish
St Brigid's Primary School AUGHER	SELB	Irish
St Brigid's Primary School CROSSMAGLEN	SELB	Irish
St Bronagh's Primary School ROSTREVOR	SELB	Irish
St Francis of Assisi Primary School KEADY	SELB	Irish
St Jarlath's Primary School, Blackwatertown DUNGANNON	SELB	Irish
St Johns Primary School MIDDLETOWN	SELB	Irish
St John's Primary School MOY	SELB	Irish
St Joseph's Primary School CALEDON	SELB	Irish
St Joseph's Primary School COOKSTOWN	SELB	Irish
St Malachy's Primary School CAMLOUGH	SELB	Irish
St Mary's Primary School STEWARTSTOWN	SELB	Irish
St Mary's Primary School BALLYGAWLEY	SELB	Irish
St Mary's Primary School RATHFRILAND	SELB	Irish
St Mary's Primary School MULLAGHBAWN	SELB	Irish
St Mary's Primary School LURGAN	SELB	Irish
St Mary's Primary School, AUGHNACLOY	SELB	Irish
St Oliver Plunkett Primary School KILMORE	SELB	Irish
St Patrick's Primary School MAGHERALIN	SELB	Irish
St Patrick's Primary School HILLTOWN	SELB	Irish
St Patrick's Primary School CROSSMAGLEN	SELB	Irish
St Patrick's Primary School COALISLAND	SELB	Irish
St Patrick's Primary School DONAGHMORE	SELB	Irish
St Patrick's Primary School ARMAGH	SELB	Irish
St Patrick's Primary School MAYOBRIDGE	SELB	Irish
St Patrick's Primary School DUNGANNON	SELB	Irish
All Saints Primary School OMAGH	WELB	Irish
Cornagague Primary School ENNISKILLEN	WELB	Irish
Drumduff Primary School SIXMILECROSS	WELB	Irish
Drumnabey Primary School CASTLEDERG	WELB	Irish
Faughanvale Primary School GREYSTEEL	WELB	Irish



<b>School</b>	<b>ELB</b>	<b>Language</b>
Killyhommon Primary School ENNISKILLEN	WELB	Irish
Knocknagor Primary School TRILLICK	WELB	Irish
Recarson Primary School OMAGH	WELB	Irish
Rosemount Primary School, DERRY	WELB	Irish
St Brigid's Primary School, Mountfield OMAGH	WELB	Irish
St Finlough's Primary School, (Sistrakeel), LIMAVADY	WELB	Irish
St Joseph's Primary School, DRUMQUIN	WELB	Irish
St Mary's Primary School, Ballymagorry STRABANE	WELB	Irish
St Matthew's Primary School, Garvaghey BALLYGAWLEY	WELB	Irish
St Peter's & St Paul's Primary School DUNGIVEN	WELB	Irish
St Teresa's Primary School, Loughmacrory OMAGH	WELB	Irish
Tummary Primary School DROMORE	WELB	Irish

<b>School</b>	<b>ELB</b>	<b>Language</b>
Holy Rosary PS, Sunnyside Crescent BELFAST	BELB	Polish
St Matthew's PS, Seaforde Street BELFAST	BELB	Polish
Victoria Park PS, Strandburn Street BELFAST	BELB	Polish
Kirkinriola PS BALLYMENA	NEELB	Polish
St Comgall's PS, Ballymena Road ANTRIM	NEELB	Polish
St Joseph's PS, Greystone Road ANTRIM	NEELB	Polish
St Joseph's PS, DUNLOY	NEELB	Polish
St Patrick's PS RASHARKIN	NEELB	Polish
Knockbreda PS, BELFAST	SEELB	Polish
Knockmore PS, LISBURN	SEELB	Polish
Lisburn Central PS, LISBURN	SEELB	Polish
St Finian's PS NEWTOWNARDS	SEELB	Polish
St Patrick's PS BALLYNAHINCH	SEELB	Polish
Drumhillery PS MIDDLETON	SELB	Polish
Edendork PS DUNGANNON	SELB	Polish
Grange PS KILKEEL	SELB	Polish
Our Lady's & St Mochua's PS KEADY	SELB	Polish
St Patrick's PS NEWRY	SELB	Polish
Holy Trinity PS ENNISKILLEN	WELB	Polish
Omagh County PS OMAGH	WELB	Polish

School	ELB	Language
St Lawrence's PS FINTONA	WELB	Polish

## School Maintenance Schemes

**Mr P Weir** asked the Minister of Education whether there are any plans to implement the measured term contracts for school maintenance schemes beyond the Belfast Education and Library Board area. **(AQW 3055/11)**

**Minister of Education:** Measured Term Contracts are not new to the Education and Library Boards (ELBs) and have been used to deliver maintenance across the schools' estate for the past 10 years.

Tá pleananna idir lámha cheana féin le conarthaí Seirbhíse Téarma (TSCanna) le haghaidh cothabhála scoile a chur i bhfeidhm ar fud na mBord Oideachais agus Leabharlann (ELBanna).

Plans are already underway to implement Term Service contracts (TSCs) for school maintenance across the Education and Library Boards (ELBs).

The introduction of TSCs is a means of adopting a consistent approach across the ELBs and to ensure compliance with the direction of the Procurement Board and the Central Procurement Directorate (DFP) who specified that all public sector contracts of this nature should use an NEC form of contract. Term Service Contracts are part of the NEC3 suite of contracts.

You will be aware that I have commissioned investigations in regard to procurement in two of the ELBs, one of which is looking specifically at the management and control of maintenance contracts in the South Eastern Education and Library Board (SEELB). The outcome of these investigations will be taken into account in putting in place a new Centre of Procurement Excellence for the Education Sector.

## End-Year Flexibility

**Mr M Storey** asked the Minister of Education the dates on which she wrote to the Treasury and the Minister of Finance and Personnel regarding the removal of access to end-year flexibility. **(AQW 3506/11)**

**Minister of Education:** I think it is important to set the record straight here given some comments in recent days.

Chuir Státchoiste na Breataine srianadh rochtain i bhfeidhm ar Sholúbthacht Dheireadh na Bliana (EYF) 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 and Education and Library Boards 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 was to be abolished, including all accumulated stocks, with effect from the end of this financial year.

I was not prepared to accept this loss of school funding and I immediately raised this 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 this up with a meeting on 21 January, at which the issue was resolved.

We both agreed that schools must continue to have access in the future to surpluses which they have 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.

This is a good outcome for our schools – indeed the outcome I fought for. Schools have now been provided the certainty they require.

### Lagan Valley Area: School Budgets

**Mr J Craig** asked the Minister of Education to detail (i) the number and names of schools in the Lagan Valley area which saved money from previous years budgets, that is now being removed; and (ii) the amount of money saved by each school.

**(AQW 3558/11)**

**Minister of Education:** I ndiaidh an chomhaontaithe is déanaí a rinne mé leis an Aire Airgeadais ar 21 Eanáir 2011, féadaim a dhearbhuí duit nár baineadh aon fhuílleach scoile ar shiúl sa bhliain airgeadais reatha.

Following the recent agreement I made with the Finance Minister on 21 January 2011, I can assure you that there has been no removal of school surpluses in the current financial year. Furthermore, I have agreed with the Finance Minister that schools must continue to have access to these surpluses in the future. School surpluses will therefore continue to roll-over into future financial years.

The latest Financial Year for which the data you have requested is available is 2009/10. At March 2010, there were 36 schools in the Lagan Valley constituency which had saved money (cumulative school delegated budget surpluses) from previous years' budgets. The detail of individual schools, including the amount of school surplus for each, is shown in the table below.

DE Reference Number	School Name	Education and Library Board	Financial value of surplus at 31st March 2010 £
4116018	Barbour Nursery School	SEELB	43,853
4136317	Holy Trinity Nursery School	SEELB	21,998
4010743	Largymore Primary School	SEELB	61,603
4010762	Brownlee Primary School	SEELB	95,599
4010788	Dunmurry Primary School	SEELB	66,888
4010807	Lisburn Central Primary School	SEELB	42,681
4010882	Seymour Hill Primary School	SEELB	28,885
4010885	Tonagh Primary School	SEELB	99,664
4011608	Anahilt Primary School	SEELB	120,234
4011619	Dromara Primary School	SEELB	86,517

<b>DE Reference Number</b>	<b>School Name</b>	<b>Education and Library Board</b>	<b>Financial value of surplus at 31st March 2010 £</b>
4013305	Harmony Hill Primary School	SEELB	100,625
4013309	Derriaghy Primary School	SEELB	14,042
4013334	Knockmore Primary School	SEELB	227,149
4016104	Moir Primary School	SEELB	155,802
4016145	Killowen Primary School	SEELB	69,276
4016202	Ballinderry Primary School	SEELB	48,621
4016401	Pond Park Primary School	SEELB	174,678
4016417	Maghaberry Primary School	SEELB	57,406
4016441	Ballymacash Primary School	SEELB	10,879
4016615	Riverdale Primary School	SEELB	81,470
4016649	Downshire Primary School, Hillsborough	SEELB	936
4030897	St Joseph's Primary School	SEELB	85,931
4033306	St Aloysius Primary School	SEELB	63,967
4033307	St Colman's Primary School	SEELB	63,188
4053308	Fort Hill Integrated Primary School	SEELB	95,042
4210051	Lisnagarvey High School	SEELB	89,481
4210194	Dunmurry High School	SEELB	52,881
4210201	Laurelhill Community College	SEELB	450,571
4230165	St Patrick's High School	SEELB	3,236
4250072	Fort Hill College	SEELB	921,298
5116625	Dromore Nursery School	SELB	9,673



DE Reference Number	School Name	Education and Library Board	Financial value of surplus at 31st March 2010 £
5011575	Dromore Central Primary School	SELB	130,042
5016599	Fair Hill Primary School	SELB	84,206
5033006	St Michael's Primary School (Finnis)	SELB	11,403
5036000	St Colman's Primary School	SELB	28,670
5210064	Dromore High School	SELB	527,501

### School Budget Surpluses

**Mr P McGlone** asked the Minister of Education to detail (i) her Department's position on the roll-over of school budget surpluses into the 2011/12 financial year; (ii) what action is being taken to ensure this money is not lost; and (iii) what communication her Department has had with schools in relation to this matter.

**(AQW 3599/11)**

**Minister of Education:** Ba é mo dhearcadh riamh gur trí bhainistíocht fhónta airgeadais atá na fuílligh seo carntha ag scoileanna agus go bhfuil siad i dteideal rochtain a bheith acu ar na fuílligh seo i rith an ama.

My view has always been that schools have accumulated these surpluses through sound financial management and that they are entitled to continue to have access to these surpluses. This is the position I have taken with successive Finance Ministers and with Executive colleagues over a number of years.

The British Treasury took the decision to abolish end-year flexibility (EYF), including all accumulated stocks, from the end of this financial year. Neither I, nor my Department, were prepared to accept this loss of schools' funding and raised the issue with the Executive and the Finance Minister. Most recently, I wrote to Sammy Wilson on 13 January 2011 and as a result I had a meeting with the Finance Minister on 21 January 2011 to resolve the issue. We both agreed that schools must continue to have access to these surpluses in the future. School surpluses will therefore roll-over into the 2011/12 and future financial years.

This is a good outcome for our schools – indeed the outcome I fought for.

I asked my officials to write to all grant-aided schools on 18 January 2011 advising them that under the Local Management of Schools (LMS) arrangements, schools were allowed to carry forward unspent delegated funds that could be accessed through the end-year flexibility mechanism. The letter made it clear that I regarded the removal of schools savings by the British Treasury as unacceptable and was doing all I could to resolve the difficulties and get a fair deal for our schools. I have since written to all schools (on 24 January 2011) advising them that I was able to reach a satisfactory resolution to the matter with the Finance Minister and confirming that they could still access their surpluses. Schools have now been provided the certainty they require. I trust this will ease the very real concerns on this matter

### Religious Education

**Mr B Wilson** asked the Minister of Education what action her Department is taking to ensure that all schools notify parents of their right to have their children opt out of religious education.

**(AQW 3636/11)**

**Minister of Education:** Tá an tOideachas Reiligiúnach ina chuid reachtúil den churaclam le haghaidh gach dalta ón Bhunchéim go hEochairchéim 4. De réir Airteagal 21(5) den Ord um Leabharlanna agus Oideachas (TÉ) 1986, Education and Libraries (NI) order 1986, áfach, tá an ceart ag tuismitheoirí a gcuid páistí a aistarraingt ó gach chomhghníomhaíocht adhartha (nó cuid de) agus ó ranganna RE mar aon, de réir a gcoinsias pearsanta.

Religious Education is a statutory part of the curriculum for all pupils from Foundation Stage to Key Stage 4. However, under Article 21(5) of the Education and Libraries (NI) Order 1986, parents have the right to withdraw their child from all or part of collective worship and/or RE lessons on the grounds of conscience.

Departmental circular - 2003/15 issued to all grant-aided schools, ELB's, CCMS and CCEA advises schools of their requirements and responsibilities in providing information to parents of pupils at school. The circular refers to requirements on schools to publish information in their schools prospectuses about Religious Education provided at the school and of the arrangements in respect of the exercise by the parents of a pupil of their rights under Article 21(5) of the 1986 Order in relation to the pupil's attendance at collective worship or religious education.

## Religious Education

**Mr B Wilson** asked the Minister of Education what alternatives are provided for pupils who opt out of religious education in schools.

**(AQW 3637/11)**

**Minister of Education:** Má iarrann tuismitheoir dhalta ar bith go n-aistarraingítear a pháiste ó Oideachas Reiligiúnach (RE), tá an scoil freagrach as soláthar malartach a chur ar fáil do na daltaí sin.

If the parent of any pupil requests that their child should be wholly or partly withdrawn from Religious Education (RE), it is the responsibility of the school to provide alternative provision for such pupils. The nature of provision will naturally vary from school to school, reflecting any agreed school policies on this issue, the staffing position within the school, the numbers of children involved and the needs of those children. Principals, Board of Governors and teachers are supported in this by the Curriculum Advisory Support Service.

## Religious Education

**Mr B Wilson** asked the Minister of Education what action her Department is taking to ensure that religious education in schools takes into account religions other than Christian-based faiths.

**(AQW 3638/11)**

**Minister of Education:** Is ar scoileanna atá an fhreagracht maidir leis an Oideachas Reiligiúnach (RE) a sheachadadh agus is ceist é nádúr agus ábhar an tseachadta sin nach mór do scoileanna a dhearbhu i gcomhairle le tuismitheoirí ar shlí a léiríonn éiteas saineiúil na scoile.

The responsibility for delivering Religious Education (RE) rests with schools and the nature and content of that delivery is a matter for schools to determine in consultation with parents and in a way that reflects the particular ethos of the school.

In order to ensure that teaching of RE is broad and balanced and integrated with other areas of learning within the revised curriculum, a Core Syllabus for Religious Education was developed and introduced into schools from 2007.

That Core Syllabus reflect the predominantly Christian ethos of our schools while also recognising the increasing diversity of faith that is now part of, and I believe greatly enriches, our society.

The revised curriculum also includes a specific focus on building tolerance and respect for difference. Within the Religious Education syllabus, World Religions are now specifically referenced. For example, at Key Stage 3, the syllabus provides for pupils are to be given opportunities to develop their

knowledge and understanding of two world religions other than Christianity, with an emphasis on the beliefs, practices and lifestyles of their followers.

### Opting out of Religious Education Report by Queen's University

**Mr B Wilson** asked the Minister of Education whether she is aware of the 'Opting out of Religious Education' report by Queen's University; and for her assessment of this report.

**(AQW 3639/11)**

**Minister of Education:** Níor cuireadh an tuairisc "Opting Out of Religious Education - The Views of Young People from Minority Belief Backgrounds" ar aghaidh chuig mo Roinn le go ndéanfaí trácht air agus ní raibh mé ar an eolas faoina fhoilsiú go dtí ar na mallaibh.

The report "Opting Out of Religious Education - The Views of Young People from Minority Belief Backgrounds" has not been sent to my Department for comment and I have only very recently become aware of its publication. It is an interesting report and we will consider carefully its findings and recommendations.

### Pupils Suspended or Expelled for Carrying Weapons

**Mr P Callaghan** asked the Minister of Education how many pupils have been (i) suspended; or (ii) expelled for carrying weapons in each of the last five years, broken down by Education and Library Board area.

**(AQW 3649/11)**

**Minister of Education:** Ní bhailíonn an Roinn an t-eolas a iarradh.

Nuair a tharlaíonn fionraí nó díbirt bailítear eolas fúthu seo ar bhonn bliantúil ó gach Bord Oideachais agus Leabharlann agus ní shainaithnítear san eolas seo an t-iompar airm mar chúis shonrach le haghaidh fionraí nó díbeartha.

The Department does not collect the information requested.

Suspensions and expulsions are collected on an annual basis from each of the Education and Library Boards and do not identify carrying a weapon as a specific reason for suspension or expulsion.

### Teaching Posts

**Mr P Callaghan** asked the Minister of Education how many teaching posts have been advertised in each of the last three years: and of these, how many applications have been received for each post, broken down by Education and Library Board area.

**(AQW 3651/11)**

**Minister of Education:** Tá an t-eolas a iarradh sa tábla seo a leanas:

The information requested is as follows:

Year <sup>1</sup>	BELB	WELB	NEELB	SEELB	SELB
<b>2008/2009</b>					
Posts advertised	140	198	184	259	215
Applications	3385	2981	3311	4945	3419
<b>2009/2010</b>					
Posts advertised	127	213	149	269	198
Applications	2644	4054	3203	5197	2680

Year <sup>1</sup>	BELB	WELB	NEELB	SEELB	SELB
2010/2011 <sup>2</sup>					
Posts advertised	21	88	35	146	139
Applications	340	1057	463	4052	2243

- 1 Information is presented in academic years
- 2 For posts advertised from September 2010 to present

## New School Builds

**Mr T Clarke** asked the Minister of Education how many schools in the South Antrim area are currently awaiting approval for new school builds; and how many proposals at an advanced stage will be affected by the budget cuts.

**(AQW 3671/11)**

**Minister of Education:** I gceantar Aontroma theas, tá tionscadal amháin ar Phlean um Sheachadadh Infheistíochta na Roinne (IDP) agus tá 6 thionscadal bhreise ag staid Staidéar Féidearthachta agus Breithmheas Eacnamaíochta.

In the south Antrim area, there is one project on the Department's Investment Delivery Plan (IDP) and a further 6 potential projects are at Feasibility Study and Economic Appraisal stage.

The Draft Budget 2011-15 highlights significant reductions in the capital budget for Education over the next four years. Any investment in newbuilds, if at all possible, is therefore likely to be intermittent and limited until 2014-15 and it will not be possible to commence construction of any new schools in 2011-12. I will write to schools to inform them of the position 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.

## Economic Appraisals

**Mr P Girvan** asked the Minister of Education to detail the process followed by schools when carrying out an economic appraisal, including the criteria used; and whether this criteria applies to all sectors.

**(AQW 3688/11)**

**Minister of Education:** Tá Breithmheas Eacnamaíochta de dhíth le haghaidh na móroibreacha caipitil ar fad atá beartaithe i ngach scoil i ngach earnáil. Déantar gach Breithmheas Eacnamaíochta de réir na treorach sa Treoirleabhar um Breithmheas agus Measúnú ar Chaiteachas.

An Economic Appraisal is required for all proposed major capital works in all schools in all sectors. All Economic Appraisals are carried out in line with guidance in the Guide to Expenditure Appraisal and Evaluation (NIGEAE)

## Surplus Money in Schools' Budgets

**Mr P McGlone** asked the Minister of Education (i) to outline the legal position on surplus money in schools' budgets at the end of this financial year; and (ii) whether a school is within its rights to determine how these surplus monies are used (a) before the end of this financial year; and (b) in the next financial year.

**(AQW 3708/11)**



**Minister of Education:** Tá an cumas fuílligh a iompar ar aghaidh leabaithe i Scéim Bhainistíocht Áitiúil na Scoileanna (LMS).

The ability to carry forward surpluses is embedded in the Local Management of Schools (LMS) Scheme. Under the LMS arrangements, schools may carry-forward unspent delegated funding from one financial year to future years.

The purposes for which accumulated surpluses may be used are limited to items of expenditure as permitted under the Common Funding Scheme.

I am delighted to be able to advise you that following my meeting with the Finance Minister on 21 January, we have agreed that the arrangement to carry forward unspent funding will remain in place. My Department and DFP colleagues will now work on the detailed arrangements for this.

### **Balmoral High School, Lisburn**

**Mr J Craig** asked the Minister of Education (i) which school is currently operating out of the old Balmoral High School, Lisburn; (ii) how long the building has been occupied; (iii) the cost to date of keeping this school building open for the school currently occupying it; (iv) how many pupils and staff are working out of the building; and (v) what is the capacity of the building.

**(AQW 3715/11)**

**Minister of Education:** Tá Bunscoil Cholmáin i Lann Bheag san fhoirgneamh ina mbíodh Ardscoil Bhaile Mhoireil faoi láthair. Tá an foirgneamh á áitiú ag Bunscoil Cholmáin le 24 mhí agus fanfaidh sí ar an tsuíomh go dtí deireadh na scoilbhliana 2011/12.

The former Balmoral High School is currently occupied by St Colman's Primary School, Lambeg. St Colman's primary school has occupied the building for 24 months and will remain on site until the end of the 2011/12 school year. Prior to the relocation of St Colman's the premises were vacant, due to the closure of Balmoral High School in August 2008.

The cost of relocating St Colman's Primary School to the former Balmoral premises amounted to £329k, which compared favourably against the cost of providing temporary mobile accommodation, resulting in a saving to the Education Sector of around £100k. The cost to date of keeping the school building open for use by St Colman's, up to the end of January 2011 amounts to £495k.

There are 341 pupils and 34 staff (17 teachers, 13 classroom assistants, 2 admin staff and 2 caretakers) at the school.

The Balmoral premises were originally built for a capacity of 500 pupils.

### **St Colman's Primary School, Lisburn**

**Mr J Craig** asked the Minister of Education (i) whether her Department intends to go ahead with the building of a new school for St Colman's Primary School, Lisburn as announced on 5 August 2010; (ii) how much the project is scheduled to cost; (iii) the current stage of the project; and (iv) who owns the land in which the new school building is to be built.

**(AQW 3716/11)**

**Minister of Education:** Tig liom a dhearbhú go bhfuil mo Roinn ag leanúint ar aghaidh leis an tionscadal le foirgneamh úr scoile a sholáthar do Bhunscoil Cholmáin, Lann Bheag.

I can confirm that my Department is proceeding with the project to provide a new school building for St Colman's Primary School, Lambeg.

The estimated total cost of the project is £3.8m, which includes for the construction of the new school and associated professional fees. Tenders for the construction work were received in December 2010 and my Department is currently considering the Tender Report submitted by the school's consultants on 14 January 2011. It is anticipated that construction work will commence in February 2011.

The main site on which the new school is to be constructed is in the ownership of the school's Trustees. Some additional areas of land required to facilitate the project are currently in the ownership of the Parish of Derriaghy. The Parish has agreed to transfer the ownership of the required areas to the school Trustees at "nil cost" and the acquisition / vesting of the additional plots is expected to be completed in late January / early February.

### **Over-Subscribed Schools**

**Mr P Weir** asked the Minister of Education to detail the (i) nursery schools; (ii) primary schools; and (iii) post-primary schools that were over-subscribed for the 2010/11 academic year in the North Down constituency.

**(AQW 3742/11)**

**Minister of Education:** Dhearbhaigh Bord Oideachais agus Leabharlann an Oirdheiscirt go raibh ró-shuibscríobh iarratas don scoilbhliain 2010/11 ann i dtoghcheantar an Dúin Thuaidh maidir leis na naíscoileanna, na naíonraí, na bunscoileanna agus na hiarbhunscoileanna seo a leanas:

The South-Eastern Education and Library Board has confirmed that in the North Down Constituency the following nursery schools, nursery units, primary school and post-primary schools were over-subscribed with applications for the 2010/11 school year:

#### **Nursery schools:**

- Bangor Central Nursery School
- Hollywood Nursery School
- Trinity Nursery School

#### **Nursery units at primary schools:**

- Donaghadee Primary
- Millisle Primary School
- Bloomfield Road Primary School
- Kilcooley Primary School
- Rathmore Primary School
- Towerview Primary School
- Kilmaine Primary School
- St Malachy's Primary School

#### **Primary schools:**

- Crawfordsburn Primary School
- Kilmaine Primary School
- Bangor Central Integrated Primary School
- Glencraig Integrated Primary School

#### **Post-primary schools:**

- Bangor Academy and 6th Form College
- St Columbanus College
- Priory Integrated College
- Glenlola Collegiate
- Bangor Grammar School

## ■ Sullivan Upper School

**Preschool and Preparatory School Funding**

**Mr A Easton** asked the Minister of Education if she intends to reduce (i) preschool; and (ii) preparatory school funding as part of her Department's spending proposals.

**(AQW 3760/11)**

**Minister of Education:** Foilsíodh sonraí mo chuid dréacht-leithdháiltí agus mo chuid moltaí maidir le coigilteas ar shuíomh gréasáin na Roinne Oideachais ar 13 Eanáir.

Details of my draft allocations and savings proposals were published on DE's website on 13 January. In assessing the areas for potential savings, I have decided that a number of important spending areas should be afforded protection. These included years where I propose to increase funding by £3m in 2011-12 and £3.5m in 2012-13, 2013-14 and 2014-15 respectively to progress work on the Early Years (0-6) Strategy and to ensure that sufficient places are available for preschool provision.

The Bain Report highlighted the issue of the funding of preparatory schools in grammar schools, whose only criteria for selection is a parent's ability to pay significant fees. One of the key recommendations of the Bain Report was that the rationale for funding preparatory departments should be reviewed.

My Department commissioned an Independent review of this funding. This concluded that my Department should consider the withdrawal of funding to preparatory departments on the basis of equality of access. My view was, and remains that the funding of these schools is an inequitable use of public funding. However, taking into account comments received as part of the EQIA consultation exercise, I recognised that the ending of funding completely may have caused difficulties for parents and children and possible disruption to some schools. Hence my decision to continue funding preparatory departments, but to reduce the current level of funding by one-third with effect from September 2010. There is no proposal to change the funding of preparatory departments within my draft savings proposals.

**Educational Psychologist**

**Mr D Hilditch** asked the Minister of Education to outline the reasons why it can take up to one year to obtain an appointment with an educational psychologist.

**(AQW 3762/11)**

**Minister of Education:** Tá na Boird Oideachais agus Leabharlann freagrach as an phróiseas um measúnú oideachais síceolaíochta a sholáthar.

The process of delivering an educational psychology assessment is the responsibility of the Education and Library Boards. Educational psychologists provide a range of services that include an assessment at stage 3 of the Code of Practice on the Identification and Assessment of Special Educational Needs (CoP) and a statutory assessment at stage 4 of the CoP.

Boards give priority to statutory assessments at stage 4. They have 16 weeks to complete the assessment from the date that the Board notifies the parents that it is considering making an assessment or from the date that the request to carry out an assessment is received by the Board from the parent or the school. Upon receipt of a request for a statutory assessment, the Boards are required to decide within 6 weeks if they will carry out the assessment and have a further 10 weeks to complete the assessment.

In conducting an assessment with a child at stage 3 of the CoP, educational psychology services in the Belfast, Western, Southern and North Eastern Education and Library Boards use a time allocation model for service delivery. This means that each school receives an allocation of an educational psychologist's time and it is for the school's Principal and/or Special Educational Needs Co-ordinator to prioritise the referrals within their school. Under this model of service delivery, a school may identify urgent cases that can often receive an assessment in a very short period of time, however cases that the school determines to be less urgent may have to wait longer.

When a school has a greater demand for educational psychology services than its time allocation would permit, the Board will work closely with the school to try to ensure these needs can be met within the available resources.

In the SEELB area, a consultation model for the delivery of educational psychology services is employed. Under this approach, regular consultation meetings are carried out in schools, to consider and advise on the needs of children nominated for stage 3 assessment by the school. Where appropriate following the consultation meeting, children are referred on to the Boards' support services, obviating the need for the child to avail of a full individual assessment by the educational psychology service. For those children requiring a full stage 3 assessment, the SEELB will conduct assessments in the order in which the referral is received.

### **Harryville Primary School, Ballymena**

**Mr D O'Loan** asked the Minister of Education, pursuant to AQW 1192/11, if there are currently any further inspections of Harryville Primary School, Ballymena, scheduled to take place.

**(AQW 3780/11)**

**Minister of Education:** Scríobh Príomhfheidhmeannach an NEELB chuig Príomhchigire na Cigireachta Oideachais agus Oiliúna (ETI) le linn an chéad téarma den bhliain acadúil seo ag iarraidh air imscrúdú a dhéanamh ar sholáthar thréadchúraim na scoile.

During the first term of this academic year the Chief Executive of the NEELB wrote to the Chief Inspector of the Education and Training Inspectorate (ETI) requesting an inspection of the school's pastoral care provision. The Chief Inspector considered this request and then asked that the NEELB ensure the school was aware of the Board's request for such an inspection. Having received this assurance, the ETI will make the necessary arrangements for the inspection to take place; giving the school the standard period of pre-inspection notification.

### **Outreach and Detached Youth Workers**

**Ms S Ramsey** asked the Minister of Education, in relation to outreach and detached youth workers (i) for an update on the current position of those workers on protective notice from the Belfast Education and Library Board since 4 January 2011; (ii) to provide a breakdown of all outreach and detached youth workers, broken down by Education and Library Board, including who funds the posts, a definition of the role of each post, and which posts are core-funded or other; and (iii) who makes the decision on whether youth workers receive funding from the Education and Library Boards.

**(AQW 3822/11)**

**Minister of Education:** Tá sé socraithe agam go gcuirfí an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library.

### **Free School Meals**

**Mr P Butler** asked the Minister of Education, to detail for each primary school in the Belfast Education and Library Board area, in the 2008/09 academic year (i) the free school meal entitlement; (ii) the percentage of pupils obtaining (a) levels 2 or 3 in the Key Stage 1 assessment; and (b) levels 4 or 5 in the Key Stage 2 assessment for both Maths and English; and (iii) the percentage of pupils obtaining A, B1, B2 and C grades in the transfer procedure.

**(AQW 3845/11)**

**Minister of Education:** Tá sé socraithe agam go gcuirfí an t-eolas a iarradh i leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly library.



## Pupil Numbers in the East Londonderry Constituency

**Mr A McQuillan** asked the Minister of Education to detail the future projections for pupil numbers at primary schools and post-primary schools in the East Londonderry constituency, in each of the next three academic years, broken down by council area.

**(AQW 3862/11)**

**Minister of Education:** Níl na figiúirí réamh-mheasta do thoghcheantar Doire Theas ar fáil ach le haghaidh na bliana acadúla seo chugainn, 2011/2012.

Projected figures for schools in the East Derry constituency are only available for the next academic year, 2011/12. Information on longer term enrolment projections is available for pupil numbers throughout the north of Ireland .

### PROJECTED PUPIL NUMBERS FOR SCHOOLS IN THE EAST DERRY CONSTITUENCY 2011/12

Council Area	Post-Primary Schools	Primary Schools
Coleraine	4,451	4,867
Derry	526	618
Limavady	2,710	3,477
Constituency Total	7,687	8,962

**Source:** School census.

## GCSEs

**Mr P Butler** asked the Minister of Education, for the last five years, to detail the number of school leavers from the Crumlin/Ardoyne, Inner North Belfast, Ligoniel and Upper Ardyone/Ballysillan Neighbourhood Renewal Areas who achieved five or more GCSEs at grades A\* to C, including English and Maths.

**(AQW 3867/11)**

**Minister of Education:** Níl ach ceithre bliana de shonraí TGM ar fáil, lena n-áirítear Béarla agus mata. Tá na freagra sa tábla thíos.

Only four years of GCSE data including English and maths is available. The answer is contained in the table below.

Number and percentage of school leavers resident in the specified Neighbourhood Renewal Areas who achieve at least five GCSEs A\*-C (inc. equivalents) including English and maths 200506 to 200809.

	200506		200607		200708		200809	
	Number	%	Number	%	Number	%	Number	%
Crumlin/ Ardoyne	69	30.9	63	26.5	62	32.3	71	38.8
Inner North Belfast	28	17.9	37	27.8	38	25.7	38	32.5
Ligoniel	7	20.0	7	33.3	8	27.6	8	42.1
Upper Ardoyne/ Ballysillan	9	27.3	14	38.9	14	56.0	10	31.3

**Source:** School Leavers Survey

## Free School Meals

**Mr P Butler** asked the Minister of Education to detail the number of Year 8 pupils entitled to free school meals as a percentage of all Year 8 pupils, in each of the last five years.

**(AQW 3868/11)**

**Minister of Education:** Sonraítear an t-eolas a iarradh sa tábla thíos.

The information requested is detailed in the table below.

### PERCENTAGE YEAR 8 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSM), 2006/07 – 2010/11

Year	2006/07	2007/08	2008/09	2009/10	2010/11
% Year 8 pupils entitled to FSM	19.4	18.7	18.4	19.9	20.6

**Source:** School census

**Note:**

1. Figures relate to all grant-aided post-primary schools.
2. The figure for 2010/11 is provisional.

## Free School Meals

**Mr P Butler** asked the Minister of Education, for each of the last five years, to detail the number of Year 8 pupils, entitled to free school meals, who have enrolled in a grammar school (i) in total; and (ii) as a percentage of (a) all pupils entitled to free school meals; and (b) as a percentage of the total number of grammar school pupils.

**(AQW 3869/11)**

**Minister of Education:** Sonraítear an t-eolas a iarradh sa tábla thíos.

The information requested is detailed in the table below.

### YEAR 8 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSM) SHOWN AS A PERCENTAGE OF TOTAL POST-PRIMARY PUPILS ENTITLED TO FREE SCHOOL MEALS AND TOTAL GRAMMAR PUPILS—2006/07 – 2010/11

Year	Year 8 grammar pupils entitled to FSM	% of total post-primary FSM pupils	% of total grammar pupils
2006/07	597	2.2	1.0
2007/08	518	2.1	0.8
2008/09	518	2.1	0.8
2009/10	667	2.6	1.1
2010/11	700	2.6	1.1

**Source:** School census

**Note:**

1. Figures for 2010/11 are provisional.

## IFA Football Coaches for Primary Schools

**Mr M Storey** asked the Minister of Education whether funding for IFA football coaches for primary schools will continue, in light of the proposed draft budget for 2011-2015.

**(AQW 3879/11)**

**Minister of Education:** Tá Dréachtbhuiséad 2011-15 an Choiste Feidhmiúcháin foilsithe le haghaidh comhairliúcháin agus leanfaidh an comhairliúchán sin go dtí 16 Feabhra. Tá mo mholtaí um dhréachtleithdhailtí agus um choigilt foilsithe faoin chomhthéacs sin agus tá mé ag súil le tuairimí na ngeallsealbhóirí príomha a chloisteáil.

The Executive has published its Draft Budget 2011-15 for consultation and that consultation continues until 16 February. In that context I have published my proposals for draft allocations and for savings and I am keen to hear the views of key stakeholders on those proposals. Once that process of consultation on the Draft Budget and engagement with education stakeholders has been completed, the Executive will consider and agree a final Budget which will set firm Departmental spending plans for the next 4 years.

It will not be until this stage that I will make final decisions on funding for education services, including future funding for the Curriculum Sports Programme.

### **Proposed Rationalisation of the School System**

**Mr M Storey** asked the Minister of Education how her Department intends to ensure that (i) decision making on the proposed rationalisation of the school system, contained in her budget options for sharing on a cross-sectoral basis and integration, have been fully considered; and (ii) parents and local communities are kept fully informed of the possibilities and options for cross-community sharing and integration when local schools are being considered for closure.

**(AQW 3880/11)**

**Minister of Education:**

- (i) Tosóidh Pleanáil straitéiseach Bunaithe sa cheantar nuair a bhunófar an tÚdarás Oideachais agus Scileanna.

Full strategic Area-based Planning will commence once the Education and Skills Authority has been established. In the interim, DE will ensure that all proposals for rationalisations brought forward by school managing authorities adhere to the principles of an area-based approach which include the need to consider opportunities for sharing and collaboration.

- (ii) The criteria to be applied in reviewing the educational viability of a school are set out in the “Policy for Sustainable Schools”. The policy is explicit in stressing the importance of schools exploring the possibilities for sharing and collaboration both within and across sectors to ensure that children’s wider educational needs are met. Any proposal for school closure arising from a review must be brought forward through the statutory Development Proposal process. This involves consultation prior to publication with all those associated with the school, including parents, and a public consultation on the published Development Proposal. Both of these consultations provide opportunities to raise options for sharing and collaboration.

### **Financial Support to Schools**

**Mr M Storey** asked the Minister of Education whether her Department intends to provide financial support, within the current budget proposals, to schools wishing to collaborate and explore mergers, amalgamations and integration across different sectors.

**(AQW 3883/11)**

**Minister of Education:** Beidh athsmaoineamh cuimsitheach de dhíth ar an laghdú suntasach i leithdháileadh caipitil le haghaidh Oideachais maidir leis an dóigh ar chóir feidhm a bhaint as na cistí caipitil teoranta atá ar fáil.

The significant reduction in the capital allocation for Education will require a comprehensive rethink as to how the limited capital funds available should be deployed. It will be essential to set priorities to address the most pressing needs, eliminate surplus places and greatly reduce the level of duplication in the system to ensure that we have a viable and sustainable schools estate that provides for the needs of the children and young people.

It will not be sufficient to continue the status quo. I hope to engage with schools and school managing authorities to explore new and innovative ways of addressing their needs on a greatly reduced budget, including collaboration and amalgamations across different sectors to ensure affordable, sustainable provision.

Taking forward the detail of this work will be a major priority for my Department and the school managing authorities in the coming months. The financial implications will be considered as part of the development of options.

### **Schools: Budget Surplus**

**Mr B Armstrong** asked the Minister of Education whether she can guarantee that schools which hold a budget surplus of more than £40,000 in the current year will be able to access this money in 2011/12. **(AQO 941/11)**

**Minister of Education:** Chuir Státchoiste na Breataine srianadh rochtain i bhfeidhm ar Sholúbthacht Dheireadh na Bliana (EYF) 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 and Education and Library Boards 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 was to be abolished, including all accumulated stocks, with effect from the end of this financial year.

I was not prepared to accept this loss of school funding and I immediately raised this 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 this up with a meeting on 21 January, at which the issue was resolved.

We both agreed that schools must continue to have access in the future to surpluses which they have 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.

This is a good outcome for our schools – indeed the outcome I fought for. Schools have now been provided the certainty they require.

### **Western Education and Library Board: Newbuilds**

**Mr T Buchanan** asked the Minister of Education which proposed new school builds in the Western Education and Library Board area will be affected by the recent budget constraints. **(AQO 942/11)**

**Minister of Education:** Ó Mhí na Bealtaine 2007, i leith, is é aon cheann déag, líon na mórthionscadal caipitil atá curtha i gcrích i gceantar Bhord Oideachais agus Leabharlann an Iarthair. Is ionann é seo agus infheistíocht de thimpeall céad agus ocht déag milliún punt.

Since May 2007, 11 major capital projects have been completed in the WELB area, representing an investment of around £118m, this includes, Drumragh College (£10m), Enniskillen Integrated PS (£2.4m), Holy Cross College Strabane (£31.3m), Lisneal College Derry (£14.2m), Lisnagelvin PS Derry



(£5.5m), St Mary's College Derry (£22.5m), St Cecillas College Derry (£22.5m) and Drumrane PS Dungiven (£1.1m).

The Department's Investment Delivery Plan (IDP) currently contains 18 schemes in the Western Education and Library Board (WELB) area – as listed below. Of these, a scheme for a new Coranny and Cornagague Primary School is scheduled to commence on site this current financial year.

The Draft Budget 2011-15 highlights significant reductions in the capital budget for Education over the next four years. Any investment in newbuilds, if at all possible, is therefore likely to be intermittent and limited until 2014-15 and it will not be possible to commence construction of any new schools in 2011-12. I will write to schools to inform them of the position 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. I will, as I recently emphasised to the Education Committee, be lobbying for £800m, unallocated resources to go to education. This work will be a priority for my Department in the coming months.

### **Primary**

- Artigarvan, Stabane
- Ballykelly, Limavady
- Coranny and Cornagague, Enniskillen
- Ebrington, Derry
- Eglinton, Derry
- Enniskillen Model
- Newbuildings, Derry
- Omagh Integrated
- St Columbkille's, Carrickmore
- St Conor's, Omagh
- St Paul's, Irvinestown
- Special
- Arvalee School and Resource Centre, Omagh
- Belmont House, Derry
- Rossmar (Limegrove/Glasvey), Limavady
- Post-primary
- Dean Maguirc College, Carrickmore
- Devenish College, Enniskillen
- Foyle and Derry College
- Loreto College, Omagh

### **Free School Meals**

**Mr A Maskey** asked the Minister of Education if she can confirm that she intends to continue with the extension of the free school meals initiative, as announced last year.

**(AQO 944/11)**

**Minister of Education:** D'fhógair mé, i Mí Aibreáin seo caite, go ndéanfaí na critéir do cháilitheacht na mbeilí scoile saor in aisce a shíneadh, ar bhonn céimnithe.

I announced, last April, that the free school meals' eligibility criteria would be extended, on a phased basis, to include (fulltime) nursery and primary-school children whose parents are in receipt of working tax credit and have an annual income which does not exceed £16,190 (in 2010/11).

The first phase was introduced in September 2010 and included Nursery, Foundation Stage and Key Stage 1 pupils. I intend, as part of the budget plans for the next four years, to make additional funding available to enable the extension to be rolled out to Key Stage 2 pupils from September 2011. When the change is implemented in full around 10,000 additional children in nursery and primary schools will be eligible for free school meals.

Eligibility for free school meals also entitles families to other benefits, including school uniform grants and I would encourage all lower income families to claim their full entitlement. The additional funding contains a small element to cover this.

### **End-year Flexibility: DE**

**Mr D Bradley** asked the Minister of Education what action she intends to take to restore funding for schools lost by the withdrawal of end-year flexibility.

**(AQO 945/11)**

**Minister of Education:** I think it is important to set the record straight here given some comments in recent days.

Cuir Státchoiste na Breataine srianadh rochtain i bhfeidhm ar Sholúbthacht Dheireadh na Bliana (EYF) 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 and Education and Library Boards 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 was to be abolished, including all accumulated stocks, with effect from the end of this financial year.

I was not prepared to accept this loss of school funding and I immediately raised this 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 this up with a meeting on 21 January, at which the issue was resolved.

We both agreed that schools must continue to have access in the future to surpluses which they have 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.

This is a good outcome for our schools – indeed the outcome I fought for. Schools have now been provided the certainty they require.

## Budget 2011-12: DE

**Mr S Gardiner** asked the Minister of Education what impact assessment has been carried out on the potential reclassification of £41 million from capital to resource funding in 2011/12.

**(AQO 946/11)**

**Minister of Education:** Tá staid airgeadais na Roinne Oideachais in 2011/12 fíordheacair.

The financial position for the Department of Education in 2011/12 is particularly difficult. I have sought to minimise the impact on the classroom and protect the front line as far as possible because our teachers are our most important resource. I have therefore had to take the difficult decision to reclassify £41 million to resource.

In doing this I recognise that the remaining capital will be focused on projects already started or announced in August 2010.

I will not make final decisions on budget allocations until after the period for consultation ends on 16 February and the Executive agrees the revised Departmental Budget allocations

I can assure you that in the interim I will continue to seek additional funding for education.

## Schools: Homework

**Mr A Bresland** asked the Minister of Education what action she is taking to encourage parents to help their children with homework and revision.

**(AQO 947/11)**

**Minister of Education:** Creidim go bhfuil sé iontach tábhachtach go mbeidh tuismitheoirí páirteach i ngach gné fhoghlama dá gcuid páistí.

I believe that it is very important for parents to be involved in all aspects of their children's learning. Helping with or checking homework and, for older pupils, helping with revision for examinations are valuable ways in which parents can support their children and also support the work of their teachers.

That is why encouraging and supporting parents to become more involved in all aspects of their children's education, including homework and revision, is a key aspect of my school improvement policy.

Whilst the setting of homework is a matter for the local management of individual schools, my Department expects every school to have a written homework policy that is shared with parents.

Additionally, the meetings with parents that take place each year provide a useful opportunity for schools to explain their approach to homework and for parents to discuss with teachers how best to support their children in completing homework or revision. Information on revision and homework is also available for parents on NIDirect.

Supporting children as they complete their homework or are revising for examinations can present particular challenges for those parents who, themselves, struggle with aspects of literacy and numeracy. Through programmes such as Extended Schools, schools serving the most deprived and disadvantaged areas are able to provide a varied menu of activities including, in many cases, homework clubs and revision/study support programmes, in response to the particular needs and aspirations of pupils and their parents.

## PISA Survey

**Mr R McCartney** asked the Minister of Education how her Department intends to address the findings of the Organisation for Economic Co-operation and Development, Programme for International Student Assessment survey.

**(AQO 948/11)**

**Minister of Education:** Is suirbhé é PISA a mheasann cumas pháistí cúig bliana déag d'aois agus na scileanna léitheoireachta, matamaitice agus eolaíochta atá faighte acu faoin aois sin.

PISA is a survey of how 15-year-olds perform in reading, maths and science. Our performance in reading and maths is not significantly different from the OECD average. We lag behind the highest performing systems and we continue to have a significant body of underachievement.

Performance in science remains significantly above the OECD average and that is to be welcomed – but we still have considerable room for improvement.

We are looking carefully at the PISA findings to identify the lessons we can learn from the top performing countries. However, the policy framework I am advancing reflects the overall PISA findings.

I have made it a priority to raise standards for all our young people and to tackle underachievement, especially among our most disadvantaged. Our emphasis on supporting high quality teaching and school leadership is central to this. By abolishing the state-run transfer process I have also ensured that the curriculum is not distorted by unnecessary testing.

PISA adds to the body of evidence on the benefits of preschool education. I have increased funding for preschool education.

PISA shows clearly that progressive countries where academic selection is not a major factor are capable of outperforming us to a significant degree. The policy of the Department of Education is for a non-selective system of post-primary transfer and those schools that continue to use breakaway tests need to review the PISA results.

## Department for Employment and Learning

### Places at Oxford and Cambridge Universities

**Mr T Burns** asked the Minister for Employment and Learning (i) how many pupils gained a place at Oxford and Cambridge universities in each of the last ten years, broken down by subject studied; and of these pupils, how many attended (a) private secondary schools; (b) controlled schools; (c) integrated schools; (d) maintained schools; and (e) other types of schools; and (ii) how many of these pupils were entitled to free school meals.

**(AQW 3564/11)**

**Minister for Employment and Learning (Mr D Kennedy):** The Department of Education does not hold destination information of school leavers by individual Higher Education Institution. Therefore, it cannot identify the courses being taken in specific Higher Education institutions by Northern Ireland school leavers.

However the Department for Employment and Learning is able to provide information on those from Northern Ireland who enrol at Oxford and Cambridge but on a different basis. As a proxy to pupils who have gained a place, the number of 18–21 year old Northern Ireland domiciled first year undergraduates enrolled at Oxford University and Cambridge University by subject in each of the last ten years is detailed in tables. These have been placed in the Assembly Library and on the Department for Employment and Learning's website.

Please note, however, that a breakdown of the information on these students by schooling background is not retained in this format. In addition, a breakdown by entitlement to free school meals is not available through the Higher Education Statistics Agency record. Therefore these data have not been provided.

### Illiteracy and Innumeracy

**Mr J Dallat** asked the Minister for Employment and Learning to list the further and higher education colleges currently delivering programmes designed to address issues relating to illiteracy and innumeracy.

**(AQW 3583/11)**



**Minister for Employment and Learning:**

<b>Further Education<sup>(1)</sup></b>	<b>Further and Higher Education<sup>(2)</sup></b>
<ul style="list-style-type: none"> <li>• Belfast Metropolitan College</li> <li>• Northern Regional College</li> <li>• North West Regional College</li> <li>• South Eastern Regional College</li> <li>• Southern Regional College</li> <li>• South West College</li> </ul>	<ul style="list-style-type: none"> <li>• Stranmillis University College</li> <li>• St Mary's University College Belfast</li> <li>• Queen's University Belfast</li> <li>• University of Ulster</li> <li>• Belfast Metropolitan College</li> <li>• Northern Regional College</li> </ul>

(1) The principal course provision is the Essential Skills Programmes of Communication (equivalent to literacy) and Application of Number (equivalent to maths/numeracy).

(2) Tutor education courses for those individuals delivering literacy and numeracy programmes

**Widening Participation in Higher Education**

**Mr P Weir** asked the Minister for Employment and Learning for an update on Widening Participation in Higher Education.

**(AQW 3669/11)**

**Minister for Employment and Learning:** In academic year 2010/11, my Department has allocated £2.5 million to various widening participation initiatives including widening participation and disability premiums and special project funding for outreach programmes, such as Step-Up and Discovering Queens.

The University of Ulster's Step-Up Programme provides an opportunity for young people from working class areas to improve their academic performance and to gain entry to universities. This programme is extremely well regarded and to date almost 1,000 pupils have participated with a progression rate into higher education of 97%.

Discovering Queens is a Northern Ireland wide programme of activities. The targeted groups are disadvantaged pupils in non-selective post-primary schools. To date over 15,000 pupils have engaged with the programme and 87% have reported that the initiative had made them more likely to want to attend Higher Education.

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

At almost 50%, Northern Ireland's participation rates in Higher Education are the highest in the United Kingdom. The participation rate in Northern Ireland in 2008/09 for those from Socio Economic Classifications (SEC) 4-7 was 42%. This is also the highest rate in the United Kingdom.

However, despite the range of DEL funded initiatives to widen participation in Higher Education, the evidence suggests that some groups continue to be under-represented. My Department recognises that addressing disadvantage and exclusion will require coordinated action and consequently it is leading on the development of a new integrated Regional Strategy for Widening Participation in Higher Education. I plan to launch a public consultation on the development of the Regional Strategy for Widening Participation in Higher Education by Spring 2011.

**Student Drop-out Rates**

**Mr P Weir** asked the Minister for Employment and Learning what action his Department is taking to reduce student drop-out rates.

**(AQW 3670/11)**

**Minister for Employment and Learning:** Northern Ireland's participation rates of young people in Higher Education are now the highest in the United Kingdom and Northern Ireland outperforms the other regions in increased access to higher education for students from disadvantaged backgrounds. Although there are many factors which impact on drop-out rates, there appears to be a correlation between widening participation and increased drop-out rates. In recognition of this, my Department pays the higher education institutions around £1.5m per year in the form of a Widening Participation premium to support the recruitment and retention of students from disadvantaged backgrounds.

The issue of drop-out rates among disadvantaged students is also being specifically addressed in the development of the Regional Strategy for Widening Participation in Higher Education.

Both Queen's University and the University of Ulster regard the issue of student retention as an institutional priority and have in place a range of mechanisms to address student drop-out rates. Details of these are attached at Annex A which has been placed in the Assembly Library and on the Department for Employment and Learning's website.

## Education Maintenance Allowance

**Ms C Ní Chuilín** asked the Minister for Employment and Learning how many young people would be affected by the removal of the Education Maintenance Allowance.

**(AQW 3686/11)**

**Minister for Employment and Learning:** Any proposals to amend the current provision of the Education Maintenance Allowance scheme in Northern Ireland, which is available to pupils in schools and further education colleges, will be subject to a public consultation and appropriate equality considerations. As at December 2010, 24,291 Northern Ireland domiciled students had been approved for payment of Education Maintenance Allowance for the current academic year 2010/2011.

A review of whether Education Maintenance Allowance is meeting its aims and objectives is with my Department and the Department of Education for consideration and has also been shared with the Employment and Learning Committee.

## Apprenticeships in the North Down Constituency

**Mr P Weir** asked the Minister for Employment and Learning how many apprenticeships are currently available in the North Down constituency; and how this figure compares to the previous year.

**(AQW 3701/11)**

**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 21st January 2011, there are 353 apprentices from the North Down constituency following an apprenticeship. The comparative figure as of 21st January 2010 is 380. Although these apprentices reside within the North Down constituency, they may or may not be following their apprenticeship with training suppliers or employers in that constituency.

## Education Maintenance Allowance

**Mr P Weir** asked the Minister for Employment and Learning to detail (i) the current number of students in receipt of Educational Maintenance Allowance, broken down by constituency; and of these (ii) how many in total receive (a) £30; (b) £20; and (c) £10 per week.

**(AQW 3873/11)**

**Minister for Employment and Learning:** I can advise (i) Data is not available in the constituency format requested. As at December 2010, a total of 24,291 Northern Ireland domiciled students had been approved for payment of Education Maintenance Allowance for the current academic year 2010/2011. (ii) The total is broken down by allowance as follows:

Allowance	Total	Percentage of Total
£10	1,612	6%
£20	2,134	9%
£30	20,545	85%
<b>Total</b>	<b>24,291</b>	

## Department of Enterprise, Trade and Investment

### Transfer of Telecommunications Policy

**Mr P Callaghan** asked the Minister of Enterprise, Trade and Investment whether she has any plans to seek the transfer of telecommunications policy to Northern Ireland.

**(AQW 3916/11)**

**Minister of Enterprise, Trade and Investment (Mrs A Foster):** I have no plans to seek transfer of telecommunications policy to Northern Ireland. Powers given to my Department under the Communications Act 2003 are sufficient to tailor communications policy to deliver appropriate investment and competition in Northern Ireland. My Department also has regular contact with the Department for Business Innovation and Skills to ensure that Northern Ireland's interests are taken into account in national policy initiatives.

### Transfer of Telecommunications Policy

**Mr P Callaghan** asked the Minister of Enterprise, Trade and Investment whether she will commission an assessment of the potential benefits of transferring responsibility for telecommunications policy to Northern Ireland.

**(AQW 3917/11)**

**Minister of Enterprise, Trade and Investment:** I have no current plans to commission such an assessment. My Department's priority is to complete the delivery of existing Programme for Government telecommunications commitments.

## Department of the Environment

### Transfer of Powers on Planning Matters

**Mr P McGlone** asked the Minister of the Environment if the transfer of powers on planning matters to District Councils will be cost neutral.

**(AQW 3585/11)**

**Minister of the Environment (Mr E Poots):** It is my intention that the planning system which is handed over to councils is properly structured and resourced to provide the service, with available resources.

I am already working to resize and reshape planning structures so that we have the right number and grades of staff in the right places to provide the service. I am also reviewing planning fees to ensure that they cover all relevant costs and that they are fair.

### Northern Ireland Environment Agency

**Mr P McGlone** asked the Minister of the Environment to detail (i) any changes he intends to make to the Northern Ireland Environment Agency, as a result of the draft Budget 2011-15; and (ii) for

his assessment of the impact these changes will have on its role in environmental protection and practices.

**(AQW 3586/11)**

**Minister of the Environment:** It is not envisaged that any fundamental structural change will be made to the Northern Ireland Environment Agency as a result of the Draft Budget 2011-15. However, in light of the Executive's Draft Budget proposals for the Department of the Environment, all areas of spending have been reviewed and draft spending and savings proposals are detailed in the Department's Draft Budget 2011-15 consultation document.

The proposed reduction in the Northern Ireland Environment Agency's current expenditure budget for 2011-12 (£3.7 million) represents an 8% reduction compared to the 2010-11 opening budget position. It is proposed to deliver this overall saving through the following measures:

Reduction in Events	Reduction in Grants and Surveys (Built Heritage)	Reduction in Grants and Maintenance (Natural Heritage)	Reduction in Monitoring (Environmental Protection)	Vacancy Management, Better Regulation and additional income	Total
£0.4m	£0.8m	£1.0m	£0.5m	£1.0m	<b>£3.7m</b>

The proposed reduction of £0.5 million in Environmental Protection will require a reduction in proactive pollution prevention and the capacity to respond to non planned pollution monitoring. In addition, it is likely that there will be an increase in the time taken to process waste management licences and to carry out environmental inspections.

## Funding for Masterplans

**Mr D Kinahan** asked the Minister of the Environment how much funding his Department is providing for hamlet, village, town or city Masterplans in each local council area; and to detail the full anticipated cost to his Department of each Masterplan.

**(AQW 3718/11)**

**Minister of the Environment:** The Department for Social Development (DSD) is responsible for urban regeneration in Northern Ireland and, as part of this remit, has prepared a series of Masterplans, normally for town and city centres across the region. In association with this work my Department agreed with DSD in March 2009 to co-fund a consultancy study on retail and commercial leisure development in Antrim, Ballymena and Larne towns to inform future forward planning work for these towns and assist the preparation of Masterplans by DSD. My Department contributed £31,030 towards this study, 50% of the total costs.

My Department has not provided funding for any other Masterplans prepared by DSD during the life of the current Assembly, although officials from Planning Service have on many occasions attended Masterplan steering group meetings to provide advice and guidance at a strategic level.

In addition to Masterplans prepared by DSD, in October 2009, I agreed to provide funding of up to £25,000 to assist Larne Borough Council with the costs associated with the preparation of a Regeneration Masterplan for Glenarm through an 'Enquiry by Design' process, facilitated by the Prince's Foundation for the Built Environment (PFBE). At the launch of the 10 year Regeneration Strategy in the village in June 2010, I also announced my support for a secondee from my Department to the PFBE at Senior Planning Officer grade on a part time basis of 2½ days per week for a period of 6 months - after which the position will be reviewed. I understand this secondment, which carries an estimated cost of £11,000, will commence during February 2011.



## Resource Grant

**Mr P Weir** asked the Minister of the Environment to detail the resource grant allocated to each local council in the 2011/12 financial year.

**(AQW 3741/11)**

**Minister of the Environment:** The General Grant allocated to each of the 26 local councils is set out in the table below. As you will be aware, General Grant is made up of two elements, De-rating and Resources. Details of both of these elements, which are estimated figures at this stage, are provided for completeness.

The Resources figures cannot be confirmed until the Department's Budget is finalised for 2011/2012 while the De-rating figures will be finalised around the end of October 2011 using updated valuations (Net Annual Values or NAVs) provided by Land and Property Services, Department of Finance and Personnel, together with the 2011/2012 district rates.

<b>District Council</b>	<b>General Grant De-rating (Estimated) 2011/2012 £</b>	<b>General Grant Resources (Estimated) 2011/2012 £</b>
Antrim	1,111,757	0
Ards	581,641	833,877
Armagh	749,782	1,529,979
Ballymena	1,336,101	11,646
Ballymoney	273,533	1,054,727
Banbridge	446,652	1,066,844
Belfast	4,158,774	0
Carrickfergus	559,508	580,088
Castlereagh	661,176	0
Coleraine	638,513	0
Cookstown	812,925	521,029
Craigavon	2,053,926	1,032,306
Derry	1,470,304	1,316,270
Down	502,008	1,335,200
Dungannon & South Tyrone	1,611,339	802,572
Fermanagh	784,605	885,858
Larne	489,196	79,432
Limavady	220,531	1,261,120
Lisburn	1,761,727	0
Magherafelt	772,216	1,064,479
Moyle	166,823	468,250
Newry & Mourne	1,206,364	1,503,192
Newtownabbey	1,324,687	0
North Down	546,537	0

<b>District Council</b>	<b>General Grant De-rating (Estimated) 2011/2012 £</b>	<b>General Grant Resources (Estimated) 2011/2012 £</b>
Omagh	580,866	1,216,020
Strabane	309,151	1,764,111
<b>Total</b>	<b>25,130,642</b>	<b>18,327,000</b>

## Planning Fees Income

**Mr P Weir** asked the Minister of the Environment to detail the projected annual planning fees income which councils should receive when the proposed transfer of the Planning Service takes place.

**(AQW 3811/11)**

**Minister of the Environment:** It is not possible to project future annual income from planning fees at this stage as the amounts received have fluctuated considerably with the Economic downturn. Also, the future timetable for the transfer of functions has not yet been determined by the Executive.

You will be aware that I am currently undertaking a review of planning fees and have completed the first stage of this work having consulted on proposals to make the fees structure fairer by addressing areas of under-recovery and cross-subsidisation. I will shortly be bringing forward proposals for subordinate legislation to give effect to these proposals.

I remain committed to taking forward further work to put in place a sustainable fees and funding model which is fit for purpose both now and after planning functions are transferred to local government.

## Proposed Transfer of Elements of the Planning Service

**Mr P Weir** asked the Minister of the Environment to provide an estimate of the cost of the proposed transfer of elements of the Planning Service to local councils.

**(AQW 3813/11)**

**Minister of the Environment:** I am reviewing planning fees to make sure they address the true costs of the service provided and reshaping and restructuring the organisation to make sure we have the right number of people in the right places to get the work done. This will ensure that the service transferred to councils is both affordable and effective.

Other costs are unlikely to be significant; these relate to modifying existing Planning Service IT systems, training staff involved in the decision-making process and providing guidance to those involved with the planning system.

The benefits of more efficient development management processes and shorter processing times should far outweigh any financial costs.

## Planning Service

**Mr P Weir** asked the Minister of the Environment to detail the total running costs of the Planning Service in each of the last five years.

**(AQW 3815/11)**

**Minister of the Environment:** The total operating costs as recorded in the Planning Service Accounts for each of the last five financial years is as shown in the table below:

<b>Operating Costs</b>	<b>2005/06 £000s</b>	<b>2006/07 £000s</b>	<b>2007/08 £000s</b>	<b>2008/09 £000s</b>	<b>2009/10 £000s</b>
Staff Costs	21,654	23,862	24,122	24,930	24,854

<b>Operating Costs</b>	<b>2005/06 £000s</b>	<b>2006/07 £000s</b>	<b>2007/08 £000s</b>	<b>2008/09 £000s</b>	<b>2009/10 £000s</b>
Other Admin Costs (including notional costs)	13,830	13,779	12,881	12,036	13,789
Programme Costs	5,889	4,670	5,055	5,064	7,870
<b>Total</b>	<b>41,373</b>	<b>42,311</b>	<b>42,058</b>	<b>42,030</b>	<b>46,513</b>

**Note**

- 1 Other Admin costs relate mainly to notional costs charged by other government departments, such as the Department of Finance and Personnel for accommodation costs and the Department for Regional Development in respect of consultations with the Road Service in respect of planning applications. In 2009/10, notional costs amounted to £11.4 million of the overall £13.8 million 'other admin costs'.
- 2 Total operating costs for 2008/09 were restated as £42,024 in the 2009/10 accounts as a result of the first time adoption of the International Financial Reporting Standards (IFRS).

**Planning Fees Income**

**Mr P Weir** asked the Minister of the Environment to detail the total planning fees income generated by the Planning Service in each of the last five years.

**(AQW 3816/11)**

**Minister of the Environment:** The total planning fee income as recorded in the Planning Service Accounts for each of the last five financial years is as shown in the table below:

<b>Fee Income</b>	<b>2005/06 £000s</b>	<b>2006/07 £000s</b>	<b>2007/08 £000s</b>	<b>2008/09 £000s</b>	<b>2009/10 £000s</b>
Planning Applications	18,490	19,628	21,341	17,184	15,261
Property Certificates	1,467	1,632	1,105	508	527
<b>Total</b>	<b>19,957</b>	<b>21,260</b>	<b>22,446</b>	<b>17,692</b>	<b>15,788</b>

**Councils: Gritting Roads and Pavements**

**Mr D Kinahan** asked the Minister of the Environment to detail any discussions his Department had with the Minister for Regional Development, prior to the recent adverse weather, in relation to obtaining extra resources for councils to assist them in gritting roads and pavements.

**(AQW 3818/11)**

**Minister of the Environment:** Following contact with all councils on 21 December to encourage local government to make gritting of pavements a priority, I was also in touch with the Department for Regional Development about maintaining gritting resources to councils during the period of adverse weather.

I have encouraged councils to collaborate with the Department's Roads Service and enter into arrangements for the gritting of public areas as the safety of people is paramount. It is a matter for councils to discuss directly with Roads Service the extra resources they might need to obtain to undertake that task.

## Gritting of Roads and Footpaths

**Mr D Kinahan** asked the Minister of the Environment to detail what action he took, or guidance he issued, to encourage councils to assist with the gritting of roads and footpaths and agree suitable terms with the Roads Service, during the recent severe weather.

**(AQW 3820/11)**

**Minister of the Environment:** I contacted all Councils on 21 December 2010 through the Local Government Emergency Management Group urging Chief Executives to make gritting of the pavements in town centres and key routes a top priority. I called on them to divert resources as ensuring the safety for the public was paramount at Christmas.

As the responsibility for maintaining the public highway lies with the Department for Regional Development, I spoke to Roads Service regarding maintaining gritting supplies to councils during this period.

I have also continued to encourage councils to collaborate with Roads Service and enter into arrangements for winter gritting, and to work within the terms of any guidance issued by the Minister for Regional Development.

## Chief Executives of Local Councils

**Mr G Campbell** asked the Minister of the Environment to detail the cost of the gross salaries, including pension contributions, of the 26 Chief Executives of local councils in 2010. [R]

**(AQW 3839/11)**

**Minister of the Environment:** The Department does not hold the information in the format requested. The table below provides the salary band range for District Council Chief Executives for the financial year 2009/2010. This is the standard accounting format for providing information on senior officer's salaries.

Salary Band Range	110-120k	100-110k	90-100k	80-90k	70-80k	Total
No of Councils	1	1	5	16	3	26

In relation to pension contributions, councils pay a standard rate of 17% of gross salary.

## Draft Belfast Metropolitan Area Plan 2015

**Mr T Burns** asked the Minister of the Environment for an update on the draft Belfast Metropolitan Area Plan 2015; and when he expects it to be adopted.

**(AQW 3865/11)**

**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 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.

In July 2010, the PAC stated that they were unable to deliver their report to the Department in accordance with the timescale originally envisaged i.e. early summer 2010. The Report is now expected in March 2011.

Upon receipt of the report, Planning Service will consider the PAC recommendations, and prepare the Plan for adoption. It is anticipated that the Plan will be adopted in 2012.



Department of Finance and Personnel

Northern Ireland Civil Service: Surplus Posts

**Mr P Callaghan** asked the Minister of Finance and Personnel to detail the (i) location; and (ii) number of surplus posts in the Northern Ireland Civil Service at (a) Administrative Assistant; (b) Administrative Officer; (c) Executive Officer II; (d) Executive Officer I; and (e) Staff Officer; and (f) Deputy Principal grades, in each Government Department.  
**(AQW 3453/11)**

**Minister of Finance and Personnel (Mr S Wilson):** The location and number of surplus posts in the Northern Ireland Civil Service at grades Administrative Assistant (AA) to Deputy Principal (DP), in each Government Department are set out in the attached table. The number of surplus posts is subject to regular change due to factors such as natural wastage, redeployment of surplus staff and Departmental budgetary pressures.

The information provided relates to surplus posts as at 17 January 2011 and those anticipated between 18 January 2011 and 31 March 2011.

**AQW 3453/11 - LOCATION & NUMBER OF SURPLUS POSTS IN THE NICS AT AA, AO, EO2, EO1, SO & DP AT 17/1/11**

	AA	Location	AO	Location	EOII	Location	EOI	Location	SO	Location	DP	Location
DARD	0		1	Stormont	0		0		1	Belfast	0	
DCAL	0.6	Belfast	0		0		1	Belfast	0		0	
DE	0		0		0		0		0		0	
DEL	2	Belfast	0		0		0		0		0	
DETI	0		2.4	1.4 Stormont 1 Belfast	0		0		0		0	
DFF	0		0.49	Bangor	0		0		1.6	Belfast	0.8	Belfast
DHSSPS	1	Stormont	0		1	Stormont	0		1	Stormont	2	Stormont

	AA	Location	AO	Location	EOII	Location	E01	Location	SO	Location	DP	Location
DOE	10.5	5.56 Craigavon	10.28	3.18 Craigavon	5.31	4.61 Belfast	0		2.68	1.68 Belfast	1	Belfast
		2 Omagh		3 Belfast		0.7 Ballymena				1 Coleraine		
		1.5 Coleraine		1.6 Coleraine								
		0.9 Ballymena		1 Enniskillen								
		0.54 Belfast		1 Londonderry								
				0.5 Armagh								
DOJ	0		0		0		0		0		0	
DRD	1	Belfast	2	Downpatrick	0		0		1	Belfast	0	
DSD*	16.13	13.5 Belfast	38.5	17.8 Belfast	27.22	16 Belfast	18	16 Belfast	13	12 Belfast	0	
		2.13 Londonderry		16.3 Londonderry		9.62 Londonderry		1 Londonderry		1 Coleraine		
		0.5 Still to be determined		2 Enniskillen		1 Portadown		1 Still to be determined				
				1 Coleraine		0.6 Still to be determined						
				0.8 Omagh								
				0.6 Banbridge								
OFMDM	0		0		0		0		0		0	

	AA	Location	AO	Location	EOII	Location	EOI	Location	SO	Location	DP	Location
PPS	0		0		0		0		0		0	
TOTAL	31.23		54.67		33.53		19		20.28		3.8	

\* DSD anticipates that staff made available from these surplus posts will be absorbed elsewhere in the Department through leavers and vacancies

## Performance Efficiency Delivery Unit

**Mr P Weir** asked the Minister of Finance and Personnel which Departments or arm's-length bodies have received help from the Performance Efficiency Delivery Unit since it was set up.

**(AQW 3547/11)**

**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 significant support in preparing the Departmental Monitoring PSA Request templates, arranging the Central assessment Team meetings and drafting the bulk of the Interim and Full Delivery Reports for the Executive.

On a bi-annual basis, PEDU provides support by drafting the Ministerial and Official level pre assessment accountability briefings and the outcome papers of the meetings to drive progress on the challenging targets.

PEDU were also commissioned to undertake a review of Land & Property Services (LPS, DFP). The recommendations of the Review Team identified cultural, strategic and operational issues in six areas for priority action that were to be addressed through implementation of a comprehensive time bound Action Plan drawn up under the leadership of the Chief Executive of LPS. A link to a copy of the Review Report, including the Action Plan, is enclosed as follows:

[http://www.lpsni.gov.uk/lps\\_copy\\_of\\_lps\\_review\\_final\\_report.pdf](http://www.lpsni.gov.uk/lps_copy_of_lps_review_final_report.pdf)

In conjunction with Planning Service (DOE), PEDU undertook an intensive piece of work focused on improving processing times for planning applications. Ultimately that led to the development and implementation of an Action Plan to tackle the issues identified. Following the work, and implementation of the plan, processing times for planning applications improved and backlogs were reduced.

In conjunction with DSD some staff from the Unit have undertaken a piece of work to assist DSD in a wider project that is aimed at identifying and reducing the administrative and bureaucratic burdens that can sometimes be placed upon voluntary and community organisations in receipt of public funding.

As you are aware, as part of June Monitoring, the Executive agreed that DHSSPS and DE be exempted from their pro rata share of in-year reductions on the condition that "the Ministers for Health and Education agree to DFP, on behalf of the Executive, commissioning PEDU to undertake work into the scope for, and delivery of, significant cost reductions across the two sectors". In relation to DE, work commenced in November under an agreed Terms of Reference.

## Solicitors Reported to the Law Society

**Lord Morrow** asked the Minister of Finance and Personnel how many solicitors have been reported to the Law Society in each of the last three years, and of these, how many complaints have been upheld.

**(AQW 3595/11)**

**Minister of Finance and Personnel:** The Department of Finance and Personnel does not hold statistics on how many solicitors have been reported to the Law Society. That information is held by the Society, which is the body responsible for regulating solicitors. It does not publish statistics on this issue.

Statistical information on the number of complaints made against solicitors is to be found in the reports of the Lay Observer for Northern Ireland who reports to the Department on an annual basis. His report is also laid before the Assembly and copies are available in the Library and at the website of the Lay Observer ([www.layobserverni.com](http://www.layobserverni.com)).

Figures contained within the last 3 published reports of the Lay Observer reveal the following statistics about complaints

**2009:** 149 complaints from 104 complainants, of which 17% were upheld, 20% resolved, 23% redirected or withdrawn and 40% not upheld



**2008:** 317 complaints from 133 complainants, of which 26% were upheld, 41% resolved or redirected and 33% not upheld

**2007:** 295 complaints from 206 complainants, of which 31% were upheld, 39% resolved or redirected and 30% not upheld

## Construction Projects

**Mr G Savage** asked the Minister of Finance and Personnel whether any construction projects have been suspended or cancelled as a result of the Comprehensive Spending Review and the draft Budget 2011-15; and if so, to list these projects.

**(AQW 3655/11)**

**Minister of Finance and Personnel:** No approved DFP construction projects have been suspended or cancelled as a result of the CSR and draft Budget.

Details in relation to projects planned by other departments would need to be obtained from those departments.

## Lone Pensioner Allowance

**Mr P Callaghan** asked the Minister of Finance and Personnel how much money has been spent on promoting the uptake of the Lone Pensioner Allowance since its introduction; and to detail how this money has been spent.

**(AQW 3682/11)**

**Minister of Finance and Personnel:** My Department estimates that the cash expenditure specifically on promoting the take up of Lone Pensioners Allowance is less than £10,000.

Land & Property Services (LPS) has a small Benefits Take-Up Team, whose duties are to promote the take up of all rate-related benefits and allowances. The primary focus of the team has been the preparation of appropriate leaflets for different target groups of ratepayers, attendance at local and regional events to talk with ratepayers on the benefits and reliefs that are available, the simplification of application forms and related material, and answering queries from ratepayers by telephone, letter and email.

Much of the take up work is undertaken by an LPS Outreach Officer, with support when required, and is completed in conjunction with the independent advice sector (Access 2 Benefits (a2b), Advice NI and others) and voluntary sector organisations, including many local groups providing support for the elderly.

## Arm's-length Bodies and Organisations: Funding

**Mr J Craig** asked the Minister of Finance and Personnel to list (i) all the operational arm's-length bodies and organisations which are fully funded by Government; (ii) all similar organisations, fully funded by Government, which have been set up but are not yet fully functional; and (iii) similar organisations which will be established by legislation which is currently (a) with a Committee for consideration; and (b) awaiting Executive approval.

**(AQW 3726/11)**

**Minister of Finance and Personnel:** The operational arm's-length bodies which are funded in whole or in part by my Department are as follows:

- NI Building Regulations Advisory Committee
- Statistics Advisory Committee

The other organisations which are funded by my Department in whole or in part are as follows:

- Department of Finance and Personnel (Core Department)
- Land and Property Services

- Northern Ireland Statistics and Research Agency
- Special European Union Programmes Body (SEUPB)
- Public Service Commission for Northern Ireland
- Lay Observer for Northern Ireland
- Lands Tribunal for Northern Ireland
- Northern Ireland Valuation Tribunal
- Northern Ireland Civil Service Appeals Board
- Northern Ireland Law Commission (a non departmental public body of the Department of Justice which is part funded by DFP)

My department has no similar organisations, fully funded by DFP which have been set up but are not yet fully functional; and no similar organisations which will be established by legislation which is currently either with a Committee for consideration or awaiting Executive approval.

My Department does not hold this information in respect of other departments' arm's-length bodies and other organisations.

## Ratepayer Debt

**Mr P Weir** asked the Minister of Finance and Personnel to detail the current amount of rate-payer debt in each council area.

**(AQW 3738/11)**

**Minister of Finance and Personnel:** At any point in time, the total amount of ratepayer debt comprises two elements: the previous years' ratepayer debt; and in-year debt. At 23 January 2011, the previous years' ratepayer debt of £157 million at 31 March 2010 had been reduced to £80 million. The break down between district council areas is given in Table 1.

It is difficult to quantify in-year ratepayer debt given that, as part of normal business, bills are issued and paid on a daily basis.

**TABLE 1**  
**PRIOR YEAR RATING DEBT BY DISTRICT COUNCIL AS AT 23 JANUARY 2011**

District Council	Prior year Debt
Antrim	£1,968,078
Ards	£3,108,876
Armagh	£2,653,628
Ballymena	£1,409,150
Ballymoney	£708,711
Banbridge	£1,596,029
Belfast	£25,112,547
Carrickfergus	£1,575,471
Castlereagh	£1,837,527
Coleraine	£1,751,573
Cookstown	£637,855
Craigavon	£4,178,019

District Council	Prior year Debt
Derry	£4,846,274
Down	£2,792,355
Dungannon & S.Tyrone	£1,416,404
Fermanagh	£1,584,602
Larne	£891,921
Limavady	£1,075,511
Lisburn	£5,452,803
Magherafelt	£892,595
Moyle	£438,463
Newry & Mourne	£4,722,785
Newtownabbey	£3,467,395
North Down	£3,458,832
Omagh	£1,039,654
Strabane	£1,253,835
<b>Total Debt</b>	<b>£79,870,893</b>

Figures may not total exactly due to rounding

## Ministerial Cars

**Mr G Savage** asked the Minister of Finance and Personnel, in light of a new fleet of Ministerial cars being purchased, (i) what will happen to the current fleet; (ii) what is the value of the current fleet; and (iii) what is the estimated amount of money that could be returned to the Executive from the sale of this fleet.

**(AQW 3812/11)**

**Minister of Finance and Personnel:** The existing fleet of cars will be assessed and all cars deemed as surplus to requirements will be auctioned off.

The current Ministerial car fleet has an estimated auction value of £60k.

The sum at auction will be retained by the Department of Finance and Personnel.

## End-Year Flexibility

**Mr P Givan** asked the Minister of Finance and Personnel what impact the withdrawal of the end-year flexibility will have on unspent capital funding; and what measures can be taken to ensure any negative impact is minimised.

**(AQW 3814/11)**

**Minister of Finance and Personnel:** The closure of the existing end-year flexibility (EYF) scheme means that any unspent capital resources at the end of this financial year will be lost to the Executive.

As part of the Northern Ireland Spending Review Settlement, the Executive was afforded a one-off facility to declare a Departmental Expenditure Limit (DEL) reduction in December 2010 for this year, in return for an equivalent DEL increase in 2011-12. The Executive, as part of its December monitoring deliberations, agreed to utilise this facility to carry forward £23 million of capital resources into next year.

Given the requirement on departments not to breach their control totals, there may be some residual capital investment underspend at the year-end. Whilst underspends have reduced significantly in recent years, departments will need to continue managing their budgets carefully to ensure that any 2010-11 year-end underspends are minimised.

### Incorrect Rate Evaluations

**Mr D Kinahan** asked the Minister of Finance and Personnel what action he is taking to protect councils from incorrect rate evaluations carried out by Land and Property Services.  
(AQW 3823/11)

**Minister of Finance and Personnel:** District Valuers within Land & Property Services (LPS) are making changes to Valuations Lists on a daily basis to take account of new properties, alterations to existing properties, demolitions and applying exemptions and reliefs. As a result, assessments will increase and decrease. In law, ratepayers have a statutory right to challenge valuations, which may lead to backdated reductions in assessments and impact on a council's rate income.

I am seeking to ensure that outstanding challenges to valuation assessments are completed expeditiously to minimise impacts on councils.

### Civil Service Equal Pay Settlement

**Ms D Purvis** asked the Minister of Finance and Personnel how much the Civil Service equal pay settlement cost; and how much of those costs were secured from the UK Treasury.  
(AQW 3826/11)

**Minister of Finance and Personnel:** To date, £127.5 million has been paid in lump sum settlement payments. No additional resources were secured from the UK Treasury to address the equal pay issue. However, the Treasury did provide flexibility in terms of re-profiled capital and borrowing powers that could then, on an exceptional basis, be converted to current expenditure.

Assimilation costs to the new higher pay scales added approximately £26m to the annual NICS pay bill which were met by existing funding.

### Licensed Premises with Rates Arrears

**Mr T Burns** asked the Minister of Finance and Personnel, pursuant to AQW 3494/11, to detail (i) the total number of licensed premises with rates arrears greater than £5,000 in each council area; and (ii) the exact value of the arrears in each case.  
(AQW 3843/11)

**Minister of Finance and Personnel:** Note that the numbers attached are for 30 January 2011, and therefore do not match the figures in the answer to AQW 3494/11, which was based on 16 January 2011 figures.

The figures include rates owed for 2010-11 and all previous years. They therefore include amounts being paid under monthly instalment plans.

Land & Property Services continues to pursue all outstanding rates due.

**I) THE TOTAL NUMBER OF LICENSED PREMISES WITH RATES ARREARS GREATER THAN £5,000 IN EACH COUNCIL AREA AND THE TOTAL DEBT AS AT 30 JANUARY 2011 IS PROVIDED IN THE TABLE BELOW**

District Council	No of Properties with Debt Greater than £5,000	Total Debt
Antrim	8	£151,972



<b>District Council</b>	<b>No of Properties with Debt Greater than £5,000</b>	<b>Total Debt</b>
Ards	14	£250,952
Armagh	12	£164,820
Ballymena	10	£142,326
Ballymoney	3	£15,419
Banbridge	7	£78,183
Belfast	110	£3,120,412
Carrickfergus	6	£196,029
Castlereagh	8	£194,351
Coleraine	15	£235,192
Cookstown	7	£84,372
Craigavon	12	£233,560
Derry	33	£645,561
Down	18	£444,159
Dungannon & S.Tyrone	5	£103,225
Fermanagh	21	£463,493
Larne	5	£161,587
Limavady	14	£206,405
Lisburn	13	£289,493
Magherafelt	5	£96,669
Moyle	7	£139,155
Newry & Mourne	33	£741,509
Newtownabbey	9	£138,253
North Down	20	£489,573
Omagh	6	£67,216
Strabane	8	£130,813
<b>Grand Total</b>	<b>409</b>	<b>£8,984,697</b>

Figures may not total exactly due to roundings

**(II) THE EXACT VALUE OF THE ARREARS FOR EACH PROPERTY BY DISTRICT COUNCIL IS PROVIDED IN THE TABLE BELOW**

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Antrim	£50,025
Antrim	£31,045
Antrim	£17,675

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Antrim	£14,711
Antrim	£12,891
Antrim	£10,743
Antrim	£7,798
Antrim	£7,084
Ards	£35,419
Ards	£32,192
Ards	£30,887
Ards	£30,687
Ards	£21,603
Ards	£15,222
Ards	£14,025
Ards	£12,838
Ards	£12,689
Ards	£12,666
Ards	£10,333
Ards	£8,521
Ards	£8,373
Ards	£5,498
Armagh	£27,583
Armagh	£27,308
Armagh	£20,682
Armagh	£13,769
Armagh	£13,426
Armagh	£11,988
Armagh	£11,287
Armagh	£9,067
Armagh	£8,967
Armagh	£7,942
Armagh	£7,239
Armagh	£5,563
Ballymena	£28,678
Ballymena	£22,207
Ballymena	£21,529

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Ballymena	£21,125
Ballymena	£10,640
Ballymena	£9,389
Ballymena	£8,922
Ballymena	£8,460
Ballymena	£6,091
Ballymena	£5,286
Ballymoney	£5,218
Ballymoney	£5,124
Ballymoney	£5,077
Banbridge	£18,689
Banbridge	£14,568
Banbridge	£13,143
Banbridge	£10,305
Banbridge	£9,248
Banbridge	£6,970
Banbridge	£5,259
Belfast	£226,518
Belfast	£157,546
Belfast	£108,394
Belfast	£90,496
Belfast	£89,074
Belfast	£74,283
Belfast	£72,130
Belfast	£66,173
Belfast	£63,584
Belfast	£56,978
Belfast	£56,460
Belfast	£53,824
Belfast	£51,787
Belfast	£49,304
Belfast	£47,934
Belfast	£47,047
Belfast	£45,218

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Belfast	£44,597
Belfast	£44,544
Belfast	£44,262
Belfast	£42,932
Belfast	£42,166
Belfast	£40,000
Belfast	£39,862
Belfast	£39,500
Belfast	£39,458
Belfast	£37,200
Belfast	£35,665
Belfast	£34,579
Belfast	£33,904
Belfast	£33,881
Belfast	£33,835
Belfast	£32,495
Belfast	£32,127
Belfast	£31,914
Belfast	£31,598
Belfast	£29,722
Belfast	£29,479
Belfast	£27,688
Belfast	£27,495
Belfast	£27,424
Belfast	£26,945
Belfast	£26,177
Belfast	£26,135
Belfast	£25,264
Belfast	£25,105
Belfast	£23,921
Belfast	£22,867
Belfast	£20,869
Belfast	£20,800
Belfast	£20,597

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Belfast	£19,909
Belfast	£19,773
Belfast	£19,662
Belfast	£19,649
Belfast	£19,535
Belfast	£18,916
Belfast	£18,600
Belfast	£18,327
Belfast	£17,954
Belfast	£17,670
Belfast	£17,357
Belfast	£16,941
Belfast	£16,279
Belfast	£16,100
Belfast	£15,958
Belfast	£15,636
Belfast	£15,194
Belfast	£14,764
Belfast	£13,506
Belfast	£13,346
Belfast	£12,520
Belfast	£12,410
Belfast	£12,117
Belfast	£12,089
Belfast	£11,359
Belfast	£11,339
Belfast	£11,266
Belfast	£11,255
Belfast	£11,255
Belfast	£11,000
Belfast	£10,300
Belfast	£10,000
Belfast	£9,941
Belfast	£9,603



<b>District Council</b>	<b>Debt as at 30 Jan</b>
Belfast	£9,419
Belfast	£9,370
Belfast	£9,067
Belfast	£8,444
Belfast	£7,900
Belfast	£7,643
Belfast	£7,428
Belfast	£7,209
Belfast	£7,175
Belfast	£6,925
Belfast	£6,373
Belfast	£6,247
Belfast	£6,225
Belfast	£6,190
Belfast	£6,123
Belfast	£6,021
Belfast	£5,853
Belfast	£5,775
Belfast	£5,740
Belfast	£5,589
Belfast	£5,456
Belfast	£5,290
Belfast	£5,290
Belfast	£5,191
Belfast	£5,182
Carrickfergus	£96,070
Carrickfergus	£36,805
Carrickfergus	£25,035
Carrickfergus	£15,722
Carrickfergus	£14,839
Carrickfergus	£7,558
Castlereagh	£60,354
Castlereagh	£47,339
Castlereagh	£25,361

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Castlereagh	£20,236
Castlereagh	£16,066
Castlereagh	£9,791
Castlereagh	£9,394
Castlereagh	£5,809
Coleraine	£30,510
Coleraine	£29,854
Coleraine	£26,999
Coleraine	£22,277
Coleraine	£20,262
Coleraine	£19,231
Coleraine	£15,754
Coleraine	£13,905
Coleraine	£11,639
Coleraine	£10,481
Coleraine	£10,183
Coleraine	£6,464
Coleraine	£6,443
Coleraine	£5,882
Coleraine	£5,308
Cookstown	£28,032
Cookstown	£13,745
Cookstown	£12,484
Cookstown	£8,756
Cookstown	£7,833
Cookstown	£6,851
Cookstown	£6,671
Craigavon	£43,224
Craigavon	£41,965
Craigavon	£38,769
Craigavon	£23,788
Craigavon	£16,621
Craigavon	£16,171
Craigavon	£13,233

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Craigavon	£12,180
Craigavon	£8,018
Craigavon	£7,737
Craigavon	£6,247
Craigavon	£5,607
Derry	£60,305
Derry	£46,737
Derry	£43,017
Derry	£34,048
Derry	£31,774
Derry	£27,485
Derry	£27,113
Derry	£26,434
Derry	£25,503
Derry	£25,322
Derry	£24,860
Derry	£21,426
Derry	£21,172
Derry	£21,116
Derry	£19,174
Derry	£16,950
Derry	£13,955
Derry	£13,520
Derry	£13,039
Derry	£12,914
Derry	£11,868
Derry	£11,483
Derry	£11,208
Derry	£10,614
Derry	£10,552
Derry	£10,493
Derry	£10,364
Derry	£10,359
Derry	£7,726

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Derry	£7,136
Derry	£6,660
Derry	£5,878
Derry	£5,358
Down	£150,280
Down	£51,019
Down	£42,747
Down	£27,612
Down	£27,192
Down	£21,234
Down	£17,816
Down	£16,445
Down	£16,390
Down	£10,257
Down	£9,314
Down	£9,247
Down	£8,610
Down	£8,575
Down	£7,693
Down	£7,239
Down	£6,689
Down	£5,799
Dungannon & S.Tyrone	£40,973
Dungannon & S.Tyrone	£30,603
Dungannon & S.Tyrone	£17,273
Dungannon & S.Tyrone	£8,498
Dungannon & S.Tyrone	£5,877
Fermanagh	£145,461
Fermanagh	£60,192
Fermanagh	£37,011
Fermanagh	£31,020
Fermanagh	£27,986
Fermanagh	£17,061
Fermanagh	£15,338

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Fermanagh	£15,334
Fermanagh	£15,093
Fermanagh	£12,178
Fermanagh	£11,497
Fermanagh	£11,087
Fermanagh	£10,266
Fermanagh	£7,564
Fermanagh	£7,167
Fermanagh	£7,000
Fermanagh	£6,833
Fermanagh	£6,828
Fermanagh	£6,656
Fermanagh	£6,172
Fermanagh	£5,748
Larne	£60,300
Larne	£46,005
Larne	£29,952
Larne	£17,610
Larne	£7,720
Limavady	£30,162
Limavady	£27,751
Limavady	£22,053
Limavady	£17,800
Limavady	£17,018
Limavady	£15,727
Limavady	£15,034
Limavady	£12,374
Limavady	£12,147
Limavady	£11,312
Limavady	£7,525
Limavady	£6,642
Limavady	£5,461
Limavady	£5,398
Lisburn	£56,003



<b>District Council</b>	<b>Debt as at 30 Jan</b>
Lisburn	£48,866
Lisburn	£38,402
Lisburn	£32,635
Lisburn	£27,991
Lisburn	£21,016
Lisburn	£14,588
Lisburn	£13,450
Lisburn	£10,000
Lisburn	£8,695
Lisburn	£6,860
Lisburn	£5,497
Lisburn	£5,490
Magherafelt	£39,469
Magherafelt	£24,239
Magherafelt	£13,994
Magherafelt	£13,358
Magherafelt	£5,609
Moyle	£58,772
Moyle	£28,188
Moyle	£14,891
Moyle	£11,200
Moyle	£10,266
Moyle	£8,648
Moyle	£7,188
Newry & Mourne	£171,537
Newry & Mourne	£99,497
Newry & Mourne	£39,385
Newry & Mourne	£35,666
Newry & Mourne	£25,539
Newry & Mourne	£25,039
Newry & Mourne	£24,854
Newry & Mourne	£21,937
Newry & Mourne	£20,722
Newry & Mourne	£18,965

<b>District Council</b>	<b>Debt as at 30 Jan</b>
Newry & Mourne	£18,599
Newry & Mourne	£18,510
Newry & Mourne	£16,068
Newry & Mourne	£15,575
Newry & Mourne	£15,356
Newry & Mourne	£14,929
Newry & Mourne	£13,893
Newry & Mourne	£13,404
Newry & Mourne	£12,762
Newry & Mourne	£12,516
Newry & Mourne	£11,895
Newry & Mourne	£11,756
Newry & Mourne	£10,594
Newry & Mourne	£9,773
Newry & Mourne	£9,442
Newry & Mourne	£8,458
Newry & Mourne	£7,723
Newry & Mourne	£7,237
Newry & Mourne	£6,813
Newry & Mourne	£5,955
Newry & Mourne	£5,828
Newry & Mourne	£5,747
Newry & Mourne	£5,534
Newtownabbey	£67,387
Newtownabbey	£12,718
Newtownabbey	£11,459
Newtownabbey	£8,672
Newtownabbey	£8,644
Newtownabbey	£8,267
Newtownabbey	£8,032
Newtownabbey	£7,862
Newtownabbey	£5,211
North Down	£52,554
North Down	£51,657

<b>District Council</b>	<b>Debt as at 30 Jan</b>
North Down	£51,111
North Down	£42,014
North Down	£41,330
North Down	£39,861
North Down	£38,425
North Down	£33,499
North Down	£19,560
North Down	£17,745
North Down	£14,932
North Down	£14,852
North Down	£11,778
North Down	£11,613
North Down	£11,313
North Down	£8,676
North Down	£8,660
North Down	£7,439
North Down	£7,008
North Down	£5,548
Omagh	£17,494
Omagh	£14,684
Omagh	£14,556
Omagh	£7,196
Omagh	£7,145
Omagh	£6,142
Strabane	£42,978
Strabane	£26,059
Strabane	£16,746
Strabane	£13,902
Strabane	£12,821
Strabane	£7,691
Strabane	£5,480
Strabane	£5,135

## Capital Expenditure at Airport in Londonderry

**Mr G Campbell** asked the Minister of Finance and Personnel whether any representations have been made to him, or the Executive as a whole, regarding the recent efforts by the City Council in Londonderry to address the significant shortfall in funding for capital expenditure at the Council-owned airport.

**(AQW 3864/11)**

**Minister of Finance and Personnel:** I would like to thank the Member for the representations that he and Council officials have made on this issue. The Executive will consider the matter as part of the Monitoring Round in February.

## Rates Rebates

**Mr T Burns** asked the Minister of Finance and Personnel, pursuant to AQW 2967/11, to detail the total (i) number; and (ii) value of rates rebates below £10,000 issued to (a) domestic; and (b) commercial customers in (i) 2009-10; and (ii) April 2010 to January 2011, broken down by local council area.

**(AQW 3900/11)**

**Minister of Finance and Personnel:** Rate refunds can arise for a number of reasons, including:

A ratepayer moves from a property during the year, having paid the year's rates as a lump sum at the beginning of the year;

The ratepayer becomes eligible for benefits or reliefs that reduce the rates owed, after the rates have been paid by the ratepayer; and

The valuation of a property is reduced, leading to a recalculation of a rate bill.

In many cases, the issue of a rate refund is associated with the billing of an incoming ratepayer. It is therefore not correct to say that rate refunds reduce the rates due to District Councils or the Consolidated Fund, or require repayment of the monies by District Councils.

The Number of Occupancies in receipt of refunds less than £10,000 by District Council and sector is provided in the table below.

	2009-10			1 April 2010 to 24 January 2011		
Amount Total	Domestic	Non-Domestic	Total	Domestic	Non-Domestic	Total
Totals	33,025	3,793	36,818	22,598	1,896	24,494
Antrim	1,014	111	1,125	722	71	793
Ards	1,506	130	1,636	1,105	57	1,162
Armagh	926	105	1,031	758	51	809
Ballymena	1,274	161	1,435	934	74	1,008
Ballymoney	597	56	653	445	20	465
Banbridge	887	70	957	657	37	694
Belfast	5,838	1,078	6,916	3,602	500	4,102
Carrickfergus	655	58	713	475	26	501
Castlereagh	1,180	74	1,254	833	45	878
Coleraine	1,308	144	1,452	850	72	922
Cookstown	708	82	790	463	25	488

	<b>2009-10</b>			<b>1 April 2010 to 24 January 2011</b>		
<b>Amount Total</b>	<b>Domestic</b>	<b>Non-Domestic</b>	<b>Total</b>	<b>Domestic</b>	<b>Non-Domestic</b>	<b>Total</b>
Craigavon	1,679	139	1,818	1,057	69	1,126
Derry	1,870	181	2,051	1,033	97	1,130
Down	1,320	91	1,411	847	51	898
Dungannon & S.Tyrone	894	106	1,000	583	59	642
Fermanagh	1,089	136	1,225	768	79	847
Larne	614	67	681	463	32	495
Limavady	531	63	594	437	22	459
Lisburn	1,694	206	1,900	1,042	66	1,108
Magherafelt	706	69	775	558	43	601
Moyle	416	25	441	274	26	300
Newry & Mourne	1,639	185	1,824	1,088	89	1,177
Newtownabbey	1,684	126	1,810	1,213	86	1,299
North Down	1,552	153	1,705	1,352	114	1,466
Omagh	855	118	973	560	58	618
Strabane	589	59	648	479	27	506

The value of refunds to occupancies with amounts less than £10,000 by District Council and sector is provided in the table below.

	<b>2009-10</b>			<b>1 April 2010 to 24 January 2011</b>		
<b>Amount Total</b>	<b>Domestic</b>	<b>Non-Domestic</b>	<b>Total</b>	<b>Domestic</b>	<b>Non-Domestic</b>	<b>Total</b>
Totals	£6,687,658	£4,832,122	£11,519,780	£4,962,836	£2,778,718	£7,741,554
Antrim	£179,553	£138,989	£318,542	£157,459	£118,971	£276,430
Ards	£305,194	£140,814	£446,008	£257,176	£48,155	£305,331
Armagh	£207,149	£115,803	£322,952	£180,838	£68,704	£249,542
Ballymena	£258,202	£183,000	£441,202	£205,582	£97,460	£303,042
Ballymoney	£109,224	£57,546	£166,770	£98,841	£32,604	£131,445
Banbridge	£179,009	£83,934	£262,943	£138,612	£54,699	£193,311
Belfast	£1,279,631	£1,580,199	£2,859,830	£837,914	£884,421	£1,722,335
Carrickfergus	£122,746	£100,854	£223,600	£86,372	£33,634	£120,006
Castlereagh	£221,074	£124,132	£345,206	£176,104	£68,771	£244,875
Coleraine	£331,561	£164,507	£496,068	£200,212	£103,230	£303,443
Cookstown	£129,130	£49,890	£179,020	£92,791	£30,325	£123,116



	2009-10			1 April 2010 to 24 January 2011		
Amount Total	Domestic	Non-Domestic	Total	Domestic	Non-Domestic	Total
Craigavon	£261,725	£225,309	£487,033	£195,253	£90,005	£285,258
Derry	£278,893	£205,704	£484,596	£208,099	£107,560	£315,659
Down	£310,819	£108,816	£419,635	£215,044	£55,577	£270,621
Dungannon & S.Tyrone	£167,901	£102,953	£270,854	£137,637	£74,563	£212,200
Fermanagh	£204,831	£104,610	£309,441	£172,204	£76,642	£248,845
Larne	£111,240	£53,965	£165,206	£78,199	£27,322	£105,521
Limavady	£148,183	£73,826	£222,009	£101,588	£42,334	£143,922
Lisburn	£337,184	£301,741	£638,925	£221,568	£104,527	£326,095
Magherafelt	£136,943	£48,647	£185,590	£130,004	£36,384	£166,387
Moyle	£114,869	£16,359	£131,228	£68,781	£18,425	£87,206
Newry & Mourne	£378,521	£227,823	£606,344	£270,089	£152,542	£422,632
Newtownabbey	£297,382	£198,670	£496,051	£225,210	£159,580	£384,791
North Down	£363,733	£209,404	£573,137	£313,829	£196,059	£509,888
Omagh	£157,139	£143,298	£300,437	£112,110	£69,047	£181,157
Strabane	£95,821	£71,331	£167,152	£81,319	£27,178	£108,498

Figures may not total exactly due to roundings

### Draft Budget for 2011-2015

**Ms M Ritchie** asked the Minister of Finance and Personnel, pursuant to AQW 3241/11, to detail how a draft Budget for 2011-2015 can be produced without taking account of the contents of a Programme for Government for the same period, which has not yet been formulated.

**(AQW 3982/11)**

**Minister of Finance and Personnel:** The ideal situation would be to have the draft Programme for Government published at the same time as, or in advance of, the draft Budget. Unfortunately that has not been the case.

However, decisions on the Budget for 2011-15 could not be delayed as it is important that departments and their arm's-length bodies have a budget in place for the forthcoming financial year.

The draft Budget 2011-15 was constructed on the basis of individual ministerial priorities and the inescapable pressures identified by departments. It also took into account the work of the ministerial Budget Review Group and the views of the Executive.

## Department of Health, Social Services and Public Safety

### Reported Fractures

**Mr C McDevitt** asked the Minister of Health, Social Services and Public Safety how many people have reported to hospitals since 1 December 2010 with fractures; and to provide the figures for the same period last year.

**(AQW 3359/11)**

**Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** Information provided by HSC Trusts indicates that between 1st December 2010 and 11th January 2011, 4,830 people reported to hospitals in Northern Ireland with fractures. This compares to 4,882 people during the same period in the previous year.

Note that information provided by the South Eastern HSC Trust for the Ulster Hospital has been estimated based on the assumption that 60% of patients are referred to Outpatient Clinics from A&E with fractures. In addition, information provided by the Southern HSC Trust does not include figures for Daisy Hill hospital.

### Insulin Pump Therapy

**Mr P Callaghan** asked the Minister of Health, Social Services and Public Safety to indicate the current level of insulin pump therapy uptake in each Health and Social Care Trust area; and to outline what efforts are being undertaken to promote this treatment.

**(AQW 3384/11)**

**Minister of Health, Social Services and Public Safety:** The number of patients currently receiving insulin pump therapy in each Health and Social Care Trust area is shown in the table below.

Trust	Belfast	Northern	South Eastern	Southern	Western
Number of patients receiving insulin pump therapy	74	45	22	66	26

The HSC provides insulin pump therapy in line with guidance issued by the National Institute for Health and Clinical Excellence (NICE) within the funding available. Funding for new medical technologies and therapies such as insulin pump therapy is a matter for the Health and Social Services Board as service commissioner, and the Board's ability to introduce or improve access to these treatments will depend on the final budget settlement for health and social care.

### Healthcare Facilities Without Running Water

**Mr T Burns** asked the Minister of Health, Social Services and Public Safety (i) how many healthcare facilities other than hospitals were without running water during the recent water shortage crisis due to (a) their supplies being cut off by NI Water; (b) burst pipes; (ii) the names and locations of these facilities; (iii) for how long they had no water supply; (iv) how these facilities were cleaned during the periods when they had no water; and (v) what other services were disrupted, and to what extent, during the periods of no mains water supply.

**(AQW 3492/11)**

**Minister of Health, Social Services and Public Safety:** The information requested is detailed below.

**Question Part (i) (a) how many healthcare facilities other than hospitals were without running water during the recent water shortage crisis due to (a) their supplies being cut off by NI Water**

**Answer:**

Information provided by Health and Social Care Trusts indicates that twenty three healthcare facilities other than hospitals were without mains running water due to water supplies being cut off by NI Water

**Question Part (i) (b) how many healthcare facilities other than hospitals were without running water during the recent water shortage crisis due to burst pipes****Answer:**

Information provided by Health and Social Care Trusts indicates that three healthcare facilities other than hospitals were without mains running water due to burst pipes

**Question Part (ii) (a) the names and locations of these facilities****Answer:**

- Woodside Childrens Home, Armagh
- Dungannon Clinic
- Crossmaglen Health Centre
- Greenfield, Strabane, Co. Tyrone
- Irvinestown HC
- Residential Unit, Adult Centre and Health Centre at The Westlands, Cookstown
- Drumlough House EPH, Lisburn
- Laurel Hill House EPH, Lisburn
- Marmion Children's Home, Holywood
- Newcroft Lodge, Holywood
- Ballyowen EPH, Belfast
- Trench Park, Finaghy, Belfast
- Mica Drive Day Centre, Belfast
- Cupar Street Clinic, Belfast
- Bawnmore C/Home, Belfast
- Edgecumbe, Belfast
- Orchardville, Belfast
- Finaghy H/Centre, Belfast
- Island Resource Centre, Belfast
- 80 Malone Rd, Belfast
- 611 Ormeau Rd, Belfast
- 414 Ormeau Rd, Belfast
- Eleanor D/Centre, Belfast

**Question Part (ii) (b) the names and locations of these facilities**

- Drumglass Childrens Home, Dungannon
- Gortmore, Omagh: Frozen incoming water main
- Condition Monitoring, Lackabuoy, Enniskillen: Frozen incoming water main

**Question Part (iii) for how long they had no water supply****Answer:**

- Woodside Childrens Home, Armagh: 7 Days
- Drumglass Childrens Home, Dungannon: 2 Days
- Dungannon Clinic: 6 Days
- Crossmaglen Health Centre: 7 Days
- Greenfield, Strabane, Co. Tyrone: 12 hours
- Irvinestown HC: 1.5 hours
- Gortmore, Omagh: 24 hours
- Condition Monitoring, Lackabuoy, Enniskillen: 24 hours
- Residential Unit, Adult Centre and Health Centre at The Westlands, Cookstown: 5 days.
- Drumlough House EPH, Lisburn: Rotational shut off during the period 28 - 31 December 2010 for periods of 10 - 12 hours
- Laurel Hill House EPH, Lisburn: Rotational shut off during the period 28 - 31 December 2010 for periods of 10 - 12 hours
- Marmion Children's Home, Holywood: Rotational shut off during the period 28 - 31 December 2010 for periods of 10 - 12 hours
- Newcroft Lodge, Holywood: Rotational shut off during the period 28 - 31 December 2010 for periods of 10 - 12 hours
- Ballyowen EPH, Belfast: Rotational shut off on 2 occasions during the period 28 - 31 December 2010 for periods of 10 - 12 hours
- Trench Park, Finaghy, Belfast: Rotational shut off on 2 occasions during the period 28 - 31 December 2010 for periods of 10 - 12 hours
- Mica Drive Day Centre, Belfast: Rotational shut off on 2 occasions during the period 28 - 31 December 2010 for periods of 10 - 12 hours
- Cupar Street Clinic, Belfast: Rotational shut off on 1 occasion during the period 28 - 31 December 2010. Duration unknown
- Bawnmore C/Home, Belfast: Rotational shut off during the period 28 - 31 December 2010. Duration unknown
- Edgecumbe, Belfast: Duration unknown
- Bawnmore C/Home, Belfast: Rotational shut off during the period 28 - 31 December 2010. Duration unknown
- Orchardville, Belfast: Duration unknown
- Bawnmore C/Home, Belfast: Rotational shut off during the period 28 - 31 December 2010. Duration unknown
- Finaghy H/Centre, Belfast: Duration unknown
- Bawnmore C/Home, Belfast: Rotational shut off during the period 28 - 31 December 2010. Duration unknown
- Island Resource Centre, Belfast: Duration unknown
- Bawnmore C/Home, Belfast: Rotational shut off during the period 28 - 31 December 2010. Duration unknown
- 80 Malone Rd, Belfast: Rotational shut off during the period 28 - 31 December 2010: Duration unknown

- Bawnmore C/Home, Belfast: Rotational shut off during the period 28 - 31 December 2010: Duration unknown
- 611 Ormeau Rd, Belfast: Rotational shut off during the period 28 - 31 December 2010: Duration unknown
- Bawnmore C/Home, Belfast: Rotational shut off during the period 28 - 31 December 2010. Duration unknown
- 414 Ormeau Rd, Belfast: Duration unknown
- Bawnmore C/Home: Rotational shut off during the period 28 - 31 December 2010. Duration unknown
- Eleanor D/Centre, Belfast: Rotational shut off during the period 28 - 31 December 2010 Duration unknown
- Bawnmore C/Home: Rotational shut off during the period 28 - 31 December 2010. Duration unknown

**Question Part (iv) how these facilities were cleaned during the periods when they had no water**

**Answer:**

- Woodside Childrens Home: No impact on cleaning as water storage tanks were topped up by NIFRS
- Drumglass Childrens Home: No impact on cleaning
- Dungannon Clinic: No impact on cleaning
- Crossmaglen Health Centre: Restricted cleaning for 24 hours on 29th December 2010
- Greenfield, Strabane: No impact on cleaning
- Irvinestown HC: No impact on cleaning
- Gortmore, Omagh: No impact on cleaning as building was closed for Christmas holidays
- Condition Monitoring, Lackabuoy, Enniskillen: No impact cleaning as building was closed for Christmas holidays
- Residential Unit, Adult Centre and Health Centre at The Westlands, Cookstown: No impact on cleaning as NI Water topped up water storage tanks.
- Drumlough House EPH, Lisburn: No impact on cleaning
- Laurel Hill House EPH, Lisburn: No impact on cleaning
- Marmion Children's Home, Holywood: No impact on cleaning
- Newcroft Lodge, Holywood: No impact on cleaning
- Ballyowen EPH, Belfast: No impact on cleaning
- Trench Park, Belfast: No impact on cleaning
- Mica Drive Day Centre, Belfast: No impact on cleaning
- Cupar Street Clinic, Belfast: No impact on cleaning
- Bawnmore C/Home, Belfast: No impact on cleaning
- Edgecumbe, Belfast: No impact on cleaning
- Orchardville, Belfast: No impact on cleaning
- Finaghy H/Centre, Belfast: No impact on cleaning
- Island Resource Centre, Belfast: No impact on cleaning
- 80 Malone Rd, Belfast: No impact on cleaning



- 611 Ormeau Rd, Belfast: No impact on cleaning
- 414 Ormeau Rd, Belfast: No impact on cleaning
- Eleanor D/Centre, Belfast: No impact on cleaning

**Question Part (v) what other services were disrupted, and to what extent, during the periods of no mains water supply**

**Answer:**

No other services were disrupted during the periods of no mains water supply.

## **Accident and Emergency Units**

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety how many people presented to accident and emergency units during the Christmas holiday period as a result of trips and falls.  
(AQW 3515/11)

**Minister of Health, Social Services and Public Safety:** This information is not readily available and could only be provided at disproportionate cost.

## **Waiting Time for Patients with Suspected Fractured Bones**

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety to detail the average waiting time for patients with suspected fractured bones to be assessed by a consultant, in each Health and Social Care Trust area, over the Christmas holiday period.  
(AQW 3516/11)

**Minister of Health, Social Services and Public Safety:** This information is not readily available and could only be provided at disproportionate cost.

## **Admissions to Hospitals with Fractured Bones**

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety how many people were admitted to hospital with fractured bones over the Christmas holiday period; and how many of these patients were discharged later than usual due to a delay in their treatment.  
(AQW 3517/11)

**Minister of Health, Social Services and Public Safety:** It is not yet possible to give an accurate assessment of the number of people with fractured bones who were admitted to hospital over the Christmas holiday period. Similarly, it is not possible to determine how many fracture patients were discharged later than usual due to a delay in treatment.

## **Hospital Wheelchairs**

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety to detail for each hospital (i) the number of wheelchairs available for patients; (ii) how often wheelchairs are cleaned and by whom; and (iii) the facilities available for the storage of wheelchairs.  
(AQW 3518/11)

**Minister of Health, Social Services and Public Safety:**

- (i) Please see attached table. (ii) Health and Social Care Trusts have advised that wheelchairs are cleaned down as required, including before or after use, and are deep cleaned on a regular basis, by porters or staff in individual departments. (iii) Wheelchairs are stored at central points in hospitals or within individual departments as appropriate.

**WHEELCHAIR INFORMATION PROVIDED BY HEALTH AND SOCIAL CARE TRUSTS**

<b>Hospital</b>	<b>Number of Wheelchairs</b>
Mid Ulster Hospital	6
Whiteabbey Hospital	4
Antrim Hospital	30
Causeway Hospital	22
Braid Valley Hospital	0*
Royal Victoria Hospital	75
Belfast City Hospital	42
Mater Hospital	24
Musgrave Park Hospital	28
Ulster Hospital	42
Down Hospital	35
Lagan Valley Hospital	40
Downshire Hospital	7
Ards Hospital	10
Bangor Hospital	3
Erne Hospital	20
Tyrone County Hospital	15
Altnagelvin Hospital	25
Craigavon Area Hospital	4 (for patient assessment)
Daisy Hill Hospital	2 (for patient assessment)

\* There are no wheelchairs held by the Portering Department at Braid Valley Hospital, as patients arrive in their own wheelchairs or they are attached to the various departments within the buildings i.e. Physiotherapy, Occupational Therapy.

**Insulin Pumps**

**Mr C McDevitt** asked the Minister of Health, Social Services and Public Safety (i) how many children with Type 1 diabetes are currently using insulin pumps; (ii) how many pumps are currently held in stock; (iii) when any unallocated pumps will be allocated; and (iv) for his assessment of whether pumps are a more effective way of managing Type 1 diabetes in children.

**(AQW 3519/11)**

**Minister of Health, Social Services and Public Safety:**

- (i) – (iii) The information requested is not available.
- (iv) The management of any patient suffering from diabetes is a matter of clinical judgement, taking into account the patient's individual condition and circumstances. My Department has endorsed National Institute for Health and Clinical Excellence (NICE) guidance on the use of insulin pump therapy. NICE recommends insulin pump therapy as a treatment option for adults and children aged 12 years and over with type 1 diabetes mellitus if treatment using multiple daily injections result in the person having 'disabling hypoglycaemia', or blood sugar levels (HbA1c) have remained high (8.5% or above) despite the person and/or their carer carefully trying to manage

their diabetes. It is also recommended as a possible treatment option for children under 12 years old with type 1 diabetes mellitus if treatment with multiple daily injections is not practical or is not considered appropriate. Children who use insulin pump therapy should have a trial of multiple daily injections when they are between the age of 12 and 18 years.

## Type 1 Diabetes

**Mr C McDevitt** asked the Minister of Health, Social Services and Public Safety how many new cases of Type 1 diabetes have been diagnosed in children in each year since 1991; and how much has been invested in their care in each of these years.

**(AQW 3520/11)**

**Minister of Health, Social Services and Public Safety:** The information requested is not available.

## Dentists Offering Health Service Treatment

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety to detail the number of dentists offering Health Service treatment in each of the last five years.

**(AQW 3546/11)**

**Minister of Health, Social Services and Public Safety:** The number of dentists offering Health Service dental treatment in each of the last five years is shown in table 1 below. A dentist offering Health Service treatment is defined as a dentist who has had Health Service dental claims paid by the BSO during the calendar year. Dentists were not necessarily practising for the full 12 months.

**TABLE 1: NUMBER OF DENTISTS OFFERING HEALTH SERVICE DENTAL TREATMENT IN EACH OF THE LAST FIVE YEARS.**

Calendar Year	2006	2007	2008	2009	2010
Number of dentists offering Health Service dental treatment	802	830	861	875	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.

## Air Ambulance Feasibility Study

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety whether his Department has completed the air ambulance feasibility study.

**(AQW 3552/11)**

**Minister of Health, Social Services and Public Safety:** My Department is not currently carrying out an air ambulance feasibility study. However, at my request, the Health and Social Care Board (HSCB) is arranging a limited review of the available evidence for a Helicopter Emergency Medical Service (HEMS) to determine whether there is now a case for the Department to review its existing policy on the matter.

The review report was to be concluded at the end of January 2011 but, due to a slight delay in appointing consultants to do the work, it is now expected during March 2011.

## Prisoners: Addiction to Drugs or Alcohol

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety for each prison, to detail (i) how many prisoners, both sentenced and on remand, currently have an addiction to (a) drugs; (b) alcohol; and (ii) how these addictions are managed.

**(AQW 3556/11)**

### Minister of Health, Social Services and Public Safety:

- (i) Responsibility for the provision of Addiction Services in Northern Ireland's prisons rests with the South Eastern Health and Social Care Trust. There are two distinct services offering different interventions – the figures for each service are as follows:
  - The Clinical Addiction Team provides medical support to prisoners presenting with an addiction:

Clinical Addiction Team Current Caseload		Maghaberry	Magilligan	Hydebank Wood	Totals
Drugs:	Sentenced	7	12	5	<b>24</b>
	On Remand	23	0	5	<b>28</b>
Alcohol:	Sentenced	3	0	1	<b>4</b>
	On Remand	8	0	0	<b>8</b>
<b>Totals</b>		<b>41</b>	<b>12</b>	<b>11</b>	<b>64</b>

- AD:EPT (Alcohol and Drugs: Empowering People through Therapy) works with prisoners who misuse substances but are not addicted to alcohol or drugs and want support around this. The following figures relate to the numbers of individuals who are currently engaging with AD:EPT for support.

AD:EPT	1-1 Casework	Counselling	Pre-Release
Maghaberry	61	12	2
Magilligan	24	10	7
Hydebank Wood	29	7	3
<b>Totals</b>	<b>114</b>	<b>29</b>	<b>12</b>

- (ii) South Eastern HSC Trust is responsible for the provision of Addiction Services in Northern Ireland's prisons. Services across Maghaberry, Magilligan and Hydebank Wood prisons are comprised of a Clinical Addiction Team for treatments, in conjunction with AD:EPT for all psychosocial interventions.

## Visitors' Car Park at the Antrim Area Hospital

**Mr P Frew** asked the Minister of Health, Social Services and Public Safety whether there are any plans to increase the capacity of the visitors' car park at the Antrim Area Hospital.

**(AQW 3570/11)**

**Minister of Health, Social Services and Public Safety:** An additional 254 car parking spaces will be provided at Antrim Area Hospital. This will allow more effective segregation between staff and visitor parking. Barrier controlled parking will also be facilitate better access close to the main buildings for patients and visitors. Work is scheduled to commence in the week commencing 31 January 2011.

## Junior Doctors

**Mr W Clarke** asked the Minister of Health, Social Services and Public Safety, in light of the difficulty in recruiting junior doctors, what meetings he has had with the UK Government regarding the minimisation of immigration obstacles facing people from China and India who could be employed as junior doctors.  
(AQW 3577/11)

**Minister of Health, Social Services and Public Safety:** I wrote to the UK Borders Agency in February 2010 to draw their attention to the difficulties faced in Northern Ireland in recruiting non-EEA junior doctors, resulting from the 2008 changes to the immigration rules and seeking their assistance in processing visa applications. The Chief Medical Officer for Northern Ireland attends the UK Medical Education Scrutiny Group, where the issue is regularly discussed by members. My Department is also drawing up its response, to a current UK Border Agency consultation document, proposing further changes to the Immigration System.

The Northern Ireland Medical and Dental Training Agency has continued to make strenuous efforts, with some success, to recruit junior doctors from India through targeted recruitment campaigns in 2009 and 2010. Over 95% of junior doctor vacancies in Northern Ireland are still filled annually.

## Funding for Groups Working in Suicide and Self-Harm

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety, in light of his budget allocation, if he will give a commitment that funding for groups working in the area of suicide and self-harm will be protected.  
(AQW 3587/11)

**Minister of Health, Social Services and Public Safety:** I have made a public commitment to ring fence suicide prevention funding for 2011/12, this includes funding for community led suicide prevention and bereavement support programmes.

## Health Service: Jobs Losses

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety, in light of his draft budget statements, for a breakdown of where the 4000 job losses are likely to occur within the Health Service.  
(AQW 3588/11)

**Minister of Health, Social Services and Public Safety:** The current draft budget proposals provide insufficient funding to sustain the current configuration of services and meet anticipated demand over the next four years.

If the draft budget remains unchanged.

The HSC will be required to determine the areas where redundancies should be made.

It should be stressed that all of the statutory and partnership requirements in a redundancy situation will be met. Plans will also need to be put in place to redeploy and retrain staff where necessary.

## Health Service

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety (i) to detail the pay, merit or distinction awards or bonus payments made to (a) medical; and (b) non-medical Health Service staff and senior management in each of the last two financial years; (ii) where the contracts for these Health Service staff are negotiated; (iii) for his assessment of the impact of his decision to stop these payments; and (iv) when these payments will cease.  
(AQW 3598/11)

**Minister of Health, Social Services and Public Safety:**

- (i) (a) Rates of pay and details of the Clinical Excellence Awards made to consultants in each of the last two financial years are published on my Department's website at:



[http://www.dhsspsni.gov.uk/index/hrd/pay\\_and\\_employment/pepublications.htm](http://www.dhsspsni.gov.uk/index/hrd/pay_and_employment/pepublications.htm) and [www.dhsspsni.gov.uk/](http://www.dhsspsni.gov.uk/) (health and social care/clinical excellence awards scheme/annual reports).

(b) Senior Executive and Agenda for Change rates of pay for non-medical staff are also published on my Department's website at:

[http://www.dhsspsni.gov.uk/index/hrd/pay\\_and\\_employment/pepublications.htm](http://www.dhsspsni.gov.uk/index/hrd/pay_and_employment/pepublications.htm).

Details of bonus payments made to Senior Executives in 2008/09 are published in the Trust's annual reports. There were no bonus awards made to Senior Executives in the 2009/10 year.

There are no bonus schemes in operation for staff employed under the Agenda for Change arrangements.

- (ii) Contracts for all medical staff and non-medical staff on Agenda for Change rates are negotiated nationally on a four- country basis. Contracts for Senior Executive staff are agreed locally between my Department and the Department of Finance and Personnel.
- (iii) I have decided that there will be no new Clinical Excellence Awards made to consultants this year. This applies to new awards only as there is a contractual obligation to continue payment to those consultants already in receipt of an award. Approximately £670,000 can be redirected to other services as a result of this decision. A further £23,000 savings can be redirected to other services as a result of not paying bonuses to Senior Executive staff in the 2009/10 year.
- (iv) A UK wide review of the various Clinical Excellence Award schemes in operation is currently being undertaken by the Doctors' and Dentists' Review Body; recommendations on the future of these schemes will be made in July 2011.

## Seasonal Flu

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety for his assessment of whether the Health Service is currently coping with the seasonal flu; and whether it is currently in possession of an adequate supply of seasonal flu vaccines for the number of people who wish to be vaccinated.

**(AQW 3604/11)**

**Minister of Health, Social Services and Public Safety:** Although flu is still circulating in the community the number of cases is now decreasing. The service continues to be busy with flu and seasonal winter pressures but these pressures are being managed effectively across Northern Ireland and normal escalation arrangements are in place to cope with any expected demands at this time. A&E departments are fully operational. Primary care services also report that they are coping well.

Over 414,000 doses of seasonal flu vaccine have been issued from central stocks to GPs and Trusts and there are adequate supplies of H1N1 (swine flu) vaccines in Northern Ireland available for use if required. 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, GPs and the Trusts will continue to vaccinate members of at-risk groups with either the seasonal flu vaccine or the H1N1 vaccine which will provide protection against swine flu, the most prevalent circulating seasonal flu strain this winter.

## Health Service

**Mrs M O'Neill** asked the Minister of Health, Social Services and Public Safety what action he has taken to review the current (i) travel expenses; and (ii) training course arrangements within the Health Service.

**(AQW 3607/11)**

**Minister of Health, Social Services and Public Safety:**

- (i) Travel policy and associated expenses rates are agreed nationally and are contained within the NHS Terms and Conditions of Service handbook which is available on NHS Employers website: <http://www.nhsemployers.org/Pages/home.aspx>.  
The handbook cannot be reviewed independently by devolved administrations, however locally

there has been agreement to minimise cost by utilising teleconference and videoconference facilities.

- (ii) I have assurances that Health and Social Care employers have robust procedures in place for the consideration and approval of applications from staff to attend training courses taking account of training need, statutory requirements, new technologies and treatments, maintaining professional registration, mode of delivery, travel and accommodation costs and value for money.

### **Antrim Area Hospital: Swine Flu Patients**

**Mr A Ross** asked the Minister of Health, Social Services and Public Safety how many patients are currently in Antrim Area Hospital suffering from (i) swine flu; and (ii) suspected swine flu.

**(AQW 3608/11)**

**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>

### **Public Transport: Antrim Area Hospital**

**Mr A Ross** asked the Minister of Health, Social Services and Public Safety what discussions he has had with Translink in relation to improving the public transport links between Antrim Area Hospital and the surrounding catchment areas.

**(AQW 3609/11)**

**Minister of Health, Social Services and Public Safety:** I have not personally had any discussions with Translink in relation to public transport links to Antrim Area Hospital.

I am however advised that the Northern Trust, as part of their ongoing programme of reform and modernisation, continue to pursue discussions with Translink in seeking to improve public transport links and services to Antrim Area Hospital for both patients and visitors.

### **Health Service: Jobs Loss**

**Mr A Ross** asked the Minister of Health, Social Services and Public Safety on what evidence did he predict that 4000 jobs would be lost within the Health Service because of the draft Executive Budget; and whether he has provided details of this estimate to the Health Committee.

**(AQW 3610/11)**

**Minister of Health, Social Services and Public Safety:** More than 70% of the health and social care budget goes towards staff salaries so the current draft budget proposals will have inevitable implications for the workforce. The 4000 redundancies forecast was determined on the basis of the gap between the minimum funding required simply to sustain services at current levels and the proposed Budget allocation for DHSSPS. After taking account of savings from normal staff turnover (based on historic trends) the remaining funding gap was divided by the average cost of a health and social care employee. This assessment takes no account of grade, function or location but is simply an indication of the scale of difficulty which will face these services over the Budget period.

I have provided details of this estimate to the Health Committee.

### **Department Savings**

**Mr A Ross** asked the Minister of Health, Social Services and Public Safety whether he has accepted any assistance from his Executive colleagues to identify savings within his Department.

**(AQW 3611/11)**

**Minister of Health, Social Services and Public Safety:** As agreed with the Executive at the outcome of 2010/11 June Monitoring round, DFP has commissioned PEDU to undertake work with officials in the Health and Social Care Board, into the scope for, and delivery of, significant cost reductions across the sector.

This work is currently ongoing and the first stage is due to be completed during the week commencing 28 February.

## Kidney Transplants

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety how many kidney transplants were carried out in each of the last three years; and how many of these were from living donors.

**(AQW 3617/11)**

**Minister of Health, Social Services and Public Safety:** The number of kidney transplants for recipients resident in Northern Ireland carried out over the last 3 financial years is presented in the table below:

	2007/08	2008/09	2009/10
Kidney (deceased)	35	31	42
Kidney (live)	11	10	21

**Source:** UK Transplant

## Kidney Dialysis

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety how many people currently receive regular kidney dialysis in each Health and Social Care Trust.

**(AQW 3635/11)**

**Minister of Health, Social Services and Public Safety:** The number of people receiving haemodialysis (HD) is set out in the table below.

	Belfast HSC Trust	South Eastern HSC Trust	Northern HSC Trust	Western HSC Trust	Southern HSC Trust	Total
No. of hospital HD patients	223	92	130	150	107	702

Position at December 2010

## Contracted-Out Work

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety how much has been spent by each Health and Social Care Trust on contracted-out work in each of the last three years; and in which field of employment was the highest spend.

**(AQW 3643/11)**

**Minister of Health, Social Services and Public Safety:** The information requested is set out in the following table. The highest spend was for cleaning services.

Trusts	07/08	08/09	09/10
Belfast	£4,060,000	£2,000,000	£4,249,144
Northern	£443,635	£352,566	£300,038

Trusts	07/08	08/09	09/10
Southern	£0	£0	£0
South Eastern	£0	£0	£0
Western	£0	£0	£0
NIAS	£1,321,904	£1,440,535	£1,543,345

### Health and Social Care Trust: Overtime Bill

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety what was the total overtime bill in each Health and Social Care Trust for each of the last three years.

**(AQW 3644/11)**

**Minister of Health, Social Services and Public Safety:** The details requested are set out below:

HSC Trust	2007/2008 £m	2008/2009 £m	2009/2010 £m
Belfast HSCT	12.4	13.1	9.7
Northern HSCT	4.4	4.9	3.8
SouthEastern HSCT	3.5	4.1	4.2
Southern HSCT	3.7	4.1	4.2
Western HSCT	3.5	3.7	3.4

Overtime is a necessary tool when providing a 24/7 service and is routinely used by many HSC managers as a way of coping at short notice with changes in demand or labour shortages.

### Agency Staff

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety how much was spent on agency staff in each Health and Social Care Trust in each of the last three years; and which job sector had the highest use of agency staff.

**(AQW 3645/11)**

**Minister of Health, Social Services and Public Safety:** Information on the cost of Agency staff is published on a bi-annual basis on the departmental website at [www.dhsspsni.gov.uk/index/hrd/wpu/wpu-monitoring.htm](http://www.dhsspsni.gov.uk/index/hrd/wpu/wpu-monitoring.htm)

The Medical Locums have the highest use of agency staff.

### Bariatric Beds

**Mr P Callaghan** asked the Minister of Health, Social Services and Public Safety how much each Health and Social Care Trust has spent on bariatric beds in each of the last five years.

**(AQW 3646/11)**

**Minister of Health, Social Services and Public Safety:** The information requested is shown in the table below.

Trust	06/07	07/08	08/09	09/10	10/11	Total
Belfast	3,950	12,145	6,900	30,493	68,903	122,391
Northern	7,995	6,325	1,495	7,145	20,760	43,719

Trust	06/07	07/08	08/09	09/10	10/11	Total
Southern	5,960	1,800	7,784	1,800		17,344
Western	7,880	10,175	660	4,584		23,299
South Eastern		600	4,418	37,361	2,176	44,554

## Bariatric Operations

**Mr P Callaghan** asked the Minister of Health, Social Services and Public Safety how many bariatric operations have been carried out in each Health and Social Care Trust in each of the last five years. (AQW 3647/11)

**Minister of Health, Social Services and Public Safety:** There is no bariatric surgery service in Northern Ireland and no bariatric surgery has been carried out in Northern Ireland during the last five years.

The Health and Social Care Board is presently carrying out a limited pilot exercise for up to 150 patients to receive bariatric surgery in England. Upon conclusion of this pilot exercise the Health and Social Care Board will carry out an assessment of the financial implications and expected demand of introducing a comprehensive bariatric service in Northern Ireland.

## Adoption

**Mr P Callaghan** asked the Minister of Health, Social Services and Public Safety how many children have been put up for adoption by Social Services in each Health and Social Care Trust area in each of the last five years. (AQW 3648/11)

**Minister of Health, Social Services and Public Safety:** The figures requested are not available centrally, and could only be provided at disproportionate costs.

## Siemens Healthcare Diagnostics Bid

**Mr M McLaughlin** asked the Minister of Health, Social Services and Public Safety (i) whether the Siemens Healthcare Diagnostics bid, listing Randox as a strategic partner, was included and formally scored in all stages of the tender assessment for the automated laboratory medicine systems contract, to allow the selection of the most economically advantageous bid; (ii) at what stage the bid was excluded; and (iii) whether this exclusion was after the financial costing of each bid was formally scored. (AQW 3657/11)

**Minister of Health, Social Services and Public Safety:** The evaluation process for the automated laboratory medicine systems contract comprised three stages. Stage 1 of the evaluation process distinguished between those of the proposals that met all of the essential 'minimum service' requirements under the contract, and those that did not. In Stage 2, proposals were then scored against their 'added value services' (out of 30%). Finally, Stage 3 evaluated the proposals' costs (scored out of 70%). Against that background, the position regarding each of the points raised is as follows:

- i. the Siemens Healthcare Diagnostics bid was considered, and passed, at Stage 1; at Stage 2 of the evaluation process it scored 8.8375% out of 30%;
- ii. it was not possible to evaluate the Siemens bid at Stage 3. There were two main reasons for this – each, in itself, giving sufficient cause for exclusion:
  - a. material arithmetic errors and anomalies in the company's pricing, which were not resolved despite a formal request for clarification; and



- b. submission of figures constituting a new financial bid, presented after the close of the tender and during the evaluation process, which could not legally be considered for evaluation;
- iii. as explained, a robust and legitimate value-for-money evaluation could not be conducted on the basis of the figures provided by Siemens, and its exclusion turned on the points noted at ii. above. The company was informed of its de-selection from the tender in accordance with the legal requirements, and was notified in writing of its exclusion on 14th May 2010.

### **Heating Problems at the Royal Victoria Hospital**

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety how many times the Royal Victoria Hospital has experienced heating problems in the last twelve months; and what impact this had on patients.

**(AQW 3687/11)**

**Minister of Health, Social Services and Public Safety:** The Belfast Trust has confirmed that over the past twelve months there were various faults relating to heating problems. Of these, six faults occurred during the recent adverse weather conditions. However, there was no serious impact to patients as measures were taken to rectify the problems within appropriate timescales. Consequently no closure or decanting of wards was required. Other minor routine defects or maintenance issues were dealt with throughout the year without any disruption to services.

### **Compensation for People Diagnosed with Haemophilia**

**Mr P Girvan** asked the Minister of Health, Social Services and Public Safety, in light of the statement on 10 January 2011 by the Secretary of State for Health, Andrew Lansley, on increasing compensation for people diagnosed with Haemophilia, (i) when discussions between his Department and the Department of Health began; (ii) whether his Department will provide the same level of compensation for people diagnosed with Haemophilia who contracted Hepatitis C and/or HIV and have been recognised to have developed to Stage 2 of their illness; (iii) whether the lump sum payment will include payment to those families who have lost loved ones as a result their chronic illness; and (iv) how many Haemophiliacs are eligible.

**(AQW 3695/11)**

**Minister of Health, Social Services and Public Safety:**

- (i) Discussions between my Department and the Department of Health (London), on the review of financial support provided to people affected by contaminated blood, began in October 2010.
- (ii) & (iii) In principle I would seek to maintain parity with England, however until I have fully considered the financial implications of this along with other pressures on my budget, I am not in a position to make any firm commitments on this issue.
- (iv) It is not possible to quantify precisely how many haemophiliacs may be eligible in Northern Ireland as there are too many unknowns including the number of potential claimants who may not yet have come forward and numbers of dependants.

### **Compensation for People Diagnosed with Haemophilia**

**Mr P Girvan** asked the Minister of Health, Social Services and Public Safety to detail the current number of Haemophiliacs with Stage 2 Hepatitis C and/or HIV who are eligible for the compensation package announced in the statement by the Secretary of State for Health, Andrew Lansley on 10 January 2011.

**(AQW 3696/11)**

**Minister of Health, Social Services and Public Safety:** It is not possible to quantify precisely how many haemophiliacs may be eligible in Northern Ireland as there are too many unknowns including the number of potential claimants who may not yet have come forward and numbers of dependants. Under the current compensation scheme, the UK Skipton Fund, 120 first stage payments of £20,000

have been paid to people in Northern Ireland, and of those 120 recipients 22 have also received an additional stage 2 payment of £25,000.

I am currently considering the expert review team's report and recommendations on the financial measures which the Secretary of State for Health, Andrew Lansley announced for England on the 10th January 2011.

In principle I would seek to maintain parity with England, however until I have fully considered the financial implications of this along with other pressures on my budget, I am not in a position to make any firm commitments on this issue.

### **Automated Laboratory Medicine Systems Contract**

**Mr M McLaughlin** asked the Minister of Health, Social Services and Public Safety to detail (i) each bid for the automated laboratory medicine systems contract, including the bid price; (ii) the total percentage score of the successful tender; and (iii) the total percentage score of the Siemens Healthcare Diagnostics bid, broken down by each stage of the tender for which it was included.

**(AQW 3746/11)**

**Minister of Health, Social Services and Public Safety:** The evaluation process for the automated laboratory medicine systems contract comprised three stages. Stage 1 of the evaluation process distinguished between those of the proposals that met all of the essential 'minimum service' requirements under the contract, and those that did not. This pass/fail test resulted in the rejection of four of the 11 proposals received. In Stage 2 the remaining seven proposals were then scored against their 'added value services' (out of 30%). Finally, Stage 3 evaluated the cost of the seven proposals (scored out of 70%). At this juncture, the Siemens bid was excluded; the detailed figures submitted by the company did not reconcile with the summarized totals, and Siemens failed to resolve or correct these material anomalies when asked to do so.

- i on the basis that costings can only be indicated for those bids for which a robust and transparent financial assessment could be carried out, the figures are:
  - Abbott Option A – Bid Price £68,576,000
  - Abbott Option B – Bid Price £66,802,000
  - Abbott Option C – Failed Stage 1
  - Beckman Coulter – Failed Stage 1
  - Randox Option 1 – Failed Stage 1
  - Randox Option 2 – Failed Stage 1
  - Roche Bid 1 – Bid Price £59,702,000
  - Roche Bid 2 – Bid Price £60,007,000
  - Roche Bid 3 – Bid Price £60,315,000
  - Roche Bid 4 – Bid Price £60,333,000
  - Siemens – Bid Price not assessable
- ii. the successful bidder was Roche Bid 4 with a total score of 84.7224%. This breaks down into a score of 15.4625% for stage 2 and 69.2599% for stage 3; and
- iii. Stage 1 attracted no percentage score. In Stage 2, Siemens Healthcare Diagnostics received a score of 8.8375%. The company's figurework failed to offer the necessary basis for value-for-money comparison and, in consequence, no score could be attributed in Stage 3.

## Royal Hospital for Sick Children

**Mr T Gallagher** asked the Minister of Health, Social Services and Public Safety to detail the cost of the Report of the Interim Management and Support Team on the standards of care at the Royal Hospital for Sick Children.

**(AQW 3856/11)**

**Minister of Health, Social Services and Public Safety:** The Health and Social Care Board has advised that the cost of the work undertaken by the Interim Management and Support Team in relation to the Royal Belfast Hospital for Sick Children is £3,228.

## Legislation on Legal Highs

**Mrs M O'Neill** asked the Minister of Health, Social Services and Public Safety for his assessment of the current legislation on legal highs, given the apparent increase in the number of people using the legal drug A3A.

**(AQW 3872/11)**

**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.

My approach is to act to protect the public from dangerous or otherwise harmful drugs. At present, the legislation places a 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.

This matter is not devolved and the overarching legislation (Misuse of Drugs Act 1971) must be amended at the UK level. I therefore raised this issue previously 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.

I am pleased that, through the Police Reform and Social Responsibility Bill, Westminster is bringing forward legislation that will enable substances to be temporarily banned for one year while they are being analysed. The Coalition Government in Westminster is currently taking this proposal through the parliamentary process.

## Northern Ireland Fire and Rescue Service: Bonus Payments

**Mr T Gallagher** asked the Minister of Health, Social Services and Public Safety to detail the bonus payments awarded to the (i) Chief Fire Officer; (ii) Deputy Fire Chief Officers; (iii) Assistant Officers; and (iv) Directors in the Northern Ireland Fire and Rescue Service, in each of the last five years,

**(AQW 3906/11)**

**Minister of Health, Social Services and Public Safety:** Northern Ireland Fire and Rescue Service Board does not award bonus payments.

## Non-attendance Rates for Clinical Appointments

**Mrs M O'Neill** asked the Minister of Health, Social Services and Public Safety, given the high non-attendance rates for clinical appointments, whether he has initiated any pilot schemes to improve attendance, such as telephoning patients with a reminder.

**(AQW 3934/11)**

**Minister of Health, Social Services and Public Safety:** Since publication in 2007 of the Public Accounts Committee's "Report on Outpatients: Missed Appointments and Cancelled Clinics" Trusts have been required to implement a range of measures aimed at reducing both the number of missed and cancelled appointments, including setting local "did not attend" targets in locations/specialties with high non-attendance rates.

Trusts have also been required to implement partial booking across all outpatient specialties. This system allows patients to choose a suitable date and time for their appointment, which they should be offered no more than six weeks in advance. Within this shorter timescale there is a greatly reduced likelihood of patients failing to attend or needing to cancel their appointment. Advanced booking in this way also gives patients notice of the date so that they can make any necessary arrangements, such as child care or work.

Information collated on missed and cancelled outpatient appointments by patients and hospitals shows considerable improvement over the last two years, which indicates measures are having a positive impact.

### **Backlog of X-rays at Altnagelvin Hospital**

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety whether patients who require urgent treatment and whose treatment has been delayed by the backlog of x-rays at Altnagelvin Hospital, can now be assured that their treatment will be a priority.

**(AQW 3942/11)**

**Minister of Health, Social Services and Public Safety:** There were 4 patients who had unexpected significant findings and who therefore required treatment. As soon as the Trust became aware that diagnosis was delayed, all of those patients and their families were informed immediately and their treatment commenced.

### **Management Review of the Western Health and Social Care Trust**

**Mr P Callaghan** asked the Minister of Health, Social Services and Public Safety (i) to detail the impact on patient care from failures identified in the management review of the Western Health and Social Care Trust; (ii) to outline measures taken to rectify problems identified; and (iii) to provide an assessment of the present and future capacity and performance at the Trust,

**(AQW 3966/11)**

**Minister of Health, Social Services and Public Safety:** The review undertaken by HSC Board in the Western HSC Trust was a high level review of the governance arrangements within the Trust, to provide assurance that appropriate systems and processes were in place to monitor its own performance, identify problems and risks and take appropriate remedial action as required.

I should make clear that the review was not designed to consider any of the individual issues that had triggered the review, these have all been dealt with separately and as they emerged.

There is of course always scope for improvement and the report makes a number of recommendations to strengthen the internal Trust arrangements. I should highlight however that nowhere in the report, does it identify any failures within the existing structures, or risk management by the Trust.

I can assure you that the recommendations made by the HSC Board in its report on its review within the Western HSC Trust will be fully implemented.

The Health and Social Care Board will continue to routinely monitor the performance of HSC Trusts across a significant range of services and where performance does not meet the required standards will initiate actions with Trusts to make improvements.

## Call-out of Fire Service Personnel to a House in Portadown

**Mr S Anderson** asked the Minister of Health, Social Services and Public Safety to detail the cost in salaries and allowances of the call-out of fire service personnel to a house in Portadown to fill a header tank with water on 26 December 2010; and what grade was the member of staff who authorised this call-out.

**(AQW 3967/11)**

**Minister of Health, Social Services and Public Safety:** The call-out was authorised by the Duty Area Officer, a Group Commander. A detailed breakdown in salaries and allowances is not available.

## Backlog of X-rays at Altnagelvin Hospital

**Ms M Anderson** asked the Minister of Health, Social Services and Public Safety, given recent reports about a backlog of 18,000 x-rays at Altnagelvin Hospital, to confirm what steps he has taken in response to the recent revelation that a patient has died due to a failure to be diagnosed and treated.

**(AQW 4056/11)**

**Minister of Health, Social Services and Public Safety:** It is clearly unacceptable for such delays in radiological reporting. I have been advised that as a consequence of the delayed reporting a small number of patients experienced a delay in their diagnoses.

Whilst it would not be appropriate for me to discuss the clinical circumstances of individual patients I do very much regret that some patients and their families suffered the additional anxiety that these delayed diagnoses brought.

As soon as this matter came to light the Health and Social Care Board (HSCB) and the Public Health Agency (PHA) working with the Western Trust acted immediately to reduce the backlog in a manner that took full account of clinical priorities.

I have been advised that by 20 August 2010 x-rays considered of the greatest clinical priority were dealt with and by 1 October 2010 all backlogs were cleared. The HSCB continues to work with the Western Trust in respect of the delivery of radiology services, to ensure that nothing of this nature recurs.

## Department of Justice

### Prison Arts Foundation

**Mr T Burns** asked the Minister of Justice, pursuant to AQW 3117/11, to detail (i) the number and names of other individuals or organisations, contracted on a similar basis by the Prison Arts Foundation; (ii) the services provided; (iii) for how long each service has been provided; and (iv) the cost of each service to date.

**(AQW 3565/11)**

**Minister of Justice (Mr D Ford):**

- i. The Prison Arts Foundation (PAF) currently contracts 14 artists in the provision of its service in Northern Ireland prison establishments and 2 artists in the provision of its service in Northern Ireland probation centres. Publication of their names would be in contravention of their rights under the first Data Protection Principle.
- ii. The service provided by PAF is enabling access to the arts by prisoners and ex-offenders, engaging professional artists in a variety of disciplines to engage, teach, enthuse and give inspiration to them. Those disciplines include art, drama, craft, leathercraft, music and ceramics.
- iii. PAF have been providing this service since November 1996.
- iv. The information requested could only be provided at disproportionate cost.



## Justice Bill

**Mr K Robinson** asked the Minister of Justice to detail the European legislation and the legislation in England, Wales and Scotland to which his departmental officials referred when drafting part four of the Justice Bill.

**(AQW 3620/11)**

**Minister of Justice:** In drafting part four, my Department had regard to: the Football Spectators Act 1989; the Football Offences Act 1991; the Criminal Justice Act 1994; the Police, Public Order and Criminal Justice (Scotland) Act 2006; and the Human Rights Act 1998.

## Separated Prisoners

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 3266/11, whether the statement 'admitting a prisoner to separated conditions would not be likely to prejudice the maintenance of security or good order in prison' is under review given the rioting by republican separated prison in Roe House at Maghaberry Prison.

**(AQW 3677/11)**

**Minister of Justice:** Any Prisoner who applies for admission to separated conditions will be considered against the criteria as outlined in AQW 3266/11.

Any decision in relation to the criteria used to determine the admission of prisoners to separated conditions is under the remit of the Secretary of State as it remains a reserved matter.

The Secretary of State has not commissioned a review of the criteria subsequent to the protest by republican prisoners in Roe House.

## Back Pay for PSNI Civilian Staff

**Mr A McQuillan** asked the Minister of Justice for an update on the back pay for PSNI civilian staff including when they should expect to receive their payments.

**(AQW 3697/11)**

**Minister of Justice:** The pay remits for the 2009/2010 PSNI Industrial and Non-industrial staff pay awards have been approved. The PSNI support staff have been advised on 21 January that retrospective pay will be received in February or March pay.

## Community Service Orders

**Lord Morrow** asked the Minister of Justice to detail the range of tasks carried out by offenders serving Community Service Orders including those tasks which are termed 'light duties'.

**(AQW 3751/11)**

**Minister of Justice:** Offenders subject to Community Service are involved in a wide variety of work for the community. Such work is carried out in approximately 300 community-based locations across Northern Ireland, providing some 150,000 hours of community service each year, and includes tasks such as:

- Redecoration work: for a range of community groups, community centres, church halls.
- Environmental clean-ups: clearing litter and rubbish, painting out graffiti, planting flower beds and general gardening.
- Conservation work: for various community facilities including Royal Society for Protection of Birds, SENSE, Riding for Disabled, Saint Columb's Park House Reconciliation Centre.
- Working in charity shops: cleaning and sorting clothes, steaming, ironing, sorting, tagging. Assisting with caretaking duties, cleaning in Community Centres.
- Administrative and reception duties: for voluntary and community groups.

- Assisting in lunch groups: for elderly people, delivery of meals and general kitchen duties.
- Grounds maintenance: power hosing, cleaning yards, tending to graveyards.
- Beach clean-ups.
- Working in animal sanctuaries: care of animals, general maintenance work.
- Car washing for persons in need.
- Working in after-schools club, youth centres and sports clubs: cleaning up and setting out equipment in ancillary capacity.

When matching offenders to suitable work any medical or disability conditions have to be taken into account. Offenders who are in receipt of Disability Living Allowance (DLA) or Employment Support Allowance (ESA) must have medical approval based on a PBNi proposed work package before they can commence Community Service. Such work packages may involve light duties which include tasks such as cleaning, assisting with caretaking duties, working in charity shops, reception or administrative tasks with voluntary or community organisations and some approved gardening tasks.

### Antisocial Behaviour

**Mr D McNarry** asked the Minister of Justice to detail the number of (i) recorded incidents; and (ii) convictions for antisocial behaviour in the (a) Ards Borough Council area; (b) Down District Council area; (c) Castlereagh Borough Council area; and (d) Strangford constituency, in each of the last four years.

**(AQW 3891/11)**

**Minister of Justice:** Information in relation to recorded number of antisocial behaviour incidents may be obtained by contacting PSNI directly.

Antisocial behaviour is not a criminal offence. It is therefore not possible to provide information on convictions for antisocial behaviour as convictions are only secured as a result of a criminal offence being committed.

## Department for Regional Development

### NI Water's Major Incident Response Plan

**Mr G Savage** asked the Minister for Regional Development if he will publish NI Water's major incident response plan which was recently approved by the Director of Customer Service Delivery.

**(AQW 3236/11)**

**Minister for Regional Development (Mr C Murphy):** I have been advised by Northern Ireland Water (NIW) that there are security sensitivities surrounding Major Incident Plans and, based on advice from security advisers to the water industry, there is a need to protect such plans from uncontrolled distribution. The Major Incident Plan was approved by NIW's Operations Management Board.

However, the Interim Chief Executive Officer of NIW is arranging for an abridged version of the Plan to be forwarded to you, for your information.

### Locations of Reservoirs and Major Water Sources

**Mr T Burns** asked the Minister for Regional Development to detail (i) the number, names and locations of reservoirs and major water sources used to supply drinking water; (ii) the capacity of each reservoir or source; (iii) the extraction limit placed on each reservoir or source; (iv) whether any of these limits were breached during the recent water shortage crisis; (v) to what percentage capacity each of these reservoirs or sources were drained during the recent water shortage crisis; and (vi) whether any of the reservoirs or sources were deemed to be at critical levels during the recent water shortage crisis.

**(AQW 3366/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water that the specific location of its reservoirs is non-disclosable under Section 24 (National Security) of the Freedom of Information Act 2000. However, the overall position with regard to parts (i) to (iv) can be provided in relation to impounding reservoirs and is as set out in the table below.

(i) Number of Impounding Reservoirs	(ii) Overall Capacity (Million Litres)	(iii) Overall Abstraction Limit (Million Litres/day)	(iv) Abstraction Exceedances
25	56,923	485.9	None

- (v) During the period 27 December 2010 to 10 January 2011, overall storage capacity in the impounding reservoirs reduced by 2.1%. (vi) During the period 27 December 2010 to 10 January 2011, no source was deemed to be at a critical level.

### Water Consumption Usage

**Mr T Burns** asked the Minister for Regional Development to detail the average water consumption usage in each of the last ten years, broken down by (i) day; (ii) month; (iii) quarter; (iv) season; and (v) year.

**(AQW 3368/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that water consumption is assessed on an annual basis. In preparing its annual Water Balance Report NIW reports on consumption. This is split household – domestic customer and non-household – metered and unmetered commercial customers. The table below details consumption in ML/day from 2009/10 to 2000/01.

Year	Household	Non-Household
2009/10	310.065	138.4
2008/09	311.07	154.85
2007/08	321.37	149.16
2006/07	310.67	171.05
2005/06	305.15	172.07
2004/05	300.37	179.68
2003/04	308.17	183.45
2002/03	307.7	184.26
2001/02	250.01	139.35
2000/01	212	154

Consumption is in million litres per day.

### Grit Boxes

**Mr P Weir** asked the Minister for Regional Development whether his Department will carry out a review of the criteria used for the placement of grit boxes.

**(AQW 3524/11)**

**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 main service on the busier main through routes.

However, the policy also provides some consideration for roads that are adopted and maintained by Roads Service, which do not qualify for inclusion on the gritting schedule. In such cases, salt bins or grit piles may be provided for use by the public, on a self help basis, on public roads and footways. Providing the necessary criteria are met, there are no limits placed on the number of salt bins that may be provided, although they will not normally be provided within 100m of another bin

Roads Service already commits significant resources to maintain approximately 4,200 salt bins provided on public roads and as it is unlikely that additional funding will be provided and in light of the significant resources already deployed, I currently have no plans to review the criteria used for the placement of grit boxes.

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.

### **Grit Boxes**

**Mr P Weir** asked the Minister for Regional Development (i) whether his Department has any plans to increase the amount of grit supplied to grit boxes; and (ii) the total number of grit boxes currently in use. **(AQW 3525/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that its winter service policy provides some consideration for those roads that are adopted and maintained by Roads Service, but do not qualify for inclusion onto the gritting schedule, through the provision of salt bins or grit piles for use by the public, on a self help basis. Providing the necessary criteria are met, there are no limits placed on the number of salt bins that may be provided, although they will not normally be provided within 100m of another bin.

During the recent exceptional period of cold weather, in December 2010, squads were regularly employed in replenishing the salt boxes and Roads Service received a very large number of requests to refill salt boxes during this period. Unfortunately, after refilling, the salt was sometimes completely removed from many boxes, frequently on the same day and often by people for use in other areas. This made it very difficult to keep up with the demand for replenishment; however, I can confirm that Roads Service will continue to use best endeavours to maintain adequate supplies of salt in these bins.

I can further advise that Roads Service commits significant resources to maintain approximately 4,200 salt bins and 39,000 grit piles that are provided on public roads.

### **Drinking Water Sourced from Lough Neagh**

**Mr T Burns** asked the Minister for Regional Development how much drinking water is sourced from Lough Neagh and how many consumers are supplied with this water. **(AQW 3536/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it currently holds a licence to abstract up to 363 million litres of water per day from Lough Neagh for drinking water purposes. This allows for up to 346 million litres of drinking water per day to be produced at three water treatment works. Total water demand fluctuates daily, but over the year to 30 November 2010, the average amount of drinking water produced from Lough Neagh was 235 million litres per day. NIW does not hold records of the number of consumers supplied with drinking water from Lough Neagh, but has advised that it supplies over 360,000 properties.

### **Alternative Road and Directional Signs in Irish**

**Mr D McNarry** asked the Minister for Regional Development if he has any plans to provide alternative road and directional signs in Irish, and if so, to detail the estimated cost. **(AQW 3538/11)**

**Minister for Regional Development:** My Department has recently issued a consultation document on my proposals that would allow the introduction of certain bilingual traffic signs in English and either Irish or Ulster Scots for the specific purpose of promoting minority languages. Signs would only be provided on request and in discreet areas, where local support can be confirmed by the relevant council.

The proposal is cost neutral to the Department in that the local Council will be responsible for reimbursing Roads Service for the total cost of the sign provision, although it is envisaged that the council will seek to recover these costs from those requesting the signs.

The consultation document is available for viewing at the following web address:

<http://www.drdni.gov.uk/index/publications/publications-details.htm?docid=6719>

## Pay and Display Machines

**Mr D McNarry** asked the Minister for Regional Development to detail the total number of pay and display machines operating in car parks; and of these, how many do not dispense change.  
(AQW 3539/11)

**Minister for Regional Development:** My Department's Roads Service has advised that there are 205 Pay and Display machines, in Roads Service car-parks. It has further advised that Pay and Display machines do not dispense change.

## Traffic Wardens, Off-street Car Park Managers and Related Support Staff

**Mr D McNarry** asked the Minister for Regional Development how many traffic wardens, off-street car park managers and related support staff are currently employed.  
(AQW 3540/11)

**Minister for Regional Development:** My Department's Roads Service has advised that parking enforcement and car-park management services are provided by Roads Service's contractor, NSL Services Group (NSL) (formerly NCP).

NSL has advised that it employs 216 Traffic Attendants, Senior Traffic Attendants, Team Leaders, and Senior Team Leaders. It also employs 100 supervisors, car-park attendants, vehicle pound operators and drivers, and 36 administrative staff and managers.

In addition, Roads Service currently employs some 55 staff to provide PCN processing, contract management, and financial monitoring functions.

## Parking Violations

**Mr D McNarry** asked the Minister for Regional Development how much revenue was generated in parking violations in each of the last four years.  
(AQW 3541/11)

**Minister for Regional Development:** Traffic Attendants are provided to my Department through its contract for the Operation of Parking and Enforcement Services with NSL Ltd (previously NCP), which commenced in October 2006.

The table below provides details of income received for the payment of Penalty Charge Notices (PCNs), over each of the last four financial years:

Financial Year	2006-07	2007-08	2008-09	2009-10
PCN Income (£M)	2	6	5.2	4.8

All revenue generated by the payment of PCNs is used, along with income from car-parking and other charges, to supplement the overall financing of Roads Service by Central Government.



## Contracts With Private Firms

**Mr D McNarry** asked the Minister for Regional Development to detail (i) the current contracts his Department has with private firms in relation to (a) parking management; (b) parking violations; and (c) car parks and off-street parking; and (ii) the cost of each contract.

**(AQW 3542/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that there are two contracts with private companies in relation to parking enforcement, car-park management, and related IT services. Parking enforcement and car-park management services are provided by NSL Services Group (NSL) (formerly NCP) and related IT systems are provided by Spur Information Solutions.

The table below provides details of the contract costs for these services in the last four financial years:

Financial Year	Contract Costs NSL Services Group (£'000)	Contract Costs Spur Information Solutions (£'000)
2006-07	603	66
2007-08	9,916	272
2008-09	8,490	302
2009-10	10,271	284

## Irish and Ulster-Scots Road and Street Signage

**Mr P Weir** asked the Minister for Regional Development how much funding has been allocated for Irish and Ulster Scots road and street signage in 2011/12.

**(AQW 3549/11)**

**Minister for Regional Development:** My Department has recently issued a consultation document on my proposals that would allow the introduction of certain bilingual traffic signs in English and either Irish or Ulster Scots for the specific purpose of promoting minority languages.

The proposal is cost neutral to the Department, in that the local Council will be responsible for reimbursing Roads Service for the total cost of the sign provision, although it is envisaged that councils will seek to recover these costs from those requesting the signs. The Department therefore needs no additional funding and accordingly none has been allocated.

The consultation document is available for viewing at the following web address:

<http://www.drdni.gov.uk/index/publications/publications-details.htm?docid=6719>

## Cost of Importing Grit and Salt

**Mr P Weir** asked the Minister for Regional Development to detail the total cost of importing grit and salt during the recent severe weather.

**(AQW 3550/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that all of its grit supplies are sourced locally within the North. Salt supplies are obtained from one provider, Irish Salt Sales, which is supplied with salt from a number of sources, including from abroad.

The purchase of grit and road salt by Roads Service is subject to tender and, I am not able to disclose the cost of purchase for reasons of commercial sensitivity and in the interests of securing best value for money.

## Upgrade of the A6 between Castledawson and the M22

**Mr P Callaghan** asked the Minister for Regional Development for an update on the upgrade of the A6 between Castledawson and the M22, including the projected completion date.

**(AQW 3551/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that scheme specific Draft Orders were published in March 2007 and were examined at Public Inquiries held in November 2007. The Inspector confirmed that construction of the Randalstown to Toome section of the scheme should proceed, subject to Roads Service carrying out a review of its proposals to replace Drumderg Roundabout with a grade separated junction. The Inspector also confirmed that construction of the Toome to Castledawson section of the dual carriageway should proceed, subject to Roads Service carrying out a review of its proposals to connect the dual carriageway and Annaghmore Road/Bellshill Road at Castledawson.

Roads Service examined a number of alternative junction proposals, and presented what Roads Service considers to be the most favourable layout (when considered against the Government's five objectives for transport – Environmental Impact, Safety, Economy, Accessibility and Integration) to the public at Community Information Events held in December 2009 in Toome and Castledawson, and a further public meeting held in Castledawson on 8 February 2010. Following a diligent examination of the significant volume of constructive comment received at, and following, the December 2009 Community Information Events and subsequent meeting, Roads Service has decided to proceed with its proposals for the Drumderg Roundabout as published in the Draft Orders published in March 2007, and with a modification of the Annaghmore Road/Bellshill Road proposal that was presented during the December 2009 Community Information Events.

Roads Service submitted a Planning Application, supported by an Environmental Statement, to DOE Planning Service, on 25 November 2010, seeking Full Planning Permission for the proposed modification of the Annaghmore Road/Bellshill Road junction presented at the December 2009 Community Information Event. Roads Service has published a Notice of Intention to Make a Vesting Order (NIMVO), on 3 January 2011, to compulsorily acquire the land required to construct the junction. Planning Service and Roads Service will diligently examine all responses. Subject to the nature and number of responses received, Roads Service may convene a Public Inquiry to examine the case for and against the NIMVO proposal.

The Department for Regional Development Draft Budget 2011-15, published on 13 January 2011, Paragraph 15 confirms that there is no funding allocated to commence construction of the A6 Randalstown to Castledawson dualling scheme and, therefore, I am unable at this stage to provide you with a projected completion date.

## Upgrading the Drumderg Roundabout

**Mr P Callaghan** asked the Minister for Regional Development to detail the estimated cost of upgrading the Drumderg roundabout to a grade-separated junction as (i) a single scheme; and (ii) part of the upgrade to the A6 between Castledawson and the M22.

**(AQW 3553/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that the estimated cost of upgrading the Drumderg Roundabout to a grade separated junction is approximately £4 million (based on 2009 prices). However, this work could only be undertaken as part of the upgrade to the A6 between Castledawson and the M22, which has an estimated cost of approximately £119 million (2009 prices).

## Culmore Roundabout Upgrade

**Mr P Callaghan** asked the Minister for Regional Development to detail (i) the amount of funding granted, under Interreg IVA, for the completion of the Culmore Roundabout upgrade: (ii) on what date

Roads Service was notified of this funding; (iii) the total cost of Phase II of this upgrade; (iv) when work is due to commence on Phase II; and (v) when the junction upgrade is due to be completed.

**(AQW 3554/11)**

**Minister for Regional Development:** I can advise that under Interreg IVA – ‘Cross Border Regional Infrastructure Development Schemes’, an offer of £2,278,275 for the Culmore Roundabout scheme was made to my Department’s Roads Service, on 2 November 2010.

Phase I of the Culmore Roundabout scheme started in December 2009 and was completed in April 2010 at a cost of £1.3 million. Phase II of this upgrade is expected to cost about £1.8 million. At present, tenders for Phase II of the scheme are currently being examined, and subject to there being no legal challenge to the award of the contract, it is expected that work will commence in March 2011 and be completed by September 2011.

## **A22 Comber to Dundonald Road**

**Mr S Hamilton** asked the Minister for Regional Development to detail (i) all works carried out, and due to be carried out, on the A22 Comber to Dundonald Road in this financial year; and (ii) any works planned for this road in the 2011/12 financial year and the estimated cost.

**(AQW 3555/11)**

**Minister for Regional Development:** My Department’s Roads Service has advised that the following capital improvement work has been carried out on the A22 Comber to Dundonald Road during the current financial year:

- Drainage provision between the playing fields and the junction with Millar’s Forge, at a cost of £121,000; and
- Resurfacing from the junction of Millmount Road to No. 371 Comber Road, at a cost of £250,000.

No further schemes are programmed during the remainder of this financial year.

Work programmes for the 2011/12 financial year have yet to be finalised, however, I am advised that no improvement works are currently planned for this part of the road network. Routine inspections of the road surface will continue and any necessary maintenance work identified will be programmed, in accordance with Roads Service’s target response times.

## **New Pumping Station at Jackson’s Crescent, Saintfield**

**Mr S Hamilton** asked the Minister for Regional Development to detail (i) any work being carried out on building a new pumping station at Jackson’s Crescent, Saintfield; (ii) the estimated cost; and (iii) when it is due for completion.

**(AQW 3559/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water that the construction of a new pumping station at Jackson’s Crescent, Saintfield has recently been completed and is operational. The pumping station will transfer sewage flows from Darragh Cross to the new Saintfield Wastewater Treatment Works, but local properties will not be connected until February 2011. The estimated cost of the work, including associated infrastructure, is £345,000.

## **Current Stockpile of Grit**

**Mr G Robinson** asked the Minister for Regional Development to detail the current stockpile of grit; and whether more has been ordered to ensure that there is enough stock for the rest of the winter.

**(AQW 3560/11)**

**Minister for Regional Development:** I assume that the Member is referring to the current stockpile of salt. My Department’s Roads Service has advised that it currently has approximately 15,000 tonnes of salt in stock and I can confirm that further orders have been placed to ensure that sufficient stocks are available to deal with the rest of the winter.

## Gritting Schedules

**Mr C McDevitt** asked the Minister for Regional Development what consideration is given to schools located on steep hills when gritting schedules are being drawn up during cold weather.

**(AQW 3566/11)**

**Minister for Regional Development:** The winter service policy and procedures operated by my Department's 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 which carry more than 1,500 vehicles per day. This policy does not specifically provide consideration for those schools located on steep hills, however, in exceptional circumstances, it does provide for extra consideration to be given to roads with difficult topography, such as those on steep hills carrying between 1,000 and 1,500 vehicles per day. In addition, routes on which there is a bus service, including those where schools are located, receive further consideration when determining whether a road should be included on the salting schedule. A 40-seater bus is counted as 40 vehicles, regardless of the number of actual passengers.

The Member will appreciate that there is a fine balance to be drawn between putting even more funds into salting, or into the many other worthwhile demands on Roads Service's limited resources. For example, it has been calculated that including all school bus routes would more than double the cost of the salting operation, and would involve the treatment of some very minor rural roads. As well as the substantial initial capital investment that would be required, it would therefore cost an additional £4-6 million each year.

## Water Provision

**Mr P Frew** asked the Minister for Regional Development to detail the streets and roads where households have no mains water provision in the (i) Ballymena Borough Council; (ii) Ballymoney Borough Council; and (iii) Moyle District Council areas.

**(AQW 3569/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it is aware there are some rural properties at higher elevation which are not currently connected to a public water supply. As these properties are not on NIW's customer records system it does not have knowledge of such roads where customers have no mains water supply.

My Department is currently conducting a public consultation on a review of the policy on the provision of financial assistance for domestic properties that are not served by a water main. The consultation closes on 4 February 2011.

A significant part of the review entailed an assessment of the number and location of homes not served by a water main. The assessment exercise used a variety of data sources including the Land & Property Services valuation lists, and the NIW and Roads Service GIS mapping systems.

A list of rural roads in the Ballymena, Ballymoney, and Moyle Council areas where properties may not be served by a water main is set out below. The list identifies roads which satisfy the following three conditions:

- occupied domestic properties have been identified on the road;
- these properties have no mains connection; and
- there is no water main in or near the public road.

However, it must be borne in mind that there may be other areas without mains water provision that were not identified in the assessment exercise. In addition, there are properties that have a water main in the nearest public road but are not connected for a variety of reasons. Many householders do not wish to be connected to the public supply as they have an adequate private supply.

NIW will prepare a schedule of roads where there is no public water supply provision and forward this to you at the earliest opportunity.

■ Ballymena Borough Council	Shankbridge	■ Ballybrack Road, Cushendall
■ Ballycloughan Road, Broughshane	■ Longmore Road, Broughshane	■ Ballyemon Road, Cushendall
■ Ballylig Road, Broughshane	■ Manse Road, Clough	■ Ballyvennaght Road, Ballyvoy
■ Ballynashee Road, Ballyclare	■ Mullindreen Road, Aughafatten	■ Churchfield Road, Ballycastle
■ Ballynulto Road, Broughshane	■ Rushy Island Road, Newtowncrommelin	■ Cloughs Road, Cushendall
■ Broughdone Lane, Cullybackey	■ Scottstown Road, Moorfields	■ Coast Road, Cushendall
■ Carnlea Road North	■ Shillanavogy Road, Broughshane	■ Cushleake Road, Cushendun
■ Carnstroan Road, Broughshane	■ Skerdan Road, Portglenone	■ Drumavoley Road, Ballycastle
■ Casheltown Road, Ahoghill	■ Skerry East Road, Newtowncrommelin	■ Farrenmacallan Road, Ballycastle
■ Crosskeys Road, Ahoghill	■ Skerry West Road, Newtowncrommelin	■ Garron Road, Carnlough
■ Doctors Road, Ballymena	Ballymoney Borough Council	■ Glenbank Road, Ballycastle
■ Doonbought Road, Clogh	■ Altarichard Road, Armoy	■ Glendun Road, Cushendall
■ Douglas Road, Glenwhirry	■ Finvoy Road, Ballymoney	■ Glentop Road
■ Eglis Road, Rathkenny	■ Inshinagh Lane, Ballymoney	■ Glenstaghey Road, Ballintoy
■ Frosses Road, Glarryford	■ Knockaholet Road, Clogh Mills	■ Hillside Road, Ballycastle
■ Glenhead Road, Glenwhirry	■ Mallaboy Lane, Dunloy	■ Irragh Lane
■ Glens Brae Road, Martinstown	■ Newbridge Road, Ballymoney	■ Magheramore Road, Ballycastle
■ Kellswater Road, Randalstown	■ Pharis Road, Ballymoney	■ Murlough Road, Ballycastle
■ Killyflugh Road, Ballymena	■ Reservoir Road, Clogh Mills	■ Stroan Road, Armoy
■ Lisnahilt Road, Broughshane	■ Moyle District Council	■ Torr Road, Ballycastle
■ Lisnevenagh Road,		■ Tromra Road, Cushendun

## Revenue Generated from Bus Tours and Excursions

**Mr J Dallat** asked the Minister for Regional Development to detail the revenue generated from bus tours and excursions within (i) Northern Ireland; and (ii) the Republic of Ireland and Britain, in each of the last three years.

**(AQW 3581/11)**

**Minister for Regional Development:** Translink have informed me that the information requested is only available in aggregate and cannot be split in the way requested, without disproportionate cost.

Below are details of Travel Centre 'Tours Income' in the last 3 financial years:

	2009/10	2008/09	2007/08
£000	4,247	4,757	5,296



The bus tours operation is not a separate company and is part of Ulsterbus Ltd. It receives no revenue or capital support from the Department and any financial contribution it makes goes towards supporting the overall NI Transport Holding Group financial position.

## Salt Boxes

**Mr A Ross** asked the Minister for Regional Development to outline the criteria used for filling salt boxes in residential areas during periods of cold weather.

**(AQW 3619/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that arrangements are in place to maintain approximately 4,200 salt bins placed at pre-agreed strategic locations on public roads and residential areas across the North, that meet the required criteria. These bins are filled with road salt or grit and subsequently monitored on a regular basis, including during Roads Service's cyclical highway inspections.

During periods of cold weather, the replenishment of salt bins is given a high priority and Roads Service endeavours to ensure that all of its bins are regularly supplied with salt. During the recent exceptional period of cold weather, in December 2010, Roads Service received a very large number of requests to refill salt bins. Unfortunately, after refilling the bins, the salt was sometimes completely removed, frequently on the same day and often by people for use in other areas. This made it very difficult for Roads Service to keep up with the demand for replenishment, although all requests for salt replenishment were actioned, as quickly as resources permitted.

## Discussions with the Department of the Environment

**Mr P McGlone** asked the Minister for Regional Development to detail any discussions his Department, or its agencies, had with the Department of the Environment prior to the recent adverse weather; and what measures were agreed to alleviate the problems caused by these weather conditions.

**(AQW 3625/11)**

**Minister for Regional Development:** My Department's Roads Service did not hold any direct discussions with the Department of the Environment prior to the recent adverse weather.

However, I can confirm that Roads Service had been in discussion with the Northern Ireland Local Government Association (NILGA) prior to the winter season to try and reach an agreement whereby local councils would assist in clearing snow and ice from busy town centre footways and pedestrian areas.

Previously, Roads Service and NILGA had drawn up a draft legal agreement to try and facilitate this process. However, only a small number of councils signed up to this agreement at that time. Following last year's severe winter weather, I asked Roads Service to revisit this issue.

Since that time, Roads Service has been negotiating with NILGA and an amended model agreement was developed. The main change is that the indemnity offered to Councils, in the original agreement, can be extended to private sector organisations acting as the Council's sub-contractor or agent.

This proposed agreement was discussed at the NILGA Executive Meeting held on the 14 May 2010, when it was agreed that NILGA would consult with the Councils, the Society of Local Authority Chief Executives (SOLACE) and the regional Chamber of Commerce on this proposal. NILGA wrote to Roads Service on 1 December 2010 to advise that the consultation had been completed and that, whilst a number of Councils had indicated their willingness to work in partnership with Roads Service, the majority of Councils rejected the proposal.

The Member may be aware that I met with NILGA, on 6 December 2010, to discuss and reaffirm the offer made in the agreement. Under the proposals put forward, the Councils, or groups of traders acting on their behalf, will have the same indemnity benefits as Roads Service.

Furthermore, Roads Service wrote out to all the Councils at the start of December 2010 to set out and offer the agreed partnering arrangements. Currently the majority of Councils are now working

with Roads Service to salt the main footpaths in their respective areas. However, Roads Service will continue to engage with NILGA and directly with Councils, on the issue of clearing snow and ice from footpaths, to try to encourage the remaining Councils to come on board to provide this valuable service to their local ratepayers.

In addition, during the recent adverse weather, Roads Service participated in a series of conference calls with almost twenty other organisations/agencies including, NI Water, Belfast Resilience, Regional Council Emergency Coordinators, utility representatives, PSNI and the NI Fire and Rescue Service.

### **Dual Carriageway on the A2 between Maydown and the Airport in Londonderry**

**Mr G Campbell** asked the Minister for Regional Development what consideration was given to the safety concerns of motor cycle road users when deciding on the type of central barrier to be used on the dual carriageway under construction on the A2 between Maydown and the airport in Londonderry. **(AQW 3640/11)**

**Minister for Regional Development:** My Department's Roads Service is committed to reducing the number of injury incidents on its road network, and that includes incidents involving motorcyclists. Roads Service gives due consideration to motorcyclists and consequently there are specific actions contained within the Consultation on Preparing a Road Safety Strategy for Northern Ireland 2010 - 2020. Examples include formation of a motorcycling council and consideration of identifying and upgrading motorcycling routes

When designing carriageways, Roads Service adheres to the standards set out in the Design Manual for Roads and Bridges, which is the standard for major roads across the United Kingdom. This manual takes account of current best practice, safety, value for money and environmental considerations, as well as the current UK and European Standards.

For trunk roads, such as the A2 Maydown to City of Derry Airport dualling, the current specification for provision of a safety barrier in central reservations permits the use of any normal containment system, which can only be specified through a performance specification. This permits contractors to install any EN1317 certified system, whether wire rope with steel posts, corrugated steel beam with steel posts or a concrete containment system. Only on motorways or roads constructed to motorway standard, with two-way traffic flows greater or equal to 25,000 vehicles per day, is there a requirement for the central safety barrier to be a more expensive rigid concrete safety barrier.

Roads Service has further advised that a European Road Assessment Programme position paper: "Barriers to change – Designing safe roads for motorcyclists", published in 2008, concluded that despite the amount of high profile coverage that wire rope barriers have attracted, limited research does not warrant the inference that they are more or less dangerous than other types of barrier on the market.

Notwithstanding this assertion, as new systems are tested and approved for use in the European Market, UK standards may subsequently be amended to utilise these barrier systems.

### **Rural Road Improvements and Repairs**

**Mr P McGlone** asked the Minister for Regional Development how much funding will be allocated for rural road improvements and repairs required because of the recent severe weather. **(AQW 3641/11)**

**Minister for Regional Development:** 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 was 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, assessed and repaired subject to the availability of sufficient funds.

Since October 2010, approximately £12 million of additional funding has been allocated to Roads Service Divisions for road maintenance, which is particularly timely given the effects of the recent severe weather. The additional funds will be used to purchase salt and replenish stocks and progress pre-determined programmes of work, which will target the worst affected roads.

In distributing the resources available for road maintenance, allocations are made to the four Roads Service Divisions on the basis of need using a range of weighted indicators tailored to each maintenance activity, these being, resurfacing, patching, gully emptying, grass cutting etc. Divisions use these indicators when apportioning budgets across Council areas to ensure, as far as possible, an equitable distribution of available funds across the whole of the North.

### **Government Water Engineers**

**Mr A Ross** asked the Minister for Regional Development to detail (i) any existing agreements with the rest of the UK which allow Government water engineers from one part of the UK to work in another part of the UK for a short period of time; and the cost to the Executive if this service was utilised.

**(AQW 3660/11)**

**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.

### **Former CEO of NI Water**

**Mr A Ross** asked the Minister for Regional Development the date on which the former CEO of NI Water returned to Northern Ireland during the recent water shortage crisis.

**(AQW 3661/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water that its former CEO did not leave the North during the recent water shortage crisis.

### **Water Shortage Crisis**

**Mr R Beggs** asked the Minister for Regional Development, in relation to the recent NI Water supply crisis, to detail (i) the number of water mains failures; (ii) the estimated peak loss of water from the mains network faults, in million litres per day; (iii) the estimated peak loss from private property in million litres per day; (iv) the estimated percentage of water processed which was lost due to mains failure; and (v) the estimated percentage of water processed which was lost due to failure on private property.

**(AQW 3662/11)**

**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.

### **Mains Water Investment Plans**

**Mr R Beggs** asked the Minister for Regional Development, based on his Department's current mains water investment plans, for his assessment of how the mains water network would perform differently should a period of record low temperatures return within the four year budget period.

**(AQW 3663/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that given the long life of these assets, significant changes in the level of serviceability may not show noticeable

change within the four year budget period. NIW is funded to renew/replace about 300 kilometres of water mains each year out of a stock of about 26,500 kilometres.

Other factors make it difficult to predict how the NIW network would react to maintaining customers in supply. The public water network does not perform in isolation and during the recent freeze thaw incident a significant amount of water (approximately 70%) was lost through bursts/wastage on the customers' side of the network. NIW is not responsible for the pipework within customers' properties and that is why a considerable effort is made to remind customers of the need to check regularly for leaks on their properties.

Overall, while it will be dependent on external factors, such as the speed of a thaw, it is likely that the NIW network would perform similarly to how it performed during the December 2010/January 2011 freeze thaw should a period of record low temperatures return. Detailed investigations of the performance of the network during the recent freeze thaw incident are being undertaken as part of the formal review into the incident by the NI Authority for Utility Regulation.

## Mains Water Network

**Mr R Beggs** asked the Minister for Regional Development how investment in the Northern Ireland mains water network over the past 20 years compares to that in (i) England; (ii) Scotland; and (iii) Wales.

**(AQW 3664/11)**

**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.

## Translink

**Mr T Clarke** asked the Minister for Regional Development to detail the average cost incurred by Translink for each passenger travelling via (i) the Metro Service; (ii) the Ulsterbus Service; and (iii) NI Railways.

**(AQW 3681/11)**

**Minister for Regional Development:** Based on the financial statements for 2009/10 the most recent available figures for the three companies respectively are:

- (i) Metro - £1.27;
- (ii) Ulsterbus - £2.17; and
- (iii) NIR - £5.25.

These figures do not take account of the number of passenger miles as passenger mile statistics are not available for the two bus companies. The cost per passenger mile would be significantly different for the three companies.

## M2 exit at Ballyclare/Templepatrick to the International Airport

**Mr T Clarke** asked the Minister for Regional Development whether his Department has ever costed the upgrading of the road from the M2 exit at Ballyclare/Templepatrick to the International Airport; and if so, what were the conclusions.

**(AQW 3692/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that there have been no proposals to upgrade the existing road from the M2 (Junction 5) at Templepatrick to the International Airport and, subsequently, no cost data is available.

However, you may be interested to know that a proposal for an Antrim Eastern bypass dual carriageway, extending from the M2 (Junction 6) at Rathbeg to the Nutts Corner roundabout, was examined in the

1970's. Details of the original estimate are not readily available and would, in any event, be no longer relevant.

## NI Railways

**Mr T Clarke** asked the Minister for Regional Development whether NI Railways has considered extending its line to the International Airport at Aldergrove.

**(AQW 3693/11)**

**Minister for Regional Development:** Translink has advised that it has no plans at present to extend rail links to Belfast International Airport. Projects such as a train service to and from the airport are regularly under review as part of Translink's ongoing planning process, taking account of available funding and Departmental approval. It is estimated, however, that the passenger numbers using the airport would need to double to 10 million a year before a robust economic case could be made to establish this link.

My current priority with regards to investment in railways is to maintain, improve and upgrade the existing railway lines in the region.

## Antrim: Rated as a Sub-Regional Centre

**Mr D Kinahan** asked the Minister for Regional Development for his assessment of whether Antrim should be rated as a sub-regional centre rather than a main centre in the Regional Development Strategy, given the number of people employed there, the capacity available and Belfast International Airport's classification as a key gateway.

**(AQW 3720/11)**

**Minister for Regional Development:** The Consultation document on the revised Regional Development Strategy identifies 9 proposed Sub-Regional Centres. The purpose of the consultation is to seek information and evidence which supports these proposals or which suggests alternatives.

The proposed Sub-Regional Centres were identified using three sources of information:

- the Report of the Inter-Departmental Urban-Rural Definition Group on Statistical Classification and Delineation of Settlements published by NISRA in February 2005 which banded settlements based on population and the number of households;
- the November 2006 Settlement Information Classification and Analysis Group (SICAG) Report published by NISRA which grouped settlements on the basis of their service provision; and
- research conducted by the Strategic Investment Board which assessed towns against a series of criteria including the natural catchment, degree to which catchments are exclusive or overlap with others, the current population, and geographical coverage across the whole region.

The research results have indicated that for a sub-regional centre to be functionally and operationally sustainable, it should have a natural catchment in excess of 100,000. There are exceptions, however, where centres have smaller natural catchments but warrant being a higher order centre because of their physical remoteness from other places.

Whilst in some areas it was clear which town should be designated a sub-regional centre, judgements had to be made, particularly where, as in the case of Antrim, there was overlap with other larger towns. Taking into consideration Antrim's natural population catchment, proximity to the Belfast Metropolitan Area and Ballymena, and its ability to cluster with Ballymena for higher order services, it has been designated as a main centre in the consultation document.

The RDS consultation document fully recognises Belfast International Airport as a strategically important Gateway and its key role in the economic competitiveness of the Region as a whole.



## Regional Development Strategy

**Mr D Kinahan** asked the Minister for Regional Development why Antrim town is not rated as a sub-regional centre in the Regional Development Strategy.

**(AQW 3721/11)**

**Minister for Regional Development:** The Consultation document on the revised Regional Development Strategy identifies 9 proposed Sub-Regional Centres. The purpose of the consultation is to seek information and evidence which supports these proposals or which suggests alternatives.

The proposed Sub-Regional Centres were identified using three sources of information:

- the Report of the Inter-Departmental Urban-Rural Definition Group on Statistical Classification and Delineation of Settlements published by NISRA in February 2005 which banded settlements based on population and the number of households;
- the November 2006 Settlement Information Classification and Analysis Group (SICAG) Report published by NISRA which grouped settlements on the basis of their service provision; and
- research conducted by the Strategic Investment Board which assessed towns against a series of criteria including the natural catchment, degree to which catchments are exclusive or overlap with others, the current population, and geographical coverage across the whole region.

The research results have indicated that for a sub-regional centre to be functionally and operationally sustainable, it should have a natural catchment in excess of 100,000. There are exceptions, however, where centres have smaller natural catchments but warrant being a higher order centre because of their physical remoteness from other places.

Whilst in some areas it was clear which town should be designated a sub-regional centre judgements had to be made, particularly where, as in the case of Antrim, there was overlap with other larger towns. Taking into consideration Antrim's natural population catchment, proximity to the Belfast Metropolitan Area and Ballymena, and its ability to cluster with Ballymena for higher order services it has been designated as a main centre in the consultation document. Encouraging towns to co-operate with their neighbours rather than competing is in line with European Spatial Development best practice.

## Burst Pipes Repaired by NI Water

**Mr T Elliott** asked the Minister for Regional Development to detail (i) the number of burst pipes repaired by NI Water, or on behalf of NI Water, during the recent severe weather; (ii) the total cost of repairing these pipes; and (iii) the name and amount paid to external contractors for services in relation to these repairs.

**(AQW 3749/11)**

**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.

## SmartPasses

**Mr G Robinson** asked the Minister for Regional Development how many SmartPasses have been revoked due to fraudulent use in each of the last three years.

**(AQW 3761/11)**

**Minister for Regional Development:** During this period, in 2010, one SmartPass was revoked due to fraudulent use.

## Meetings of the Board of NI Water

**Mr C McDevitt** asked the Minister for Regional Development to detail the dates and attendance lists for each meeting of the Board of NI Water between 1 January 2011 and 10 January 2011.

**(AQW 3763/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water that between 1 January and 10 January 2011 two Board meetings were held, on 4 and 5 January 2011. The minutes have yet to be approved but when published they will include the names of the attendees.

## Hollywood Area: Water Shortage Crisis

**Mr A Easton** asked the Minister for Regional Development how many households in the Hollywood area were affected by the recent water shortage crisis; and how long it took for each of these households to be re-connected with the mains supply.

**(AQW 3791/11)**

**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.

## Former CEO of NI Water

**Mr P McGlone** asked the Minister for Regional Development to detail who, within his Department, approved (i) the severance package for the former CEO of NI Water, Katherine Bryan; (ii) the employment terms and remuneration package for the former CEO of NI Water, Laurence MacKenzie; and (iii) the settlement package on the resignation of Laurence MacKenzie.

**(AQW 3835/11)**

**Minister for Regional Development:**

- (i) The severance package for the former CEO of NI Water, Katharine Bryan was approved by both the Finance Minister and me. (ii) The employment terms for the former CEO of NI Water, Laurence MacKenzie, were a matter for the Board of NI Water as his employer. However, the remuneration package was approved by both the Finance Minister and me. (iii) I approved the settlement package on the resignation of Laurence MacKenzie following receipt of legal advice that this was a contractual entitlement. DFP was consulted but advised that its approval was not required as the settlement was deemed to be a contractual entitlement.

## NI Water: Procurement Breaches

**Mr P McGlone** asked the Minister for Regional Development how many procurement breaches were found at NI Water between 27 July 2008 and 10 March 2010; and to detail when each of these breaches was confirmed.

**(AQW 3894/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water that a total of 75 procurement breaches were found between 27 July 2008 and 10 March 2010, and were confirmed as follows:-

- 1 x procurement breach was confirmed in September 2009 as result of the internal audit review into the appointment of a particular contractor supporting the Steria exit.
- 19 x procurement breaches were confirmed during the Contracts Approval internal audit review completed in December 2009.
- 55 x procurement breaches were confirmed as part of the further deep dive internal audit reviews completed in March 2010.

## Ballynacor Waste-Water Treatment Works

**Mrs D Kelly** asked the Minister for Regional Development what measures NI Water is taking to minimise the smell coming from the Ballynacor Waste-Water Treatment Works.

**(AQW 3905/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that the Ballynacor Waste-Water Treatment Works and Sludge Treatment Plant is part of its Public Private Partnership contract; Project Omega.

The contract provided for the upgrade of the waste water treatment works to EU treatment standards, and the operation of both the treatment works and the sludge plant up to 2032. The upgraded Works was fully operational from 19 November 2009, and included new odour controls to the Sludge Treatment Building – previously determined as the main source of odour on the site.

Since taking over operation, further odour sources have been identified on the site by the contractor. This will primarily require contractor investment and improvements to the exposed conveyors units transporting sludge into lorries, along with other minor improvements to the waste-water treatment processes around the site. The timing and quality of these improvements are being regulated by the Northern Ireland Environment Agency (NIEA) under the Pollution Prevention Control Regulations that apply to the site. The NIEA has indicated the conveyor improvements must be complete by year end, and are assessing the required scope and timing of the other minor improvements proposed by the Contractor.

In addition, it has been drawn to NIW's attention that odours are occurring outside the site by the accumulation of chicken litter on private grounds adjacent to the Works.

## A6 Derry-Dungiven Upgrade

**Mr P Callaghan** asked the Minister for Regional Development for an update on the A6 Derry-Dungiven upgrade, including the impact of his budget proposals on the time-frame for completion of the scheme.

**(AQW 3908/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that development work on the A6 Derry to Dungiven dualling scheme will continue during the draft budget period 2011 – 2015. Draft Statutory Orders will be published later this year, inviting formal comment and will most likely lead to a public inquiry in 2012.

Unfortunately, the funding levels envisaged in the draft budget will not enable construction to commence during the next four year period. The timing of delivery will be dependent on the allocation of finances beyond the Budget 2010 period.

## Irish Language Classes Provided to Staff

**Mr G Robinson** asked the Minister for Regional Development to detail the cost of the Irish Language classes provided to staff in his Department; and for his assessment of whether this is the best use of Departmental resources in the current economic climate.

**(AQW 3910/11)**

**Minister for Regional Development:** The Irish language classes provided to staff in my Department have cost £2,284 to date. I consider the classes to be a good use of resources. Overall, 30 staff have completed beginner training and 13 staff have completed intermediate training. The classes have helped the Department to fulfil commitments under the European Charter for Regional or Minority Languages. One of the objectives of the Charter is the facilitation and encouragement of the use of regional and minority languages in speech and writing in public and private life. There have also been practical benefits, as staff have been able to use their skills to assist the Department to deal with telephone calls, correspondence and other Irish language issues.

## Funding Planned for Improvements to the Rail System

**Mr D Kinahan** asked the Minister for Regional Development to detail the allocation of funding planned for improvements to the rail system.

**(AQW 3960/11)**

**Minister for Regional Development:** The draft budget, which will be finalised following a period of consultation, provides indicative allocations for railway capital as shown in the attached table.

The bulk of the funding will be used to pay for the purchase of 20 new Class 4000 trains and projects associated with the introduction to service of the new trains i.e. the extension of some of the platforms on the railways network and the construction of a new train care facility at Adelaide. Essential safety related work will be taken forward leaving the remainder of the funding to finance other high priority railway improvement projects. The figures quoted below for these areas are indicative and subject to confirmation.

The draft budget proposals make provision for the commencement of the Coleraine to Derry Track relay in 2014/15, overhaul of Class 3000 trains and Enterprise trains as well as work at Ballymoney footbridge and Antrim bus/rail station.

	2011/12	2012/13	2013/14	2014/15
New Trains	70.7m	8.4m	0.1m	0.0
Rail Safety	5.5m	6.7m	5.7m	4.4m
Other Rail Capital	6.1m	6.0	6.0m	26.0m
<b>Total</b>	<b>82.3m</b>	<b>21.1m</b>	<b>11.8m</b>	<b>30.4m</b>

## Interim Chairperson of NI Water

**Mr C McDevitt** asked the Minister for Regional Development (i) if he informed the Office of First Minister and deputy First Minister of Mr Philip Holder's previous involvement with the Department for Regional Development; and (ii) to confirm who in his Department approached Mr Holder to test his willingness to be considered for the position of Interim Chairperson of Northern Ireland Water.

**(AQW 3978/11)**

**Minister for Regional Development:**

- (i) Yes, I informed the Office of First Minister and deputy First Minister that Mr Philip Holder was one of the potential candidates considered last year for the role of Interim Chair of NI Water. (ii) The Senior Finance Director, Deputy Secretary of DRD, phoned Mr Holder to confirm his interest in the position of interim Chairman of NIW prior to writing to invite him to meet with the panel considering the appointment.

## Minority Language Classes

**Mr G Robinson** asked the Minister for Regional Development which minority language classes, excluding Irish, his Department provides for staff to assist them in dealing with telephone calls, correspondence and other minority language issues and to ensure that his Department is fulfilling its commitments under the European Charter for Regional or Minority Languages.

**(AQW 4097/11)**

**Minister for Regional Development:** The European Charter for Regional or Minority Languages applies here to Irish and Ulster Scots. My Department has not provided language classes for Ulster Scots. The specific Charter commitments for Ulster Scots are not as extensive as those for Irish. Demand is also a consideration. My Department has received very little correspondence and few telephone calls in Ulster Scots. To help fulfil Charter requirements for Ulster Scots, I have introduced trilingual stationery and a trilingual nameplate for the Department's building. I have developed up-to-date Codes of Courtesy

for both Irish and Ulster Scots to help staff fulfil the provisions of the Charter. Ulster Scots is included in the multilingual section of my Department's website, which provides information on departmental functions in a wide variety of languages.

## Department for Social Development

### Foreign Nationals Committing Benefit Fraud

**Mr S Hamilton** asked the Minister for Social Development to detail (i) the number of foreign nationals found to be committing benefit fraud; and (ii) the monetary value of this fraud, in each of the last five years, broken down by nationality.

**(AQW 3331/11)**

**Minister for Social Development (Mr A Attwood):** My Department does not routinely record the nationality of persons found to be committing 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.

### Compensation for Housing Executive Tenants

**Mr G Robinson** asked the Minister for Social Development what compensation is available to Housing Executive tenants who faced additional expenditure in acquiring an alternative heating method for their homes after burst pipes, caused by the severe winter weather, rendered their installed heating systems inoperable.

**(AQW 3417/11)**

**Minister for Social Development:** The Housing Executive has confirmed that emergency temporary heating was provided to tenants in circumstances where there was no heating in their homes. Given the situation that occurred, I have taken a number of steps to determine how help might be provided to tenants, including additional heating costs. These measures include:-

- a) Writing to DWP to request an increase in the Social Fund.
- b) Instructing DSD officials and the Housing Executive to work up proposals to identify how funds might be released to help affected tenants.
- c) Written to the First Minister and deputy First Minister about how a measure under the Financial Assistance Act and other interventions might be used to help affected tenants.

I intend to be exhaustive in working through these to find opportunities to provide help.

### Outstanding Repairs on Housing Executive Properties

**Mr P Weir** asked the Minister for Social Development to detail the number and nature of outstanding repairs to be carried out on Housing Executive properties in the North Down Housing District.

**(AQW 3468/11)**

**Minister for Social Development:** The information is not available in the format requested because the Housing Executive has advised that jobs are not recorded as completed until the contractor submits an invoice and it is keyed onto the system. However, 234 properties within the Housing Executive's Bangor District Office area required repairs relating to burst pipes and heating problems which arose as a result of the severe weather over the Christmas period. Through contact with tenants and contractors the Housing Executive believe that most of this work is now complete. The main work outstanding relates to properties with severe water damage where ceilings have collapsed and time is needed for the property to dry out before the remaining work can be completed.



## Housing Improvements and Maintenance in Publicly Owned Properties

**Mr S Gardiner** asked the Minister for Social Development how much has been spent on (i) housing improvements; and (ii) housing maintenance in publicly owned properties in the Upper Bann constituency in each of the last four years.

**(AQW 3529/11)**

**Minister for Social Development:** The information is not available in the format requested as the Housing Executive does not collate information on the basis of parliamentary constituency.

However, Tables 1 and 2 below detail how much was spent by the Housing Executive on housing improvements and housing maintenance respectively in the Banbridge and Craigavon local Council areas (which correspond to the Upper Bann constituency) for the last four years.

**TABLE 1: HOUSING IMPROVEMENTS:-**

Financial Year	Banbridge Council Area (£)	Craigavon Council Area (£)	Total (£)
2006/07	1,293,000	4,138,000	5,431,000
2007/08	1,061,000	3,589,000	4,650,000
2008/09	2,221,000	2,274,000	4,495,000
2009/10	579,000	703,000	1,282,000

**Note:** The above includes improvement schemes and adaptations for persons with a disability. Heating schemes and adaptations for persons with a disability were reclassified into housing maintenance from 2009/10

**TABLE 2: HOUSING MAINTENANCE:-**

Financial Year	Banbridge Council Area (£)	Craigavon Council Area (£)	Total (£)
2006/07	1,066,000	3,581,000	4,647,000
2007/08	1,439,000	3,140,000	4,579,000
2008/09	1,089,000	3,683,000	4,772,000
2009/10	2,505,000	5,888,000	8,393,000

**Note:** The above includes planned maintenance schemes, response maintenance and from 2009/10 onward minor adaptations for persons with a disability

## Homeless People

**Mr S Gardiner** asked the Minister for Social Development how many people in the Upper Bann constituency are currently classified as (i) homeless; and (ii) being in housing stress.

**(AQW 3532/11)**

**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 table below provides details of the number of applicants accepted as homeless and in priority need and applicants in housing stress as at 31 December 2010 for the Banbridge, Lurgan and Portadown Housing Executive district offices, which include the areas that comprise the Upper Bann constituency.

District Office	Applicants considered Homeless	Applicants in Housing Stress
Banbridge	121	292

District Office	Applicants considered Homeless	Applicants in Housing Stress
Lurgan	126	441
Portadown	87	257

### Installing Natural Gas in Housing Executive Properties in Comber

**Mr S Hamilton** asked the Minister for Social Development how much is currently being invested in installing natural gas in Housing Executive properties in Comber; and how many homes are benefiting from this investment.

**(AQW 3544/11)**

**Minister for Social Development:** The Housing Executive has a natural gas heating replacement scheme in Comber which is currently onsite. The scheme was originally intended for 64 dwellings but 14 have been withdrawn at the tenants' request. The remaining 50 installations within the scheme will be completed at a cost of £265,000 approximately.

The Housing Executive also advise that heating is to be installed as a disabled persons adaptation in a dwelling in Comber, currently programmed for March 2011 with an estimated cost of £5,300.

### Neighbourhood Renewal Scheme

**Mr A Easton** asked the Minister for Social Development whether his Department intends to continue the Neighbourhood Renewal Scheme in the Kilcooley Estate, Bangor.

**(AQW 3575/11)**

**Minister for Social Development:** Subject to the outcome of the Budget process, it is my intention that the neighbourhood renewal strategy in Kilcooley will continue to be progressed in line with the Kilcooley Neighbourhood Renewal Partnership's Vision Framework and 3 year rolling action plan for the regeneration of the estate. I am committed to protecting, indeed enhancing, neighbourhood renewal going forward.

### Small Pockets of Deprivation Scheme

**Mr A Easton** asked the Minister for Social Development whether his Department intends to continue the Small Pockets of Deprivation scheme in the Rathgill Estate, Bangor.

**(AQW 3576/11)**

**Minister for Social Development:** I am strongly committed to the principle that people in areas of need should be protected going forward and I have bid for the necessary resources to enable me to continue the Small Pockets of Deprivation programme. I am actively considering how to protect, indeed enhance, relevant funding programmes.

### Small Pockets of Deprivation Funding

**Mr S Hamilton** asked the Minister for Social Development when he will confirm the levels of future Small Pockets of Deprivation funding for the (i) Glen; (ii) West Winds; and (iii) Bowtown areas of Newtownards.

**(AQW 3615/11)**

**Minister for Social Development:** I am strongly committed to the principle that people in areas of need should be protected going forward and I have bid for the necessary resources to enable me to continue the Small Pockets of Deprivation programme. I am actively considering how to protect, indeed enhance, relevant funding programmes.

## Areas at Risk Programme

**Mr S Hamilton** asked the Minister for Social Development what plans he has for the Areas at Risk Programme; and whether he intends to open the Programme to new applications.

**(AQW 3616/11)**

**Minister for Social Development:** Since the announcement of the pilot programme budget of £3 million by Minister David Hanson in 2006 the total number of areas at risk identified to receive funding has reached 27.

I am aware of the value of the programme and a recent independent evaluation highlighted the key successes of the pilot programme since 2006. I am actively considering how to protect and enhance neighbourhood renewal, areas at risk and SPOD.

## Cost of a Call-out by Contractors

**Mr F McCann** asked the Minister for Social Development whether the cost of a call-out by contractors working for the Housing Executive is £35 for week days and £65 for ICO (immediate call-out) calls after 5pm and on weekends; and if these call-outs are being processed regardless of whether the jobs can be completed.

**(AQW 3642/11)**

**Minister for Social Development:** The Housing Executive has advised that the rates for the daytime and after hours immediate call outs for Housing Executive repair jobs issued under the current contract arrangements are as follows:-

Daytime	9.00am – 5.00pm Monday to Friday	£30.00 - £40.00
After hours	5.00pm – 9.00am and weekends	£40.00 - £50.00

Prices are subject to the contractor's tendered percentage adjustment and is based on the successful tender and normally results in a lower cost than that stated above.

With regards to requests for an immediate call out, the work normally involves identifying the fault, securing the dwelling from damage and the tenant from danger. However, where a full repair is possible this is carried out and valued in accordance with the Schedule of Rates.

## Installing Natural Gas in Housing Executive Properties

**Mr A Ross** asked the Minister for Social Development how much is currently being invested in installing natural gas in Housing Executive properties in (i) Larne; (ii) Carrickfergus; and (iii) Newtownabbey; and how many homes will benefit from this investment.

**(AQW 3652/11)**

**Minister for Social Development:** The table below detail the number of properties and the anticipated cost of installing natural gas heating systems within its dwellings in Larne, Carrickfergus and Newtownabbey.

District Office Area	Natural Gas Heating Systems being installed: number of properties	Estimated Cost
Larne	24*	£145,000
Carrickfergus	30	£186,000
Newtownabbey	46	£302,000

\* All schemes are currently onsite except for the one in Larne, which is due to commence in February 2011

## Service Charges to Tenants and Residents Levied by Housing Associations

**Mr P Weir** asked the Minister for Social Development whether his Department monitors the service charges to tenants and residents levied by Housing Associations; and to detail its monitoring role.  
(AQW 3668/11)

**Minister for Social Development:** My Department reviews service charges through the Inspection regime and by quarterly financial monitoring. As part of the Inspection process, the arrangements that associations have in place to determine the level of service charges are reviewed, as are the processes for collecting those costs. On a quarterly basis the financial monitoring return highlights service charge income and costs.

## Small Pockets of Deprivation Programme

**Mr P Weir** asked the Minister for Social Development for a description of the projects in North Down that have been funded through the Small Pockets of Deprivation programme since 2006.  
(AQW 3740/11)

**Minister for Social Development:** The Housing Executive delivers neighbourhood renewal funding through the Department for Social Development's Small Pockets of Deprivation programme to two areas within the North Down constituency – Rathgill Estate and Harbour Ward. The programme started in 2006/07 and is still running this year. Please see descriptions of the funded projects below.

### Small Pockets of Deprivation programme expenditure within North Down area 2006/07 to 2010/11

#### 2006/07

- **Rathgill Estate** – Community Development Worker salary and community association running costs and equipment
- **Harbour** – primarily to YMCA for Co-ordinator salary, training/classes, IT equipment, office costs and work to premises

#### 2007/08

- **Rathgill Estate** - Community Development Worker and admin post salaries, running costs and equipment, training/classes, minor environmental improvements and premises works.
- **Harbour** – YMCA: Co-ordinator salary, running costs and training/classes; Queens Parade car park upgrade

#### 2008/09

- **Rathgill Estate** - Community Development Worker, administrative officer post and Social Economy post salaries, running costs
- **Harbour** - YMCA: Co-ordinator salary, running costs and training/classes

#### 2009/10

- **Rathgill Estate** – Community Development Worker and Social Economy post salaries, running costs and equipment
- **Harbour** - YMCA: Co-ordinator and part-time community worker salaries, running costs and equipment, training/classes and events

#### 2010/11

- **Rathgill Estate** - Community Development Worker and Social Economy post salaries, running costs and equipment, arts projects, minor works to Resource Centre

- **Harbour** - YMCA: Co-ordinator and part-time community worker salaries, running costs and equipment, training/classes; contribution to Town Centre Manager's decoration of vacant properties at Queens Parade

### Small Pockets of Deprivation Funding

**Mr P Weir** asked the Minister for Social Development whether he has any plans to reduce or change the number of areas that will receive Small Pockets of Deprivation funding during the 2011-15 budget period.  
(AQW 3755/11)

**Minister for Social Development:** I have no plans to reduce or change the number of areas that will receive Small Pockets of Deprivation funding during the 2011-15 budget period.

### Small Pockets of Deprivation Scheme

**Mr P Weir** asked the Minister for Social Development how much funding has been allocated to the Small Pockets of Deprivation scheme in each of the last five years.  
(AQW 3757/11)

**Minister for Social Development:** The funding allocated to the Small Pockets of Deprivation in each of the last five financial years is detailed in the table below.

Financial Year	2006/07	2007/08	2008/09	2009/10	2010/11
Amount Allocated to SPOD.	£581,000	£538,000	£741,000	£460,000	£415,000



# Northern Ireland Assembly

Friday 11 February 2011

## Written Answers to Questions

### Office of the First Minister and deputy First Minister

#### **Gender Equality Unit and Men's Aid NI**

**Mr C McDevitt** asked the First Minister and deputy First Minister to detail the outcome of the meeting which took place earlier this year between representatives of the Gender Equality Unit and Men's Aid NI; and to detail any progress since this meeting.

**(AQW 3360/11)**

**First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** OFMDFM officials have never met with Men's Aid NI. On 8th October 2009 officials from the Gender Equality Unit met with Real Fathers for Justice, which has established Men's Aid NI."

#### **Social Investment Fund and the Social Protection Fund**

**Mr S Anderson** asked the First Minister and deputy First Minister when they will bring forward proposals relating to the Social Investment Fund and the Social Protection Fund to the Executive.

**(AQW 3712/11)**

**First Minister and deputy First Minister:** In the draft budget for 2011-2015, the Executive announced the creation of the Social Investment Fund and the Social Protection Fund programmes. These will aim to address deprivation and poverty in a strategic way where the impact can be seen, felt and believed by everyone in the community.

#### **Social Investment Fund**

The specific spending areas to be addressed from the Social Investment Fund, and indeed the detailed mechanisms to agree the associated logistics, will be for the Executive to agree following further advice from us based on the strategy paper currently being developed. Funding of £20 million per annum will be allocated across the Budget Period.

#### **Social Protection Fund**

A key issue will be the need to protect the most vulnerable in our society. Many in our community face hardship due to the current economic conditions and the proposed Welfare Reform. In this context, we are proposing to establish the Social Protection Fund, targeted at the most disadvantaged. Recognising that the current climate will impact negatively on many of our most disadvantaged citizens, and thus to help alleviate some of the negative impacts, we are recommending that the Executive allocate £20 million in year one, with equivalent or increased funding in future years to be sourced from the additional revenue measures highlighted earlier in this paper.

The Social Protection Fund will operate under the basis of the Financial Assistance Act with Departments being tasked to bring forward schemes.

The Social Investment Fund and Social Protection Fund programmes of work will be additional and complementary to the work of other departments.

## Cohesion, Sharing and Integration Consultation

**Mr C McDevitt** asked the First Minister and deputy First Minister to detail (i) the outcome of the recent Cohesion, Sharing and Integration consultation; (ii) when the responses to the consultation will be published; and (iii) when the independent analysis will be published.

**(AQW 3737/11)**

**First Minister and deputy First Minister:** The public consultation on the draft Cohesion, Sharing and Integration Programme was launched on 27 July 2010. It invited everyone to comment on the range of issues covered within the draft CSI Programme. Although the consultation formally closed on 29 October 2010, officials granted one more week to allow for late returns to be included.

The consultation attracted well over 200 written responses and included the wealth of views and material gathered from 11 public meetings and 15 targeted sectoral meetings which were held at a range of locations during September and October last year.

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. We intend to publish a summary of the consultation responses in due course.

## Front Line and Back Office Services

**Mrs D Kelly** asked the First Minister and deputy First Minister which of the services provided by their Department are considered to be (i) front line; and (ii) back office.

**(AQW 3774/11)**

**First Minister and deputy First Minister:** The tables below provide a list of the services provided by our Department and its arm's-length bodies which are considered to be front-line.

### OFMDFM BUSINESS AREAS

Name of Branch/Division	Frontline service
Regeneration Sites Team, SIRD	Regeneration of the Maze/Long Kesh site.
Crumlin Road Gaol Team, SIRD	Restoration of the Crumlin Road Gaol which will allow part of the Gaol to be developed as a major visitor attraction.
Office of the Northern Ireland Executive in Brussels	To support Northern Ireland's engagement with the EU. To ensure that Northern Ireland has the opportunity to engage in policymaking with the EU Institutions. To raise the positive profile of Northern Ireland.
Northern Ireland Bureau, Washington, DC	NIB is part of the Department's International Relations area of responsibility. Its key focus is to be outward facing and to work with both NI and US groups to promote a positive image of NI as a place to invest, holiday and to study.
Equality – Policy Delivery Pool, Economic Research	Policy officials and researchers interact with, and deliver a range of services to, stakeholders and the public across the following policy areas: poverty, social inclusion, disability, good relations, victims and survivors, children and older people, race, gender and sexual orientation, sustainable development.

The answer has been drafted on the financial basis that the services classed as front-line in OFMDFM are all those areas which score as resource.

**ARM'S-LENGTH BODIES**

<b>Name of arm's-length body</b>	<b>Front line service</b>
Planning and Water Appeals Commissions	Providing an appeals and inquiry process for planning and water issues
Economic Research Institute NI	ERINI provides, for the public benefit, independent economic research and analyses and advice aimed at challenging and developing public policy making and strategic thinking on the issues facing Northern Ireland society
Sustainable Development Commission	Provision of expert support and advice in relation to sustainable development to external stakeholders in the public, private and third sectors.
Older People's Advocate	The Older People's Advocate provides a focus for individual older people and representative groups from the voluntary and community sector.
Northern Ireland Memorial Fund	The provision of practical help and support to those affected by the troubles either by the death of a close family member, injury or caring responsibilities for someone who was injured as a direct result of the Troubles.
NI Commission for Children and Young People	Engagement with stakeholders and public, including children and young people
Commission for Victims and Survivors NI	CVSNI promotes awareness of matters relating to the interests of victims and survivors of the Troubles. It also keeps under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors and of the services provided for victims and survivors.
Commissioner for Public Appointments for Northern Ireland	Regulation of the process for making Ministerial public appointments
Northern Ireland Judicial Appointments Commission	Responsible for a range of judicial and tribunal appointments and programmes of action and outreach.
Equality Commission NI	ECNI encourages the elimination of discrimination across all of the grounds covered by equality legislation. It promotes equality of opportunity and encourages good practice. It oversees the implementation and effectiveness of legislation imposing statutory duties on public authorities to promote equality and good relations and to protect the rights of disabled people.
Community Relations Council	The main aim of the Northern Ireland Community Relations Council is to assist the development of greater understanding and co-operation between political, cultural and religious communities in Northern Ireland. CRC is the regional body with a dedicated funding function for both good relations and Victims, as well as PEACE III.
Ilex Urban Regeneration Company Ltd	Ilex – to provide a vision for the regeneration of Derry City area and pursue its implementation.
Strategic Investment Board	Presentation and maintenance of the Delivery Tracking System which provides on-line detailed project information in relation to the Investment Strategy

The remainder of the services provided by our Department would be considered as back office functions. These services can be classified under the following categories:

- Policy development
- Business planning
- Executive/Ministerial support
- Administrative support/Corporate Services
- Media relations
- Sponsorship of ALBs
- Intergovernmental relations
- Financial Management

### **Victims and Survivors Service**

**Mrs D Kelly** asked the First Minister and deputy First Minister why there was a delay in the establishment of the Victims and Survivors Service; and for a revised timetable for its establishment.  
**(AQW 3803/11)**

**First Minister and deputy First Minister:** Following the consultation on the Victims and Survivors Service, a Project Initiation Document (PID) was drafted which scoped all of the strands of work that needed to be taken forward to establish the Service. The PID took account of the consultation responses and the views of Ministers. It planned the work required to both design and implement the new Service and provided a revised, realistic timescale for its establishment. Work on the Service's design began in April 2010 and the aim is to have the Service fully operational by April 2012.

This two-year time frame for the establishment of the Service proposes a phased approach to its introduction with individual assessments coming first during 2011, followed by victims groups' interaction in 2012. This time frame is in line with our agreed transitional funding arrangements for victims groups.

It is expected that the Service will be ready to undertake individual assessments during 2011 followed by victims groups' interaction in 2012. Currently the project is still working towards meeting these timescales.

### **Children's Budgeting in Wales Report**

**Ms D Purvis** asked the First Minister and deputy First Minister, in light of their responsibility for issues affecting children and young people, whether they have considered the report of the Children and Young People Committee of the National Assembly for Wales, 'Children's Budgeting in Wales'.  
**(AQW 3808/11)**

**First Minister and deputy First Minister:** This is a matter for all Government Departments who have a responsibility for the delivery of children's services.

We are aware of the report of the National Assembly for Wales on Children's Budgeting and indeed have shared it with the Champions for Children and Young People in each Department.

The report is also being tabled for discussion at the next meeting of the Ministerial Sub-Committee on Children and Young People scheduled for early March.

### **Children's Budgeting**

**Ms D Purvis** asked the First Minister and deputy First Minister for their assessment of the extent to which children's budgeting could be used to ensure resources are appropriately targeted and directed to realise the best outcomes for children.  
**(AQW 3809/11)**

**First Minister and deputy First Minister:** Historically it has been difficult to identify both direct and indirect spend exclusively on children and young people. This is in part because many services are universal and not easily broken down by age when identifying spend.

We are aware of the work around children's budgeting that the Welsh Assembly Government is currently developing and championing across the four jurisdictions. Indeed, the National Assembly of Wales' Committee for Children and Young People paper on children's budgeting has been circulated to the Departmental Champions for Children and Young People.

It is intended to table the paper at the next meeting of Ministerial Sub-Committee on Children and Young People scheduled to take place in March.

## **Department's Budget and Savings Plans 2011-15**

**Mrs D Kelly** asked the First Minister and deputy First Minister what discussions have been held with their Department's arm's-length bodies in relation to potential savings and their respective budget allocations contained in the Department's Budget and Savings Plans 2011-15.

**(AQW 3854/11)**

**First Minister and deputy First Minister:** The Department has had ongoing discussions with its Arm's-Length Bodies (ALBs) as part of the Budget 2010 process since summer 2010. Departmental engagement with its ALBs is now focused on the Draft Budget allocation for each body, and the delivery of the 3% savings in administration costs, as required by OFMDFM's savings plans.

A formal meeting between the Department and representatives from each ALB took place on 3rd February 2011 as part of OFMDFM's consultation on its Draft Budget spending priorities and savings plans.

## **Interim Chairperson of Northern Ireland Water**

**Mrs D Kelly** asked the First Minister and deputy First Minister (i) whether they were aware that Mr Philip Holder was considered for the position of Interim Chairperson of Northern Ireland Water by the Department for Regional Development; and (ii) whether they still have confidence in the suitability of Mr Philip Holder to be part of the independent investigation team into the freeze thaw incident.

**(AQW 3977/11)**

**First Minister and deputy First Minister:** We appointed two members to the Review on the basis of their ability. There are two strands to the Review which were agreed by the Executive. It is not a single person review.

There is a need for urgency in the Review to ensure that the mistakes by NI Water over the Christmas period are not repeated. The Review was established on 6 January 2011. Both strands of the Review have already begun. The findings will be delivered in a composite report around the end of February 2011.

Those charged with carrying out the review should be allowed to conclude their work unhindered.

## **Northern Ireland Ombudsman**

**Mr J Dallat** asked the First Minister and deputy First Minister whether they have any plans to increase the powers of the Northern Ireland Ombudsman in relation to planning issues raised by the public.

**(AQW 3994/11)**

**First Minister and deputy First Minister:** The Ombudsman is completely independent from the Northern Ireland Assembly, the Northern Ireland Executive and of the government departments and public bodies that he can investigate. His authority is derived from a royal warrant and he reports to the Northern Ireland Assembly by laying an Annual Report before it.

We do not have any plans to increase the Ombudsman's powers in relation to planning issues raised by the public. The Ombudsman can currently investigate both the Planning Appeals Commission and the Planning Service and make recommendations.



The Committee for the Office of the First Minister and deputy First Minister published a consultation paper on Legislation to Update and Reform the Office of the Northern Ireland Ombudsman in late 2010. The closing date for written submissions to the consultation was 17 December 2010.

### **Water Shortage Crisis**

**Mr T Elliott** asked the First Minister and deputy First Minister to detail the criteria under which Philip Holder was selected to examine the proficiency of the Department for Regional Development's handling of the water crisis.

**(AQW 4037/11)**

**First Minister and deputy First Minister:** The Terms of Reference for the investigation into NI Water's handling of the recent major interruption to water supplies were published on 6 January 2011.

We appointed the two members to the Review on the basis of their ability.

Mr Philip Holder has extensive relevant experience, having spent much of his career in the utilities and related services sectors.

### **Interim Chairperson of NI Water**

**Mr T Elliott** asked the First Minister and deputy First Minister when they first became aware that Philip Holder had previously applied for the position of Interim Chair of NI Water.

**(AQW 4038/11)**

**First Minister and deputy First Minister:** Mr Holder did not apply for the position of Interim Chair of NI Water.

### **Investigation into the Department for Regional Development**

**Mr T Elliott** asked the First Minister and deputy First Minister whether they will suspend the investigation into the Department for Regional Development being co-lead by Philip Holder until a suitable replacement is found.

**(AQW 4039/11)**

**First Minister and deputy First Minister:** There are no plans to suspend the investigation.

### **Appointment of Philip Holder**

**Mr T Elliott** asked the First Minister and deputy First Minister whether they have sought legal advice on whether there is a conflict of interest in the appointment of Philip Holder as an evaluator of the Department for Regional Development's handling of the water crisis.

**(AQW 4040/11)**

**First Minister and deputy First Minister:** We have not sought legal advice in relation to the appointment of Mr Philip Holder as a member of the Review.

### **Sir Jon Shortridge's Investigation: DRD**

**Mr G Savage** asked the First Minister and deputy First Minister, pursuant to AQW 3767/11, for a breakdown of the £8,198 costs incurred by the office of the Head of the Civil Service in relation to Sir Jon Shortridge's investigation.

**(AQW 4098/11)**

**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 is ongoing.

The costs incurred to date by the office of the Head of NI Civil Service in relation to the investigation are £8,198. This is made up of a fee of £6,000 paid to Sir Jon for carrying out the investigation and reimbursement of £2,198 for his travel and accommodation expenses.

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.

### **Child Poverty Strategy**

**Mrs C McGill** asked the First Minister and deputy First Minister for an update on the consultation on the draft Child Poverty Strategy.

**(AQO 955/11)**

**First Minister and deputy First Minister:** The provisions of the Child Poverty Act 2010 specifically require us to produce and present to the Assembly, a Child Poverty Strategy for here. The strategy will outline those actions that departments are taking to ensure its associated targets are met.

The Act further places an ongoing requirement for child poverty strategies to be produced every three years and for annual reports to be made to the Assembly.

In developing our proposals we held a pre-consultation stakeholder event in September and launched the formal public consultation process on 6th December.

The consultation process ended with two events in Belfast on the 27th and 29th of January. The latter of these was facilitated by Playboard and particularly focused on obtaining the views of children and young people on both the draft Child Poverty Strategy and our Play and Leisure Implementation Plan.

A full analysis of the consultation responses will now be undertaken, and, in advance of the strategy document being finalised, we will consult with the OFMDFM Committee before the document is issued to the Executive for agreement around mid March 2011 and then in turn laid before the Assembly prior to its dissolution in March 2011.

### **Maze/Long Kesh: Peace-building and Conflict Resolution Centre**

**Mr Pat Sheehan** asked the First Minister and deputy First Minister to outline the plans and time frame for the construction of the conflict resolution centre at the Maze/Long Kesh site.

**(AQO 957/11)**

**First Minister and deputy First Minister:** Initial draft plans for the Peace Building and Conflict Resolution Centre at Maze/Long Kesh provide for a newbuild multi-functional facility on the site, and the restoration of some of the retained and listed prison buildings.

The Centre will have four key functions namely, international exchange; education, research, teaching and training; exhibition space and archive. It will be a unique facility operating at the global as well as local level, and it will be a shared resource for use by a wide range of organisations involved in conflict resolution.

If the recently submitted EU Funding application to secure funds to help build the Peace Building and Conflict Resolution Centre is successful, it is hoped the Centre will be built and operational by 2015.

### **Expenditure Plans: OFMDFM**

**Dr A McDonnell** asked the First Minister and deputy First Minister whether any rights-based analysis has been carried out in relation to their Department's spending and saving plans for 2011-15.

**(AQO 958/11)**

**First Minister and deputy First Minister:** Each of OFMDFM's Draft Budget 2011-15 spending proposals and savings plans has been subjected to a High Level Impact Assessment to assess the potential impact of the spending or saving plan in respect of Equality, Good Relations, Poverty and Social

Inclusion, and Sustainable Development. Where any adverse impact is identified, mitigating actions or measures are identified.

OFMDFM's Budget allocations are intended to result in a positive equality impact for children, older people, people with disabilities, and ethnic minority groups.

The programmes funded through the Budget allocation will be subjected to Equality Screening and where appropriate, full Equality Impact Assessment, in line with statutory duties.

## **St Patrick's Day 2011**

**Mr T Burns** asked the First Minister and deputy First Minister what official engagements they will be undertaking on St Patrick's Day 2011.

**(AQO 959/11)**

**First Minister and deputy First Minister:** It is too early to provide full details of our plans for St Patrick's Day. However, we hope to be in Washington, DC. Officials on both sides of the Atlantic are currently working on a detailed visit programme. We have discussed options with the US Economic Envoy when he visited two weeks ago and we are looking at how we can use our presence in the United States to promote our economic interests.

As members of the Assembly will be aware, St Patrick's Day in Washington, DC is recognised by both the President of the United States and the United States Congress as one of the most important dates in the Washington calendar.

It is a day when we have the opportunity to engage, at the highest levels, with representatives of the Obama Administration and with members of Congress. In previous years we have had the opportunity to meet privately with President Obama and we have used those meetings to emphasise the importance of US support for our work on strengthening the economy.

We are hopeful that the President will accord us a similar opportunity this year. We are also hopeful that Secretary of State Clinton will be available to meet us. We will use the meeting with Secretary Clinton to follow-up directly on the Economic Conference which she hosted at the US Department of State on 19 October.

It is also our intention to host the Northern Ireland Bureau's Annual St Patrick's Day Business Breakfast. This is the only event in the annual calendar of events which we host as leaders of the Executive. It provides us with an important platform where we have the opportunity to set the tone for the rest of that day. This event normally attracts in the region of 400 politicians, senior policy makers and business people and we use it to promote the economy and to thank our many American friends for their continued support.

We also expect to represent the Executive at the Speaker's lunch on Capitol Hill and at other events, including a possible evening reception at the White House.

## **North/South Implementation Bodies**

**Mr G Savage** asked the First Minister and deputy First Minister what is the deadline for the completion of the review into the North-South Implementation Bodies and Areas for Co-operation as provided for in the St Andrews Agreement.

**(AQO 960/11)**

**First Minister and deputy First Minister:** The St Andrews Agreement Review is being taken forward under the auspices of the North South Ministerial Council (NSMC). At the NSMC Plenary meeting on 21 January, the Council noted that consultation with relevant Ministers in both jurisdictions on all aspects of the St Andrews Agreement Review is now near completion. Taking account of the outcome of the consultation, the Review Group will prepare a report for consideration by the NSMC at its next Plenary meeting in June 2011.

## Programme for Cohesion, Sharing and Integration

**Mr J McCallister** asked the First Minister and deputy First Minister when they will publish the final Programme for Cohesion, Sharing and Integration.

**(AQO 961/11)**

**First Minister and deputy First Minister:** The draft Cohesion, Sharing and Integration Programme is continuing to be developed following the consultation process which closed on 29 October.

The public consultation afforded everyone the opportunity to comment on the range of issues covered within the draft CSI Programme. Although the consultation formally closed on 29 October, officials granted one more week to allow for late returns to be included in the analysis of the findings.

The consultation attracted 290 written responses and included the wealth of views and material gathered from 11 public meetings and 15 targeted sectoral meetings which were held at a range of locations during September and October last year.

The draft report on the analysis of the consultation responses will be passed to us shortly to inform our deliberations. We were heartened by the interest, effort and engagement of all those who took part in the consultation and we want to give the views of all those people due consideration as we look at how we will build on and strengthen the document. We intend to have all the responses published on the website in due course along with the results of the analysis.

## HM Coastguard

**Mr P Frew** asked the First Minister and deputy First Minister to outline how their Department has lobbied the UK Government on securing the provision of coastguard services in Northern Ireland.

**(AQO 963/11)**

**First Minister and deputy First Minister:** We are very concerned about any proposals to potentially close or reduce the capacity of the only coastguard rescue centre here. Such proposals may impact on the safety of people on our coast and at sea and on jobs in the North Down area.

The Maritime and Coastguard Agency's consultation on its proposals will run until 24 March. Whilst coastguard services are a reserved matter, we will respond to the Coastguard Modernisation consultation. This will be our opportunity to provide information about local factors that will influence decisions by Whitehall Ministers.

In the meantime, we raised the issue with the Deputy Prime Minister and the Secretary of State at the Joint Ministerial Council on Wednesday 2 February and we will continue to make the case to Whitehall for retaining an adequate coastguard presence here.

## Department of Agriculture and Rural Development

### Masterplans for Town Centres

**Mr D Kinahan** asked the Minister of Agriculture and Rural Development how much funding her Department is providing for hamlet, village or town Masterplans in each local council area; and to detail the full anticipated cost to her Department of each Masterplan.

**(AQW 3719/11)**

**Minister of Agriculture and Rural Development (Ms M Gildernew):** Under Measure 3.5 'Village renewal' of Axis 3 of the Rural Development Programme 2007-2013 a budget of £12 million has been made available to the seven Joint Council Committees (JCCs) implementing the Axis on the Department's behalf. The development of Village Plans is eligible expenditure under this measure.

As you will appreciate each hamlet, village or town will be at different starting points depending on what degree of regeneration there has been in them. Therefore it is not possible to anticipate the full cost of each plan.

However to date £10,936 has been spent by the JCCs on village renewal activity. It is not possible to provide details of this expenditure at local council area level.

To encourage village renewal a thematic group was set up by the Rural Network NI with representatives from all 7 cluster areas. The group carried out study visits and jointly drafted a guidance document that was launched at a village renewal event in Killyleagh, Co Down on 13 September 2010.

The guidance document is freely available on the internet ([http://www.ruralnetworkni.org.uk/download/files/pub\\_vr.pdf](http://www.ruralnetworkni.org.uk/download/files/pub_vr.pdf)).

### **Rural White Paper Stakeholder Advisory Group**

**Mrs D Kelly** asked the Minister of Agriculture and Rural Development when the findings of the Rural White Paper Stakeholder Advisory Group will be published for public consultation.

**(AQW 3775/11)**

**Minister of Agriculture and Rural Development:** The Rural White Paper Stakeholder Advisory Group reported back to the Department on its work in early 2010.

The outcome of this work has been considered by Departments in the ongoing development of actions for inclusion in the Rural White Paper.

I am also in the process of holding 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.

It is my intention to issue a draft Rural White Paper Action Plan for consultation by 31 March 2011. The Stakeholder work will be published as part of the consultation exercise.

### **European Rural Development Programme**

**Mr P Frew** asked the Minister of Agriculture and Rural Development why her Department did not bid for funding under measure 341 of the European Rural Development Programme when submitting the original bid for funding in 2007; and whether she can now include this measure.[R]

**(AQW 3779/11)**

**Minister of Agriculture and Rural Development:** The decision to implement the Axis 3 Quality of Life Measures through the Axis 4 methodology enabled the Local Action Groups to access a generous administration provision of up to 20%. In light of that my Department did not include Measure 341 in its Programme. Rather it made administration funds available to Council Clusters for animation of their areas and for the formation and competitive selection of Local Action Groups to develop local development strategies.

In addition my Department has provided a range of training and development activities for Local Action Groups to build the capacity of members and improve management of the Axis.

The shape and delivery of the Rural Development Programme has been informed by a range of consultations and studies undertaken by my Department and is working well. I have no plans to change the Programme to include Measure 341 at this stage in the Programmes implementation.

### **Rural Development Programme**

**Mr P Frew** asked the Minister of Agriculture and Rural Development for her assessment of the self-implementation programmes within the Rural Development Programme; and whether she will allow self-implementation programmes to be used as was the case in previous Rural Development Programmes.[R]

**(AQW 3782/11)**



**Minister of Agriculture and Rural Development:** As a member of the Joint Council Committee I am sure you have had sight of the 'Barriers to Progress' paper issued by my officials to JCC's, LAG's and Admin Units on 9th December 2010. As detailed in the paper a review is to be carried out on self implementation projects and this will be reported on before the end of March 2011.

### Single Farm Payment

**Mr P Weir** asked the Minister of Agriculture and Rural Development how many farmers in the North Down constituency are still awaiting a Single Farm Payment.

**(AQW 3923/11)**

**Minister of Agriculture and Rural Development:** My Department received 224 claims to the Single Farm Payment Scheme in the 2010 scheme year from farmers in the North Down constituency. Of these, 14 have yet to be finalised. Not all of the remaining claims may be due a payment because of ineligibility or the application of penalties under scheme rules.

### Regulation of Private Reservoirs

**Dr S Farry** asked the Minister of Agriculture and Rural Development to outline her Department's responsibilities in relation to the regulation of private reservoirs.

**(AQW 3935/11)**

**Minister of Agriculture and Rural Development:** My Department currently has no powers to regulate the safety of private reservoirs, neither is the function carried out by any other Department or public body. My Department can regulate the level of water in a privately owned dam under powers in the Drainage (NI) Order 1973 but these can only apply 'for the purpose of preventing or arresting injury to land'.

This gap in regulation was identified in 'Living with Rivers and the Sea', "the Government's response to the independent flood management policy review which was endorsed by the Executive in 2008".

Since then my Department has completed the Preliminary Flood Risk Assessment as required by the EU Floods Directive. Part of this work identified 156 raised reservoirs which if failure occurred would impact around 66,000 people. Approximately 52 of these owned by public bodies are managed in a manner broadly consistent with legislation in Britain. The other 104 which have the potential to impact around 36,000 people are privately owned. These are considered to have a higher likelihood of failure since very little is known about their condition, construction type and maintenance regime.

Following discussions between DRD and DARD a proposal that DRD make amendments to its Water & Sewerage Services Order to enable DARD to regulate both public and private reservoirs was endorsed at the Executive meeting on 13 January. Work on the legislation to provide the powers to regulate the safety of reservoirs is ongoing.

## Department of Culture, Arts and Leisure

### Irish Language Classes

**Mr B McElduff** asked the Minister of Culture, Arts and Leisure whether his Department will provide Irish language classes to staff and officials who wish to avail of such provision.

**(AQW 3784/11)**

**Minister of Culture, Arts and Leisure (Mr N McCausland):** DCAL staff are encouraged to avail of a wide range of learning and development opportunities in support of their work for my department. All requests for training are considered within the context of the business objectives of my department.

## Ulster-Scots Dictionary

**Mrs D Kelly** asked the Minister of Culture, Arts and Leisure when the Ulster-Scots dictionary will be published; and how much has been spent on it to date.

**(AQW 3806/11)**

**Minister of Culture, Arts and Leisure:** The Ulster-Scots “Word Glossary” and “Spelling and Pronunciation Guide” were prepared some time ago under the auspices of the Ulster-Scots Academy Implementation Group (USAIG).

Discussion with the Ulster- Scots community is continuing with a view to publication as soon as possible

To date a total of £20673 has been spent on this project, £13523 by the USAIG and £7150 by the Ulster Scots Agency.

## Street Parties for the Royal Wedding

**Mr A Ross** asked the Minister of Culture, Arts and Leisure whether his Department will provide assistance to local communities who wish to host street parties for the Royal Wedding in April this year.

**(AQW 4087/11)**

**Minister of Culture, Arts and Leisure:** Subject to funding being available to continue the Community Festivals Fund in the 2011/2012 financial year, my Department will provide funding to the local councils that could be used to fund street parties for the Royal Wedding.

I understand some councils are considering such events.

## Department of Education

### Integrated Services for Children and Young People Programme

**Mr D Bradley** asked the Minister of Education to detail the funding allocation for the Integrated Services for Children and Young People Programme in the 2011/12 financial year.

**(AQW 3605/11)**

**Minister of Education (Ms C Ruane):** Tugadh maoiniú don tionscadal The Integrated Services for Children and Young People (ISCYP) i dtosach tríd an Integrated Development Fund (IDF), agus bhí sé mar aidhm ag an tionscadal an chomhpháirtíocht atá ann cheana a leathnú agus obair a dhéanamh le straitéis fhorbartha imeasctha a chruthú agus a chur i bhfeidhm sna ceantair áitiúla atá aitheanta sa tionscadal.

Integrated Services for Children and Young People (ISCYP) project was originally funded via the Integrated Development Fund (IDF), and was aimed at building upon existing partnership-working to produce and implement integrated development strategies for identified local areas. The IDF funding was strictly time-bound and terminated in March 2010.

The result of a long delay in commencing the programme led to a significant underspend which the Department of Education (DE) was required to surrender to the Department of Finance and Personnel resulting in budgetary pressures for 2009/10 and 2010/11. I agreed to make £2.198m available from the education budgets in 2010/11 to allow the project to complete and to honour the commitment which had been given by OFMDFM to provide £5m in total.

The project partners were informed that no further funding would be available after the end of March 2011 and were advised that the 2010/11 programme should include activities to promote sustainability (eg skills transfer) and a clear strategy to ensure a managed run down of existing provision. This has been reflected in the project's action plan.

My Officials meet the Belfast Education and Library Board project team (which manage the project) quarterly to discuss project progress and have met the Partnership Board on a number of occasions.

The Junior Ministers from OFMDFM visited the project in December. They were impressed with the work and are examining options for future funding.

### **Integrated Services for Children and Young People Programme**

**Mr D Bradley** asked the Minister of Education to detail any meetings that have taken place, in the last 12 months, between departmental officials and community and voluntary organisations and other Departments in relation to the future funding of the Integrated Services for Children and Young People Programme.

**(AQW 3614/11)**

**Minister of Education:** Tugadh maoiniú don tionscadal The Integrated Services for Children and Young People (ISCYP) i dtosach tríd an Integrated Development Fund (IDF), agus bhí sé mar aidhm ag an tionscadal an chomhpháirtíocht atá ann cheana a leathnú agus obair a dhéanamh le straitéis fhorbartha imeasctha a chruthú agus a chur i bhfeidhm sna ceantair áitiúla atá aitheanta sa tionscadal.

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The Junior Ministers from OFMDFM visited the project in December. They were impressed with the work and are examining options for future funding.

### **Integrated Services for Children and Young People Programme**

**Mr D Bradley** asked the Minister of Education to detail any meetings she has had, in the last 12 months, with community and voluntary organisations, including the West Belfast Partnership in relation to the future funding of the Integrated Services for Children and Young People Programme.

**(AQW 3618/11)**

**Minister of Education:** Tugadh maoiniú don tionscadal The Integrated Services for Children and Young People (ISCYP) i dtosach tríd an Integrated Development Fund (IDF), agus bhí sé mar aidhm ag an tionscadal an chomhpháirtíocht atá ann cheana a leathnú agus obair a dhéanamh le straitéis fhorbartha imeasctha a chruthú agus a chur i bhfeidhm sna ceantair áitiúla atá aitheanta sa tionscadal.

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The Junior Ministers from OFMDFM visited the project in December. They were impressed with the work and are examining options for future funding.

## Local Management of Schools

**Mr R Beggs** asked the Minister of Education to detail (i) the position on the Local Management of Schools (LMS) surplus budgets; (ii) whether the LMS surplus funding has been removed from the current financial year's allocation; (iii) what funding, over and above the 5% guideline agreed by the LMS Scheme, has been removed from schools' budgets; (iv) whether previous surplus funding is available to be spent before 31 March 2011; (v) what funds are permitted to be carried over to the 2011/12 financial year; and (vi) what incentives there are for schools to stay within a budget and save for future investment. [R]

**(AQW 3817/11)**

**Minister of Education:** Is é an tuairim a bhí agam i gcónaí ná go bhfuil na scoileanna sin a bhfuil a gcuid barrachais (coigiltí) carntha acu trí bhainistíocht chiallmhar, tá siad faoi theidlíocht rochtain leanúnach a bheith acu ar an bharrachas seo.

My view has always been that schools have accumulated their surpluses (savings) through sound financial management and that they are entitled to continue to have access to these surpluses. Under Local Management of Schools (LMS) arrangements schools may carry forward unspent delegated funding from one financial year to future years and this position remains unchanged. New arrangements, to replace the current End-Year Flexibility scheme, which has been abolished by the British Treasury, will be put in place from April 2011 to ensure that schools continue to have access to their surpluses.

I can assure you that there has been no reduction or removal of any school surpluses in the current financial year and the Finance Minister and I have agreed that past and future savings will be honoured. I have written to all Grant-Aided schools on 24 January 2011 to advise them of this agreement and to ease their very real concerns on this matter.

This is a good outcome for our schools – indeed the outcome I fought for and schools have now been provided with the certainty they require.

In relation to your question on incentives it has always been a requirement, under LMS arrangements, for schools to remain within budget and as stated above, savings have been protected.

## Positive Attitudes to Books

**Mr D Bradley** asked the Minister of Education what action her Department has taken to encourage positive attitudes to books, including reading for pleasure and family reading.  
**(AQW 3875/11)**

**Minister of Education:** Príomhghnéithe dár gcuid oibre le gnóthachtáil sa litearthacht a fheabhsú ná dearcadh dearfach ar an litearthacht a spreagadh agus sult sa léamh a chothú.

Encouraging positive attitudes to literacy and fostering enjoyment of reading are key components of our work to improve attainment in literacy. The recent OECD PISA survey points up, perhaps not surprisingly, a clear and very positive connection between reading for enjoyment and attainment in reading. However

it also showed that some 43% of teenagers from the North did not read for enjoyment, a figure that is significantly higher than the OECD average. That is a figure that I am determined to reduce through a concerted programme of action designed to improve attainment in literacy for all our pupils.

The new assessment arrangements that are being introduced in schools will include a specific focus on helping pupils to read a wide range of texts for information, ideas and enjoyment. Additionally, the literacy and numeracy strategy that I shall shortly publish will include a focus on how teachers, principals and parents can work in partnership and with the education support bodies to deliver high quality teaching and learning in literacy and to ensure that every child can achieve an appropriate level of attainment in literacy.

Research also shows the powerful influence parents can have on their child's achievement and I want to encourage parents and children to read together from the earliest stages. For that reason, my Department has, for the past few years, provided funding through the Education and Library Boards for the Bookstart programme. Bookstart is a book-gifting scheme whereby all families with preschool children receive a book pack, containing free books and information for parents to support them in reading with their child.

In addition, my Department, along with the Department of Education and Skills in the south, supported an all-Ireland Children's Book programme which took place in October 2010 in conjunction with Children's Books Ireland's annual Book Festival. A series of events was held across the island. The Programme aimed to promote and encourage parents to read with their child especially among the most disadvantaged families and those children with little or no tradition of reading at home and those with limited access to reading materials.

The School Library Service within our Education and Library Boards also has a role to play in encouraging positive attitudes to books and reading and school libraries provide an important resource, particularly for pupils who may not have access to reading materials at home. Effective library provision will enrich and support learning and reinforce the work of the classroom. It will also encourage and enable pupils to acquire independent learning skills. In December, I was able to provide an additional £490,000 for the School Library Service book fund to support the role of school libraries in promoting literacy and fostering a love of reading.

Finally, I am conscious of the valuable role played by the public library service in supporting reading in the home and of the effective working relationships that already exist with the School Library Service. As part of the new literacy and numeracy strategy we will want to explore the scope for building even further on those relationships so that parents – and children – can access the support and the reading material they need.

## Children: Statemented

**Mr R Beggs** asked the Minister of Education how many children in the North Eastern Education and Library Board area are (i) statemented; and (ii) in the process of being statemented, broken down by council area. [R]

**(AQW 3902/11)**

**Minister of Education:** Tá tugtha le fios dom ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlann an Oirthuaiscirt gur mar seo a leanas iad líon na bpáistí (i) a bhfuil ráiteas acu cheana; agus (ii) a bhfuil ráiteas á dhéanamh orthu faoi láthair, agus léirítear an t-eolas seo de réir ceantair chomhairle.

I am advised by the Chief Executive of the North Eastern Education and Library Board that the number of children (i) statemented; and (ii) in the process of being statemented, broken down by council area, is as follows.

Council Area	Statemented	Being Statemented
Antrim	211	16
Ballymena	447	15



Council Area	Statemented	Being Statemented
Ballymoney	122	5
Carrickfergus	118	6
Coleraine	477	9
Larne	174	14
Magherafelt	329	18
Moyle	106	3
Newtownabbey	623	23
Total	2607	109

### Vacant Primary School Places

**Mr S Moutray** asked the Minister of Education to detail the total number of vacant primary school places in the (i) Banbridge District Council area; and (ii) the Craigavon Borough Council area, broken down by school.

**(AQW 3911/11)**

**Minister of Education:** Tá an líon áiteanna folmha bunscoile (i) i limistéar Chomhairle Ceantair Droichead na Banna; agus (ii) i limistéar Chomhairle Baile Craigavon mar a shonraítear sa tábla thíos.

The number of vacant primary school places in the (i) Banbridge District Council area; and (ii) the Craigavon Borough Council area are as detailed in the tables below.

Figures provided have been derived from approved enrolment number against actual enrolment at the census date (8 October 2010) and exclude pupils in receipt of a statement of special educational needs and pupils admitted to Year 1 on appeal as they are admitted over and above a school's approved admissions / enrolment.

(i) Banbridge District Council

School name	Places Available
Dromore Central Primary School	7
Abercorn Primary School	125
Craigavon Primary School	98
Iveagh Primary School	49
Ballydown Primary School	21
Milltown Primary School	37
Scarva Primary School	56
Edenderry Primary School	45
Moyallon Primary School	30
Fair Hill Primary School	6
Bronte Primary School	10
Drumadonnell Primary School	9
St Matthew's Primary School ,Magheramayo	40

<b>School name</b>	<b>Places Available</b>
St John's Primary School	40
St Mary's Primary School, Rathfriland	15
St Michael's Primary School (Finnis)	47
St Marys Primary School Dechomet	23
St Colman's Primary School, Dromore	58
St Mary's Primary School, Banbridge	267
St Colman's Primary School, Annaclone	13
St Colman's (Bann) Primary School	44
St Francis' Primary School , Aghderg	1
Bridge Integrated Primary School	16

**(II) CRAIGAVON BOROUGH COUNCIL**

<b>School name</b>	<b>Places Available</b>
Lurgan Model Primary School	51
King's Park Primary School	143
Carrick Primary School	193
Hart Memorial Primary School	213
Rich Mount Primary School	44
Birches Primary School	53
Edenderry Primary School	60
Tullygally Primary School	146
Waringstown Primary School	10
Bleary Primary School	90
Maralin Village Primary School	25
Millington Primary School	119
Dickson Primary School	93
Drumgor Primary School	217
Ballyoran Primary School	234
Bocombra Primary School	11
Donacloney Primary School	24
Tannaghmore Primary School	239
St Teresa's Primary School	94
St Mary's Primary School, Dungannon	42
St Patrick's Primary School, Aghacommon	44

School name	Places Available
St Anthony's Primary School	116
St Patrick's Primary School, Magheralin	1
St Patrick's Primary School, Aughagallon	82
St Mary's Primary School, Gawley's Gate	1
St Mary's Primary School, Lurgan	30
St Brendan's Primary School	226
St John the Baptist Primary School	125
Presentation Primary School	88
St Francis Primary School, Lurgan	25
Portadown Integrated Primary School	2

### Department's (0-6) Early Years Strategy

**Miss M McIlveen** asked the Minister of Education to outline the progress made in conducting an equality impact assessment of her Department's (0-6) Early Years Strategy, in line with the Department's commitment to the promotion of equality of opportunity.

**(AQW 3924/11)**

**Minister of Education:** Chríochnaigh an comhairliúchán ar an dréacht-Straitéis sna Luathbhlianta (0-6) ar 31 Eanáir 2011. Caithfidh mo chuid oifigeach tabhairt faoi anailís anois ar na freagairtí ar an chomhairliúchán agus na himpleachtaí do na moltaí atá sa dréacht-Straitéis a mheas.

The consultation on the draft Early Years (0-6) Strategy ended on 31 January 2011. My officials must now undertake an analysis of the responses to the consultation and consider the implications for the proposals contained in the draft Strategy. Once this is completed my Department will ensure that it fulfils its statutory obligations in respect of an equality impact assessment prior to publication.

### End-Year Flexibility

**Mr M Storey** asked the Minister of Education, following her press release of 21 January 2011, whether her Department can guarantee that in relation to End-Year Flexibility (i) a school will be able to roll over a surplus budget of more than 5%; and (ii) a school will be able to roll over an underspend of all funds or only funds of up to 5%.

**(AQW 3939/11)**

**Minister of Education:** Sílim gur tábhachtach an scéal a shoiléiriú i ndiaidh roinnt ráiteas a rinneadh ar na mallaibh agus ag cuimhneamh fosta ar mhíthuiscint is cosúil ar an mhéid a d'aontaigh mé leis an Aire Airgeadais.

I think it is important to set the record straight after some comments in recent days and also in light of what appears to be a misunderstanding of what I have agreed with the Finance Minister.

The press release of 21 January 2011 was in fact a joint Ministerial press release from me and the Finance Minister. This press release announced our agreement that schools must continue to have access in the future to surpluses which they accumulated through sound financial management. We guaranteed to put in place arrangements to ensure that this was the case and that both past and future savings would be honoured.

At no point in the press release did we state that the amount of surpluses available to schools would be limited to a specific amount or percentage. Comments to the contrary have been misleading and

unhelpful. Indeed we have guaranteed past and future savings (surpluses). All delegated school surpluses (underspends) will therefore roll-over into the 2011/12 and future financial years.

I have written to all schools, on 24 January 2011, advising them that I was able to reach a satisfactory resolution to the matter with the Finance Minister and confirming that they could still access their surpluses. This is a good outcome for schools – indeed the outcome I fought for – and provides the certainty they require.

### **Applications for Appointment to a Board of Governors**

**Mr T Lunn** asked the Minister of Education to detail (i) how many applications for appointment to a Board of Governors her Department has received in the last five years, broken down by secondary school and sector; and (ii) of these applications how many have been waiting (a) 3 months; (b) 6 months; (c) 9 months; (d) 12 months; (e) 15 months; (f) 18 months; (g) 21 months; (h) 24 months; (i) 27 months; (j) 30 months; (k) 33 months; and (l) more than 36 months for approval.

**(AQW 3950/11)**

#### **Minister of Education:**

- (i) Athdhéantar Boird Ghobharnóirí Scoile gach 4 bliana.

School Boards of Governors are reconstituted every 4 years.

The Department holds a list of 1,258 applicants who put themselves forward to be a governor during the reconstitution exercise undertaken in 2009/10. It is not possible to provide a breakdown of those applications by school or sector. Applicants are permitted to express more than one preference for the types and sectors of the schools that they wish to serve in. There is no guarantee in applying for a governor position that an applicant's particular preferences can be accommodated.

Applicants' preferences may range from an interest in a specific school to an interest in serving on any school in the local area.

Following the previous reconstitution exercise undertaken in the 2005/06 school year any unplaced applicants were given the option of having their names removed from the list of applicants, or of re-applying to be considered for a post in the next reconstitution and any vacant posts that might arise in the interim period.

- (ii) There are currently 457 applicants who have not been placed with a school. A number of these applicants have expressed preferences for particular schools which currently have no vacant DE governor posts. Of the 457 applicants:
- (a) 13 applied within the past 3 months;
  - (b) 8 applied within the past 4-6 months;
  - (c) 5 applied within the past 7-9 months;
  - (d) 12 applied within the past 10-12 months;
  - (e) 108 applied within the past 13-15 months;
  - (f) 61 applied within the past 16-18 months;
  - (g) 110 applied within the past 19-21 months;
  - (h) 140 applied within the past 22-24 months; and
  - (i)-(l) none applied over 24 months ago.

### **Proposed Rationalisation of the School System**

**Mr T Lunn** asked the Minister of Education how her Department intends to ensure that the proposed rationalisation of the school system and the options for sharing on a cross-sectoral basis and integration will be considered fully before any decisions are made.

**(AQW 3952/11)**

**Minister of Education:** Tosóidh Pleanáil iomlán straitéiseach bunaithe sa cheantar chomh luath agus a bhunófar an tÚdarás Oideachais agus Scileanna.

Full strategic Area-based Planning will commence once the Education and Skills Authority has been established. In the interim, DE will ensure that all proposals for rationalisations brought forward by school managing authorities adhere to the principles of an area-based approach which include the need to consider opportunities for sharing and collaboration.

### Financial Support to Schools

**Mr T Lunn** asked the Minister of Education whether her Department intends to provide financial support to schools wishing to collaborate and explore mergers, amalgamations and integration across different sectors.

**(AQW 3953/11)**

**Minister of Education:** Beidh athsmaoineamh cuimsitheach faoin dóigh ar chóir feidhm a bhaint as na cistí teoranta caipitil atá ar fáil de dhíth ar an laghdú suntasach sa leithdháileadh caipitil d'Oideachas.

The significant reduction in the capital allocation for Education will require a comprehensive rethink as to how the limited capital funds available should be deployed. I will, of course, continue to press for additional funding for Education. Nevertheless, it will be essential to set priorities to address the most pressing needs, eliminate surplus places and greatly reduce the level of duplication in the system to ensure that we have a viable and sustainable schools estate that provides for the needs of the children and young people.

It will not be sufficient to continue the status quo. I hope to engage with schools and school managing authorities to explore new and innovative ways of addressing their needs on a greatly reduced budget, including collaboration and amalgamations across different sectors to ensure affordable, sustainable provision.

Taking forward the detail of this work will be a major priority for my Department and the school managing authorities in the coming months. The financial implications will be considered as part of the development of options.

### Cross-Community Sharing and Integration

**Mr T Lunn** asked the Minister of Education how her Department intends to ensure that parents and local communities are kept fully informed of the possibilities and options for cross-community sharing and integration when local schools are being considered for closure.

**(AQW 3954/11)**

**Minister of Education:** Tá na critéir atá le cur i bhfeidhm agus athbhreithniú á dhéanamh ar inmharthanacht oideachasúil scoile leagtha amach sa “Pholasáí um Scoileanna Inbhuanaithe” (Policy for Sustainable Schools).

The criteria to be applied in reviewing the educational viability of a school are set out in the “Policy for Sustainable Schools”. The policy is explicit in stressing the importance of schools exploring the possibilities for sharing and collaboration both within and across sectors to ensure that children’s wider educational needs are met. Any proposal for school closure arising from a review must be brought forward through the statutory Development Proposal process. This involves consultation prior to publication with all those associated with the school, including parents, and a public consultation on the published Development Proposal. Both of these consultations provide opportunities to raise options for sharing and collaboration.



## End-Year Flexibility

**Mr P McGlone** asked the Minister of Education whether schools that benefit from end-year flexibility in this financial year will face reductions in the budget allocation for the 2011/12 financial year or any subsequent year, as a result of their surplus budget.

**(AQW 4072/11)**

**Minister of Education:** I ndiaidh mo chomhaontaithe leis an Aire Airgeadais ar 21 Eanáir 2011 go nglacfaí le coigilteas don am atá thart agus don am atá le teacht; fanann an Scéim um Bainistíocht Áitiúil Scoileanna (LMS) gan athrú.

Following my agreement with the Finance Minister on 21 January 2011 that past and future savings will be honoured; the Local Management of Schools (LMS) Scheme remains unchanged.

The LMS Scheme provides that schools may accumulate savings over a period of several years and the ability to make such savings will in no way affect their formula funding in subsequent years. This remains the case.

The joint agreement between me and the Finance Minister to guarantee past and future savings is a good outcome for our schools – indeed it is the outcome I fought for and my letter to all Grant-Aided schools on 24 January has now provided the certainty that schools require.

## Children: Statemented

**Mr P Weir** asked the Minister of Education how many children in the South Eastern Education and Library Board area (i) have been statemented; and (ii) are in the process of being statemented, broken down by council area.

**(AQW 4099/11)**

**Minister of Education:** The Chief Executive of the South Eastern Education and Library Board (SEELB) has advised that:

- (i) the SEELB maintains 3671 statements of special educational needs as at 1 February 2011; and
- (ii) the SEELB is presently undertaking 130 statutory assessments.

Ní choinníonn an Bord sonraí de réir limistéar comhairle.

The Board does not maintain data by council area.

## Budget

**Mr D Bradley** asked the Minister of Education how she intends to supplement her budget, given that £840 million of identified revenue has already been allocated.

**(AQW 4124/11)**

**Minister of Education:** Ceann de na ceisteanna a bhí á cíoradh ag an Ghrúpa Athbhreithnithe Buiséid ná modh malartach a shainaithint le breis ioncaim a chruinniú le cuidiú le hiarmhairt na laghduithe i gcaiteachas poiblí a mhaolú.

One of the issues considered by the Budget Review Group was identifying alternative means of raising additional revenue to help mitigate the impact of public expenditure reductions. In total, £1.6bn of additional measures have been identified by the Executive and £842 million of this has been included in the draft Budget allocations. A further £800 million therefore potentially remains available to be factored into final Budget allocations and I will continue to lobby for a share of any of this funding that becomes available to minimise the impact of reductions on the delivery of education services.

## End-Year Flexibility

**Mr D Bradley** asked the Minister of Education to detail any new arrangements to replace End-Year Flexibility, including how these arrangements will (i) operate; (ii) be funded; and (iii) when they will commence.

**(AQW 4126/11)**

**Minister of Education:** The British Treasury announced as part of the Spending Review that the existing EYF scheme would be abolished at the end of 2010-11, including all accumulated stocks, but existing EYF drawdown commitments this year would be honoured. A new system is to be introduced from 2011-12 details of this will be announced in due course.

The abolition of existing EYF stocks has had a particular impact on Education and the management of school and ELB budgets. I met with the Finance Minister on 21 January and we agreed that schools must continue to have access in the future to surpluses which they have accumulated through sound financial management. We 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. Officials in both Departments are currently developing the mechanics of this process however this is at an early stage and it is therefore too early to be able to give any detail of this. There is nevertheless a guarantee that arrangements will be put in place to ensure that the needs of schools are met.

## Bullying on School Buses

**Mr M Storey** asked the Minister of Education how many incidents of bullying on school buses have been reported in each of the last three years.

**(AQW 4176/11)**

**Minister of Education:** Ní bhailíonn an Roinn an t-eolas seo.

The Department does not collect this information.

The Education and Library Boards may be aware of some cases of bullying on school buses reported to them; however this is unlikely to provide an accurate figure as there may be incidences which are reported at school level only or not reported at all.

Pupil behaviour is a matter for schools which are required, by law, to have measures in place to promote good pupil behaviour as part of their discipline policy. When developing a policy, a school community must decide on its position in respect of pupil behaviour off site and out of school hours, including while travelling to and from school.

The Anti-Bullying Forum (NIABF) focused on the theme of travelling to and from school free from bullying during Anti-Bullying Week 2009. At that time young people produced a 'Top Tips' leaflet, which is still available, on keeping safe from bullying when travelling to and from school.

The Education and Library Boards also have policies and practices to help address the issue of bullying on school buses. For example, the North Eastern Education and Library Board is a member of a 'Safe Travel Group' which is made up of local Principals, the PSNI and Translink and sponsored by the Community Safety Partnership. The group has developed and implemented an action plan, held awareness raising events and meets regularly to consider local and timely issues. As suggested through that group, the NEELB take action when they are made aware of bullying on their buses or at stations. The perpetrators will receive an initial warning letter, which if ineffective will be followed by a meeting with the Board, the parents and the school. This may result in the suspension or withdrawal of the pupil's bus pass.

## Review of Irish-Medium Education

**Mr D Bradley** asked the Minister of Education to detail (i) how she intends to implement the findings from the report on the Review of Irish-Medium Education; (ii) when she intends to publish the new policy based on the report ; and (iii) how much has been set aside to carry out this work.

**(AQW 4211/11)**

**Minister of Education:** Ní hann do pholasaí ilchodach aonair amháin atá ag éirí as an Athbhreithniú oideachas trí Ghaeilge.

There is not one single composite policy arising from the Review of Irish-medium education. Rather, the Review made recommendations on the way forward for a number of key policies which impact directly on the sector. My Department has established a Monitoring and Steering Group which includes key stakeholders to ensure that appropriate policies are developed. The Group last met on 8 February 2011. New policies will be published as they are developed. Funding of £ 4,651,000 consisting of £3,486,000 capital and £1,165,000 resource has been allocated to implement the recommendations of the Review covering the 2009-10 and 2010-2011 financial years.

## Department for Employment and Learning

### Education Maintenance Allowance

**Mr T Clarke** asked the Minister for Employment and Learning how many young people in the South Antrim area are currently in receipt of Education Maintenance Allowance.

**(AQW 3828/11)**

**Minister for Employment and Learning (Mr D Kennedy):** Data is not available in the constituency format requested. I can advise that as at December 2010, a total of 24,291 Northern Ireland domiciled students had been approved for payment of Education Maintenance Allowance for the current academic year 2010/2011.

### Tuition Fees

**Mr P Butler** asked the Minister for Employment and Learning for his assessment of how much it would cost his Department, on average, in each academic year to fund higher education if tuition fees were abolished.

**(AQW 3841/11)**

**Minister for Employment and Learning:** Variable tuition fees were introduced in September 2006, with the aim of providing Northern Ireland Higher Education Institutions with much needed additional revenue to help them meet long-term challenges to maintain and improve standards, widen access, strengthen links with business and become internationally competitive.

Abolishing tuition fees would place an additional pressure on the public purse in the region of £75-£80 million per year, based on current fee levels. In addition, the fees and student support costs for the 12,000 or more Northern Ireland full-time undergraduate domiciles studying in the rest of the United Kingdom would still need to be met.

I have recently received the update from Joanne Stuart to her independent review of tuition fees and student finance arrangements which reaffirms her original recommendation that tuition fees should remain. I am currently considering this update and I will be bringing forward my proposals on our future student finance arrangements for public consultation very shortly.

## Education Maintenance Allowance

**Mr P Weir** asked the Minister for Employment and Learning to detail the number of students currently in receipt of Education Maintenance Allowance, as a percentage of the total number of students aged between 16-19 years old.

**(AQW 3874/11)**

**Minister for Employment and Learning:** I can confirm that the latest figure held for December 2010 shows that 24,291 Northern Ireland domiciled students had been approved for payment of Education Maintenance Allowance for the current academic year 2010/2011. This equates to 47% of the total number of 51,691 students attending grant aided schools and further education colleges in Northern Ireland in the 16-19 age category, based on statistical information held in academic year 2009/10.

## Tuition Fees

**Mr S Moutray** asked the Minister for Employment and Learning whether he has held any discussions with (i) MPs; or (ii) members of the House of Lords regarding tuition fees since December 2010.

**(AQW 3912/11)**

**Minister for Employment and Learning:** Since December 2010, I have had a formal discussion on the issue of tuition fees with my Ministerial counterpart in England, David Willetts MP. I have discussed tuition fees with the Budget Review Group, of which Sammy Wilson MP and Martin McGuinness MP are members.

I have also discussed tuition fees with my party colleague and previous Minister for Employment and Learning, Lord Empey of Shandon.

## Department of Enterprise, Trade and Investment

### Carling Nations Cup 2011

**Mr P Weir** asked the Minister of Enterprise, Trade and Investment what action (i) her Department; (ii) the Northern Ireland Tourist Board; and (iii) Tourism Ireland is taking to promote and market the inaugural Carling Nations Cup 2011, in order to take full advantage of the tourism opportunities it will bring.

**(AQW 3759/11)**

**Minister of Enterprise, Trade and Investment (Mrs A Foster):** This inaugural Carling Nations Cup event is taking place in Dublin. There are no plans to promote this as a tourism event by NITB or Tourism Ireland. However, Invest NI is currently exploring with the Irish Football Association how the Republic of Ireland vs Northern Ireland match, which will be held on 23 May 2011, could be used as an event to host existing clients and prospective inward investors to develop potential business opportunities. Invest NI, at this stage, is currently only gauging interest in this event and no firm commitment has been made.

### Projects or Programmes Under Interreg IVA

**Mrs D Kelly** asked the Minister of Enterprise, Trade and Investment (i) how many business cases for projects or programmes under Interreg IVA are awaiting evaluation; (ii) how long each case has been awaiting evaluation; and (iii) when she expects a decision to be made on each case.

**(AQW 3790/11)**

**Minister of Enterprise, Trade and Investment:** As an Accountable Department, DETI is jointly responsible with its counterparts in the Republic of Ireland and Scotland for the final approval of projects recommended by SEUPB for approval under the Enterprise and Tourism themes of the Interreg IVA Programme. The Department of Finance and Personnel undertakes the same role under the Collaboration theme.

My officials are currently considering one business case which was presented to DETI by SEUPB for funding approval. The final case was received by the Department from SEUPB on 14 January 2011. A Casework Committee has been convened for 8 February to determine whether the case should be recommended for support.

DFP has confirmed to my Department that there are currently no business cases for projects or programmes awaiting assessment under the Public Sector Collaboration theme.

As SEUPB's sponsor Department, DFP is jointly accountable with the Department of Finance in the Republic of Ireland for the overall management of the Interreg IVA Programme. This DETI response therefore does not include details of projects or programmes currently under evaluation by SEUPB.

## Credit Unions

**Mr P Butler** asked the Minister of Enterprise, Trade and Investment what progress her Department has made in bringing forward legislation to allow Credit Unions to offer additional services to their members.

**(AQW 3842/11)**

**Minister of Enterprise, Trade and Investment:** My Department continues to work closely with both Her Majesty's Treasury (HMT) and the Financial Services Authority on the legislative requirements and administrative arrangements needed to enable credit unions to offer additional services to their members. An initial piece of enabling legislation to revoke paragraphs 18(1)(d) and 39(2)(d) of Schedule 7 to the Counter-Terrorism Act 2008 (CTA2008) has already received Royal Assent.

These paragraphs placed an enforcement and supervisory responsibility on my Department in relation to NI credit unions in respect of terrorist financing and money laundering activities. Responsibility for these aspects will transfer from my Department to the Financial Services Authority (or its successor) upon full implementation of the reforms. My Department and HMT plan to publish shortly our joint response to the 2010 consultation which set out the planned reforms. This will include drafts of further legislation required to be enacted at Westminster.

## Investors from Brazil, India and China

**Mr S Moutray** asked the Minister of Enterprise, Trade and Investment what plans she has to attract investors from the Brazil, India and China.

**(AQW 3913/11)**

**Minister of Enterprise, Trade and Investment:** Invest NI actively targets inward investment opportunities in the innovation-based sectors of internationally traded services, with specific focus on its key sectors of ICT, Financial Services and Business Services. Its Foreign Direct Investment (FDI) efforts are concentrated on the key regions of North America, Europe and Asia Pacific. However, Invest NI continually reviews its sectoral and geographical focus in order to take advantage of emerging opportunities.

Brazil, Russia and India are part of the so-called BRIC (Brazil, Russia, India and China) group of emerging economies which have significant potential for outward FDI due to their size, rapid economic growth, large external surpluses and the nature of political-strategic incentives of these countries.

Invest NI is active in India and has a trade and inward investment office in Mumbai. The announcement last year by leading Indian IT firm L&T Infotech of its plans to establish a European software development and maintenance centre in Belfast and create up to 85 new jobs is an indication of Invest NI success in the region. Existing Indian investors in Northern Ireland include leading companies such as HCL, Firstsource and Tech Mahindra.

Historically, FDI from Brazil into Europe has been very low, although it remains a key focus for Northern Ireland exporters. During the next 12 months Invest NI has a programme of trade activities designed to maximise opportunities in this market. In addition, it is notable that investment from Brazil to Northern Ireland has occurred in the form of the acquisition in 2008 of Moy Park Group, Northern Ireland's



largest food processing company and one of Europe's leading poultry companies, by the Brazilian company Marfrig Frigoríficos E Comercio De Alimentos S.A..

Similarly, FDI from China into Europe has traditionally been low. However, this has increased in recent years due to the shift in emphasis towards services. Invest NI is aware of opportunities that can come from China and whilst currently the Trade Development Office in Shanghai follows up any opportunities to attract FDI on a reactive basis, Invest NI is reviewing its resources in this market.

As the dynamics of the both the Brazilian and Chinese markets change, Invest NI will monitor the opportunities for FDI to ensure that it is taking advantage.

## Retail Sector

**Mr S Moutray** asked the Minister of Enterprise, Trade and Investment for her assessment of the impact on the retail sector of the recent VAT increase.

**(AQW 3914/11)**

**Minister of Enterprise, Trade and Investment:** There are currently around 122,000 people working in the retail sector in Northern Ireland with retail employment increasing by 35,000 over the last 15 years. The sector has therefore been the main driver of employment growth in the overall services sector, accounting for nearly a quarter of the increase in service sector jobs over this period.

However, employment in the retail sector has decreased by over 3,000 or 2.6% in the last three years. While this is not as large as the decline in total employment experienced in Northern Ireland since 2007, it is larger than for the service sector as a whole.

In this context, and at a time when consumer spending was already under threat, the increase in the rate of VAT to 20.0% from 4 January 2011, presents a further risk to the local retail sector. This will have implications not only for sales to local consumers but also on the attractiveness of the Northern Ireland retail sector to cross-border shoppers from the Republic of Ireland. However, the precise impact on the retail sector will depend on the extent to which the increase in VAT can be passed onto customers. There will also be additional compliance costs associated with a change in the VAT rate.

A consequence of the VAT rise will be the need for the local retail sector to increase its focus on innovation and cost competitiveness. Also, as part of the ongoing HM Treasury exercise into rebalancing the Northern Ireland economy, we will continue to press for tax incentives to stimulate economic activity that would benefit all sectors including retail.

## Holidays in Tunisia

**Mr S Moutray** asked the Minister of Enterprise, Trade and Investment what ongoing contact she has had with airlines and tourist companies regarding people from Northern Ireland who have booked holidays in Tunisia.

**(AQW 3915/11)**

**Minister of Enterprise, Trade and Investment:** I have not had contact with airlines or travel companies regarding people from Northern Ireland who have booked holidays in Tunisia. Any travel issues arising from the Tunisian situation are a matter for the carriers and booking companies.

The Foreign and Commonwealth Office takes responsibility for United Kingdom nationals who may become stranded abroad.

## Investment in North, South and East Belfast

**Ms C Ní Chuilín** asked the Minister of Enterprise, Trade and Investment to detail the level of investment in (i) North; (ii) South; and (iii) East Belfast since 2007.

**(AQW 3938/11)**

**Minister of Enterprise, Trade and Investment:** During the last three financial years, Invest NI offered £165 million of assistance to businesses within the North, South and East Belfast Parliamentary Constituency Areas (PCAs). This contributed towards projects which planned to invest nearly £1.2 billion in the area. Table 1 shows the amount of Invest NI assistance and the associated investment planned by supported companies in each PCA for the period in question.

**TABLE 1: INVEST NI ACTIVITY IN EAST, NORTH & SOUTH BELFAST PCAS (2007-08 TO 2009-10)**

PCA	Assistance Offered (£m)	Planned Investment (£m)
Belfast East	77.95	760.95
Belfast North	18.75	143.21
Belfast South	68.69	277.72
<b>Total</b>	<b>165.39</b>	<b>1,181.87</b>

**Notes:**

- 1 Total Planned Investment includes Total Assistance Offered.
- 2 Belfast East includes £21m of assistance and £520m of planned investment for the Bombardier C Series project.

Larger investments included those by businesses such as Bombardier, NYSE Technologies Development, and Northgate Managed Services.

In addition, during the same period Invest NI also indirectly offered support to 1,079 new locally-owned business starts through the Enterprise Development Programme (formerly the Start a Business programme), delivered in conjunction with Enterprise Northern Ireland. These start ups were expected to create £4.5m of investment in the local areas. Table 2 shows the number of businesses and the associated investment planned by these projects.

**TABLE 2: NEW LOCAL BUSINESSES ASSISTED UNDER THE ENTERPRISE DEVELOPMENT PROGRAMME IN EAST, NORTH & SOUTH BELFAST PCAS (2007-08 TO 2009-10)**

PCA	Number of Offers	Planned Investment (£m)
Belfast East	343	1.76
Belfast North	354	1.44
Belfast South	382	1.29
<b>Total</b>	<b>1,079</b>	<b>4.49</b>

**Note:** The new Enterprise Development Programme established in 2009 does not offer financial support to establish a business but provides training, advice and guidance.

### Delay in Installing Phone Lines

**Mr P Callaghan** asked the Minister of Enterprise, Trade and Investment whether her Department monitors the average time taken to install phone lines for a small business, and if not, whether she intends to do so, given the impact a delay in installing phone lines may have on new and existing businesses.

**(AQW 3951/11)**

**Minister of Enterprise, Trade and Investment:** My Department does not monitor the average time taken to install phone lines, nor does it have any plans to introduce such monitoring.

There is no requirement to monitor this as the independent regulator for the sector, OFCOM, insists that telecoms companies must be members of an Alternative Dispute Resolution (ADR) scheme to

provide an impartial alternative if an individual or a small business cannot agree about a complaint with their telecoms provider. These schemes publish various details about complaints on an annual basis.

My Department does however monitor the installation times for the provision of various broadband products in line with the requirements of the contracts we have awarded.

### **Proof of Concept Programme**

**Mr B Armstrong** asked the Minister of Enterprise, Trade and Investment whether she intends to support further investment in the Proof of Concept programme, given that current funding has been expended.  
**(AQO 981/11)**

**Minister of Enterprise, Trade and Investment:** An evaluation of the Proof of Concept programme has recently been completed which recommends that Invest NI should continue to support the programme on a competitive basis. Invest NI will now commission an independent economic appraisal to determine the most cost effective means of providing the programme going forward.

The take up for Proof of Concept has been very positive with over 100 projects supported across the two phases of the programme undertaken to date.

Whilst, in principle, I would firmly support further investment in the programme, a final decision will be based on the outcome of the economic appraisal and will take into consideration the outcome of the current consultation on the draft budget.

### **Invest NI Business Park**

**Mr R McCartney** asked the Minister of Enterprise, Trade and Investment for an update on the acquisition of land at Melmount Road, Strabane, for the purposes of developing the Invest NI Business Park.  
**(AQO 984/11)**

**Minister of Enterprise, Trade and Investment:** Invest NI is in contract to acquire 40 acres of land at Melmount Road for a new business park. The Park will support industrial development in Strabane targeted at Invest NI clients

This acquisition is dependent upon gaining an acceptable planning approval. Whilst permission for the development was granted in August 2010, a pending legal challenge to the Planning decision was delaying completion of the sale.

The challenge was withdrawn last week and Invest NI is now considering the impact of this change of circumstances on its planned programme of work and capital budget availability.

### **Rose Energy: Incinerator**

**Mr M McLaughlin** asked the Minister of Enterprise, Trade and Investment, given that Rose Energy requires £30 million from Invest NI to deliver the proposed incinerator at Glenavy, for her assessment of whether this project is affordable given the current pressures on public finances.  
**(AQO 987/11)**

**Minister of Enterprise, Trade and Investment:** I wish to assure the Assembly that I am acutely aware of the pressures on public finances. Invest NI also is acutely aware of the pressures placed on public finances generally, but is also mindful of its obligations in regard to each and every request for funding. When Invest NI makes its decision on whether or not to provide support for this project it will take into account the question of affordability.

## City of Culture 2013

**Mr P Callaghan** asked the Minister of Enterprise, Trade and Investment what steps her Department is taking to maximise the cultural investment and tourism potential of the Derry-Londonderry UK City of Culture 2013.

**(AQO 988/11)**

**Minister of Enterprise, Trade and Investment:** A Northern Ireland 2012/13 Steering Group chaired by my Department has been set up to look at the tourism potential of both 2012 and the UK City of Culture 2013. 2013 offers a major opportunity to change perceptions of Northern Ireland. My officials along with NITB and key partners in central and local government are working on a number of high profile events to maximise tourism potential.

Tourism Ireland and NITB will undertake marketing throughout 2011 around Derry-Londonderry UK City of Culture promoting the cultural experience on offer in the city, building to a full promotional campaign during 2012 and 2013.

## Economic Policy

**Mr T Buchanan** asked the Minister of Enterprise, Trade and Investment what steps her Department has taken to implement the recommendations of the report on the Independent Review of Economic Policy.

**(AQO 989/11)**

**Minister of Enterprise, Trade and Investment:** In response to the conclusions of the IREP report I established a Steering Group, chaired by the DETI Permanent Secretary, to oversee the implementation process. This Steering Group is supported by four implementation groups in the areas of:

- Co-ordination of Economic Policy;
- Assistance to Industry;
- Autonomy, Flexibility and Decision Making; and
- Policy Development and Monitoring.

I am pleased to report that significant progress has been made in addressing the IREP recommendations. The IREP report contained 58 recommendations, 54 of which I have committed to implementing. 46 of these have either been fully implemented or will be taken to completion in the context of the new economic strategy. The remaining 8 will be progressed over the next few months.

I intend to make a statement to the Assembly before dissolution which will set out the detail of what has been achieved.

## University-Business Links

**Mr A Maginness** asked the Minister of Enterprise, Trade and Investment what discussions her Department has had with the Department for Employment and Learning in relation to promoting closer co-operation with universities to increase the success rate of commercial spin-out companies.

**(AQO 990/11)**

**Minister of Enterprise, Trade and Investment:** Officials from my Department liaise on a regular basis with colleagues in DEL to review policies in support of University knowledge and technology transfer activities including the support of spin-out companies. A wide range of programmes are available to stimulate and support spin-out companies including the Grant for R&D, Proof of Concept programme and the Higher Education Innovation Fund. The recommendations arising from the recent evaluations of both the Innovation Fund and Proof of Concept Programmes will contribute to policy changes in pursuit of continuous improvements in the support for commercial spin-outs.

## Savings Delivery Plan: DETI

**Mr S Neeson** asked the Minister of Enterprise, Trade and Investment to outline any potential challenges that her Department may face in achieving the goals set out in the draft Savings Delivery Plan.

**(AQO 991/11)**

**Minister of Enterprise, Trade and Investment:** The main challenge faced in drawing up the Savings Delivery Plans was one of prioritising funding towards those areas that provide the best overall return in light of the Department's objectives.

The areas affected in the draft plans have been appropriately prioritised and are in place to deliver the efficiencies that would be required.

The Draft Budget and Savings Delivery Plans are of course still under consideration.

## Investment: North Belfast

**Ms C Ní Chuilín** asked the Minister of Enterprise, Trade and Investment to outline the level of investment in North Belfast since 2007.

**(AQO 992/11)**

**Minister of Enterprise, Trade and Investment:** During the last three financial years, Invest NI offered £18.75 million of assistance to businesses within North Belfast. This contributed towards projects which planned to invest over £143 million in the area. £8.4 million of the amount offered was employment related and involved 59 projects which expected to create 818 new jobs and safeguard a further 365. Larger investments included those by businesses such as Northgate Managed Services and Norfolk Line.

## Employment

**Lord Morrow** asked the Minister of Enterprise, Trade and Investment for her assessment of the jobs plan developed by Northern Ireland's leading business organisations.

**(AQO 993/11)**

**Minister of Enterprise, Trade and Investment:** It is welcome that local business organisations have worked together to produce a Jobs Plan for Northern Ireland, as future growth in the local economy must be private sector led.

I am also encouraged by the continued support for the economy to remain the Executives top priority as well as the scale of ambition, with the plan identifying 94,000 potential job opportunities by 2020.

Following publication last week, the plan will now be subject to detailed consideration by the Executive in respect of the costs involved and the deliverability of the additional employment.

## Department of the Environment

### Further Spells of Severe Cold Weather

**Mr D Kinahan** asked the Minister of the Environment what resources he intends to put in place to enable councils to take additional measures to address any further spells of severe cold weather.

**(AQW 3821/11)**

**Minister of the Environment (Mr E Poots):** Since January 2007 my Department has provided councils with funding to develop their emergency response plans and to be ready to act in emergency situations. By the end of this financial year that should amount to £2.48M. In the recent spell of cold weather we witnessed an excellent response by councils in providing the public with humanitarian aid in the subsequent water crisis. Councils played a fundamental role and delivered a range of comprehensive measures within existing resources and I have therefore no plans to provide further resources.



## Arc21 Waste Management Plan

**Mr T Burns** asked the Minister of the Environment for an update on the arc21 Waste Management Plan, including which sites within the participating council areas have been identified for the required incinerator and mechanical biological treatment plant.

**(AQW 3863/11)**

**Minister of the Environment:** The current arc21 Waste Management Plan was formally adopted by the Department on 15 December 2006. It includes a set of indicative locations for waste management facilities which have been tested against site selection criteria aimed at assisting bidders and the councils represented on arc21 in selecting appropriate sites. Bidders may also choose to propose their own sites, subject to those sites also complying with the site selection criteria, and it is for the bidders to determine which sites will comprise part of their proposed solution.

arc21, like the other Waste Management Groups, has now entered competitive dialogue and is bound by the regulatory requirements governing the conduct of negotiations with bidders. The sites which bidders propose to use are commercially sensitive elements of their overall bid and as such information relating to them cannot enter the public domain. At an appropriate time, following selection by arc21 of a preferred bidder and/or the submission of a planning application, more detailed proposals and the specific sites involved in bidder solutions will be made public. All bidders will be required to comply with planning and environmental impact assessment regulations regarding public consultation, and as an element of this will engage fully with local residents and other concerned interests.

More detailed information on the significant progress which all of the Waste Management Groups have made against objectives and targets, in their Waste Management Plans, is available from the individual Waste Management Groups.

## Proposed Leasing of Lands

**Mr B McElduff** asked the Minister of the Environment (i) when he intends to approve the proposed leasing of lands under the control of Omagh District Council, at Terman Road, Carrickmore, to Éire Og Hurling and Camogie Club; and (ii) to outline the reasons for the delay in making this decision.

**(AQW 3887/11)**

**Minister of the Environment:** I am currently considering the papers provided by my officials relating to this proposed leasing and hope to be in a position to make a decision shortly.

## Air Quality Readings

**Mr C McDevitt** asked the Minister of the Environment to detail (i) the average; and (ii) the peak high and low air quality readings for the following areas of Belfast (a) Stockman's Lane; (b) Balmoral Avenue; (c) Lisburn Road; (d) Short Strand; (e) Malone Road; (f) Ormeau Road; (g) Ravenhill Road; (h) Donegall Pass; (i) Boucher Road; (j) Finaghy Road North and South; (k) Ormeau Avenue; (l) Dublin Road; and (m) Bedford Street in 2007; 2008; 2009; and 2010.

**(AQW 3955/11)**

**Minister of the Environment:** Details of the Air Quality Objectives together with monitoring data from automatic and non automatic sites at the locations nearest to those requested are contained in the tables below. Further information and the full data from these sites can be found on the Northern Ireland Air Quality website at [www.airqualityni.co.uk](http://www.airqualityni.co.uk).

Non automatic data information can only be provided as an annual average whilst the data for 2010 for Nitrogen Dioxide will be published in Belfast City Council's progress report which is due to be submitted to my Department in April 2011.

### Air Quality Objectives

District councils are required to have reviewed and assessed on a regular basis a range of air pollutants against the health based objectives set out within the UK Air Quality Strategy and contained in the table below.

UK Air Quality Objectives			
Pollutant	Air Quality Objective		To be achieved by
	Concentration	Measured as	
<b>Carbon Monoxide</b>			
England, Wales and N. Ireland	10.0 mg m-3	Maximum daily running 8-hour mean	31 December 2003
<b>Nitrogen Dioxide</b>	200 µg m-3 not to be exceeded more than 18 times a year	1-hour mean	31 December 2005
	40 µg m-3	Annual mean	31 December 2005
<b>Particles (PM10) (gravimetric)</b>			
All authorities	50 µg m-3, not to be exceeded more than 35 times a year	Daily mean	31 December 2004
	40 µg m-3	Annual mean	31 December 2004
<b>Particles (PM2.5) (gravimetric) *</b>	25 µg m-3 (target)	Annual mean	2020
All authorities	15% cut in urban background exposure	Annual mean	2010 - 2020
<b>Sulphur dioxide</b>	350 µg m-3, not to be exceeded more than 24 times a year	1-hour mean	31 December 2004
	125 µg m-3, not to be exceeded more than 3 times a year	24-hour mean	31 December 2004
	266 µg m-3, not to be exceeded more than 35 times a year	15-minute mean	31 December 2005
<b>Ozone</b> * not in regulation.	100 µg m-3 not to be exceeded more than 10 times a year	8 hourly running or hourly mean*	31 December 2005

### Air Quality Monitoring Data, 2007 – 2010.

The Automatic Monitoring Data below is from five automatic air quality monitoring stations in Belfast, although not all sites monitor all pollutants. The statistic used for the maximum and minimum in each case is that of most relevance with respect to Air Quality Strategy Objectives. Units used are microgrammes per cubic metre (µg m-3) except for carbon monoxide which is in units of milligrammes

per cubic metre (mg m<sup>-3</sup>). Further details and the complete data from these sites can be found on the Northern Ireland Air Quality website at [www.airqualityni.co.uk](http://www.airqualityni.co.uk).

### Automatic Monitoring Data

#### Nitrogen Dioxide (NO<sub>2</sub>)

The measurement method at all sites is the chemiluminescent analyser.

#### BELFAST CENTRE (LOMBARD STREET). SITE CATEGORY: BACKGROUND URBAN.

NO <sub>2</sub>	2007	2008	2009	2010
Minimum 1-hour mean µg m <sup>-3</sup>	0	0	0	0
Maximum 1-hour mean µg m <sup>-3</sup>	160	250	159	166
Annual mean µg m <sup>-3</sup>	32	32	33	34

#### BELFAST ORMEAU ROAD. SITE CATEGORY: TRAFFIC URBAN.

NO <sub>2</sub>	2007	2008	2009	2010
Minimum 1-hour mean µg m <sup>-3</sup>	0	0	0	0
Maximum 1-hour mean µg m <sup>-3</sup>	271	189	204	136
Annual mean µg m <sup>-3</sup>	34	34	34	36

#### BELFAST ROADSIDE (UPPER NEWTOWNARDS ROAD, BALLYHACKAMORE). SITE CATEGORY: TRAFFIC URBAN.

NO <sub>2</sub>	2007	2008	2009	2010
Minimum 1-hour mean µg m <sup>-3</sup>	2	2	2	4
Maximum 1-hour mean µg m <sup>-3</sup>	168	195	191	223
Annual mean µg m <sup>-3</sup>	44	44	48	45

#### BELFAST STOCKMAN'S LANE. SITE CATEGORY: TRAFFIC URBAN.

NO <sub>2</sub>	2007	2008	2009	2010
Minimum 1-hour mean µg m <sup>-3</sup>	0	2	4	0
Maximum 1-hour mean µg m <sup>-3</sup>	244	357	233	315
Annual mean µg m <sup>-3</sup>	64	62	66	65

#### BELFAST WESTLINK RODEN STREET. SITE CATEGORY: TRAFFIC URBAN.

NO <sub>2</sub>	2007	2008	2009	2010
Minimum 1-hour mean µg m <sup>-3</sup>	-	-	-	-
Maximum 1-hour mean µg m <sup>-3</sup>	-	-	-	231
Annual mean µg m <sup>-3</sup>	-	-	-	43

This site began operation on 3rd Mar 2010.

**PM10 Particulate Matter**

Several different measurement methods are used for PM10.

**BELFAST CENTRE (LOMBARD STREET). SITE CATEGORY: BACKGROUND URBAN.**

PM10	2007	2008	2009	2010
Minimum daily mean $\mu\text{g m}^{-3}$	2	2	5	5
Maximum daily mean $\mu\text{g m}^{-3}$	84	78	76	117
Annual mean $\mu\text{g m}^{-3}$	19	18	20	22

**BELFAST STOCKMAN'S LANE. SITE CATEGORY: TRAFFIC URBAN.**

PM10	2007	2008	2009	2010
Minimum daily mean $\mu\text{g m}^{-3}$	12	15	6	6
Maximum daily mean $\mu\text{g m}^{-3}$	107	95	52	130
Annual mean $\mu\text{g m}^{-3}$	43	36	20	26

**BELFAST WESTLINK RODEN STREET. SITE CATEGORY: TRAFFIC URBAN.**

PM10	2007	2008	2009	2010
Minimum daily mean $\mu\text{g m}^{-3}$	-	-	-	6
Maximum daily mean $\mu\text{g m}^{-3}$	-	-	-	93
Annual mean $\mu\text{g m}^{-3}$	-	-	-	23

This site began operation on 3rd Mar 2010.

**PM2.5 Particulate Matter****BELFAST CENTRE (LOMBARD STREET). SITE CATEGORY: BACKGROUND URBAN.**

PM2.5	2007	2008	2009	2010
Minimum daily mean $\mu\text{g m}^{-3}$	-	0	5	4
Maximum daily mean $\mu\text{g m}^{-3}$	-	46	57	111
Annual mean $\mu\text{g m}^{-3}$	-	13	12	14

**Sulphur Dioxide (SO<sub>2</sub>)**

The measurement method is ultraviolet fluorescence.

**BELFAST CENTRE (LOMBARD STREET). SITE CATEGORY: BACKGROUND URBAN.**

SO <sub>2</sub>	2007	2008	2009	2010
Minimum 15-min mean $\mu\text{g m}^{-3}$	0	0	0	0
Maximum 15-min mean $\mu\text{g m}^{-3}$	98	96	583	56
Annual mean $\mu\text{g m}^{-3}$	4	4	3	4

**Carbon Monoxide (CO)**

The measurement method is infrared absorption.

**BELFAST CENTRE (LOMBARD STREET). SITE CATEGORY: BACKGROUND URBAN.**

<b>CO</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Minimum 8-hour mean mg m-3	0.1	0.1	0.1	0.1
Maximum 8-hour mean mg m-3	1.7	2.7	1.6	2.1
Annual mean mg m-3	0.2	0.4	0.2	0.3

**Ozone (O3)**

The measurement method is ultraviolet absorption.

**BELFAST CENTRE (LOMBARD STREET). SITE CATEGORY: BACKGROUND URBAN.**

<b>O3</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Minimum 8-hour mean µg m-3	2	1	0	0
Maximum 8-hour mean µg m-3	110	115	103	102
Annual mean µg m-3	43	39	38	38

**Non Automatic Monitoring Data****NITROGEN DIOXIDE DIFFUSION TUBES**

<b>Site ID</b>	<b>Location</b>	<b>Within AQMA?</b>	<b>Data Capture for full calendar year 2009 %</b>	<b>Annual mean concentrations (µg/m3)</b>		
				<b>2007</b>	<b>2008</b>	<b>2009</b>
1	Royal Victoria Hospital	N	100	21	21	23
2	Black's Road	Y	100	40	36	44
3	61 Cromac Street	Y	100	42	45	42
4	Ravenhill Road	Y	100	31	33	31
5	Queen's Bridge	N	42	-	31	27
6	North Road	N	100	15	18	15
7	Donegall Square South	N	83	42	42	43
8	Milner Street	Y	42	39	35	31
9	Short Strand	N	100	22	42	48
10	301 Ormeau Road	Y	100	33	35	33
11	400 Ormeau Road	Y	100	25	27	29
12	Knock Road	Y	100	-	47	44
13	Great George's Street	Y	100	40	51	48
14	Lisburn Road	N	75	33	34	31



Site ID	Location	Within AQMA?	Data Capture for full calendar year 2009 %	Annual mean concentrations (µg/m <sup>3</sup> )		
				2007	2008	2009
15	Shaftesbury Square	N	92	38	38	36
16,19, 20	Lombard Street	N	100	33	41	34
17	Albert Clock	N	100	-	43	43
18	Victoria Street	N	92	38	42	39
21,22, 56	Stockman's Lane	Y	100	44	60	67
23,24, 32	Ballyhackamore	Y	100	33	47	46
25	Whitewell Road	N	67	23	21	21
26	Donegall Road	N	92	31	34	30
27	Grosvenor Road and Falls	N	75	29	36	39
28	Falls and Andersonstown	N	83	29	30	31
29	Knocknagoney Road (Sydenham Bypass)	N	100	29	29	29
30	Station Road	N	92	23	24	24
31	House of Sport	N	92	27	21	23
33	Great Victoria Street	N	100	-	41	45
34	College Square East	N	92	-	37	37
35	Chichester Street	N	92	-	40	40
36	Cromac & Ormeau Avenue	Y	92	-	39	34
37	M1 end of Donegall Road	Y	50	-	37	38
38	Creche on M1/Westlink	Y	42	-	25	20
39	Ormeau Road (junction with Ravenhill Road)	Y	100	-	25	26
40	Upper Newtownards Road & Hollywood Road	N	92	-	27	30
41	Crumlin Road	N	100	-	31	33
42	228 Antrim Road	N	50	-	34	34
43	Shore Road (M2 Junction 1 end)	N	58	-	26	29
44	Shore Road (Ivan Street end)	N	100	-	35	36
45	North Circular	N	50	-	22	21

## Theft of Copper Tanks and Other Materials

**Mr D O'Loan** asked the Minister of the Environment in light of the theft of copper tanks and other materials, for his assessment of the current legislation in relation to scrap dealers and what action, if any, he intends to take.

**(AQW 3968/11)**

**Minister of the Environment:** Dealers involved in the theft of copper tanks or other materials, or knowingly accepting stolen goods, would be committing a criminal rather than an environmental offence. Such activities are not controlled by waste management legislation, the purpose of which is, ultimately, to protect the environment.

## Tree Preservation Order

**Mr P Weir** asked the Minister of the Environment what consideration he has given to introducing a single offence for any contravention of a Tree Preservation Order or a conservation area.

**(AQW 3970/11)**

**Minister of the Environment:** My Department has no plans to create a single offence for any contravention of a Tree Preservation Order (TPO) or a conservation order. These are two separate areas of planning control with different offences and proportionate penalties.

## Trees of Special Interest

**Mr P Weir** asked the Minister of the Environment what plans his Department has to introduce a statutory national register of trees of special interest.

**(AQW 3971/11)**

**Minister of the Environment:** My Department has no plans to create a single offence for any contravention of a Tree Preservation Order (TPO) or a conservation order. These are two separate areas of planning control with different offences and proportionate penalties.

## Conservation Areas

**Mr P Weir** asked the Minister of the Environment what plans his Department has to expand the concept of conservation areas to cover areas rich in trees of special interest.

**(AQW 3973/11)**

**Minister of the Environment:** Article 66A of the Planning (NI) Order 1991 already recognises the contribution that trees can make to the character and appearance of a conservation area and ensures that such trees are subject to a blanket Tree Preservation Order.

## Tree Preservation Orders

**Mr P Weir** asked the Minister of the Environment whether his Department plans to remove exemptions for dead and diseased trees from Tree Preservation Orders.

**(AQW 3974/11)**

**Minister of the Environment:** Article 65(3) of the Planning (Northern Ireland) Order provides that a Tree Preservation Order does not apply to trees that are dying or dead. My Department has no plans to remove these exemptions.

## Northern Ireland Environment Agency

**Mr C Lyttle** asked the Minister of the Environment whether there will be an independent review of the Northern Ireland Environment Agency as promised by the previous Minister on 27 May 2008; and who will carry out this review.

**(AQW 4013/11)**

**Minister of the Environment:** I have no plans to review the governance arrangements of the Northern Ireland Environment Agency in the lifetime of this Assembly.

## Planning Applications

**Mr P McGlone** asked the Minister of the Environment to detail the legitimacy of a planning application when the proposed development is moved outside of designated red line.

**(AQW 4015/11)**

**Minister of the Environment:** During the process of planning applications amendments to the proposed development are a common feature of the development management process. However, there are no hard and fast rules governing amendments as the Planning (Northern Ireland) Order 1991 as amended provides no mechanism for the amendment of applications.

My Department does have discretion to accept amendments but in exercising this discretion my Department must come to a decision as to whether or not an amendment is so substantial as to constitute a different application. Underlying any such decision must be the fundamental principle that an application can be amended without a fresh application being made provided the variation is not substantial and no issue of third party prejudice arises.

Where development takes place without the necessary approval, including where the development is not constructed in accordance with the approved drawings, my Department has a general discretion to take enforcement action when it regards it as expedient to do so, having regard to the provision of the development plan and any other material considerations.

## PPS 21

**Mr P McGlone** asked the Minister of the Environment to detail the number of planning application that have been refused under PPS 21 in each District Council area, in each of the last three years.

**(AQW 4016/11)**

**Minister of the Environment:** The figures set out in the table below only provide details of planning applications that were highlighted as PPS 21 applications on my Department's IT system and were refused. It is not possible to determine if these applications were refused because they were contrary to PPS 21 or because of other issues such as an unsafe access or unsatisfactory effluent disposal.

In order to provide accurate information on planning applications refused under PPS 21 a manual check of case files would be required. This is not only disproportionate in terms of time and cost but would result in un-validated statistics being released.

	2008/2009	2009/2010	2010/2011 Quarter 1	2010/2011 Quarter 2
Antrim	0	3	0	4
Ards	1	1	0	0
Armagh	0	1	0	1
Ballymena	0	0	1	4
Ballymoney	0	2	0	2
Banbridge	0	2	1	44
Belfast	0	0	0	0
Carrickfergus	0	2	1	2
Castlereagh	0	0	0	2
Coleraine	0	5	0	8

	2008/2009	2009/2010	2010/2011 Quarter 1	2010/2011 Quarter 2
Cookstown	0	1	1	32
Craigavon	0	1	0	4
Derry	0	3	2	13
Down	0	0	0	0
Dungannon	0	5	1	13
Fermanagh	3	6	0	105
Larne	0	0	3	11
Limavady	0	6	0	6
Lisburn	0	1	0	3
Magherafelt	0	4	1	30
Moyle	0	3	1	5
Newry & Mourne	1	75	2	78
Newtownabbey	0	1	0	0
North Down	0	0	0	3
Omagh	0	6	0	7
Strabane	1	0	1	6
<b>Total</b>	<b>6</b>	<b>128</b>	<b>15</b>	<b>383</b>

## Councils Resourcing Requirements

**Mr D Kinahan** asked the Minister of the Environment when he intends to inform councils of the resourcing requirements for the next four years as a result of legislation going through the Assembly. (AQW 4023/11)

**Minister of the Environment:** The financial implications for councils of different pieces of legislation now in the Assembly will vary and will depend, inter alia, on the timing of implementation; any associated arrangements for reorganisation or sharing of functions within and between councils; and any transfers of Executive funding associated with the transfer of specific functions. My Department will engage in due course with councils on the financial implication of specific pieces of legislation in advance of their implementation.

## Area Plans

**Mr D Kinahan** asked the Minister of the Environment whether he intends to have all Area Plans in place before the new planning legislation is passed. (AQW 4025/11)

**Minister of the Environment:** There is currently an Area Plan in place covering each Council Area. While a number of these plans are past their notional end date, I would point out that the provisions of Planning Policy Statement 1 state that such plans continue to be a material consideration to the extent that their policies and proposals remain applicable to current circumstances.

In recent years my Department had been making good progress towards the timely replacement of those development plans at or nearing their notional end date. However, there have since been

significant delays in delivery of the Department's Development Plan Programme. These have primarily been as a result of a number of complex legal challenges on the issue of Strategic Environmental Assessment, one of which has been referred by the Northern Ireland Court of Appeal to the European Court of Justice.

In spite of the legal challenges my Department has however been able to progress a number of replacement plans towards adoption. The Independent Examination of the draft Banbridge, Newry and Mourne Area Plan by the Planning Appeals Commission (PAC) was completed last year, while the Northern Area Plan is now also progressing towards its Examination. The Report of the PAC into the draft Magherafelt Plan was received at the end of January and the Commission has indicated that the Report for BMAP should be with the Department in the next 2 months.

In line with the proposed transitional provisions of the new planning legislation responsibility for the completion of work on draft plans prepared by my Department will stay with the Department. Responsibility for the preparation of any new local development plans will, at that time the legislation is commenced, pass to the Councils.

To assist this process, during 2010, several local planning offices were engaged in preparatory forward planning work with Council Transition Committees. This work focussed on those council areas covered by out of date plans and represents a foundation that I am keen to build upon as we move forward with the transfer of the bulk of planning powers in the next few years.

## Dog Fouling

**Mr S Hamilton** asked the Minister of the Environment to detail the current enforcement options, including fine levels, available to District Councils in relation to dog fouling.

**(AQW 4102/11)**

**Minister of the Environment:** At present, under Article 4 of the Litter (NI) Order 1994, a £50 fixed penalty fine can be imposed for the offence of permitting a dog to foul. Alternatively a fine of up to £500 can be imposed on summary conviction.

The Clean Neighbourhoods and Environment Bill currently before the Assembly aims to strengthen the law in relation to dog fouling by the introduction of a new system of dog control orders.

Under the proposed new system, it will be an offence, subject to certain conditions, for anyone in charge of a dog on land to which a dog control order applies, not to remove the faeces deposited by the dog. A person who is guilty of the offence will be liable on summary conviction to a fine not exceeding £1,000. The district council will be able to offer the person the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty. The district council will have the flexibility, subject to upper and lower limits, to set their own fixed penalty rates, with the default rate being £75.

## Infraction Procedures

**Mr D Kinahan** asked the Minister of the Environment to detail the infraction procedures to which Northern Ireland is at risk ; and the cut off-date, under EU rules, by which action should be taken.

**(AQW 4129/11)**

**Minister of the Environment:** The table below details infraction procedures currently being addressed by my Department, including the cut off dates, under EU rules, by which action should be taken.



<b>Directive title</b>	<b>Reason for Infraction</b>	<b>Type / Scope of Infraction</b>	<b>Cut-off date for action to be taken</b>	<b>Any additional comments</b>
Landfill Directive (1999/31/EC)	Non-compliance with the closure and aftercare requirements of the Directive.	NI infraction.	No formal cut-off under current stage.	The Commission is looking for a response on the making of amending Regulations by end of March 2011.
End of Life Vehicles Directive (2000/53/EC)	Implementation issue.	UK-wide (BIS in lead)	No formal cut-off under current stage.	It is believed that the Commission is content with the action taken by UK authorities but the case has not yet been formally closed.
Conservation of Wild Birds (2006/2112)	Failure to properly transpose and implement the requirements of the Directive.	UK-wide	Response to the Commission's allegations due 28 February 2011.	Likely to require legislative changes in 2011/12 and has potential cost implications for the Department if further work is required in relation to implementation
Council Directive 1998/83/EC on the quality of water intended for human consumption (the Drinking water Directive)	Non Conformity with Directive and Private Water supply exclusion	UK Wide	April 2010	Following making of Private Water Supplies Regulations (Northern Ireland) 2009, Private Water Supplies (Amendment) Regulations (Northern Ireland) 2010 and the Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010 it is anticipated that the Commission will close infraction proceedings in respect of DOE.

<b>Directive title</b>	<b>Reason for Infraction</b>	<b>Type / Scope of Infraction</b>	<b>Cut-off date for action to be taken</b>	<b>Any additional comments</b>
Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (the Water Framework Directive).	Commission alleges various transposition issues	UK wide	Next response due to the Commission by 19 February 2011	NI along with other Devolved Administrations may need to make amending regulations to address some of the Commissions concerns.
Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (the Priority Substances Directive).	Non-transposition.	NI and Gibraltar only.	July 2010.	Following making of Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011 it is anticipated that the Commission will close the case shortly.

Directive title	Reason for Infraction	Type / Scope of Infraction	Cut-off date for action to be taken	Any additional comments
Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (the revised Waste Framework Directive).	Late transposition.	UK-wide.	Response to Commission by 16 March 2011.	It is hoped to have the transposing regulations in place just before the date of response to the Commission and these will be included in the UK response.

### Slurry Tank: Distance from a House

**Mr I McCrea** asked the Minister of the Environment to detail the preferred distance a dwelling house should be placed from a slurry tank.

**(AQW 4190/11)**

**Minister of the Environment:** Policy CTY 10: Dwellings on Farms of PPS 21 does not detail a preferred distance within which a proposed dwelling should be placed from a slurry tank. Each application must be assessed on its own merits in the application of Policy CTY 10 taking account of the particular circumstances of the case and consultation with the relevant Council's Environmental Health Department. The distance a proposed dwelling should be placed from a slurry tank would depend on the individual circumstances of the case.

### Dog Fouling Offences

**Mr S Hamilton** asked the Minister of the Environment how many dog owners have been fined for dog fouling in each District Council area, in each of the last three years.

**(AQW 4223/11)**

**Minister of the Environment:** Under Article 4 of the Litter (Northern Ireland) Order 1994 it is an offence to permit a dog to foul and the following table lists the number of fixed penalty notices (£50 fine) issued for that offence in each district council area in each of the last 3 years. The Department does not hold information on the number of fines that were imposed by the courts in respect of this offence.

District Council	Fixed Penalty Notices Issued		
	2007/2008	2008/2009	2009/2010
Antrim Borough Council	2	0	1
Ards Borough Council	9	11	10
Armagh City and District Council	0	3	1
Ballymena Borough Council	9	3	6
Ballymoney Borough Council	0	0	0
Banbridge District Council	0	1	2
Belfast City Council	98	144	77
Carrickfergus Borough Council	5	3	0

District Council	Fixed Penalty Notices Issued		
	2007/2008	2008/2009	2009/2010
Castlereagh Borough Council	1	1	0
Coleraine Borough Council	7	37	40
Cookstown Borough Council	2	2	3
Craigavon Borough Council	63	46	78
Derry City Council	0	7	0
Down District Council	4	6	12
Dungannon & South Tyrone Borough Council	2	0	0
Fermanagh District Council	0	0	0
Larne Borough Council	22	12	9
Limavady Borough Council	2	0	0
Lisburn City Council	3	1	0
Magherafelt District Council	2	1	0
Moyle District Council	3	2	4
Newry & Mourne District Council	1	1	1
Newtownabbey Borough Council	58	23	19
North Down Borough Council	3	3	3
Omagh District Council	0	4	2
Strabane District Council	0	0	0
<b>Total</b>	<b>296</b>	<b>311</b>	<b>268</b>

## Planning: Newtownards

**Miss M McIlveen** asked the Minister of the Environment when the application for a public inquiry into Castlebawn and Ards Shopping Centre planning proposals will be resubmitted to the Planning Appeals Commission.

**(AQO 1006/11)**

**Minister of the Environment:** A conjoined Public Local Inquiry to deal with these 2 major retail proposals was scheduled by the Planning Appeals Commission (PAC) to open on 21 February 2011. However on 6 December 2010, Castlebawn Ltd submitted an amended application and the PAC postponed the inquiry until 22 March 2011 to facilitate the processing of the amended scheme. Following consultation with relevant bodies, planning officials were required to request further environmental information, including a bat survey. This survey can only be conducted between May and September. Furthermore the applicant was advised to amend the proposal to address concerns about its relationship with the Bawn Wall (a scheduled monument) and adjacent listed buildings.

The need to revise the proposal and submit further environmental information will have timescale implications for the Inquiry. At a pre inquiry meeting on 19 January 2011 planning officials asked the PAC to reschedule the date of the inquiry to allow the necessary information to be submitted and processed. However the PAC advised that a new date for a conjoined inquiry would not be set until the Planning Service is satisfied with the environmental information received. Planning officials will

therefore be required to notify the PAC and request a new date for the inquiry at that stage. This is likely to be in the autumn.

## Planning Bill

**Mrs C McGill** asked the Minister of the Environment to outline what feedback he has received from local councils in relation to the proposals contained in the Planning Bill.

**(AQO 1007/11)**

**Minister of the Environment:** The policy proposals contained in the Planning Bill were set out in the Planning Reform consultation paper published in July 2009. In their responses, 22 councils broadly welcomed the proposals.

## Department of Finance and Personnel

### Civil Service: Vacant Posts

**Mr T Burns** asked the Minister of Finance and Personnel to detail (i) the total number of posts in the Civil Service which are currently vacant and have been unfilled for the last 6 months or more; (ii) the Departments in which these posts exist; (iii) the salaries associated with these posts; (iv) whether these posts have ever been filled by seconded staff or temporary promotions; (v) what plans are in place to recruit permanent staff to these posts; and (vi) whether any of these posts are suitable for disbandment as part of natural wastage and normal staff turnover.

**(AQW 2849/11)**

**Minister of Finance and Personnel (Mr S Wilson):** The information requested is set out in the attached table. The vacancy position is subject to frequent change and, as a number of the vacancies listed are undergoing review, it is not yet known whether they will be filled or be deemed suitable for disbandment.

<b>DARD</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Grade 7	1	Redeployment	1	£41,661-£50,796
Deputy Principal	1	Under Review		£31,663 £38,893
Staff Officer	1	Under Review		£25,278-£30,520
Staff Officer – Internal Auditor	1	Recruitment		£26,378-£31,620
Executive Officer 2	1	Under Review	1	£20,285-£23,250
Administrative Officer	2.5	0.5 Under Review, 2 Redeployment	2	£16,312-£22,180
Administrative Assistant	1	Under Review		£14,131-£17,533
Domestic Assistant	1	Recruitment		£6.87440 per hour
Forest Officer 3	1	Recruitment		£25,646-£30,651



<b>DARD</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Information Communication Technology (ICT) Level 4	3	Under Review	3	£21,826-£26,086
(ICT) Level 5	3	Recruitment	3	£25,278-£30,520
Inspector Grade 1	1	Recruitment	1	£41,661-£50,796
Inspector II (Agric)	4	Under Review	4	£31,663-£38,893
Inspector Group 1	1	Recruitment		£20,285-£23,250
Inspector Group 4	1	Recruitment	1	£25,278-£30,520
Senior Principal Veterinary Officer	1	Under Review	1	£48,527-£62,407
Support Grade Band 1	1	Under Review	1	£16,312-£22,180
Technical Grade 1	2	Recruitment	2	£16,312-£22,180
<b>Total</b>	<b>27.5</b>		<b>20</b>	

<b>DCAL</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Conservation Grade E	1	Recruitment		£25,278-£30,520
<b>Total</b>	<b>1</b>		<b>0</b>	

<b>DEL</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Grade 7	2	2 Under Review	2	£41,661-£50,796
Deputy Principal	3	2 Under Review, 1 Redeployment	2	£31,663-£38,893
Staff Officer	4	3 Under Review, 1 Redeployment	3	£25,278-£30,520
Staff Officer Accountant	1	Recruitment		£28,278-£33,520

<b>DEL</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Executive Officer 1	7	6 Under Review, 1 Redeployment	5	£21,826-£26,086
Executive Officer 2	2	2 Under Review	2	£20,285-£23,250
Administrative Officer	1	Redeployment	1	£16,312-£22,180
Administrative Assistant	1	Under Review		£14,131-£17,533
Higher Psychologist	1	Under Review		£25,278-£30,520
ICT Level 4	1	Redeployment	1	£21,826-£26,086
<b>Total</b>	<b>23</b>		<b>16</b>	

<b>DETI</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Staff Officer Accountant	2	Recruitment		£28,278-£33,520
Nurse Grade G	1	Under Review		£25,278-£30,520
Principal Inspector (H&S - Grade 7)	1	Under Review		£41,661-£50,796
Technical Grade 2	1	Under Review		£14,131-£17,533
Trainee Trading Standards Officer	3	Recruitment		£16,312-£22,180
<b>Total</b>	<b>8</b>		<b>0</b>	

<b>DFP</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
SCS Grade 5	2	1 Recruitment, 1 Under Review	2	£57,300-£116,000
Grade 6	2	1 Redeployment, 1 Under Review	2	£48,527-£62,407
Executive Officer 1	2	1 Redeployment, 1 Under Review	2	£21,826-£26,086

<b>DFP</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Executive Officer 2	1	Redeployment	1	£20,285-£23,250
Administrative Officer	1	Redeployment	1	£16,312-£22,180
(ICT) Level 5	2	Under Review	2	£25,278-£30,520
Principal Professional & Technical Officer (M&E)	1	Under Review	1	£41,661-£50,796
Senior Professional & Technical Officer (Quantity Survey Assistant)	2	Under Review	2	£31,663-£38,893
Higher Professional Technical Officer (Arch Asst & Clerk of Works)	2	Under Review	2	£25,278-£30,520
Trainee Buyer	1	Under Review	1	£20,285-£23,250
<b>Total</b>	<b>16</b>		<b>16</b>	

<b>DHSSPS</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
SCS Grade 3	1	Under Review	1	£81,600-£160,000
SCS Grade 5	1	Under Review		£57,300-£116,000
Grade 7	2	Under Review	1	£41,661-£50,796
Deputy Principal	2	Under Review		£31,663-£38,893
Staff Officer	1	Under Review		£25,278-£30,520
Executive Officer 2	1	Under Review	1	£20,285-£23,250
Administrative Assistant	3	2 Under Review, 1 Redeployment		£14,131-£17,533
Deputy Chief Dental Officer	1	Recruitment		£48,527-£62,407
Lead Allied Health Professional	1	Recruitment	1*	£41,661-£50,796
Higher Professional Technical Officer Architect	1	Under Review	1	£25,278-£30,520

<b>DHSSPS (Continued)</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
(ICT) Level 4	2	Under Review		£21,826-£26,086
(ICT) Level 6	1	Under Review		£31,663-£38,893
Officer of Social Services	2	Under Review	2*	£41,661-£50,796
Principal Professional & Technical M&E and Quantity Survey	2	Under Review	1	£41,661-£50,796
Principal Nurse	1	Under Review	1	£41,661-£50,796
Senior Medical Officer	3	Under Review	2*	£57,300-£116,000
Senior Prof & Technical Officer Architect/M&E	2	Under Review	1	£31,663-£38,893
<b>Total</b>	<b>27</b>		<b>12</b>	

<b>DOE</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Staff Officer	2	Redeployment	1	£25,278-£30,520
Staff Officer Accountant	1	Redeployment		£28,278-£33,520
Executive Officer 2	5	Redeployment	2	£20,285-£23,250
Administrative Officer	2	Redeployment		£16,312-£22,180
Administrative Assistant	1	Redeployment		£14,131-£17,533
Curatorial Grade E	1	Recruitment		£25,278-£30,520
Environmental Health Officer	1	Recruitment		£31,663-£38,893
Higher Professional Technical Officer Supervising Examiner DVA	1	Recruitment		£25,278-£30,520
Higher Professional Technical Officer Testing DVA	1	Recruitment		£25,278-£30,520

<b>DOE</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Higher Scientific Officer	14	3 Recruitment, 11 Consideration being given to surplus P&T planners filling posts	8 1*(Current Secondment though Previously TP)	£25,278-£30,520
Principal Scientific Officer	1	Consideration being given to surplus P&T planners filling post	1	£41,661-£50,796
Professional & Technical Officer Testing Enforcement	6	Recruitment		£21,826-£26,086
Rangers	2	Recruitment		Hourly pay rate £7.48761 (£277.04 per week)
Scientific Officer	6	Consideration being given to surplus P&T planners filling posts		£21,826-£26,086
Senior Traffic Examiner	2	Recruitment	1	£21,826-£26,086
Support Grade Band 2	1	Redeployment		£14,131-£17,533
Senior Professional & Technical Officer (Architect)	1	Recruitment		£31,663-£38,893

<b>DOE (Continued)</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Senior Scientific Officer	8	4 Recruitment, 4 Consideration being given to surplus P&T planners filling posts	3	£31,663-£38,893
Technical Grade 1	36	Recruitment		£16,312-£22,180
Technical Grade 2	1	Recruitment		£14,131-£17,533



<b>DOE (Continued)</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
<b>Total</b>	<b>93</b>		<b>17</b>	

<b>DOJ</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Grade 6	2	Recruitment	2	£48,527-£62,407
Staff Officer	2	Redeployment	2	£25,278-£30,520
Executive Officer	20	Under Review	15	£20,285-£26,086
Grade C	7	Under Review	2	£18,336-£26,086
Administrative Officer	5	Redeployment		£16,312-£22,180
Cleaner	4	Recruitment		£14,131-£17,533
<b>Total</b>	<b>40</b>		<b>21</b>	

<b>DRD</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Deputy Principal	1	Redeployment		£31,663-£38,893
Staff Officer	1	Redeployment		£25,278-£30,520
Executive Officer 1	1	Redeployment	1	£21,826-£26,086
Executive Officer 2	1	Redeployment		£20,285-£23,250
(ICT) Level 3	2	Under Review		£20,285-£23,250
Industrial Engineering Craftsman - Basic	1	Recruitment		Hourly pay rate £8.6263 (£319.17 per week)
Technical Grade 1	2	Recruitment		£16,312-£22,180
<b>Total</b>	<b>9</b>		<b>1</b>	

<b>DSD</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Executive Officer 2	1	Redeployment		£20,285-£23,250
<b>Total</b>	<b>1</b>		<b>0</b>	

<b>OFMDFM</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
SCS Grade 3	2	Under Review	1	£81,600-£160,000
SCS Grade 5	1	Recruitment		£57,300-£116,000
Grade 7	2	1 Recruitment, 1 Under Review	1	£41,661-£50,796
Staff Officer Accountant	1	Recruitment		£28,278-£33,520
<b>Total</b>	<b>6</b>		<b>2</b>	

<b>PPS</b>				
<b>Grade</b>	<b>Number of Vacant Posts in Grade</b>	<b>Recruitment Intention</b>	<b>Number Filled by Temporary Promotion (Or Secondment*)</b>	<b>Salary Band for Grade</b>
Staff Officer	4	Redeployment	4	£25,278-£30,520
Grade C	4	Under Review	4	£18,336-£26,086
Administrative Officer	1	Redeployment	1	£16,312-£22,180
Administrative Assistant	1	Redeployment		£14,131-£17,533
<b>Total</b>	<b>10</b>		<b>9</b>	

<b>Summary</b>		
<b>Number of Vacant Posts in Grades</b>	<b>Number Filled by Secondment</b>	<b>Number Filled By Temporary Promotion</b>
261.5	6	108

**Notes:**

- Information at 9 December 2010
- Number of posts filled by Secondment are shown with \*

- Recruitment may be on either an internal/external basis
- Whilst a number of vacant posts have been identified as being considered for possible recruitment exercises, these are subject to available finance and the requisite approvals from Corporate HR (CHR) being granted
- Redeployment – indicates redeployment of surplus staff either within the Department or from another NI Department
- Departments not listed did not have any vacancies

## Rates Rebates

**Mr T Burns** asked the Minister of Finance and Personnel, pursuant AQW 3534/11, to detail (i) the number of the (a) domestic; and (b) non-domestic rates refunds which occurred as a direct result of miscalculations or mistakes by Land and Property Services; (ii) the exact value of each individual domestic and non-domestic refund which was given because of miscalculations or mistakes by Land and Property Services; and (iii) the combined total of all these refunds which were given because of mistakes or miscalculations by Land and Property Services, broken down by council area.

**(AQW 3990/11)**

**Minister of Finance and Personnel:** Land & Property Services does not hold the reason for each refund being released in an extractable format and is therefore not able to answer this question without incurring disproportionate cost.

## Rates Bills

**Mr P Frew** asked the Minister of Finance and Personnel for a breakdown as a percentage of the services paid for in a typical rates bill (i) where the bill payer does not receive sewerage and mains water services; and (ii) where the bill payer does receive sewerage and mains water services.

**(AQW 4002/11)**

**Minister of Finance and Personnel:** It is not possible to provide a breakdown of the services paid from a typical rates bill, given that rates are an unhypothecated tax. While a contribution is made by each individual or non-domestic ratepayer towards funding regional public services, including water and sewerage services, there is no specific proportion of any rates bill that can be linked to the availability or usage of any particular public service.

## Report on Promoting Health and Addressing Health Inequalities

**Mrs M O'Neill** asked the Minister of Finance and Personnel when the Performance and Efficiency Delivery Unit's report on Promoting Health and Addressing Health Inequalities will be completed.

**(AQW 4070/11)**

**Minister of Finance and Personnel:** Beyond the usual engagement on monitoring all PSA Targets, the Performance and Efficiency Delivery Unit (PEDU) is not engaged in any work on promoting Health and Addressing Health Inequalities.

PEDU has, however, commenced work on a joint efficiency review with DHSSPS as agreed by the Executive as part of the outcome to the June Monitoring exercise. This work is at an early stage.

## Rates Forecast to Belfast City Council

**Dr A McDonnell** asked the Minister of Finance and Personnel for his assessment of Land and Property Services' late and inaccurate presentation of the rates forecast to Belfast City Council for the second time in four years; and what action his Department is taking as a result.

**(AQW 4108/11)**

**Minister of Finance and Personnel:** The estimation of rate income for each district council is complex and challenging. Changes in the rate base occur on a daily basis as a result of new buildings,

demolitions, and changes in occupancy. Land & Property Services (LPS) staff work closely with district council staff in preparing the estimates, and provide quarterly in-year projections.

The latest figures for Belfast City Council showed a sudden and marked decline in the council's projected income position for 2010-11. The primary reason is an increase in irrecoverable rates, particularly due to bankruptcies and liquidations. Additionally, reductions in rate income have occurred following the removal of demolished properties from the valuation list and a further increase in the numbers of vacant commercial premises.

LPS provided the third quarter estimate to District Councils on 27 January. LPS staff have worked closely with Belfast City Council staff to review the implications of the figures and to adjust the rate estimates for 2011-12 in light of the recent changes.

Although significant improvements in the estimating process have been made over the past two years through close collaboration between LPS and district council staff, LPS has reviewed the reasons for the changes in the Belfast position and has considered what further changes to the estimating process may be necessary. A standing group of LPS and council staff will review and agree necessary changes to ensure that the estimating process remains robust in these challenging economic times, and that it alerts councils to changes in rate income in a timely manner.

### **Presbyterian Mutual Society**

**Mr D Kinahan** asked the Minister of Finance and Personnel, pursuant to AQW 3339/11, (i) why his Department has changed the basis on which a Presbyterian Mutual Society package was proposed to the Treasury; (ii) for his assessment of his answer to AQW 3339/11 compared to Minister Sassoon's answer on 17 January 2011 to HL 5586; and (iii) to clarify what is meant by the term 'equal contribution'. **(AQW 4144/11)**

**Minister of Finance and Personnel:** Firstly, the Department of Finance and Personnel has not changed the basis on which the Presbyterian Mutual Society package was proposed to the Treasury.

Secondly, the answer to AQW 3339/11 indicated that 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. The Business Plan indicates that the assets will recover sufficiently to allow everyone to be repaid, including the Executive, however this can not be guaranteed.

This answer is consistent with Lord Sassoon's response to HL5586. This indicates that the Northern Ireland Executive is not required to repay HMT's £25 million contribution, not that the Mutual Access Fund is not to be repaid.

On your last point, 'equal contribution' refers to the fact that the Coalition Government and the NI Executive both made a £25 million contribution to the Mutual Access Fund.

It is also important to note that the exact details of how the proposed Mutual Access Fund element of the 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.

### **Fuel Duty**

**Mr S Anderson** asked the Minister of Finance and Personnel whether he has received any proposals from the UK Government since May 2010 in relation to reducing the level of fuel duty in Northern Ireland. **(AQW 4163/11)**

**Minister of Finance and Personnel:** No, I have not received any proposals from the UK Government since May 2010 in relation to reducing the level of fuel duty in Northern Ireland.

In the April 2009 budget the UK Government committed to a one penny per litre increase in the price of fuel on the 1 April each year from 2010 to 2013. However, this is currently under consideration by the Coalition Government.

The Coalition Government has also committed to examine options for the design of a fair fuel stabiliser.

## Unallocated Money

**Mr D Bradley** asked the Minister of Finance and Personnel whether there is any currently unallocated money that has been raised through the sale of assets for which Departments can now bid; and if so, how much is available and when will it be allocated.

**(AQW 4209/11)**

**Minister of Finance and Personnel:** The draft Budget capital allocations factors in some £447 million of capital receipts identified by departments as deliverable within the 2011-15 period. The draft capital Budget position also includes revenue from additional capital receipts of £100 million over the 4 year Budget period. These receipts will be identified and realised by the Central Asset Management Unit in OFMDFM.

There is currently no unallocated funding available from additional asset sales. However, the position will be kept under review. If any additional capital receipts become available before finalisation of the Budget, they can be incorporated into the revised Budget position. Alternatively, if any receipts become available throughout the financial year, they can be allocated through the monitoring process.

## End-Year Flexibility

**Lord Empey** asked the Minister of Finance and Personnel what discussions he has had with Her Majesty's Treasury concerning access to former End-Year Flexibility funds for the Northern Ireland block.

**(AQW 4328/11)**

**Minister of Finance and Personnel:** I have had several meetings with Treasury Ministers over recent months on a number of important issues, including the UK Government's decision to abolish the existing End-Year Flexibility (EYF) scheme.

In my engagement with Treasury Ministers I expressed my deep concern about the UK Government's unilateral and punitive action to end the EYF scheme. I also expressed concern over the lack of clarity in terms of the EYF arrangements going forward.

## Department of Health, Social Services and Public Safety

### Family Group Conference Service

**Mr R McCartney** asked the Minister of Health, Social Services and Public Safety to outline each Health and Social Care Trust's future plans in relation to the Family Group Conference Service; and, in the event of any planned changes to this service, whether each Trust will be able to achieve its family group conference targets.

**(AQW 3724/11)**

**Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** All five Health and Social Care Trusts remain committed to providing and promoting Family Group Conferencing services as an option to children and families.

Since 2006 DHSSPS has included Family Group Conferences as part of the Priorities for Action for Boards and Trusts. The specific target for 2010/11 is to ensure that at least 500 children and young people participate in a family group conference. At the end of December 2010, 489 children and young people had participated in a family group conference. It is expected that this target will be fully met.

At this stage my budget has not been finalized and as a result there cannot be guarantees that services provided in the social care field will remain as they are. I would therefore urge everyone to take part in the consultation.



## Overpayments Made to Health Service Staff

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety (i) to detail any overpayments made to Health Service staff in (a) 2008/09; and (b) 2009/10, including the amounts overpaid, broken down by staff grade; (ii) what procedure was used to reclaim the overpayments; (iii) whether all the overpayments were recovered; and (iv) what policy is now in place to ensure this will not happen again. **(AQW 3725/11)**

**Minister of Health, Social Services and Public Safety:** The Health and Social Care, like all other Public Bodies are required to comply with Managing Public Money Northern Ireland guidelines published by the Department of Finance and Personnel when recovering overpayments. When mistakes happen HSC employers are required to apply these guidelines on a case by case basis to determine if recovery is possible or appropriate. Details relating to individual cases are not held centrally by my Department and could only be obtained from individual HSC employers at a disproportionate cost.

## Funding for the Health Service

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety to detail the sources of funding for the Health Service which do not come from the Health budget. **(AQW 3728/11)**

**Minister of Health, Social Services and Public Safety:** My answer to AQW 2984/11 provided a detailed list of income for HSC organisations from sources other than Government.

My Department also receives funding from the Department for Social Development in respect of the Managing Reform initiative, which is a scheme that provides support and therapies to support people back into work.

In line with all other NI Departments, DHSSPS and HSC organisations can also apply to other bodies (such as the European Union) to seek funding for projects and initiatives.

## 2011-15 Budget Proposals

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety how much Capital resources will his Department be allowed to turn into Revenue resources in the 2011-15 budget proposals. **(AQW 3729/11)**

**Minister of Health, Social Services and Public Safety:** The decision to reclassify capital budgets to current will be a matter for consideration by the Executive. The extent to which I will need to seek a reclassification will depend on the final budget allocation to my Department on both the current and capital investment budgets.

Clearly any reduction will have a direct impact on the health capital programme, and will reduce the already small level of resources available to deliver new projects. In effect, it will mean that some planned projects will either be delayed or else be removed from the capital programme altogether.

## Property Assets Deemed Surplus to Requirements

**Mr A Easton** asked the Minister of Health, Social Services and Public Safety what is the total value of all his Department's property assets that are deemed surplus to requirements. **(AQW 3730/11)**

**Minister of Health, Social Services and Public Safety:** The current total value of all my Department's surplus property assets is not known as we do not have current LPS valuations for all of the surplus property.

## Winter Increase in Hospital Admissions

**Mr T Gallagher** asked the Minister of Health, Social Services and Public Safety, in light of the winter increase in hospital admissions and the number of patients waiting on trolleys in accident and emergency units, what precautions are being taken to protect patients from swine flu and other hospital infections; and what additional capacity has been put in place to deal with the winter increase in admissions.  
(AQW 3732/11)

**Minister of Health, Social Services and Public Safety:** Vaccination is the primary defence against flu. The vaccine used in the 2010/11 seasonal flu immunisation programme includes protection against Influenza A H1N1 (swine flu). The programme began on 1 October 2010. Interim data indicate that almost 330,000 people in at-risk groups were vaccinated in the three months up to 31 December.

As all central stocks of the seasonal flu vaccine have now been distributed, I have approved the release of monovalent H1N1 vaccine to supplement the seasonal flu vaccine already distributed. This will enable anyone in at-risk groups who has not yet been vaccinated to access effective vaccination against H1N1 which is the most prevalent strain of flu in circulation this winter.

I would encourage anyone who is in an at-risk group and who has not yet been vaccinated, and the parents of any at-risk children who have not yet been vaccinated, to discuss this with their GP.

Swine flu is not a healthcare-associated infection (HCAI). The key measures I have introduced to reduce HCAs are set out in Changing the Culture 2010.

Trusts in conjunction with the HSC Board and Public Health Agency increased critical care capacity as part of their escalation plans. This impacted on some elective activity. With the recent decrease in the numbers of flu and flu related cases being treated in critical care units, Trusts have now moved their response down from Phase 2 to Phase 1 of the escalation plan. This means that Trusts revert to local management of pressures and elective care.

## New Social Workers

**Mr T Gallagher** asked the Minister of Health, Social Services and Public Safety to detail the number of new social workers appointed in 2010; and in which service areas were these social workers employed.  
(AQW 3733/11)

**Minister of Health, Social Services and Public Safety:** The number of newly qualified Social Workers appointed in 2010 by Programme of Care is given in the table below:

### NUMBER OF NEWLY QUALIFIED SOCIAL WORKERS APPOINTED IN 2010 BY PROGRAMME OF CARE

Programme of Care	Headcount	WTE
Family & Childcare	112	104.93
Elderly Care	3	3.00
Mental Health	5	5.00
Learning Disability	1	0.50
Physical & Sensory Disability	3	1.93

**Source:** NI HSC Trusts

#### Notes:

- 1 WTE = Whole-Time Equivalent.
- 2 Figures include those Social Workers who started an Assessed Year in Employment (AYE) post between 1 January and 31 December 2010 (inclusive).

## Recent Water Restrictions

**Mr T Gallagher** asked the Minister of Health, Social Services and Public Safety whether recent water restrictions adversely affected the functioning of accident and emergency departments in hospitals; and whether any steps or measures have been taken to address this issue.

**(AQW 3734/11)**

**Minister of Health, Social Services and Public Safety:** The functioning of accident and emergency departments were not adversely affected by water restrictions applied by Northern Ireland Water and no measures were required to address the issue.

## Provision of Fire Stations

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety what implications his draft budget has for the provision of fire stations.

**(AQW 3739/11)**

**Minister of Health, Social Services and Public Safety:** The draft budget proposals for 2011-15 mean that my Department would face significant financial pressures, and until I have had the opportunity to fully consider the final Executive Budget, no decision can be taken on the allocation of funding and the timing of projects.

Consideration of all projects within my Department, including the provision of fire stations, can only be made once I have clarity on affordability across my entire budget, both current and capital.

## Revenue Raised from Hospital Car Parks

**Mr J Craig** asked the Minister of Health, Social Services and Public Safety whether revenue raised from hospital car parks goes to the relevant Health and Social Care Trust or the Department.

**(AQW 3748/11)**

**Minister of Health, Social Services and Public Safety:** Revenue from hospital car parks is retained by the relevant Health and Social Care Trust with the exception is in the Royal Group of Hospitals where the income from car parking managed by the PFI contractor is retained by that contractor,

## Land Owned by Department

**Mr J Craig** asked the Minister of Health, Social Services and Public Safety (i) whether any land owned by his Department is leased to any party outside the area of Health, Social Services and Public Safety; (ii) how much revenue this land generates per annum; and (iii) to detail the location of these areas of land.

**(AQW 3750/11)**

**Minister of Health, Social Services and Public Safety:** The Department currently leases land adjacent to the Ulster Hospital, Dundonald. The rent payable is £25 per annum.

## Promoting Healthy Eating in Disadvantaged Communities

**Mr D Bradley** asked the Minister of Health, Social Services and Public Safety what action he is taking to promote healthy eating in disadvantaged communities.

**(AQW 3752/11)**

**Minister of Health, Social Services and Public Safety:** My Department has led the development of a cross-sectoral Obesity Prevention Framework. This Framework, which is currently being finalised following a formal 12-week consultation process, includes outcomes for the prevention of obesity across society, with a focus on targeting those most in need.

In addition, my Department participates in the UK-wide Healthy Start Scheme which supports low-income, nutritionally vulnerable pregnant women and young families through the provision of vouchers which can be spent on products including milk, fresh fruit and vegetables.

In terms of delivery, the Public Health Agency explicitly focuses action on those communities in most need and experiencing the greatest inequalities. The PHA has invested significantly in supporting communities and building capacity at a local level to ensure active participation and engagement in promoting positive health and wellbeing and tackling health inequalities. A recent stocktake of Health Improvement activity suggests that more than 60% of activities funded or undertaken by the PHA are targeted within disadvantaged communities/specific target groups and many of these focus on nutrition and healthy eating.

## Speech and Language Therapists

**Mrs M O'Neill** asked the Minister of Health, Social Services and Public Safety how many Speech and Language Therapists are employed in each Health and Social Care Trust, broken down by grade.  
(AQW 3771/11)

**Minister of Health, Social Services and Public Safety:** The information requested is provided in the table below.

### NUMBER OF SPEECH AND LANGUAGE THERAPISTS EMPLOYED WITHIN THE NI HSC BY TRUST AND GRADE AS AT 30 SEPTEMBER 2010

Trust	Band 5		Band 6		Band 7		Band 8		Total	
	HC	WTE	HC	WTE	HC	WTE	HC	WTE	HC	WTE
Belfast	12	11.9	27	19.5	23	19.1	53	42.8	115	93.3
Northern	35	30.6	31	22.4	26	23.0	16	14.5	108	90.5
South Eastern	10	10.0	17	14.7	19	15.9	28	21.6	74	62.2
Southern	7	6.8	20	17.6	14	11.9	26	21.4	67	57.7
Western	13	11.3	12	10.9	13	11.7	20	18.3	58	52.2

**Source:** Human Resource Management System

#### Notes:

- 1 HC = Headcount
- 2 WTE = Whole-Time Equivalent
- 3 Figures exclude staff with a whole-time equivalent less than or equal to 0.03 and staff on career breaks.

## Speech Language Therapy Posts

**Mrs M O'Neill** asked the Minister of Health, Social Services and Public Safety how many Speech & Language Therapy posts are vacant in each Health and Social Care Trust.  
(AQW 3772/11)

**Minister of Health, Social Services and Public Safety:** The information requested is provided in the table below.

### NUMBER OF SPEECH AND LANGUAGE THERAPISTS VACANCIES BY TRUST AS AT 30TH SEPTEMBER 2010

Trust	Current Vacancies		Long-term Vacancies	
	Headcount	WTE	Headcount	WTE
Belfast	9	8.50	2	2.00

Trust	Current Vacancies		Long-term Vacancies	
	Headcount	WTE	Headcount	WTE
Northern	1	0.50	0	0.00
South Eastern	1	1.00	0	0.00
Southern	0	0.00	0	0.00
Western	0	0.00	0	0.00

**Source:** NI HSC Vacancy Survey

**Notes:**

- 1 WTE = Whole-Time Equivalent
- 2 Information on vacancies within the Northern Ireland Health & Social Care is collected bi-annually (as at 31st March and 30th September) by means of a survey. The September 2010 data is the latest available and is published on the DHSSPS website and can be found at:  
[http://www.dhsspsni.gov.uk/vacancy\\_survey\\_september\\_2010\\_web\\_report.pdf](http://www.dhsspsni.gov.uk/vacancy_survey_september_2010_web_report.pdf)
- 3 A current vacancy is a post which at 30th September 2010, the organisation was actively trying to fill.
- 4 A long-term vacancy is a post which had been advertised on or prior to 30th June 2010, but remained unfilled at 30th September 2010 although the organisation was still actively trying to fill it. Long-term vacancies are a sub-set of current vacancies.

## Allied Health Professionals

**Mrs M O'Neill** asked the Minister of Health, Social Services and Public Safety to outline the process for recruiting Allied Health Professionals in each Health and Social Care Trust.

**(AQW 3773/11)**

**Minister of Health, Social Services and Public Safety:** The Health and Social Care Trusts are responsible for recruiting their own staff, including Allied Health Professionals, and will have procedures in place for this. As my Department plays no role in the recruitment process such information is not held by my Department.

## Strategy for Rare Diseases

**Mr Pól Callaghan** asked the Minister of Health, Social Services and Public Safety what discussions his Department has had with the Department of Health in England and other devolved administrations regarding a strategy for rare diseases.

**(AQW 3785/11)**

**Minister of Health, Social Services and Public Safety:** The European Union defines a disease as rare if it affects fewer than 5 in every 10,000 people. In 2009 the European Council (EC) made a Recommendation that member states should develop rare disease strategies to improve access to appropriate specialist care for patients with rare illnesses. My Department is fully engaged with all UK health departments in developing a national response to the EC Recommendation.

That response will include a UK national rare disease strategy which will bring together research, prevention, diagnosis, best practice in treatment and awareness to secure the best possible outcome for all UK patients.

## Chemotherapy Capacity Planning Tool (C-PORT)

**Mr P Callaghan** asked the Minister of Health, Social Services and Public Safety what discussions his Department has had with the Department of Health in England regarding the roll out of the Chemotherapy Capacity Planning Tool (C-PORT) in Northern Ireland.

**(AQW 3786/11)**



**Minister of Health, Social Services and Public Safety:** The Northern Ireland Cancer Network (NICaN) has recently completed a regional review of chemotherapy services in Northern Ireland. I am advised that as part of that work options for the implementation of C-PORT have been developed. The Health and Social Care Board are considering these proposals

### Patients with Kidney Cancer

**Mr P Callaghan** asked the Minister of Health, Social Services and Public Safety whether patients with kidney cancer can be prescribed Afinitor (everolimus) under the funded drugs scheme.  
**(AQW 3787/11)**

**Minister of Health, Social Services and Public Safety:** My Department has established links with The National Institute for Health and Clinical Excellence (NICE) whereby all guidance published by the Institute from that date would be locally reviewed for its applicability to NI and, where appropriate, endorsed for implementation in Health and Social Care (HSC).

In November 2010, NICE published a Final Appraisal Determination (FAD) which did not recommend everolimus for the second-line treatment of advanced renal cell carcinoma. This decision was appealed by both Novartis and Kidney Cancer UK. The NICE appeal committee will convene on 28 February 2011 to hear oral representations from the appellants. When NICE publish another FAD, the Department will consider it for applicability to NI and, if appropriate, endorse the guidance for implementation in Health and Social Care.

If a clinician feels it appropriate that a patient should be treated with a drug that has not been approved by NICE, they may approach the Health and Social Care Board for funding as an exceptional case.

### Care Packages

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety how many older people with assessed care needs did not have a care package put in place between September 2008 to December 2010.  
**(AQW 3795/11)**

**Minister of Health, Social Services and Public Safety:** In the South Eastern and Southern Health and Social Care Trusts, no person with assessed care needs in the Elderly Programme of Care did not have a care package put in place between September 2008 to December 2010.

Belfast, Northern and Western Health and Social Care Trusts were unable to provide the information requested.

### Regional Access Criteria

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety how many older people have been assessed as having (i) critical; (ii) substantial; (iii) moderate; or (iv) low needs as per the Regional Access Criteria in each Health and Social Care Trust area since 2008.  
**(AQW 3796/11)**

**Minister of Health, Social Services and Public Safety:** All Health and Social Care Trusts were unable to provide the information requested.

### Home-Helps

**Ms C Ní Chuilín** asked the Minister of Health, Social Services and Public Safety the average amount of time per day in minutes that a home-help spends with a client.  
**(AQW 3799/11)**

**Minister of Health, Social Services and Public Safety:** This information is not collected centrally.

## Waiting List to see a Mental Health Consultant

**Ms C Ní Chuilín** asked the Minister of Health, Social Services and Public Safety how many people are currently on a waiting list to see a mental health consultant, broken down by constituency.

**(AQW 3800/11)**

**Minister of Health, Social Services and Public Safety:** The information is not available in the format requested.

## Staff Taxi Journeys

**Ms C Ní Chuilín** asked the Minister of Health, Social Services and Public Safety how many staff in each Health and Social Care Trust made taxi journeys, paid for by the Trust, in each of the last three years; and what was the total cost of these journeys.

**(AQW 3801/11)**

**Minister of Health, Social Services and Public Safety:** This information is not held centrally and could only be provided at disproportionate cost.

The use of taxis at Health and Social Care Trusts is closely monitored and taxis are only used for official business purposes.

## Multiple Sclerosis Services in North Down

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety, in light of his budget allocation, to outline his plans for the future provision of Multiple Sclerosis services in North Down.

**(AQW 3807/11)**

**Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust provides services based on individually assessed need, rather than on the basis of medical condition. As such, people with Multiple Sclerosis have access to a range of services, including domiciliary care, respite care, day care, residential, nursing home and supported living options. The draft budget allocation will cause an estimated funding shortfall of £800m by 2014/15. My officials are working through the implications of how this deficit will impact on services. Planning between the Health and Social Care Board and Trusts on what services will be impacted will take many months.

## Review into the Western Health and Social Care Trust

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3257/11, whether he was party to the decision made on 1 October 2010 to instigate a review of clinical and social care governance within the Western Health and Social Care Trust.

**(AQW 3825/11)**

**Minister of Health, Social Services and Public Safety:** I meet regularly with the Chief Executive of the HSC Board when issues of performance and action being taken to address are discussed as part of routine business. I was informed in October 2010, during a routine update meeting with the HSC Board, that a review of the clinical and social care governance arrangements in the Western Trust was being undertaken by the HSC Board as part of its normal performance management role.

## Respite Packages

**Mr C Lyttle** asked the Minister of Health, Social Services and Public Safety whether his Department will be able to meet the Regional Health and Social Care Board Commissioning Plan 2010/11 target of an additional 125 respite packages for people with a learning disability and their families or carers by March 2011.

**(AQW 3827/11)**

**Minister of Health, Social Services and Public Safety:** The target to provide an additional 125 packages by March 2011 relates to the CSR

period from 2008 to 2011 and not just to the 2010/2011 year. I had to reduce my original target of 200 packages as a result of CSR budgetary cuts announced in 2010/2011.

I am advised by the Health and Social Care Board that it expects the target to be achieved by March this year.

### Regional Autistic Spectrum Disorder

**Mr J Craig** asked the Minister of Health, Social Services and Public Safety to list the members of the Regional Autistic Spectrum Disorder Network; and the position each member holds within the group. **(AQW 3829/11)**

**Minister of Health, Social Services and Public Safety:** Members of the Regional Autistic Spectrum Disorder Network are listed at Table A attached.

Members of the Regional Autistic Spectrum Disorder Network Reference Group who are parents, carers and service users cannot be named under the Data Protection Act of 1998; however organisations within the Reference Group are listed at Table B.

#### TABLE A: ASD ADULT DIAGNOSIS WORKING GROUP

##### Members

Bridie McElhill	Belfast Health Social Care Trust
Dr Stephen Bergin	Health Social Care (PHA)
Eileen Sherrard	South Eastern Health Social Care Trust
Ivan Bankhead	Northern Health Social Care Trust
Julie Dodds	Western Health Social Care Trust
NAS	NAS
Paul Bell	Belfast Health Social Care Trust
Paul Bell - Sec	Belfast Health Social Care Trust
Peter Trimble	Belfast Health Social Care Trust
Rosalind Kyle	Belfast Health Social Care Trust
Tina Ryan	Western Health Social Care Trust

#### ASD CHILDREN'S SERVICES & TRANSITIONS

##### Members:

Cindy Scott	Belfast Central Mission
Clare Bailey	Northern Health Social Care Trust
Cliona Cummings	Belfast Health Social Care Trust
Dr Stephen Bergin	Health Social Care (Public Health Agency)
Heather Crawford	South Eastern Health Social Care Trust
Heather Taylor	Belfast Central Mission
Jackie McBrinn	Belfast Health Social Care Trust
Janice Bothwell	Belfast Health Social Care Trust

Kieran Downey	Western Health Social Care Trust
Kieran McShane	Health Social Care Board
Lesley Waugh	Southern Health Social Care Trust
Lisa Vallelly	Northern Health Social Care Trust
Lisheen Cassidy	Southern Health Social Care Trust
Marie-Louise Hughes	Southern Education and Library Board
Martina McCafferty	Health Social Care Board
Michael Gregory	Northern Health Social Care Trust
Nuala Toner	Belfast Health Social Care Trust
Rodney Morton	Health Social Care Board
Ruth Purdy	Southern Health Social Care Trust
Siobhan McNyre	Health Social Care Board
Valerie Young	Southern Education and Library Board

#### **TABLE B: ASD VOLUNTARY GROUPS**

##### **Members:**

Action for Children
Aspergers Network
Autism NI
Autism Initiatives
Barnardo's
Eagle project
Mencap
NAS
PEAT
SPEAC

#### **Regional Health and Social Care Board**

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety how many investigations, reviews or similar studies are currently taking place into the running or management of the Regional Health and Social Care Board.

**(AQW 3844/11)**

**Minister of Health, Social Services and Public Safety:** There are currently no ongoing investigations or reviews into the running or management of the Regional Health and Social Care Board.

#### **Suicide Prevention Services**

**Mr C Lyttle** asked the Minister of Health, Social Services and Public Safety to outline the suicide prevention services currently provided by his Department.

**(AQW 3846/11)**

**Minister of Health, Social Services and Public Safety:** The Bamford Review of Mental Health and Learning Disability and the Protect Life Suicide Prevention Strategy provide the strategic context for the delivery of suicide prevention services in Northern Ireland. A range of services are delivered throughout the Health and Social Care (HSC) network, working in partnership with voluntary and community groups. The services funded by my Department include:

- Primary Care Services- GPs have been provided with specific training to assist with crisis assessment/management, and can also arrange follow-up support or an immediate mental health service referral.
- Medical support for individuals who have self-harmed or are at risk of suicide who present at Accident & Emergency. This includes urgent referral to specialist mental health services and next day follow up as part of the “Card Before You Leave” initiative.
- HSC Trust Mental Health Crisis Response and Home Treatment teams.
- Lifeline 24/7 crisis response helpline and associated wraparound counselling, mentoring, and befriending support services.
- Community-led suicide prevention and bereavement support programmes.
- Training in suicide prevention.
- Public awareness programmes designed to foster help-seeking behaviour.

### Recruitment Freeze on Nursing Posts

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety, in light of the recruitment freeze on nursing posts in some of the Health and Social Care Trusts and the vacant nursing posts that are being suppressed, (i) how he intends to ensure that his commitment to protecting front-line services is honoured; (ii) what contingencies have been put in place to uphold safe staffing numbers and patient safety; and (iii) how many beds in each Health and Social Care Trust have been closed due to nursing shortages in the last twelve months.

**(AQW 3849/11)**

**Minister of Health, Social Services and Public Safety:** Trusts have vacancy controls in place not a recruitment freeze. However, Trusts are also aware that they must provide a safe and effective service; this includes staffing levels that are considered sufficient to meet that requirement.

The information in the table below on the number of beds closed in each HSCT in the past twelve months was supplied by HSCT's.

<b>SEHSCT</b>	Medical Assessment Unit (MAU), in the Ulster Hospital had 6 beds temporarily closed in early December 2010. These were reopened early in the New Year.
<b>NHSCT</b>	The Rehab at Causeway Hospital had 6 beds closed on an ad hoc basis due to the significant high levels of sickness.

### Attempted Suicide

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety, for the last twelve months, how many people in each Health and Social Care Trust area who had attempted suicide were subsequently released from hospital as medically fit but were referred on to the Home Treatment Team.  
**(AQW 3851/11)**

**Minister of Health, Social Services and Public Safety:** This information is not routinely collected by each of the Health and Social Care Trusts and could only be provided at disproportionate cost.



## Performance Efficiency Delivery Unit

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety what consideration his Department has given to seeking assistance from the Performance Efficiency Delivery Unit when planning budgets.

**(AQW 3860/11)**

**Minister of Health, Social Services and Public Safety:** I refer you to my answer to AQW3611/11

As agreed with the Executive at the outcome of 2010/11 June Monitoring round, DFP has commissioned PEDU to undertake work with officials in the Health and Social Care Board, into the scope for, and delivery of, significant cost reductions across the sector.

This work is currently ongoing and the first stage is due to be completed during the week commencing 28 February.

## Agency Nurses

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety how many agency nurses were employed by each Health and Social Care Trust in each of the last five years.

**(AQW 3896/11)**

**Minister of Health, Social Services and Public Safety:** The information requested is not available. Agency Nurses are employed by individual Agencies, not by Trusts and therefore Trusts do not hold personal information on them.

## Agency Workers

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety how much was spent on employing agency workers in each Health and Social Care Trust in each of the last five years.

**(AQW 3898/11)**

**Minister of Health, Social Services and Public Safety:** Information on the cost of Agency staff is published on a bi-annual basis on the departmental website at [www.dhsspsni.gov.uk/index/hrd/wpu/wpu-monitoring.htm](http://www.dhsspsni.gov.uk/index/hrd/wpu/wpu-monitoring.htm)

## Emergency Response Vehicles

**Mr P Callaghan** asked the Minister of Health, Social Services and Public Safety to detail the number of (i) rapid response vehicles; and (ii) other emergency response vehicles available to respond to medical emergencies, in each Health and Social Care Trust area.

**(AQW 3907/11)**

**Minister of Health, Social Services and Public Safety:** The table below provides the information requested, broken down by the Northern Ireland Ambulance Service (NIAS) operational divisional areas which are broadly coterminous with HSC trusts. It is important to note that the data do not show the number of crewed emergency response vehicles deployed at any given time.

	HQ	East City	East Country	North	South	West
RRVs	1	5	9	11	7	7
Others*	16	44	39	64	50	57
<b>Total</b>	<b>17</b>	<b>49</b>	<b>48</b>	<b>75</b>	<b>57</b>	<b>64</b>

**\*Note:** Other vehicles include A&E ambulances as well as vehicles for non-emergency patient care services, emergency planning, training, NIAS doctors and local/divisional managers which are also available for emergency response if necessary.

## Waiting Times for Surgery

**Ms M Ritchie** asked the Minister of Health, Social Services and Public Safety to detail the waiting times for surgery for (i) priority cases; and (ii) routine cases at the (a) Belfast City Hospital; (b) Royal Victoria Hospital; and (iii) Ulster Hospital.

**(AQW 3909/11)**

**Minister of Health, Social Services and Public Safety:** The waiting times at 30th September 2010 for surgery for priority cases at the (a) Belfast City Hospital; (b) Royal Victoria Hospital; and (c) Ulster Hospital are shown in the table below:

(i)

Hospital	Patients Waiting for Surgery by Weeks Waiting					
	0-6	>6-13	>13-21	>21-26	>26-36	>36
Belfast City Hospital	669	377	150	69	96	26
Royal Victoria Hospital	479	255	159	33	22	2
Ulster Hospital	47	9	3	2	0	0

**Source:** Belfast & South Eastern HSC Trusts

The waiting times at 30th September 2010 for surgery for routine cases at the (a) Belfast City Hospital; (b) Royal Victoria Hospital; and (c) Ulster Hospital are shown in the table below:

(ii)

Hospital	Patients Waiting for Surgery by Weeks Waiting					
	0-6	>6-13	>13-21	>21-26	>26-36	>36
Belfast City Hospital	645	615	544	204	259	60
Royal Victoria Hospital	961	1,202	1,072	242	116	51
Ulster Hospital	141	100	49	19	161	11

**Source:** Belfast & South Eastern HSC Trusts

## Action Mental Health's Life Alert Scheme

**Mr P Weir** asked the Minister of Health, Social Services and Public Safety what assistance, financial or otherwise, his Department will be providing to Action Mental Health's Life Alert scheme.

**(AQW 3921/11)**

**Minister of Health, Social Services and Public Safety:** My Department does not provide funding for Action Mental Health's 'Life Alert' Scheme. However, it does provide core a grant to Action Mental Health, which in 2010/11 amounted to £85,237.

## Registered Blind or Partially Sighted: Communication

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety to detail the methods of communication being used by his Department and the Health and Social Care Trusts to communicate with patients who are registered blind or partially sighted.

**(AQW 3928/11)**

**Minister of Health, Social Services and Public Safety:** If a patient is known to be visually impaired, staff working in my Department and in Health and Social Care Trusts make every effort to communicate with the patient in the most accessible and suitable way to meet their individual needs and

preferences. This can include: direct telephone contact with the patient; the provision of appointment cards and other medical information in large print, Braille or Moon; the transcription of appointments, letters and other documents onto audio CD/cassette; and the use of email and the internet, including facilities such as "Browesaloud".

## People Registered as Blind

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety how many people are registered as blind in each Health and Social Care Trust area.

**(AQW 3929/11)**

**Minister of Health, Social Services and Public Safety:** Information on the number of people registered as blind is not collected centrally, but is recorded by each Health & Social Care (HSC) Trust. The information provided by the five HSC Trusts is detailed in the table below.

### PERSONS REGISTERED AS BLIND IN HSC TRUSTS AT 31ST JANUARY 2011 1

HSC Trust	Persons registered as blind
Belfast	1186
Northern	721
South Eastern	562
Southern	734
Western	489

- 1 The information recorded by HSC Trusts is not a register of those blind, as people may refuse to have their names added to relevant HSC Trust records.

## Registered Blind or Partially Sighted: Communication

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety whether his Department and the Health and Social Care Trusts have any plans to introduce a more effective and appropriate method of communicating with patients who are registered blind or partially sighted; and what is the likely time-frame for the introduction of such a method.

**(AQW 3930/11)**

**Minister of Health, Social Services and Public Safety:** I have recently launched for consultation a draft Physical and Sensory Disability Strategy, which includes recommendations about the provision of information in a range of accessible formats for people who are visually impaired. In addition, Health and Social Care Trusts have been working collaboratively in preparation of a draft Section 75 Action Plan and Equality Scheme which contains actions to ensure that information is available in an accessible format for people with a sensory disability.

## Review of Governance Arrangements

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety on which date did the Western Health and Social Care Trust decide to carry out a high level review of governance arrangements; and on which date was he informed about this review.

**(AQW 3932/11)**

**Minister of Health, Social Services and Public Safety:** A level of review of clinical and social care governance within the Western Health and Social Care Trust was instigated by Health and Social Care Board, not the Western Trust, as part of its 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.

I meet regularly with the Chief Executive of the HSC Board when issues of performance and action being taken to address are discussed as part of routine business. I was informed in October 2010, during a routine update meeting with the HSC Board, that a review of the governance arrangements in the Western Trust was being undertaken

## Service Standards in the Royal Belfast Hospital for Sick Children

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety (i) who decided to call in Interim Management and Support (IMAS) to look at service standards in the Royal Belfast Hospital for Sick Children; (ii) on which date was this decided; (iii) when did IMAS produce its completed report; and (iv) when he was made aware of the completed report.

**(AQW 3933/11)**

### Minister of Health, Social Services and Public Safety:

- (i) Following discussion between the Health and Social Care (HSC) Board and Belfast HSC Trust on the support available from the Interim Management And Support Team (IMAS) as part of the Board's routine service improvement arrangements, the Belfast Trust asked IMAS to visit the Trust's urgent and emergency care department for children, to compare it to known good practice and to make recommendations for improvements and modernisation.
- (ii) This was decided following an initial meeting between IMAS and representatives of the HSCB and all Trusts in December 2009.
- (iii) IMAS wrote to the Belfast Trust detailing the findings from the visit on 5 March 2010.
- (iv) I have regular meetings with the Chief Executive of the Board at which a wide range of service issues are discussed. Matters relating to performance are included as part of the routine business of those meetings.

## Applications for Volunteer Positions

**Mr C McDevitt** asked the Minister of Health, Social Services and Public Safety (i) to detail the number of applications for volunteer positions within the Belfast Health and Social Care Trust that have been received in each of the last three years; (ii) the number of candidates that have been successful; (iii) the average length of time between decision and commencement of the volunteer's work; and (iv) for his assessment of whether this scheme is being operated at its optimal level.

**(AQW 3936/11)**

**Minister of Health, Social Services and Public Safety:** The Belfast Health and Social Care Trust (the Trust) hold records for the number of successful volunteering applications for each of the last 3 years:

2008	18
2009	38
2010	122

Given there are 11 steps in the recruitment process, starting from an expression of interest through to the final recruitment stage, the Trust does not record the number of people who drop out at various stages. Volunteer applications are rarely refused (only 1 in 2009) as efforts are made to find a suitable placement for all potential volunteers. There may be occasions when the demand for placements by people wishing to be considered to be a volunteer exceeds the availability of placements and volunteers are asked to contact the service again at a later date.

The average length of time to recruit a volunteer is approximately 8 weeks but it can take anything between 6-12 weeks. Factors that can affect this are Access NI (Police check), occupational health assessment and risk assessment of placement area.

The Trust is content that the scheme is operating well, given the increasing number of successful applications and volunteer placements being supported across a range of care settings. I am aware that the Trust has a volunteer policy and a volunteer recruitment and selection policy in place and hopes to shortly commence a survey of volunteering.

### Agenda for Change review for Auxiliary Nurses

**Mr C Lyttle** asked the Minister of Health, Social Services and Public Safety when the outcome of the Agenda for Change review for auxiliary nurses in the Ulster Hospital Accident and Emergency Unit will be known.

**(AQW 3964/11)**

**Minister of Health, Social Services and Public Safety:** The Agenda for Change review process continues to be taken forward in partnership with trade union representatives and Health and Social Care Trusts. Management at the South Eastern Trust have advised me that they will commence the process of notifying individual auxiliary nursing staff of the results of the Agenda for Change review this week.

### Capital Investment Projects

**Mr P Givan** asked the Minister of Health, Social Services and Public Safety to detail each capital investment project by his Department in the Lisburn City Council area since 2005, including the level of the investment.

**(AQW 4029/11)**

**Minister of Health, Social Services and Public Safety:** Since 2005/06 almost £11.9m capital has been invested in projects within the Lisburn City Council area as detailed in the table below.

<b>Project (Total Cost)</b>	<b>Spend 05/06</b>	<b>Spend 06/07</b>	<b>Spend 07/08</b>	<b>Spend 08/09</b>	<b>Spend 09/10</b>	<b>Spend 10/11 (Esti- mate)</b>	<b>Total Spend</b>
Lagan Valley Hospital Refurb. (£1.2m)	450	200	233	Nil	Nil	Nil	883
Lagan Valley Hospital Theatres (£4.1m)	Nil	Nil	Nil	345	1198	2553	4096
Lagan Valley Hospital CT Scanner (£0.5)	Nil	479	Nil	Nil	Nil	Nil	479
Lagan Valley Hospital Maternity (£0.4m)	Nil	Nil	Nil	Nil	Nil	400	400
Lisburn Assessment & Research Centre (£3.5m)	Nil	80	439	1535	1498	Nil	3552
Seymour Hill Horticultural Unit (£0.4m)	Nil	Nil	372	Nil	Nil	Nil	372
Thompson House (£4.2m)	1890	44	Nil	Nil	Nil	Nil	1934



<b>Project (Total Cost)</b>	<b>Spend 05/06</b>	<b>Spend 06/07</b>	<b>Spend 07/08</b>	<b>Spend 08/09</b>	<b>Spend 09/10</b>	<b>Spend 10/11 (Esti- mate)</b>	<b>Total Spend</b>
Other schemes below £300k	Nil	150	Nil	249	33	Nil	432
<b>Totals</b>	<b>2340</b>	<b>953</b>	<b>1044</b>	<b>1889</b>	<b>2696</b>	<b>2953</b>	<b>11866</b>

### Young People Leaving Care

**Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety for his assessment of the measures taken by his Department to improve the lifestyle outcomes for young people leaving care.  
(AQW 4054/11)

**Minister of Health, Social Services and Public Safety:** My Department recognises that if we are to improve outcomes of young people leaving care, they need to have the same life opportunities as their peers who have not been in care.

The 'Care Matters in Northern Ireland' cross departmental strategy outlines a strategic vision for wide ranging improvements in services to children and young people in and on the edge of care including improving educational opportunities and strengthening support to young people leaving care as they make the transition to adulthood.

Significant additional investment of around £2m has been made available in the period 2008 – 2011 to support schemes in Preparation for Adulthood, Living with Former Foster Carers, Transition Teams and Leaving Care Services which will impact on the economic activity and education attainment of these young people.

### Tyrone County Hospital Urgent Care and Treatment Centre

**Mr P Doherty** asked the Minister of Health, Social Services and Public Safety how many AS1 calls were made from the Tyrone County Hospital Urgent Care and Treatment Centre between (i) 1 January 2009 and 31 December 2009; and (ii) 1 January 2010 and 31 December 2010.  
(AQW 4083/11)

**Minister of Health, Social Services and Public Safety:** The number of AS1 calls that were made from the Tyrone County Hospital Urgent Care and Treatment Centre between (i) 1 January 2009 and 31 December 2009; and (ii) 1 January 2010 and 31 December 2010, are given in the below table:

	<b>1 January 2009 to 31 December 2009</b>	<b>1 January 2010 to 31 December 2010</b>
Total AS1 Calls	275	346

**Source:** Northern Ireland Ambulance Service HSC Trust

### Visitor Car Parking at Antrim Area Hospital

**Mr P Frew** asked the Minister of Health, Social Services and Public Safety whether all patient and visitor car parking at Antrim Area Hospital will be free of charge once the work to add parking spaces is complete.  
(AQW 4175/11)

**Minister of Health, Social Services and Public Safety:** The provision of additional car parking spaces at Antrim area hospital is part of an overall plan to improve traffic management. This will include the introduction of car parking charges for patients and visitors. However, regional policy on exemption

from car parking charges, which provides free parking for cancer and renal dialysis patients and the next of kin of critical care unit patients, will apply. Furthermore the Northern Health & Social Care Trust must consider exemptions in other situations where the frequency and/or duration of visits lead to significant charges. Assistance with car parking charges may also be available under the regional Hospital Travel Costs Recovery Scheme which offers help to people who meet low income criteria.

### Private Secretaries in the Health Service

**Mr B McElduff** asked the Minister of Health, Social Services and Public Safety how Private Secretaries employed in the Health Service, whose role requires the knowledge and experience of Medical Secretaries and who carry out the duties of Medical Secretaries, can have their job evaluations revisited.

**(AQW 4189/11)**

**Minister of Health, Social Services and Public Safety:** There is an opportunity for staff who remain dissatisfied with their Agenda for Change grading to request a review provided this was done within three months from the date they were notified of their grading. Staff who do not ask for a review within this timeframe are understood to be content with the grade assigned to their job. There is no further recourse to have job evaluation revisited outside of this review process.

### Personal Secretaries: Job Evaluations

**Mr B McElduff** asked the Minister of Health, Social Services and Public Safety for his assessment of (i) the job evaluations carried out by the Western Health and Social Care Trust on the role of personal secretaries who act as medical secretaries; (ii) whether maladministration has resulted in the job profile and the matched job report being different to the actual duties of the post holders; and (iii) whether post holders in this category in the other Trusts are content with their job evaluations.

**(AQW 4193/11)**

**Minister of Health, Social Services and Public Safety:**

- (i) All personal secretary posts in the Western Health and Social Care Trust were graded by matching the job description to a national benchmark profile. The majority of job descriptions were matched to the secretary profile. One job description was matched to the medical secretary entry level and one to the secretary higher level.
- (ii) I am assured that the Trust has engaged fully in partnership with Trade Unions, to work systematically and professionally and to maintain the integrity of the Job Evaluation processes.
- (iii) Staff who remain dissatisfied with their grading have three months from the date of the decision to request a review.

### Care Packages

**Mr F Molloy** asked the Minister of Health, Social Services and Public Safety what policies and procedures the Health and Social Care Trusts have in place to facilitate care packages to meet assessed need.

**(AQW 4222/11)**

**Minister of Health, Social Services and Public Safety:** Health and Social Care trusts are continuing to develop and expand the range of domiciliary care services available as well as increasing the number of people who manage their own care through Direct Payments. I have also introduced Regional Access Criteria for Domiciliary Care in 2008 to provide for greater transparency and harmonisation in the process of identifying and prioritising need.

In the present budget period I committed an extra £58m to help support an additional 1500 people in the community. In spite of this investment, staff in the Trusts are finding it extremely difficult to meet demand for domiciliary care, not least because they remain unable to plan on the basis of their next year's budget. I have sought to highlight these circumstances in order to make the best possible case for increased resources, and to advise the Executive, the DFP and this Assembly of the increasing

urgency of the need for resources to provide this lifeline for some of the most frail and vulnerable people in our community.

### **Royal Victoria Hospital's School of Dentistry**

**Mr J Bell** asked the Minister of Health, Social Services and Public Safety how many of the 139 patients recalled by the Royal Victoria Hospital's School of Dentistry are from the Strangford constituency.  
**(AQW 4286/11)**

**Minister of Health, Social Services and Public Safety:** The information requested is not available.

## **Department of Justice**

### **Minibus for Separated Prisoners**

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 3265/11, what changes occurred in 'the degree of prisoner movement and perceived security implications' which led to the decision to implement a recommendation made in 2006 to purchase a second mini-bus for separated prisoners.  
**(AQW 3765/11)**

**Minister of Justice (Mr D Ford):** Arrangements in place prior to the 12 August 2010 Agreement required all separated prisoners to be transported between Roe and Bush houses and the domestic visits area in a prison van. Movement to all other locations was on an escorted walking basis by prison staff.

Following the Agreement of 12 August 2010, new search facility arrangements were put in place in the Bush and Roe complex. Following a review of those arrangements it has been decided that on security and safety grounds it is appropriate to transport all separated prisoners by prison van to all locations which are a significant distance from Bush and Roe complex. It has also been decided that for safety reasons it is not acceptable for loyalist and republican separated prisoners to share the same vehicle.

Moreover, due to the increased need for transported movement it has been determined that a second prison van is necessary to facilitate these requirements thereby implementing the original recommendation of 2006. These new arrangements will come into effect once the additional van is in place.

### **Action Mental Health's Life Alert Scheme**

**Mr P Weir** asked the Minister of Justice what assistance, financial or otherwise, his Department will be providing to Action Mental Health's Life Alert scheme.  
**(AQW 3922/11)**

**Minister of Justice:** The Department of Justice does not provide direct financial or other assistance to Action Mental Health's Life Alert scheme, and there are no specific plans to do so although I understand that North Down DPP has provided assistance over the last few years.

### **Contempt of Court Cases**

**Miss M McIlveen** asked the Minister of Justice how many cases of contempt of court have taken place for a breach of (i) residence orders; and/or (ii) contact orders made in the (a) Family Proceedings Court; (b) Family Care Centre; and (c) High Court, in each of the last five years.  
**(AQW 3925/11)**

**Minister of Justice:** It is not possible to provide the information in the format requested as cases for breach of a family court order (or a specific condition of an order) cannot be disaggregated by order type or court tier without an extensive manual exercise.

Although a number of cases will be brought by way of contempt of court proceedings, the majority of cases involving breach of a family court order are initiated by way of a summons issued under

Article 112 of the Magistrates Courts (Northern Ireland) Order 1981. The information provided in the answer includes breach proceedings brought both by way of contempt of court and magistrates' court summons.

Breach proceedings can also be initiated by way of a general application, however, these cases have not been included in the answer as it is not possible to identify if they specifically relate to breach of a family court order without an extensive manual exercise.

Although the majority of breach proceedings in family cases involve non-compliance with a contact order and less commonly a residence order, they may also include breach of a range of other conditions specified within an order.

Table 1 below sets out the number of cases received for breach of a family court order in each of the last three years.

**TABLE 1:\***

<b>Year</b>	<b>Number of Breach Proceedings</b>
2008	138
2009	146
2010	177

\* Information was not centrally recorded prior to March 2007 and consequently full year figures are only available from 2008. There are a range of orders that can be made on foot of breach proceedings and it is not possible to define what would constitute a successful or unsuccessful outcome. Table 2, below, sets out the outcomes of breach proceedings received for each of the last three years.

**TABLE 2:**

<b>Outcome</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Adjourned Generally	5	4	1
Dismissed	37	38	15
Monetary Penalty	4	2	5
No Order Made (Final Order)	2	-	5
Strike Out	8	10	6
Suspended Sentence	-	-	1
Withdrawn	59	63	43
Void (due to non-service)	21	21	53
<b>Year Total</b>	<b>136</b>	<b>138</b>	<b>129</b>

**Notes:**

- 1 More than one outcome can be recorded against a single case.
- 2 Some cases are still active and will not yet have a final outcome.

In terms of the gender of people against which breach proceedings have been taken, Table 3 below sets out the gender of the defendants or respondents to the breach proceedings received in each of the last three years.

**TABLE 3:**

<b>Gender</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Female	110	117	154
Male	27	29	23
Not Known	1	-	-
<b>Total</b>	<b>138</b>	<b>146</b>	<b>177</b>

### Contempt of Court Cases

**Miss M McIlveen** asked the Minister of Justice how many cases of contempt of court which have been taken for a breach of (i) residence orders; and/or (ii) contact orders made in the (a) Family Proceedings Court; (b) Family Care Centre; and (c) High Court have been (i) successful; (ii) unsuccessful; and (iii) withdrawn, in each of the last five years.

**(AQW 3926/11)**

**Minister of Justice:** It is not possible to provide the information in the format requested as cases for breach of a family court order (or a specific condition of an order) cannot be disaggregated by order type or court tier without an extensive manual exercise.

Although a number of cases will be brought by way of contempt of court proceedings, the majority of cases involving breach of a family court order are initiated by way of a summons issued under Article 112 of the Magistrates Courts (Northern Ireland) Order 1981. The information provided in the answer includes breach proceedings brought both by way of contempt of court and magistrates' court summons.

Breach proceedings can also be initiated by way of a general application, however, these cases have not been included in the answer as it is not possible to identify if they specifically relate to breach of a family court order without an extensive manual exercise.

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**Contempt of Court Cases**

**Miss M McIlveen** asked Minister of Justice how many cases of contempt of court against (i) men; and (ii) women have taken place for a breach of (a) residence orders; and/or (b) contact orders made in the (i) Family Proceedings Court; (ii) Family Care Centre; and (iii) High Court, in each of the last five years. **(AQW 3927/11)**

**Minister of Justice:** It is not possible to provide the information in the format requested as cases for breach of a family court order (or a specific condition of an order) cannot be disaggregated by order type or court tier without an extensive manual exercise.

Although a number of cases will be brought by way of contempt of court proceedings, the majority of cases involving breach of a family court order are initiated by way of a summons issued under Article 112 of the Magistrates Courts (Northern Ireland) Order 1981. The information provided in the answer includes breach proceedings brought both by way of contempt of court and magistrates' court summons.

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## 50:50 Recruitment to the PSNI

**Mr A Easton** asked the Minister of Justice if he can confirm the date when the 50/50 recruitment to the PSNI will end.

**(AQW 3976/11)**

**Minister of Justice:** The 50/50 recruitment provisions are a matter for the Secretary of State for Northern Ireland. It will be for the Secretary of State to decide whether the temporary provisions should be renewed beyond 28 March 2011.

## Part-Time Reserve Gratuity Payments

**Mr A Easton** asked the Minister of Justice for an update on the part-time reserve gratuity payments, including how many people, to date, have applied for the payment.

**(AQW 3979/11)**

**Minister of Justice:** The PTR Gratuity scheme was launched on 8 November 2010 and the closing date for applications was 4 February 2011. The total number of applications for the gratuity payment is 6,109. Once all the necessary checks have been completed, the payments will be processed as quickly as possible.

## Staff Allocated to the Prison Service for Non-Separated Prisoners

**Lord Morrow** asked the Minister of Justice to detail the number and cost of staff allocated to the Prison Service for non-separated prisoners in each of the last three years.

**(AQW 3986/11)**

**Minister of Justice:** Table A below sets out the number and cost of staff allocated to the Prison Service for non-separated prisoners in each of the last 3 full financial years.

The staff numbers quoted are representative of the number of staff in post on 31 March for each respective financial year.

**TABLE A**

Financial Year	Number of Staff	Cost
2007-2008	1,726	£70,485,325
2008-2009	1,763	£69,263,847
2009-2010	1,762	£68,889,960

## Prisoner Assessment Unit, Belfast

**Lord Morrow** asked the Minister of Justice how many prisoners released from the Prisoner Assessment Unit, Belfast, have reoffended within 12 months of release, in each of the last three years.

**(AQW 3987/11)**

**Minister of Justice:** Reoffending data is only available for the period up to July 2009:

- In 2007, 24 prisoners were released from the Prisoner Assessment Unit: none of them reoffended within 12 months of their release.
- In 2008, 31 prisoners were released from the Prisoner Assessment Unit: none received any further convictions between their release from custody and July 2009.

## Prisoner Assessment Unit, Belfast

**Lord Morrow** asked the Minister of Justice how many prisoners can currently be held at the Prisoner Assessment Unit, Belfast, and how many prisoners it holds.

**(AQW 3988/11)**

**Minister of Justice:** There are currently 15 prisoners residing within the Prisoner Assessment Unit, which has a capacity for 22.

## Male Victims of Domestic Violence

**Mr C McDevitt** asked the Minister of Justice whether he has any plans to allocate resources to assist male victims of domestic violence.

**(AQW 3989/11)**

**Minister of Justice:** The 'Tackling Violence at Home' strategy for addressing domestic violence and abuse in Northern Ireland, which was launched in October 2005 by the then Northern Ireland Office and the Department of Health, Social Services and Public Safety, is gender neutral and recognises that domestic violence occurs right across our society. Action Plans developed under the Strategy have, and continue to be, focused on the needs of all victims of domestic violence.

Furthermore the Department of Justice, the Department of Health, Social Services and Public Safety and the Northern Ireland Housing Executive currently fund Women's Aid Federation NI to manage the 24 Hour Domestic Violence Helpline. This freephone service is open to anyone affected by domestic violence.

Finally, I recently launched a consultation process seeking views on how we build safer, shared and confident communities. In addition, a Review to examine the best way to help people secure access to justice is currently ongoing. The outcome of both consultations will inform decisions on how we can best meet the needs of both male and female victims of this dreadful crime.

## Attacks on Police Vehicles

**Mr T Burns** asked the Minister of Justice to detail (i) the number of (a) recorded offences; and (b) convictions for attacks on police vehicles in each of the last five years; and (ii) the cost of repairing or replacing these vehicles, broken down by policing district.

**(AQW 3993/11)**

**Minister of Justice:** Table 1 below gives the number of reports received for malicious damage to police vehicles and the repair costs for each of the financial years 2005/06 to 2009/10. Information by policing district is not available in the format requested.

I regret information on convictions is not available. Court conviction data do not contain background information in relation to offences committed and, it is therefore not possible to separate out the number of convictions for criminal damage of a police vehicle from other criminal damage offences.

**TABLE 1: MALICIOUS DAMAGE TO POLICE VEHICLES – NUMBER OF REPORTS RECEIVED AND REPAIR COSTS (£) 2005/06-2009/10<sup>1,2</sup>**

Year	Number of reports received	Repair costs (£)
2005/06	1477	705,341
2006/07	1077	351,780
2007/08	819	288,476
2008/09	576	277,169
2009/10	507	263,963

1 Costs have been rounded.

- 2 Cost information is not available for a number of these criminal damage reports which may be due to (i) the vehicle has not been brought in for repair; or (ii) the cost has not been notified. The number of jobs not costed in each of the financial years is as follows: 795 in 2005/06; 629 in 2006/07; 291 in 2007/08; 226 in 2008/09; and 101 in 2009/10.

## Speeding on Motorways

**Lord Morrow** asked the Minister of Justice how many people have been convicted for speeding on motorways in each of the last three years, and of these, how many were speeding in excess of 100 mph. (AQW 3995/11)

**Minister of Justice:** The information requested is not available. Court conviction data do not contain background information in relation to offences committed and, it is therefore not possible to give the number of convictions for speeding on motorways or the speed that was detected in relation to speeding convictions.

## Pilot Scheme at Glasgow Sheriff Court

**Lord Morrow** asked the Minister of Justice for his assessment of the pilot scheme at Glasgow Sheriff Court, in which low-level offenders are placed on community payback squads; and whether he intends to introduce a similar scheme. (AQW 3996/11)

**Minister of Justice:** In my Oral Statement to the Assembly on 1 February, I announced the launch of a public consultation on a Review of Community Sentences, which explores the role and effectiveness of community sentencing disposals and short prison sentences for adult offenders convicted of less serious offences.

The Review found that our reoffending rates and imprisonment levels compare very favourably with many other jurisdictions and provide a sound basis for consulting on the scope for further improvements. However, as I highlighted in my Statement, it is important to look to national and international best practice, and I will continue to monitor developments in Scotland with interest.

Decisions on the way forward, informed by responses to the consultation and by developments elsewhere, will be for the new Executive.

## Domestic Violence Cases

**Mr P Weir** asked the Minister of Justice if there are any plans to provide legal aid to non-associated applicants in domestic violence cases, rather than just spouses or co-habitees. (AQW 4021/11)

**Minister of Justice:** Under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 a person applying for a Non-Molestation Order must be “associated” with the other person. Article 3(3) of the Order defines associated as;

- (a) they are or have been married to each other;
- (b) they are cohabitees or former cohabitees;
- (c) they live or have lived in the same household, otherwise than merely by reason of one of them being the other’s employee, tenant, lodger or boarder;
- (d) they are relatives; ( in relation to a person, means —
  - the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person’s spouse or former spouse, or
  - the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by affinity) of that person or of that person’s spouse or former spouse, and includes, in



relation to a person who is living or has lived with another person as husband and wife, any person who would fall within paragraph (a) or (b) if the parties were married to each other;)

(e) they have agreed to marry one another;

(f) in relation to any child.

Under the current legislation a Non-Molestation Order can be applied for by a wide group of individuals and not just spouses or cohabitants. There are no plans to further broaden the scope.

The Review of Access to Justice in Northern Ireland, currently under way, will examine all areas of legal aid, and I will consider very carefully any recommendations it may make in respect of support for victims of domestic violence.

### Occupation Orders in Domestic Violence Cases

**Mr P Weir** asked the Minister of Justice if there are any plans to provide legal aid funding for Occupation Orders in domestic violence cases.

**(AQW 4022/11)**

**Minister of Justice:** Occupation Orders were introduced under Article 11 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998. Legal aid funding may be available to either the applicant or respondent in respect of Occupation Orders, by virtue of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, if the statutory requirements are met. In order to qualify for funding two tests must be met, they are that the applicant:-

- has shown reasonable grounds for taking, defending or being a party to proceedings, and
- meets the financial eligibility test for legal aid.

The Review of Access to Justice in Northern Ireland, currently under way, will examine all areas of legal aid provision, and I shall consider any recommendations it makes in respect of support for victims of domestic violence.

### Part-Time Reserve Gratuity Payments

**Mr P Frew** asked the Minister of Justice to detail the rationale behind taxing the part-time reserve gratuity payments, given that these members would have paid contributions while in service.

**(AQW 4060/11)**

**Minister of Justice:** The Department has been advised by HMRC that these gratuity payments are taxable because they derive from an individual's employment. Tax law is an excepted matter and the Department has no role in securing any different treatment for these payments.

### Nationally Registered Interpreters

**Lord Morrow** asked the Minister of Justice how many nationally registered interpreters, required for Crown Court proceedings, are based locally.

**(AQW 4114/11)**

**Minister of Justice:** There are currently 2 local language interpreters registered with the National Register of Public Service Interpreters (NRPSI) and four local interpreters registered with National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD).

### Nationally Registered Interpreters

**Lord Morrow** asked the Minister of Justice how many nationally registered interpreters who have attended Crown Court proceedings in each of the last three years were (i) based locally; or (ii) based outside the jurisdiction.

**(AQW 4115/11)**

**Minister of Justice:** The numbers of nationally registered interpreters who have attended Crown Court proceedings in the last three financial years are as follows:

	2007/08	2008/09	2009/10
Interpreters based locally - NRPSI	1	1	2
Interpreters from outside the jurisdiction - NRPSI	18	19	32
Interpreters based locally – NRCPD	0	2	0
Interpreters from outside the jurisdiction - NRCPD	0	0	0

**Note:** Interpreters may have attended court on a number of occasions throughout the time periods.

## Nationally Registered Interpreters

**Lord Morrow** asked the Minister of Justice, for each of the last three years, to detail the cost incurred by his Department for flights, accommodation and other travel costs for nationally registered interpreters from outside the jurisdiction attending court proceedings.

**(AQW 4116/11)**

**Minister of Justice:** Prior to April 2009 payment for court interpreter services were processed by the Public Prosecution Service for Northern Ireland and the NICTS does not hold data on the costs incurred. In April 2009, NICTS became responsible for processing invoices for court interpreters.

For the financial year 2009/10 NICTS processed approximately 17,000 invoices of which 1089 related to interpreters costs; all of these are stored off-site in numerical order. Information on interpreters' costs held in the electronic financial systems is not broken down by individual expense items i.e. accommodation, flights, other travel etc. Information for 2009/10 could not therefore be provided without an extensive manual exercise.

However, information can be provided on the expenses claimed on invoices received during this financial year from 1st April 2010 to 31st January 2011 as follows:

Accommodation	Flights	Mileage	Other Travel*	Meal Allowance
£10,295.87	£12,952.57	£2,656.57	£5,002.65	£2,844.40

\* Other Travel includes daily travel allowances, car parking fees, train and taxi fares etc.

These costs relate to 46 Crown Court requests for interpreter services, not all of which were incurred during this time period.

## Staff Training Courses

**Mr T Burns** asked the Minister of Justice to detail (i) the number of training courses which members of staff from his Department have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

**(AQW 4119/11)**

**Minister of Justice:** The Department of Justice was established on 12th April 2010 and, to date, one member of staff has attended an overseas module as part of the Top Management Programme, organised and run by the National School for Government. His attendance on TMP began in January

2010, before the Department of Justice was established, and the overseas element of the Programme was in May 2010.

- (ii) The course attended was the National School of Government Top Management Programme.
- (iii) The programme began on 25 January 2010 and closed on 25 June 2010. It is a 17 day long course which is taken over a period of 12 months. The course is modular and involves a series of visits to different locations.
- (iv) see above.
- (v) One member of staff has attended this programme.
- (vi) Director – Justice Delivery Directorate.
- (vii) The National School of Government arranged for Senior Civil Servant participants to visit India as part of the modular course programme.
- (viii) The total cost of the Top Management Programme was £15,225.00
- (ix) The total travel expenses incurred in connection with this programme were £4,553.39.
- (x) Accommodation costs were covered in the overall cost of the Top Management Programme (see above - viii).
- (xi) The names and locations of accommodation used during the programme are:
  - Hilton Metropole – London
  - Park Plaza County Hall – London
  - Sunningdale Institute – London
  - Green Hotel – Mysore, India
  - Taj Gateway – Bangalore, India

### **Criminal Damage to Property**

**Lord Morrow** asked the Minister of Justice how many claims for criminal damage to property are under consideration by the Compensation Agency; and how many of these claims have been outstanding for more than two years.

**(AQW 4148/11)**

**Minister of Justice:** There are currently 749 outstanding claims for criminal damage. 172 of these claims have been outstanding for more than two years.

### **Criminal Damage to Orange Halls and Community Halls**

**Lord Morrow** asked the Minister of Justice how many claims for criminal damage to (i) Orange Halls; and (ii) Community Halls are under consideration by the Compensation Agency; and how many of these claims are pending for more than (a) two years; (b) three years; (c) four years; and (d) five years.

**(AQW 4149/11)**

**Minister of Justice:** There are currently sixteen claims for criminal damage to Orange Halls and eight claims for criminal damage to community halls.

There are three Orange Halls and two Community Halls outstanding for two years.

There are no claims outstanding for three, four or five years.

### **Criminal Damage to Property**

**Lord Morrow** asked the Minister of Justice how many claims for criminal damage to property have been settled by the Compensation Agency in each of the last five years.

**(AQW 4150/11)**

**Minister of Justice:** The numbers of criminal damage claims settled within the last 5 years are as follows:

2006-2007	617
2007-2008	363
2008-2009	260
2009-2010	224
2010- 4th Feb 2011	261

### Theft of Goods Valued at £10.00 or Under

**Lord Morrow** asked the Minister of Justice how many people convicted of the theft of goods, valued at £10.00 or under, in each of the last five years have received three month prison sentences.

**(AQW 4151/11)**

**Minister of Justice:** The information is not available in the format requested. Court conviction data do not contain background information in relation to offences committed, and it is therefore not possible to give the number who received a three month prison sentence for the theft of goods valued under £10.00.

I should stress that individual sentences are a matter of judicial discretion, taking account of all the circumstances of the case. I recognise, however, that recent cases have reopened public debate on sentencing issues. I have just concluded a consultation on sentencing guidelines mechanisms, looking at a range of options to promote public confidence through ensuring consistency and transparency. I am currently considering the results of that consultation and will bring proposals soon.

The Lord Chief Justice has also launched an initiative on consistency in sentencing, with new mechanisms to allow Courts at various tiers to produce a wider range of guidelines judgements which will be distributed through the Judicial Studies Board. He has recently consulted on priority areas.

### Counter Terrorism Budget

**Mr S Anderson** asked the Minister of Justice what discussions he has had this year with the UK Government regarding reductions in the counter terrorism budget and its possible ramifications.

**(AQW 4161/11)**

**Minister of Justice:** I have been involved in a number of discussions with the Secretary of State in an effort to secure the additional security funding requested by the PSNI to counter the terrorist threat in Northern Ireland in the next four financial years, beginning 2011 - 2012. I have impressed upon him the importance of the request and the need for a positive outcome. My ability to accept my draft budget is conditional on the Government meeting its obligations.

### Parades Commission

**Mr S Anderson** asked the Minister of Justice what discussions he has had with the newly appointed Parades Commission regarding the (i) policing; and (ii) criminal justice implications of violence in the aftermath of the enforcement of Parades Commission determinations.

**(AQW 4170/11)**

**Minister of Justice:** I met Peter Osborne, Chairman of the Parades Commission, on 9 February, to discuss a range of issues, with a particular focus on the forthcoming parading season. The Chairman and I recognise the importance of avoiding public disorder in connection with parades.

## Illegal Dissident Republican Parade and Rioting in Lurgan

**Mr S Moutray** asked the Minister of Justice whether he has met with the PSNI and the Public Prosecution Service to discuss criminal proceedings against people who participated in the recent (i) illegal dissident republican parade, and (ii) rioting in Lurgan.

**(AQW 4174/11)**

**Minister of Justice:** I meet with the Chief Constable and his senior officers on a regular basis. I have discussed with them a range of policing issues, including the incidents referred to. I have not discussed these matters with the Public Prosecution Service. Decisions relating to any investigation are, of course, a matter for the Chief Constable and his officers and decisions on prosecutions are the responsibility of the Public Prosecution Service.

## Capital Investment and Resource Investment in West Belfast

**Mrs D Kelly** asked the Minister of Justice how much his Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

**(AQW 4201/11)**

**Minister of Justice:** The Department of Justice came into existence on 12th April 2010. Details of capital and resource investment relating to the West Belfast constituency before that date are a matter for the previous department.

## Anti-Social Behaviour Orders

**Mr G Campbell** asked the Minister of Justice whether he has any plans to review how Anti-Social Behaviour Orders are considered and used.

**(AQW 4314/11)**

**Minister of Justice:** Tackling antisocial behaviour continues to be a priority for my Department.

I have already, through the recently launched consultation on a new Community Safety Strategy, signalled the need to consider how best to address anti-social behaviour issues in Northern Ireland. This consultation will provide an opportunity to consider the current approaches to this problem, as well as obtaining views on the use of Anti-Social Behaviour Orders, and alternative approaches to addressing anti-social behaviour.

## Police Training College: Revenue

**Mr J McCallister** asked the Minister of Justice what is the average annual revenue raised by the police training college through the provision of training for other law enforcement agencies located in and outside the UK.

**(AQO 971/11)**

**Minister of Justice:** The average annual revenue raised by the police training college through the provision of training for other law enforcement agencies located in and outside the UK over the last 3 years is

- 2008/09 £265,382
- 2009/10 £112,422
- 2010/11 £62,758 (Year-to-Date)

## Policing Board: Single Tender Actions

**Mr J Spratt** asked the Minister of Justice how many Single Tender Actions in relation to the Northern Ireland Policing Board have been approved over the past five years.

**(AQO 972/11)**



**Minister of Justice:** The Northern Ireland Policing Board has used the Single Tender Action facility on 3 occasions over the last year. The first two actions were approved by the Board's Accounting Officer and the last one, following the issue of revised DFP guidance, was approved by the Departmental Accounting Officer. The total value of the contracts amounted to £18,000.

I cannot answer for previous years, as responsibility prior to the establishment of the Department of Justice on the 12 April 2010 lay with the Northern Ireland Office.

### **Anti-social Behaviour Orders**

**Mr R Beggs** asked the Minister of Justice how many Anti-Social Behaviour Orders have been issued since their introduction and how many related to persons under the age of 18.

**(AQO 973/11)**

**Minister of Justice:** Tackling antisocial behaviour continues to be a priority for my Department and the recently launched consultation on a new Community Safety Strategy will provide an opportunity to consider the current approaches to tackling this problem as well as obtaining views on the use of anti-social behaviour orders (ASBO), and alternative approaches to addressing anti-social behaviour.

The Anti-social Behaviour (NI) Order 2004 defines the relevant authority for ASBOs as district councils, PSNI or Northern Ireland Housing Executive.

The Department of Justice has been notified by the relevant authorities that for the period 2005 to 2010 there were 139 ASBOs issued. Of these 58 were for persons who were under 18 years at the date of issue.

### **Corporate Manslaughter and Corporate Homicide Act 2007**

**Mr D Kinahan** asked the Minister of Justice to outline any proposed changes to the Corporate Manslaughter and Corporate Homicide Act 2007 which relate to the duty of care owed to persons in custody or detention.

**(AQO 975/11)**

**Minister of Justice:** I have no plans to make any changes to the Corporate Manslaughter and Corporate Homicide Act 2007. However, I am looking towards commencing soon the existing provisions that relate to deaths in custody or detention in Northern Ireland. I will keep the operation of these provisions under review in the usual way.

When commenced, these provisions of the Act will apply the offence of corporate manslaughter to custody and detention facilities of the prison service, police, courts and youth justice agency.

In addition they will affect secure accommodation for young people, and for patients being detained under mental health legislation. These facilities are run by the Health and Social Care Trusts.

Our most significant custody provider is of course the Prison Service which, like all custody providers, has been making preparations for the application of the corporate manslaughter offence to its custody accommodation.

A scoping study of the current potential risks was undertaken, a plan has been drawn up and implementation is well under way.

This includes conventional health and safety issues such as fire and resuscitation.

For example, all new accommodation will have in-cell sprinkler systems fitted, with a rolling programme for retro-fitting in existing accommodation as refurbishment is undertaken.

All relevant justice agencies have confirmed that they will be prepared for commencement in April 2011 if that proves to be the chosen date.

Minister McGimpsey has also indicated that the Health Trusts under his wing will likewise be ready at that time.

## Policing

**Mr S Gibson** asked the Minister of Justice for his assessment of whether the level of community policing is adequate.

**(AQO 976/11)**

**Minister of Justice:** In line with the targets set out in the Policing Plan, PSNI report to the Board every three months on progress in implementing Policing with the Community. Following the latest report in January, the general view of the Board is that the Strategy and Implementation Plan are nearing agreement.

At a local level DPPs also monitor PSNI performance in respect of Policing with the Community twice yearly. DPPs and Belfast DPP Sub-Groups report to the Board on the implementation of Policing with the Community in their area and the Board use this information from DPPs to inform its overall assessment. I have looked at the Board's most recent assessment; 18 DPPs and Belfast Sub-Groups assessed the implementation of PwC in their area as; Excellent (7), Good (7), Fair (2) and 2 did not make an overall assessment.

Neighbourhood policing and community safety remain key priorities for me, the Northern Ireland Policing Board and the Chief Constable. The PSNI is about to introduce a series of Policing with the Community 'commitments' which is one of the tangible and concrete aspects of the PwC strategy. This will ensure that PwC is delivered consistently across every community.

As of January 2011 the Chief Constable has deployed an additional 604 officers to neighbourhood and response policing duties.

## Parades: Lurgan

**Mr S Moutray** asked the Minister of Justice whether he has held any meetings with the PSNI in relation to the illegal republican parade which took place recently in Lurgan.

**(AQO 977/11)**

**Minister of Justice:** This matter was discussed when I met with the Chief Constable last week. He has advised that the police investigation is progressing. As the investigation is ongoing, it would not be appropriate for me to comment further.

## Criminal Justice: Legal Aid

**Ms M Ritchie** asked the Minister of Justice when his Department will commence its negotiations with the Bar Council in relation to the criminal legal aid budget.

**(AQO 978/11)**

**Minister of Justice:** The allocation of funds to legal aid, and indeed to other areas of responsibility within the Department of Justice, is a matter for me as the Minister of Justice and is not the subject of negotiation with interested parties.

As members are aware the Executive's Draft Budget 2011-15 was published by the Minister for Finance and Personnel on 15 December 2010. On 23 December I published a document setting out my proposals for the allocation of funds within my Department. Both documents are subject to public consultation. I would invite the Bar Council to submit any comments they may have as part of the consultation process.

There is no separate budget for criminal legal aid. Discussions have been ongoing with the Bar Council on the level of expenditure on criminal legal aid, with a view to reducing the legal aid bill, which has outstripped the budgetary allocation for the past ten years. Expenditure on criminal legal aid and on Very High Cost Cases in particular, had been a particular area of concern to me and my department has brought forward a number of proposals for reform to bring legal aid spending down to more appropriate levels.

## Single Tender Actions

**Mr J Spratt** asked the Minister of Justice, pursuant to AQO 972/11, to provide details of the three Single Tender Actions in relation to the Northern Ireland Policing Board.

**(AQW 4384/11)**

**Minister of Justice:** Details of the three Single Tender Actions are as follows:

- awarded to BMF Business Services on 2 April 2010 at a cost of £10,000;
- awarded to Media Point on 10 May 2010 at a cost of £4,400; and
- awarded to Lennon Business Solutions on 22 December 2010 at a cost of £3,600.

## Department for Regional Development

### Disabled Blue Badges

**Lord Morrow** asked the Minister for Regional Development to detail the number of people in 2010, in the Fermanagh and South Tyrone constituency, who legitimately displayed disabled blue badges on their cars, but received a fixed penalty.

**(AQW 3781/11)**

**Minister for Regional Development (Mr C Murphy):** My Department's Roads Service has advised that no Penalty Charge Notices (PCNs) have been issued to people in the Fermanagh and South Tyrone constituency, who legitimately and properly displayed disabled blue badges on their cars.

It has further advised that a PCN is not issued to a vehicle which is legitimately and properly displaying a blue-badge, and which is correctly availing of a blue-badge concession.

### Fixed Penalty Notices

**Lord Morrow** asked the Minister for Regional Development how many fixed penalty notices were issued in 2010 for parking violations in the Fermanagh and South Tyrone constituency, and of these, how many were for (i) street parking offences; (ii) car parking offences; and (iii) the misuse of disabled parking bays.

**(AQW 3783/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that it does not maintain records of Penalty Charge Notices (PCNs) issued on a constituency basis, but is able to provide this information for individual towns. Within the Fermanagh and South Tyrone constituency, most PCN's are issued in the two main towns of Enniskillen and Dungannon. Details of the combined number of PCN's issued in Enniskillen and Dungannon are provided in the table below:

Penalty Charge Notices issued in Enniskillen and Dungannon	
PCNs issued on-street.	3,541
PCNs issued in Roads Service car-parks.	4,952
PCNs issued to vehicles parked in disabled persons parking spaces without clearly displaying a valid blue-badge.	419

### Roads and Footpaths in the Suffolk Heights Housing Development

**Ms S Ramsey** asked the Minister for Regional Development whether the roads and footpaths in the Suffolk Heights housing development, Suffolk Road, Belfast, have been adopted or are in private ownership, and if still in private ownership to name those involved.

**(AQW 3789/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that all the roads, footways and service strips, within the Suffolk Heights housing development, were adopted on 6 January 2003.

### Recruitment Consultants

**Mr P McGlone** asked the Minister for Regional Development how much his Department has spent on recruitment consultants in each of the last five years, including the amount spent on appointing staff for (i) his Department; (ii) agencies of his Department; and (iii) non-executive directors of agencies of his Department.

**(AQW 3833/11)**

**Minister for Regional Development:** My Department's expenditure on recruitment consultants in each of the last five years is set out in the table below:

Financial Year	Expenditure £
2005-06	132,064
2006-07	157,683
2007-08	Nil
2008-09	17,740
2009-10	Nil

- (i) There was no expenditure on the appointment of staff for the Department;
- (ii) All of the expenditure in 2005-06 and £109,211 of the expenditure in 2006-07 was on appointing staff to Water Service which at that time was an agency of the Department; and
- (iii) There was no expenditure on appointing non-executive directors of agencies of the Department.

### Contractors

**Mr P McGlone** asked the Minister for Regional Development whether contractors working for his Department, and its agencies, are required to be registered with Companies House, and what checks are carried out to ensure they comply with any requirement.

**(AQW 3834/11)**

**Minister for Regional Development:** My Department's Headquarters, Clarence Court is owned and maintained by DFP Properties Division. Contractors involved with building maintenance are employed through central service contracts procured through Central Procurement Directorate (CPD) and so they are not working for my Department. My officials liaise with DFP and facilitate contractors to ensure that reported and routine maintenance issues are addressed as quickly as possible.

Other contractors involved in providing facilities management services such as catering and cleaning are also procured through CPD on behalf of mine and other Departments. CPD have advised that their procurement processes do not stipulate that contractors must be registered with Companies House. However, depending on the size of the contract other financial assurances may be sought.

When competing for Roads Service contracts, contractors are required to provide details of their company registration at Companies House. Contractors are also required to provide details of their registration with Constructionline, which is a national online database of pre-qualified contractors and consultants, operated as a Public-Private Partnership between Capita and the Department for Business Innovation and Skills.

As part of the process to join Constructionline, the legitimacy of information provided relating to registration number, date of incorporation, registered office address, status and nature of business is

checked with Companies House. The information is checked each time a company submits details of its accounts for inclusion on the database, to ensure that no changes have occurred that should have been reported to Constructionline.

## **Board of NI Water**

**Mr P McGlone** asked the Minister for Regional Development, pursuant to AQW 3285/11, (i) whether NI Water follows any corporate code of governance for public bodies; (ii) for his assessment of whether the non-recording of votes is in line with best practice; (iii) whether the non-recording of the vote on the resignation package of the CEO is compliant with governance guidelines; and (iv) how this matter will be reflected in the minutes of the relevant meeting.

**(AQW 3836/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that (i) it aims to comply with the standards of good practice contained in the UK Corporate Governance Code; (ii) there is no requirement in the Corporate Governance Code to record votes at Board meetings; (iii) it is not the practice of the Board to record votes and this does not contravene any governance guidelines; and (iv) the decision on the resignation package of the former Chief Executive will be recorded in the Board minutes.

## **A2 Road Widening Scheme**

**Mr K Robinson** asked the Minister for Regional Development for an update on the A2 road widening scheme between Jordanstown and Seapark.

**(AQW 3837/11)**

**Minister for Regional Development:** My Department's Roads Service has, in recent years, been continuing with the development of the A2 Shore Road Greenisland scheme. The final Statutory Notice, the Vesting Order, as well as progression of the scheme to procurement, would be subject to the availability of resources in future years' budgets.

However, the Member will be aware that a reduction of 40% in the Executive's overall capital funding from the Treasury over the 2011-2015 period has meant that there are now funding constraints. My Department is now faced with the difficult task of having to allocate finite resources to its numerous demands for the maintenance, management and development of the transport network.

My Department published its draft spending and savings proposals on 13 January 2011, and unfortunately, when the 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.

## **Public Transport Accessibility to Belfast International Airport**

**Mr G Campbell** asked the Minister for Regional Development what steps he is taking to increase the public transport accessibility to Belfast International Airport, particularly from the North West region and the North Coast.

**(AQW 3838/11)**

**Minister for Regional Development:** There is an hourly Translink bus service between Belfast International Airport and Antrim which provides connections with the Goldline service from Coleraine. As regards the North West, in addition to Translink services requiring changes to be made in Belfast, there is a regular service operated by Airporter. The provision of additional services is currently a matter for the commercial decision of operators subject to the restrictions of route licensing arrangements.

The Regional Development Strategy which is presently out for public consultation fully recognises the importance of Belfast International Airport as a regional gateway. The review of the Regional Transportation Strategy will seek to build on this.



The Assembly is currently considering new public transport legislation which, if passed into law, would enable my Department to intervene where planning processes reveal there is gap in services.

## NI Water's Mobile Incident Centre

**Ms A Lo** asked the Minister for Regional Development whether NI water's mobile incident centre was used during the recent water crisis; and to outline what constitutes grounds for using this centre.  
(AQW 3876/11)

**Minister for Regional Development:** I have been advised by Northern Ireland Water that its Strategic Services Vehicle was not used during the recent freeze/thaw incident because it is only intended for use at localised events, not widescale incidents. The Strategic Services Vehicle would normally be used as-

- a command and control facility for operational management, deployment of resources and support for operational squads.
- a focal point for co-ordinating all activities in close liaison with other agencies.
- a central point for communications management including media and customer enquiries.

The Strategic Services Vehicle is also used in media campaigns, school visits and as a company presence at various shows and events.

## NI Water

**Ms A Lo** asked the Minister for Regional Development whether NI Water (i) allowed staff on leave, who were willing, to return to work during the recent water crisis; and (ii) told staff not to come back to work to avoid paying over-time during this period.  
(AQW 3877/11)

**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.

## Proposed A5 Road Project

**Mr T Elliott** asked the Minister for Regional Development (i) why an economic appraisal report on the viability of the current proposals for the A5 road project has not been published; and (ii) whether he can confirm that the A5 road project will not go ahead until the appraisal is considered and published.  
(AQW 3878/11)

**Minister for Regional Development:** My Department's Roads Service has advised that a full Economic Appraisal for the A5 Western Transport Corridor (WTC) will be completed when the details of the project have been confirmed, following the outcome of a Public Inquiry.

The Preferred Option Report for the A5WTC project, which was published in July 2009, set out the economic position at that time and indicated a 'Benefits to Costs Ratio' of 1:74.

I can advise that construction of the proposed dual carriageway will not proceed until the Economic Appraisal has been completed and approved by the Department of Finance and Personnel.

## Procurement Breaches

**Mr P McGlone** asked the Minister for Regional Development to detail how many procurement breaches were found at (i) his Department; (ii) NI Water; and (iii) Translink by his Department's Internal Audit in (a) 2005/06; (b) 2006/07; (c) 2007/08; (d) 2008/09; (e) 2009/10; and (f) 2010/11 to date; (iv) when each of these breaches was confirmed; (v) when and what action was taken in each instance; and (vi) to whom did internal audit report its findings.  
(AQW 3897/11)

**Minister for Regional Development:** The Department's Internal Audit Branch provided the Internal Audit service for the core Department and its Executive Agency, Roads Service during the period in question. For the period 2005/06 and 2006/07 it also provided the Internal Audit Service for its Executive Agency, Water Service, prior to the formation of NI Water on 1 April 2007. The Internal Audit Service for Northern Ireland Water and Translink is not provided by the Department's Internal Audit Branch. These organisations have their own Internal Audit Services.

The primary objective of DRD Internal Audit is to provide Permanent Secretaries and Agency Chief Executives, in their respective capacities as Principal Accounting Officer/Accounting Officers, with an independent and objective opinion on risk management, control and governance, by measuring and evaluating their effectiveness in achieving the Department's/ Agency's agreed objectives. To accomplish this, in accordance with Government Internal Audit Standards (GIAS), Internal Audit employs a "Risk Based Systems Auditing" approach. This approach focuses on strategic and high-risk areas, making recommendations for the implementation of controls to manage identified risks to an acceptable level, in accordance with the Departmental/ Agency "risk appetite". Our systems based approach is not intended to focus specifically on identifying breaches in rules / regulations and quantifying the cost of any breaches. Risk Based Systems Auditing examines the adequacy and effectiveness of the system of internal control and makes recommendations to improve control and mitigate risk.

The work carried out by DRD Internal Audit over the period 2005 to 2011 has covered numerous systems, audited in this way, within the various business areas in the Department and its Agencies. Significant numbers of recommendations have been made for the improvement of control by business areas within this period, some of which may relate to issues associated with procurement. However, for the reasons stated above, details of specific procurement breaches identified in the course of audit work are not held in a readily accessible form and to obtain this information would require significant resources and incur disproportionate cost.

### **Adoption and Maintenance of Open Spaces Within Private Developments**

**Mr R Beggs** asked the Minister for Regional Development to outline the policy of Roads Service in relation to the adoption and maintenance of open spaces within private developments, where the construction company has failed to complete the development and a residents management company has not been set up.

**(AQW 3903/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that where an open space within private developments is included during the determination process for adoption, Roads Service will use the secured bond to complete outstanding works, should the developer default.

### **Adoption of Roads and Sewers in Bush Manor, Antrim**

**Mr T Burns** asked the Minister for Regional Development for an update on the outstanding works and the adoption of roads and sewers in Bush Manor, Antrim.

**(AQW 3904/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that the present position regarding the streets in Bush Manor, Antrim, is as outlined below.

An Article 11 Notice was served on the developer/administrator on 1 November 2010, and Roads Service's contractor has commenced work on site. Progress is as follows:

- service ducts to unbuilt building plots have been laid;
- repairs and resetting of kerbs and street ironwork is ongoing to prepare streets for laying final surfacing in a few weeks time; and
- options are being considered in respect of a retaining wall adjacent to two turning areas, which would allow adoption of the roads adjacent to the wall.

## Windmill Street Car Park, Ballynahinch

**Mr S Hamilton** asked the Minister for Regional Development when the reduced pricing structure for the Windmill Street Car Park, Ballynahinch will be implemented.

**(AQW 3956/11)**

**Minister for Regional Development:** My Department's Roads Service has advised that following a review of the tariffs on its car parks, a date for the implementation of a reduced tariff in Windmill Street Car Park has not yet been confirmed. However, it is likely to be later this year.

## Park and Ride Schemes

**Mr D Kinahan** asked the Minister for Regional Development for an update on his plans for park and ride schemes; and to detail the allocation of funding planned for these schemes.

**(AQW 3959/11)**

**Minister for Regional Development:** In recognition of the important role of Park and Ride in promoting sustainable transport my Department has been taking work forward in relation to a number of Park and Ride schemes including the Cairnshill Park and Ride site. Translink are currently taking forward a project to provide additional park and ride facilities at Carrickfergus station which will result in a significant increase in the current capacity of circa 126 car parking spaces to just under 300 spaces. They hope to start work on site early in February 2011 and complete the project during Spring 2011.

My Department is also presently carrying out a strategic review of Park and Ride facilities with the aim of developing proposals for future provision which would offer the best prospect of maximising modal shift. While funding has been secured the review is currently ongoing and final decisions have not yet been taken. The implementation of Park and Ride will be taken forward in a more constrained budgetary context and this may impact on the ability to deliver priority projects that may be identified in the review.

## Park and Ride Bus and Rail Stop at Ballymartin, Antrim

**Mr D Kinahan** asked the Minister for Regional Development (i) for an update on the proposed park and ride bus and rail stop at Ballymartin, Antrim; (ii) when he expects the stop to be in operation and (iii) whether the stop is included in his Department's current spending plans.

**(AQW 3975/11)**

**Minister for Regional Development:** My Department is carrying out a strategic review of Park and Ride facilities with the aim of developing proposals for future provision which would offer the best prospect of maximising modal shift. The Review is considering Park and Ride locations outlined in the Belfast Metropolitan Transport Plan (BMTP) and the Sub-Regional Transport Plan (SRTP), including Ballymartin. Whilst the review is ongoing and no decisions have yet been taken, Ballymartin is recognised as a priority project. As it is subject to planning permission, a final decision on the Ballymartin scheme cannot yet be made but in the interim my Department's Roads Service has been working closely with Translink and its consultants on the detailed design of the necessary works for this scheme.

The Department has secured some funding in its budget for Park and Ride, but as with all areas, the implementation of Park and Ride will be taken forward in a more constrained budgetary context and this may impact on the ability to deliver priority projects that may be identified in the review.

## Utility Regulator and NI Water

**Mr C McDevitt** asked the Minister for Regional Development what advice, if any, he intends to give to the Utility Regulator and NI Water in relation to the adjustments to be made to the PC10, in light of the reduction in funding for NI Water as a result of the budget settlement.

**(AQW 4041/11)**

**Minister for Regional Development:** Through Social & Environmental Guidance, the Executive has agreed my investment priorities for water and sewerage services over the 2010-13 period. These are:

- Improving services to customers - working towards improvements in areas such as sewer flooding and interruptions to water supply.
- Promoting sustainability – improving our water and sewerage infrastructure to reduce leakage, cut unsatisfactory waste water discharges, lower energy consumption and allow for growth.
- Affordability - making NI Water more efficient by improving their systems and processes.
- Meeting our environmental obligations in relation to drinking water quality and waste water discharges to the environment.

These remain the priorities for water and sewerage investment. Through agreements between the Utility Regulator and my Department, DRD and NI Water will work with the economic and environmental regulators to make the best use of the investment available.

### Reduced Funding for NI Water

**Mr C McDevitt** asked the Minister for Regional Development if he can confirm that his Department will not be in breach of EU directives as a result of the reduced funding for NI Water over the next four years. (AQW 4042/11)

**Minister for Regional Development:** EU requirements are often revised and re-interpreted. For example, we currently await a revision of the Drinking Water Directive. Changes like this can lead to new standards. So it is not possible to give definitive assurances.

By the end of this financial year, the Executive will have invested almost a billion pounds in our water and sewerage infrastructure. As a result of the investment that has been made, the North now enjoys its highest drinking water quality compliance and waste water treatment standards are also higher than ever. Through the water industry's price control process, the Utility Regulator has determined the level of investment needed to continue these improvements.

The availability of funding going forward is less than I would have wished. However, I have proposed that additional funding is reallocated within my Department's draft budget to partially address shortfalls. Despite overall budgetary constraints I am proposing to invest over 660 million pounds in water and sewerage services over the next 4 years. The focus of this investment will continue to be on delivering efficient and sustainable services for water and sewerage customers and improving compliance with EC Directives.

Through agreements between the Utility Regulator and my Department, DRD and NI Water will work with the economic and environmental regulators to make the best use of the investment available.

### NI Water: Capital Projects

**Mr C McDevitt** asked the Minister for Regional Development to list the capital projects that NI Water will be obliged to defer as a result of the reduction in funding in the budget settlement. (AQW 4043/11)

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it is reviewing the implications of any potential change in funding and profiling for the draft budget settlement. NIW will have to consult with environmental and economic regulators before a decision is made on changes to the scope of the future environmental programme. As the funding provision is still draft, and this consultation has not taken place, NIW is not yet in a position to advise on the capital projects to be deferred.

### Irish Language Classes Provided to Staff

**Mr G Robinson** asked the Minister for Regional Development, pursuant to AQW 3910/11, to detail the number of staff from a (i) Nationalist; (ii) Protestant; and (ii) other backgrounds who have taken advantage of the Irish language classes provided by his Department. (AQW 4049/11)

**Minister for Regional Development:** All staff in my Department have been invited to attend the Irish language classes. Spaces are awarded on a first come, first served basis.

The Department of Finance and Personnel, on behalf of the Northern Ireland Civil Service (NICS), collects equality monitoring data (including community background information) for the purpose of providing statutory reports to the Equality Commission and also to enable the Service to monitor the effectiveness of its corporate equal opportunities policies. It is not possible to provide the information requested as the NICS does not monitor the equality profile of staff who choose to attend voluntary courses.

### **Down Community Transport**

**Mr A Easton** asked the Minister for Regional Development to detail (i) how much funding Down Community transport has received in this financial year; and (ii) the proposed allocation of funding for each of the next four years.

**(AQW 4059/11)**

**Minister for Regional Development:** To date, in this financial year 2010-11, Down Community Transport has received £569,744.27 in grant support from the Department's Rural Transport Fund.

The allocation of future grant support is not yet determined. The actual level will depend upon the resources available to the Department in the budget and the content of the annual Business and Financial Plans which will be forwarded by Down Community Transport before the start of each financial year.

### **NI Water: Liability for VAT**

**Lord Empey** asked the Minister for Regional Development whether NI Water does not face any liability for VAT as a result of its status as a Public Sector body.

**(AQW 4122/11)**

**Minister for Regional Development:** NIW is a Government-owned company established under companies legislation. It is separately registered for VAT with its own VAT registration number. As a VAT registered entity making taxable supplies NIW is responsible for charging output VAT on taxable supplies, can recover input VAT on purchases and submits a monthly VAT return to HMRC in accordance with the VAT Act 1994.

### **NI Water**

**Lord Empey** asked the Minister for Regional Development whether NI Water does not face any liability to pay a write down on its assets as a result of its status as a Public Sector body.

**(AQW 4136/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it is required for financial reporting purposes to review the value of its asset base annually, to determine if there has been an impairment in the carrying value of its assets used for operational purposes which may give rise to a write down. In the event of a write down there is no liability to pay: rather a reduction in the value of the assets and reserves of the organisation needs to be reflected in the financial statements. This impairment review is a requirement for public and private sector organisations which prepare financial statements to comply with Generally Accepted Accounting Practice.

NIW has conducted an impairment review in each of the years following its formation in 2007 and a write down in the value of its operational asset base has not been required. It is anticipated that a write down will not be required for the year 2010/11.

There was a write down in the value of a number of specific assets which are not used for operational purposes in NIW and which was reflected in its 2009/10 financial statements. This write down was a result of the fall recently experienced in the market value of land and was not a result of the public sector status of the company.



## Roads Infrastructure in the Lisburn City Council Area

**Mr P Givan** asked the Minister for Regional Development to detail how much has been invested in roads infrastructure in the Lisburn City Council area since 2005.

**(AQW 4140/11)**

**Minister for Regional Development:** My Department's Roads Service does not maintain an analysis of its expenditure on a calendar year basis. However, it does maintain an analysis of total capital expenditure by Council area, on a financial year basis.

I should advise that Roads Service's total expenditure on capital includes major capital schemes, minor capital schemes, street lighting renewal, land, capital structural maintenance and other capital activities. In addition, following the adoption by the NICS of International Financial Reporting Standards (IFRS) in 2009-10, and to comply with International Accounting Standards (IAS 16), some structural maintenance has been reclassified as capital whereas prior to 2009-10, it had been classified as resource.

The table below details total capital expenditure in Lisburn City Council area in the financial years 2005-06 to 2009-10:

	<b>2005- 2006 £'000</b>	<b>2006- 2007 £'000</b>	<b>2007- 2008 £'000</b>	<b>2008- 2009 £'000</b>	<b>2009- 2010 £'000</b>	<b>Total £'000</b>
Lisburn City Council Area	3,855	3,673	2,686	2,345	5,228	10,259

I should also explain that Roads Service does not split its total budget for capital expenditure on roads across all the district council areas. Major road improvements are prioritised on a countrywide basis, taking account of a broad range of criteria, such as, strategic planning policy, traffic flow, number of accidents, potential travel time savings, environmental impact, accessibility and value for money. While the actual spend on a major works scheme may be within one district council area, the benefits of such schemes are not confined to the district council, constituency or county in which they are located.

## NI Railways Tickets

**Mr G Robinson** asked the Minister for Regional Development to outline any discounts on monthly and yearly NI Railways tickets which are available.

**(AQW 4146/11)**

**Minister for Regional Development:** Translink advise that monthly tickets are normally priced at a day return fare multiplied by 14. Assuming a monthly average usage of 20 this is a discount of 70%. Weekend usage increases this discount. Annual commuter cards are discounted at 20% of monthly tickets.

## Belfast Harbour Commission

**Mr S Hamilton** asked the Minister for Regional Development, in light of the comments made by the Chairman of the Belfast Harbour Commission in relation to the need for legislation to obtain extra revenue from the Port of Belfast, on what basis the Executive could receive £125 million over the next four years and an ongoing dividend from ports.

**(AQW 4195/11)**

**Minister for Regional Development:** Officials from my Department and the Belfast Harbour Commissioners are currently scoping potential options, excluding privatisation, for realising the proposed revenue outlined in the draft 2010 Budget. Officials are due to report to the Ministerial Budget Review Group by end-February 2011.

## Water Outage Incidents in Kilkeel

**Ms M Ritchie** asked the Minister for Regional Development to provide details of the water outage incidents in Kilkeel over the past five days.

**(AQW 4275/11)**

**Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that a planned shut-down to carry out a repair to the trunk water main which supplies the service reservoirs in the Kilkeel/Annalong area was scheduled for 8.00 pm on Wednesday 2 February 2011. Written notification of the interruption to supply was provided to 630 properties that are fed directly from this water main. Technical problems were experienced during the work and as a result NIW initiated its Major Incident Plan. Following completion of the repair at 2.00 am on Friday 4 February 2011, NIW commenced recharging of the watermain, service reservoirs and distribution system. Most properties were back on supply by 3.00 pm that day but approximately 300 properties in the Annalong area were not restored until 12.00 pm on Saturday 5 February 2011 due to problems with air locks.

Unfortunately, on 6 February 2011 the trunk water main burst again, due to an equipment failure, at the site of the previous repair and NIW again initiated its Major Incident Plan. Northern Ireland Fire and Rescue Service assisted by setting up a by-pass arrangement which reduced the number of customers affected by this interruption. The second repair was completed that day and most customers were back on supply by 10.00 am on 7 February 2011.

During both incidents, an incident team was set up in Newry and all customers on the NIW Critical Care Register, along with nursing homes, sheltered accommodation, schools and major consumers, were contacted and advised of the situation. Bulk tankering of water was initiated to the affected service reservoirs and alternative water distribution points were provided at a number of locations with bottled water made available for customers. NIW has proactively written to all local MLA's and Councillors to update them on this incident.

## Department for Social Development

### Heating, Plumbing and Structural Repairs to Housing Executive Homes

**Mr J O'Dowd** asked the Minister for Social Development how many calls for assistance were received regarding heating, plumbing and structural repairs to Housing Executive homes in the (a) Banbridge District Office; (b) Craigavon District Office; and (c) Portadown District Office between the 18 December 2010 and the 31 December 2010; and (ii) how many of these repairs were outstanding on the (a) 7 January 2011; and (b) 10 January 2011, in each office.

**(AQW 3270/11)**

**Minister for Social Development (Mr A Attwood):** The table below details the number of calls for assistance received, by the relevant Housing Executive District Offices:-

#### **CALLS FOR ASSISTANCE BETWEEN 18 – 31 DECEMBER 2010 \***

	<b>Banbridge</b>	<b>Lurgan/Brownlow</b>	<b>Portadown</b>	<b>Total</b>
Properties Affected	336	395	282	1,013

\* The information provided is relevant at the 7 January 2011

The main work outstanding relates to properties with severe water damage where, for example, ceilings have collapsed and time is needed for the property to dry out before the remaining work can be completed, consistent with professional and technical advice. The Housing Executive advises that, save for severe damage and minor works, contracts are completed. A management report for each District will be available in due course.

## Housing Executive and Housing Associations Reported Heating Failures

**Ms C Ní Chuilín** asked the Minister for Social Development how many tenants of (i) the Housing Executive; and (ii) Housing Associations reported heating failures from the beginning of December 2010 to January 2011; and how many are still awaiting repair.

**(AQW 3294/11)**

**Minister for Social Development:** The information is not available in the format requested. However, during the period 17 December 2010 to 9 January 2011 (the period considered worst affected by the adverse weather conditions), 9093 Housing Executive properties had heating problems. The main work outstanding relates to properties with severe water damage where ceilings collapsed and time is needed for the properties to dry out before repairs can be completed, consistent with professional and technical advice. Save for this work and minor works, contracts have been completed. With regard to Housing Associations, 3837 tenants reported heating failures from the beginning of December 2010 to January 2011, 34 of which were still awaiting repair as at 13 January. A full evaluation of each contractor is ongoing.

## Housing Executive and Housing Associations Reported Heating Failures

**Ms C Ní Chuilín** asked the Minister for Social Development, in relation to the recent problems faced by Housing Executive and Housing Associations because of heating system failures or burst pipes, why emergency contact numbers were not provided to elected representatives until 29 December 2010.

**(AQW 3297/11)**

**Minister for Social Development:** As I explained at the Social Development Committee on 27 January 2011, I am unhappy that the Housing Executive did not have in place throughout the period all necessary contact arrangements for MLAs and MPs. In one of my many contacts at meetings and on the phone before, during and over Christmas, on the morning of 28 December 2010, I advised the Housing Executive and a representative from NI Water who was present to put in place full contact arrangements. I have advised the Housing Executive that it was not satisfactory that the arrangements were not in place over the full period and not in place on 28 December 2010 as required.

## Compensation for Tenants

**Ms C Ní Chuilín** asked the Minister for Social Development what arrangements have been made to compensate tenants, who cannot afford home insurance, for the damage caused to their homes from burst water pipes.

**(AQW 3299/11)**

**Minister for Social Development:** Tenants in Social Housing are encouraged to take out home insurance. While the Housing Executive and Housing Associations will carry out repairs to damage to their properties arising from the extreme weather conditions, they do not usually have responsibility for damage caused to the personal belongings of tenants. However, in view of the unprecedented situation that occurred, I have asked my officials to consider if there are any areas where extra help may be offered, for example, the extra cost of using blow heaters where a heating system has broken down.

I have also written to the First Minister and deputy First Minister in relation to help under the Financial Assistance Act. I continue to explore other potential means to assist tenants.

## Repairs to Housing Executive Owned Homes

**Mr S Hamilton** asked the Minister for Social Development how many Housing Executive owned homes had to be repaired in the aftermath of the recent freeze and thaw, broken down by Housing Executive district.

**(AQW 3333/11)**

**Minister for Social Development:** The Housing Executive has advised that 25,462 of its properties required repairs as a result of the recent adverse weather conditions. The table below gives a breakdown of this figure by Housing Executive District Office.

<b>Housing Executive District</b>	<b>Number of repairs</b>
Shankill	814
South Belfast	1,070
North Belfast	1,402
East Belfast	926
West Belfast	1,212
Antrim	925
Ballycastle	205
Ballymena	904
Ballymoney	489
Carrickfergus	436
Coleraine	878
Larne	328
Newtownabbey 1	596
Newtownabbey 2	603
Armagh	583
Banbridge	592
Dungannon	619
Fermanagh	688
Lurgan	790
Newry	798
Portadown	503
Bangor	681
Castlereagh	957
Downpatrick	652
Lisburn, Antrim Street	1,505
Lisburn, Dairyfarm	471
Newtownards	765
Collon Terrace	665
Cookstown	390
Limavady	417
Magherafelt	336
Omagh	829
Strabane	863
Waterloo Place	789

Housing Executive District	Number of repairs
Waterside	738
Others *	43
<b>Total</b>	<b>25,462</b>

\* This refers to instances such as temporary housing accommodation, non residential and commercial premises; which would not normally appear in the Housing Executive's lists of district stock.

### **Carrigart Flats in Lenadoon, Belfast**

**Ms S Ramsey** asked the Minister for Social Development to outline the Housing Executive's plans for the Carrigart flats in Lenadoon, Belfast.

**(AQW 3334/11)**

**Minister for Social Development:** An Economic Appraisal for the Lenadoon Estate in Belfast, taking into account the options for improvement, has been approved by my Department and its implementation will be on a phased basis.

The option for Carrigart flats involves the upgrading of heating, the construction of external staircases to each of the five blocks of flats to improve access, the subdivision of communal drying areas, the provision of a boundary fence with an electronically controlled entry system and the introduction of a concierge system to improve the management of the complex. It is also planned to designate the complex for single households only. The upgrading of the heating is currently planned for April 2010 with the remaining agreed proposals subject to the required funding being available.

### **Outstanding Repairs on Housing Executive Properties**

**Mr A Maskey** asked the Minister for Social Development to detail the number and nature of outstanding repairs to be carried out on Housing Executive properties in the (i) South Belfast Housing District; and (ii) East Belfast Housing District.

**(AQW 3349/11)**

**Minister for Social Development:** I assume the Member is referring to repairs needed to Housing Executive properties as a result of the recent severe weather. 897 properties and 657 properties were affected in the South Belfast and East Belfast District Offices respectively through frozen and burst pipes and central heating systems during the period 17 December 2010 to 9 January 2011. The main work outstanding relates to properties with severe water damage where, for example, ceilings have collapsed and time is needed for the property to dry out before the remaining work can be completed, subject to professional and technical advice. Save these matters and other minor works, the Housing Executive believe contracts to have been completed.

### **Housing Executive Properties**

**Mr G Robinson** asked the Minister for Social Development what action has been taken by the Housing Executive since January 2010 to ensure that pipes in its properties were protected against severe winter weather conditions; and what action is being taken to ensure that Housing Executive properties are sufficiently protected for the future.

**(AQW 3405/11)**

**Minister for Social Development:** The Housing Executive's specification requires that all hot and cold water pipes within its dwellings are insulated in accordance with current building regulations at the time of fitting. The Housing Executive ensures that insulation measures within its dwellings, including the insulation of pipe works, is upgraded in line with changes to these regulations through its programmes of planned improvement, response maintenance and change of tenancy repairs. Since January 2010 the Housing Executive commenced, or is due to commence 50 schemes, involving 3693 dwellings, which include installation or upgrading of insulation to current standards or in some instances exceeding



those standards. The Housing Executive has also made provision for a further 25 heating schemes to include 1562 dwellings during 2011/2012 which will include installation or upgrading of insulation. However, the delivery of these proposed schemes will be dependent on the availability of finance.

The Housing Executive is making an assessment of what measures might be appropriate to protect properties in cold weather. In addition, my Department has made a bid for £12.2 million under the 2011-15 Budget "Invest to Save" initiative which will cover (i) the lagging of pipes and roofspace insulation in 2,000 properties each year over the four year period; (ii) Trace Heater insulation in 9,000 properties to be completed in Year 1; and (iii) Cavity Wall insulation in 12,000 properties and work would be profiled as 4,000 properties in Year 1 and 8,000 in Year 2.

I will keep the Social Development Committee informed of progress. Also, my Department is leading on Green New Deal proposals which, inter alia, would improve thermal efficiency.

### Customer Service Staff in the Housing Executive

**Mr F McCann** asked the Minister for Social Development whether approximately 60 per cent of the full-time customer service staff in the Housing Executive had been granted annual leave over the Christmas period, despite the severe weather warnings in place, which left this service under staffed and unprepared to assist tenants during the worst weather.

**(AQW 3471/11)**

**Minister for Social Development:** The Housing Executive has advised that, on all days that were not public holidays, their offices were open as normal, with 31.4% of staff on approved leave in their area/customer services and telephony units on the relevant days between 17 December 2010 and 4 January 2011. The Housing Executive further advised that one of their key actions taken before the public holidays at Christmas was to move their emergency services team to the Customer Services Unit in Belfast enabling them to accommodate an increased pool of staff and telephone lines permitting them to escalate their response to increased demand.

It has always been accepted that in its initial phase the Housing Executive response could have been enhanced, but in each subsequent phase the Housing Executive response successfully escalated. The actions of the Department for Social Development and the Housing Executive before, during and after Christmas contributed to a growing response by the Housing Executive to the acute weather. It is therefore not the case that the service was unprepared to assist tenants.

### Housing Executive Properties

**Mr M Storey** asked the Minister for Social Development to detail the number of Housing Executive properties in the (i) Ballymoney; (ii) Moyle; and (iii) Ballymena Housing Districts which were affected by the recent severe winter weather.

**(AQW 3503/11)**

**Minister for Social Development:** The number of Housing Executive properties affected by the recent severe winter weather in the areas in question were as follows:-

■ Ballymoney	377
■ Ballycastle *	133
■ Ballymena	580

\* The Housing Executive's Ballycastle office covers the Moyle District Council area.

### Housing Executive Tenants

**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, following the recent cold spell.

**(AQW 3504/11)**

**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.

### Housing Executive Properties

**Mr M Storey** asked the Minister for Social Development how many Housing Executive properties in the (i) Ballymoney; (ii) Moyle; and (iii) Ballymena Housing Districts are still awaiting repairs as a result of damage caused by the recent severe winter weather.

**(AQW 3505/11)**

**Minister for Social Development:** The Housing Executive understands that any work outstanding relates to properties with severe water damage for example where ceilings are damaged/have collapsed and due to professional and technical advice, the property requires to properly dry out. The Housing Executive Headquarters are liaising with District Managers to ensure all repairs are completed as quickly as possible, consistent with best practice and advice.

### Repairs to Housing Executive and Housing Association Properties

**Mr F McCann** asked the Minister for Social Development (i) how many repairs to (a) Housing Executive; and (b) Housing Association properties were required as a result of damage caused by the recent winter freeze; (ii) how many of these repairs are still outstanding; and (iii) for an estimate of the overall cost of these repairs.

**(AQW 3571/11)**

**Minister for Social Development:** In relation to Housing Executive properties, the number of repairs carried out and an estimate of the overall cost of these repairs is shown in Table 1.

**TABLE 1: NUMBER AND ESTIMATED COSTS OF REPAIRS TO HOUSING EXECUTIVE PROPERTIES:-**

Number of repairs	Estimated Cost
41,546	£10,000,000

The main work outstanding relates to properties with severe water damage where, for example ceilings have collapsed and time is needed for the property to dry out before the remaining work can be completed, subject to technical and professional advice. Save this and some minor works, the Housing Executive believe the work has been completed.

In relation to Housing Association properties, Table 2 details the number of repairs carried out, the estimated overall cost of the repairs and number outstanding.

**TABLE 2: NUMBER AND ESTIMATED COSTS OF REPAIRS TO HOUSING ASSOCIATIONS PROPERTIES AS AT 7 FEBRUARY 2011:-**

Number of repairs	Estimated Cost	Number of repairs outstanding
4732	£733,565	41

### Housing Disability Adaptations

**Mr R McCartney** asked the Minister for Social Development (i) how many housing disability adaptations were carried out by the Housing Executive in the Derry area in each month of 2010; (ii) to detail the length of time between application and work beginning in each case; (iii) how many tenants are awaiting work to begin following approval; and (iv) how many tenants are currently awaiting approval for work to begin.

**(AQW 3578/11)**

**Minister for Social Development:** The tables below details (i) the number of disability adaptations carried out in the Derry area in each month of 2010 and (ii) the length of time from the receipt of the Occupational Therapist's referral to the start date of the work. In relation to (iii), there are 16 disability extensions awaiting work to begin following approval (scheme design approved), and in relation to (iv), 13 disability extensions are currently awaiting approval (scheme design in progress). There are also five lift installations awaiting approval.

**TABLE 1: DISABILITY EXTENSIONS IN DERRY BY MONTH FOR THE YEAR 2010.**

Month	(i) Number of Adaptations	(ii) Period (weeks) from Occupational Therapist's referral received to Start Date for each Adaptation
January	10	66; 52; 52; 47; 45; 15; 11; 10; 11; 9
February	15	50; 47; 49; 24; 16; 16; 10; 10; 9; 4; 3; 21; 24; 20; 36
March	7	51; 52; 4; 2; 7; 7; 1
April	1	3
May	3	63; 5; 7
June	2	43; 2
July	2	62; 60
August	13	76; 70; 62; 20; 20; 20; 23; 21; 23; 23; 16; 14; 6
September	2	9; 13
October	6	34; 33; 28; 21; 19; 7
November	11	41; 36; 35; 35; 31; 24; 24; 21; 17; 16; 12
December	1	24

## Responses of the Housing Executive and Housing Associations

**Ms C Ní Chuilín** asked the Minister for Social Development why he has not made a statement to the Assembly on the responses of the Housing Executive and Housing Associations to the lack of heating and water damage to tenants' homes.

**(AQW 3589/11)**

**Minister for Social Development:** The Member will be aware that I made a Written Statement to the Assembly on Monday 31 January on this issue.

## HEAT: Call-Outs

**Mr F McCann** asked the Minister for Social Development whether HEAT (Heat, Energy and Associated Technology) is contracted by his Department for a 24-hour service but will not make call-outs after 9pm.

**(AQW 3592/11)**

**Minister for Social Development:** The Housing Executive currently employs HEAT to install, service and repair heating appliances and systems and the contract covers 9.00am to 9.00pm seven days a week. Calls after 9pm are referred to the relevant All Trades Contractor who responds to calls on an emergency basis. The reason for this is that many heating systems are switched off during the night and the number of calls received after 9.00pm regarding faults with heating systems is normally small. When responding to these calls the All Trades Contractors are requested to call to the property, make sure the system is safe and where necessary leave temporary heating with the tenant. At the same time an order is also issued to HEAT who will respond to the fault as a priority the following morning.

It should be noted however, that experience has shown that HEAT engineers have worked after 9.00pm to ensure repairs are carried out to the heating systems. Also during the Christmas and New Year period HEAT responded until approximately 3.00am, given the exceptional circumstances experienced over this period.

As part of the post Christmas assessment, the Housing Executive and contractors are upgrading the scale of emergency response across all areas. Also, as part of the response to the winter weather, I have instructed that an evaluation of contractors' responses is undertaken to identify and correct any weaknesses. Moreover, following the Housing Executive Gateway Review, future maintenance contracts, including those to be awarded this year, will have an increased reliance on terms and conditions governing performance/non-performance.

### **Village Regeneration Scheme for the Village Area, South Belfast**

**Mr A Maskey** asked the Minister for Social Development for an update on the Village Regeneration Scheme for the Village area, South Belfast.

**(AQW 3600/11)**

**Minister for Social Development:** A Community Design Team has been established to take forward the next phase of the redevelopment plans. Representation on this team includes local residents active in groups such as the Blackstaff Homeowners, the Greater Village Regeneration Trust and the Housing Focus Committee. It is independently chaired by Michael Hegarty of PLACE. They have met on a number of occasions and have agreed the following four key principles:

- 1 That the Village has a strong community identity, heritage and inherent qualities that can form the basis of a successful neighbourhood in the future.
- 2 That the priorities for the redevelopment are for the provision of high quality homes for the people who want to continue to live in the area and to encourage families to come back into the neighbourhood.
- 3 That the phasing strategy presented by the NIHE is a reasonable approach.
- 4 That all residents want progress on the redevelopment.

The group will meet with the Housing Executive and Fold Housing Association in February. At this meeting the Housing Executive will present the final concept plan, update on the redevelopment and improvement zones and provide information on eco friendly /energy efficiency measures which can be investigated relevant to the new build put- back in the area.

### **Housing Executive Tenants**

**Mr P Weir** asked the Minister for Social Development to detail the number of Housing Executive tenants in the North Down District who had to be temporarily re-housed as a result of the recent severe winter weather and water crisis.

**(AQW 3628/11)**

**Minister for Social Development:** The information is not available in the format requested as the Housing Executive does not collate information by parliamentary constituency. However, records show that no temporary accommodation placements were made as a result of the adverse weather within the Bangor District Office area (which corresponds to the North Down Borough Council area).

### **Housing Executive Properties: Burst Pipes**

**Mr P Weir** asked the Minister for Social Development how many Housing Executive properties in the North Down Housing District were affected by burst pipes due to the recent severe winter weather.

**(AQW 3632/11)**

**Minister for Social Development:** The Housing Executive has advised that 681 properties required repairs as a result of frozen and burst pipes and heating problems following the recent adverse winter weather within the Bangor District Office area which corresponds to the North Down Borough Council area.

## Regulation of Housing Associations

**Mr P Weir** asked the Minister for Social Development what regulation of Housing Associations is exercised by his Department.

**(AQW 3666/11)**

**Minister for Social Development:** There are a number of measures undertaken by the Department to regulate Registered Housing Associations. The key areas are:

- 1 Inspection – a rolling programme of inspections which are carried out to determine individual Housing Associations compliance of the Housing Association Guide;
- 2 Monitoring – which includes:
  - i the review of each Registered Housing Associations board minutes
  - ii. the collection and review of relevant financial information on a quarterly basis.

The action taken is dictated by what is found during the inspection or monitoring process:

- 1 Inspection – if the Registered Housing Association fails its inspection the Department imposes a series of tiered sanctions, which, ultimately could lead to de-registration.
- 2 Monitoring – queries identified are followed up with the appropriate housing association and answers deemed as unacceptable can result in an inspection visit.

These measures are a consequence of Margaret Ritchie's decision to upgrade the role of DSD Housing Division to ensure that the housing sector in Northern Ireland was properly regulated. This has resulted in the current initiatives by me as Minister to bring about new disciplines in the housing association sector.

## Big Picture Developments

**Ms C Ní Chuilín** asked the Minister for Social Development whether he, or anyone from his Department or its arm's-length bodies have met with Mr Barry Gilligan, or any other representative from Big Picture Developments, since September 2010.

**(AQW 3683/11)**

**Minister for Social Development:** Neither I or anyone from my Department or arm's-length bodies have met with Mr Barry Gilligan, or any representative from Big Picture Developments since September 2010.

## Lenadoon Shops in Belfast

**Ms S Ramsey** asked the Minister for Social Development, pursuant to AQW3091/11, (i) whether a definitive date in March 2011 has been decided for the painting of the rear and gable wall of the Lenadoon shops; (ii) now that the weather has improved, when the debris at the back of the shops will be removed; (iii) what actions were taken, and when, to remind the tenants about their responsibility to clear the guttering.

**(AQW 3709/11)**

**Minister for Social Development:** As advised in my response in AQW 3091/11 the Housing Executive has agreed after recent cold weather to paint the rear and gable wall of the shops and, weather permitting, the contractor should commence this work within the next two - three weeks. It will then be the shopkeepers' responsibility to re-paint their premises.

With regard to the debris at the back of the shops, the Housing Executive instructed the contractor to remove it and a Neighbourhood Warden confirmed on 24 January that this has been done.

Under the terms of the lease, shopkeepers are responsible for keeping the shops in a presentable condition and for maintaining the guttering. There is a repair covenant within the leases signed by tenants which states that the tenants are to keep the interior and exterior of the premises in good tenable, order, repair and condition. The lease details all of the tenant's responsibility, not just those that relate to repairs. An officer from the Housing Executive's Commercial Property Department called



at the shops in January and where necessary reminded the tenants of their responsibilities under the lease agreement. A notice was issued to one of the tenants on 24 January to carry out repairs.

## Masterplans for Town Centres

**Mr D Kinahan** asked the Minister for Social Development how much funding his Department is currently providing for hamlet, village, town or city Masterplans in each local council area; and to detail the full anticipated cost to his Department of each Masterplan.

**(AQW 3717/11)**

**Minister for Social Development:** Work is currently underway on 10 Masterplans. The total funding provided for these Masterplans is £581,170. A breakdown by local council area and amount has been provided in the table below.

Council	Name of Masterplan	Anticipated/ Actual Cost
Belfast City Council	Queen's Quay Masterplan	£100,000
Coleraine Borough Council	Coleraine Town Centre Masterplan	£53,850
Cookstown District Council Magherafelt District Council	Cookstown Masterplan and Magherafelt Masterplan (separate masterplans but jointly commissioned)	£68,616
Fermanagh District Council	Enniskillen Masterplan	£69,823
Limavady Borough Council	Limavady Town Centre Masterplan	£50,639
Newry & Mourne District Council	Newry Masterplan	£55,380
Newtownabbey Borough Council	Newtownabbey Masterplan	£52,624
North Down Borough Council	Bangor Masterplan	£82,528
Strabane District Council	Strabane Town Centre Masterplan	£47,710
<b>Total funding provided</b>		<b>£581,170.00</b>

## Golden Share Scheme Policy Document

**Ms C Ní Chuilín** asked the Minister for Social Development when the Golden Share Scheme policy document will be made available to the public.

**(AQW 3744/11)**

**Minister for Social Development:** My draft proposals to support owner occupiers living in redevelopment areas was launched for public consultation in July last year. Since then officials have attended a series of meetings to further discuss this new initiative with key stakeholders the most recent of which was only last week in the New Lodge.

I am now looking at the various responses to the consultation exercise, including feedback I recently received from the Social Development Committee. I expect to make a further announcement in the coming weeks.

## Repairing Burst Pipes and Heating Systems in Housing Executive Properties

**Mr J Craig** asked the Minister for Social Development to detail the cost to date of repairing burst pipes and heating systems in Housing Executive properties, caused by the recent severe winter weather, broken down by council area.

**(AQW 3745/11)**

**Minister for Social Development:** The information is not available in the format requested. Costs will be provided by District Offices once all invoices have been received. This will be provided to the Committee for Social Development. The Housing Executive has advised that 25,462 Housing Executive properties required repairs resulting in 41,546 repair jobs being issued, at an estimated cost that could total £10 million. The repairs spend to date is £2,215,892.00

## Neighbourhood Renewal Funding

**Ms C Ní Chuilín** asked the Minister for Social Development (i) how long the offer of continued Neighbourhood Renewal funding will last; (ii) what is the criteria used to assess applications; (iii) whether there will be a reduced offer to groups; and (iv) whether the Department is using the most recent NISRA statistics when assessing applications.

**(AQW 3753/11)**

**Minister for Social Development:**

- (i) My draft budget proposals clearly reflect my commitment to maintain Neighbourhood Renewal at least at its current level for the next four years. Indeed I plan to increase funding. I have made it quite clear that I want to maximise the impact of the resources that I have secured for Neighbourhood Renewal. This will be done, where applicable, by reducing overheads and duplication, making sure that more of the money goes into delivering the high priority services that these areas need and making sure that what we do fund produces results. Where projects are working well, producing results and providing value for money they may be offered funding for up to 4 years by April 2011. Where improvements can be made, such as reducing overheads, sharing back office services or working in collaboration with other groups, there will be transitional contracts for a period of up to one year. And for those groups that respond positively to the grounds for improvement there will be the security of a further 3 year contract. It may be that some contracts may not be renewed and other new contracts awarded.
- (ii) In line with the Northern Ireland Guide to expenditure Appraisal and Evaluation issued by the Department of Finance and Personnel an economic appraisal is carried out on each application. The project's application must address at least one of the four strategic objectives of the Neighbourhood Renewal Strategy and demonstrate delivery against local Action Plan priorities. This is a transparent process, one fully explained to groups.
- (iii) In recent correspondence to the Chairs of the Neighbourhood Partnerships and during my meeting with them on the 9 December I asked organisations which my Department funds to look at ways of effecting efficiencies, to work more creatively and cooperatively and to look critically at changing ways of working to maximise the impact of the available resources. Any saving made through more effective delivery of services will be used to fund additional services that have been identified in Neighbourhood Renewal Action Plans.
- (iv) The Northern Ireland Statistics and Research Agency maintains and updates the Neighbourhood Renewal element of the Northern Ireland Neighbourhood Information Service website. This part of the website provides the most recent statistics pertaining to Neighbourhood Renewal Areas. This information will be used as part of the appraisal process to confirm that resources are being used to address a continuing social need. The area profiles for each Neighbourhood Renewal area have been updated within the last month. My Department has also recently provided training to Departmental staff and community workers on how to best utilise the available statistical data in developing and appraising applications.

I have explained this process at various meetings including those with the Belfast Area Partnerships and the Chairs of Neighbourhood Renewal Partnerships. I shall do so again at a Neighbourhood Renewal Workshop on 9 February 2011. It is clear that the commitment to Neighbourhood Renewal is widely acknowledged. The standards of openness, explanation, process and equal treatment around Neighbourhood Renewal are in stark contrast to the secret, closed process and unequal treatment that surrounds the Social Investment Fund being proposed by OFMdfM.

## Ring-Fenced Funding

**Ms C Ní Chuilín** asked the Minister for Social Development whether he is reinstating the ring-fenced funding, which was removed by his predecessor, to assess housing need in North and West Belfast and Derry City.

**(AQW 3754/11)**

**Minister for Social Development:** The Housing Executive revised their strategic guidelines for allocating the Social Housing Development Programme in 2008 when it became clear the previous approach of 'ring fencing' was no longer meeting housing need.

That previous approach was sound when concentrated levels of housing need were confined to parts of Belfast and Derry City. However it had become inflexible by not providing for the huge growth in housing need in other areas of the North, such as Lisburn, Newry and Ballymena.

The new strategic guidelines, introduced in 2008, currently distribute the Social Housing Development Programme on the basis of an area's proportionate share of total housing stress. Importantly, it is also weighted to reflect the length of time applicants wait before being rehoused. This approach targets scarce resources to those in greatest need albeit I will ensure it is kept under review to ensure it remains fit for purpose and does not become inflexible like the previous model it subsequently replaced.

I am confident that the right principle for the allocation of the Social Housing Development Programme is need and greatest need and that no one should disagree with this approach.

## Small Pockets of Deprivation Scheme

**Mr P Weir** asked the Minister for Social Development to detail the level of funding proposed by his Department to the Small Pockets of Deprivation scheme in each year of the 2011-15 budget period.

**(AQW 3756/11)**

**Minister for Social Development:** The outcome of the Spending Review is not finalised and I shall continue to make the argument that, through DSD and other departments, those in need require protection. My objective is to maintain, if not enhance, funding for Neighbourhood Renewal and other relevant and related programmes.

## Maintenance Contract Under the Egan Arrangement

**Ms C Ní Chuilín** asked the Minister for Social Development whether a Housing Executive staff member, who is currently under investigation, has a relative who has been awarded a maintenance contract under the Egan arrangement.

**(AQW 3797/11)**

**Minister for Social Development:** The Housing Executive is not aware of any current maintenance contract having been awarded to a relative of a Housing Executive staff member currently under investigation. However, if the Member has information relating to specific Housing Executive contract arrangements, I would be grateful if she would forward it to me and, if appropriate, I will consider the matter further.

## Housing Executive Tenants

**Mr P Frew** asked the Minister for Social Development to detail the number of Housing Executive tenants in the (i) Ballymena; (ii) Ballymoney; and (iii) Moyle council areas who had to be temporarily rehoused as a result of the recent severe winter weather and water crisis.

**(AQW 3847/11)**

**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.

## Sectarian Violence and Harassment in Housing Executive Properties

**Mr A McQuillan** asked the Minister for Social Development how many instances of sectarian violence and harassment in Housing Executive properties have been reported in each of the last two years, broken down by district office; and how often the Housing Executive publishes data on sectarian violence and harassment.

**(AQW 3857/11)**

**Minister for Social Development:** The Housing Executive has advised that they record cases of Anti-Social Behaviour under the category of Sectarian Abuse whether the behaviour is physical or verbal. The table below details those recorded in each of the last two years. The Housing Executive collates this information on a quarterly basis and it is published annually in the Housing Executive's Annual Report.

### RECORDED CASES OF SECTARIAN ABUSE:-

<b>2008/09</b>	
Banbridge	1
West Belfast	2
<b>2009/10</b>	
Lisburn Dairy Farm	1
Dungannon	1
Newtownabbey 1	1
Ballymoney	1
Strabane	1

## Contractors

**Mr D Kinahan** asked the Minister for Social Development what steps he is taking to ensure that contractors, such as Red Sky, have emergency back-up procedures in place, or that alternative contractors are on stand-by, to deal with the kind of emergencies that arose as a result of the recent severe winter weather and subsequent thaw.

**(AQW 3870/11)**

**Minister for Social Development:** The Housing Executive includes in its current "Achieving Excellence in Construction" response maintenance contract the requirement that contractors have in place an emergency/continuity plan. The recent freeze however raised response works orders and heating repair orders to a level previously unprecedented. I have already instructed that there is a full and deep evaluation of the work; the response of contractors; and that there should be accountability in relation to performance.

Emergency back up procedures need to be enhanced so that call out response is maximised. There were cases where the response was not all it should have been but in a very large number of cases contractors did respond and complete repairs but were impeded in cases where there was no external water supply, which was completely beyond their control.

In order to best meet this level of activity the Housing Executive has since met with all its Response Maintenance and Major Heating Contractors to discuss future contingency arrangements should another emergency situation arise. All the contractors are now in the process of a formal review of their Business Continuity and Emergency Plans. These will aim to ensure that they can provide any and all resources to deal with similar circumstances in future, should the situation develop. These are to

be submitted immediately for consideration against the Housing Executive's own plans with the aim of ensuring that the response to future emergencies is carried out in a well planned and coordinated manner. I shall keep the Social Development Committee informed of progress.

The Assembly will be aware of the Gateway Review on contract performance and my statement to the Assembly. As a consequence of this, a new tender process will be commenced in relation to a number of maintenance contracts. The contracts that will be awarded late in 2011 shall have performance terms, conditions and enforcement embedded in the contracts.

## Affordable and Social Housing

**Mr S Gardiner** asked the Minister for Social Development to detail the current level of (i) affordable; and (ii) social housing available in (a) the Craigavon Borough Council area; (b) the Banbridge District Council area; and (c) the Upper Bann constituency.

**(AQW 3882/11)**

**Minister for Social Development:** In relation to (i) the Co-Ownership Scheme is the Department's main measure for providing assistance to those potential first time buyers requiring affordable homes. The table below details the information requested in both the Craigavon and Banbridge Council areas for the current financial year which are situated in the Upper Bann constituency:-

Council Area	Properties Under Offer	Properties Completed Year to Date
Craigavon	32	33
Banbridge	1	6

The Portadown Own-a home equity sharing scheme is an affordable shared equity model of home ownership involving the private sector that was piloted at Clendinning, Mahon Road, Portadown. The partnership involved Turkingtons, a Portadown-based /developer, two housing associations, Clanmil Housing and the South Ulster Housing Association, and Barclays Bank who agreed to provide the mortgages. The scheme has provisions for a total of 20 houses. Ten homes are still available through the scheme.

In relation to (ii) the Housing Executive has advised that it does not routinely collate information by parliamentary constituency. However, they have provided the following stock level of social housing for their District office areas of Lurgan/Brownlow/Portadown and Banbridge.

- Lurgan/Brownlow/Portadown 5,598
- Banbridge 2,201

Also in relation to (ii) Housing Associations have provided the following stock level of social housing for the areas in question:-

- Craigavon 1,146
- Banbridge 340
- Upper Bann 783

## Waiting List for Social Housing

**Mr S Gardiner** asked the Minister for Social Development what is the size of the waiting list for social housing in (i) the Craigavon Borough Council area; (ii) the Banbridge District Council area; and (iii) the Upper Bann constituency.

**(AQW 3884/11)**

**Minister for Social Development:** The information is not available in the format requested as the Housing Executive does not collate information by Parliamentary Constituency. However, the Housing



Executive has provided waiting list figures for their District Office areas of Lurgan and Portadown; and Banbridge as at 31 December 2010 as follows:-

■ Lurgan and Portadown	1,844
■ Banbridge	658

## Fuel Poverty

**Mr S Gardiner** asked the Minister for Social Development to detail the current level of fuel poverty in (i) the Craigavon Borough Council area; (ii) the Banbridge District Council area; and (iii) the Upper Bann constituency.

**(AQW 3885/11)**

**Minister for Social Development:** The information requested is contained within the 2009 House Condition Survey. Unfortunately, the 2009 House Condition Survey only permits disaggregation to the 11 proposed new council areas which were due to come into effect under the Review of Public Administration. Therefore, the information requested is not available in the format requested.

The proposed RPA area that would come closest those outlined is Armagh and Bann where 33,390 households or 46.3% of all households were in fuel poverty.

I shall shortly publish a new fuel poverty strategy which shall develop strategies on energy efficiency and new initiatives on energy brokering in a renewed campaign on this growing issue.

## Social Housing Schemes

**Mr S Gardiner** asked the Minister for Social Development to detail all the social housing schemes undertaken in (i) the Craigavon Borough Council area; (ii) the Banbridge District Council area; and (iii) the Upper Bann constituency in the last four years.

**(AQW 3886/11)**

**Minister for Social Development:** The tables below detail all the social housing schemes undertaken in the areas in question in the last four years.

### CRAIGAVON BOROUGH COUNCIL STARTS:-

	Housing Association	Scheme	Units
2006/07	Ulidia	5 Lilburn Hall	4
2007/08	South Ulster	Gilpin Mews, Old Portadown Road, Lurgan	20
	Ulidia	Lilburn Hall & Bowen's Close, Lurgan	6
2008/09	Belfast Community	Carrickvale Manor, Lurgan	10
	South Ulster	Mark Street, Lurgan	22
	South Ulster	Ballygowan/Levin/Meadowbrook	10
2009/10	Belfast Community	Carrickvale Manor, Lurgan	6
	South Ulster	Ennis Green, Lurgan	7
	South Ulster	Prince's Close/Street, Craigavon	4
	South Ulster	Portadown Rehabs	16
	South Ulster	Gilpins Mews, Old Portadown Road, Lurgan	5
	South Ulster	Thomas Street, Portadown	15

**BANBRIDGE DISTRICT COUNCIL STARTS:-**

	<b>Housing Association</b>	<b>Scheme</b>	<b>Units</b>
2006/07			0
2007/08	Rural	Annaclone, Ph2, Banbridge	6
	South Ulster	Old School Site, Phase 2, Kinallen	10
	South Ulster	PSNI Site Moy/Hillside Pk Gilford	2
2008/09	Oaklee	79 Thornhill Drive	1
	South Ulster	Ballygowan/Levin/Meadowbrook	15
2009/10	Clanmil	Old Bleach Green, Banbridge	8
	Habinteg	1-3 Jubilee Court, Jubilee Road, Dromore	3
	Helm Housing	Peggy's Loaning, Banbridge	60
	Rural	Millvale Close, Annaclone	6
	South Ulster	Beechgrove, Dromore Phase 2	5

**UPPER BANN CONSTITUENCY STARTS:-**

	<b>Housing Association</b>	<b>Scheme</b>	<b>Units</b>
2006/07	Ulidia	5 Lilburn Hall	4
2007/08	South Ulster	Gilpin Mews, Old Portadown Road, Lurgan	20
	Ulidia	Lilburn Hall & Bowen's Close, Lurgan	6
	South Ulster	Hillside Pk Gilford	1
2008/09	Belfast Community	Carrickvale Manor, Lurgan	10
	South Ulster	Mark Street, Lurgan	22
	South Ulster	Ballygowan/Levin/Meadowbrook	25
2009/10	Belfast Community	Carrickvale Manor, Lurgan	6
	Clanmil	Old Bleach Green, Banbridge	8
	Helm Housing	Peggy's Loaning, Banbridge	60
	South Ulster	Ennis Green, Lurgan	7
	South Ulster	Prince's Close/Street, Craigavon	4
	South Ulster	Portadown Rehabs	16
	South Ulster	Gilpins Mews, Old Portadown Road, Lurgan	5
	South Ulster	Thomas Street, Portadown	15

**Waiting List for Social Housing**

**Mr D McNarry** asked the Minister for Social Development what is the size of the waiting list for social housing in (i) the Ards Borough Council area; (ii) the Down District Council area; (iii) the Castlereagh Borough Council area; and (iv) the Strangford constituency.

**(AQW 3888/11)**

**Minister for Social Development:** The information is not available in the format requested as the Housing Executive does not collate information by parliamentary constituency. However, the waiting list figures for the Housing Executive District Office areas of Castlereagh, Downpatrick and Newtownards at 31 December 2010 are as follows:-

■ Castlereagh	1,429
■ Downpatrick	1,238
■ Newtownards	1,721

### Affordable and Social Housing

**Mr D McNarry** asked the Minister for Social Development to detail the current level of (i) affordable; and (ii) social housing available in (a) the Ards Borough Council area; (b) the Down District Council area; (c) the Castlereagh Borough Council area; and (d) the Strangford constituency.

**(AQW 3889/11)**

**Minister for Social Development:** In relation to (i) the Co-Ownership Scheme is the Department's main measure for providing assistance to those potential first time buyers requiring affordable homes. The table below details the information requested for the Ards, Castlereagh and the Down Council areas for the current financial year which are situated in the Strangford Constituency:-

Council Area	Properties Under Offer	Properties Completed Year to Date
Ards	14	15
Down	5	10
Castlereagh	4	23

In relation to (ii) the Housing Executive has advised that it does not routinely collate information by parliamentary constituency. However, they have provided the following stock level of social housing for their District areas of Newtownards, Downpatrick and Castlereagh.

■ Newtownards	3921
■ Downpatrick	2403
■ Castlereagh	3784

Also in relation to (ii) Housing Associations have provided the following stock level of social housing for the areas in question:-

■ Newtownards	888
■ Downpatrick	663
■ Castlereagh	737
■ Strangford	662

### Fuel Poverty

**Mr D McNarry** asked the Minister for Social Development to detail the current level of fuel poverty in (i) the Ards Borough Council area; (ii) the Down District Council area; (iii) the Castlereagh Borough Council; and (iv) the Strangford constituency,

**(AQW 3890/11)**

**Minister for Social Development:** The information requested is contained within the 2009 House Condition Survey. Unfortunately, the 2009 House Condition Survey only permits disaggregation to the 11 proposed new council areas which were due to come into effect under the Review of Public Administration. Therefore, the information requested is not available in the format requested.

The proposed RPA area that would come closest those outlined is Ards and North Down where 28,660 households or 43.6% of all households were in fuel poverty.

I shall shortly publish a new fuel poverty strategy which shall develop strategies on energy efficiency and new initiatives on energy brokering in a renewed campaign on this growing issue.

## Social Housing Schemes

**Mr D McNarry** asked the Minister for Social Development to detail all the social housing schemes undertaken in (i) the Ards Borough Council area; (ii) the Down District Council area; (iii) the Castlereagh Borough Council area; and (iv) the Strangford constituency in the last four years.

**(AQW 3892/11)**

**Minister for Social Development:** The tables below detail all the social housing schemes undertaken in the areas in question in the last four years.

### ARDS BOROUGH COUNCIL STARTS:-

	Housing Association	Scheme	Units
2006/07	Rural	Rural Acquisitions	2
	Belfast Community	Acquisitions, Ph2, Newtownards	2
	Belfast Community	1-3 Seaview, Millisle	4
	Clanmil	Rurals, Ph1, Comber	2
	Clanmil	41 East Mount, Newtownards	1
	Connswater	Darragh Road, Comber	2
2007/08	Belfast Community	81 Blenheim Drive, Newtownards	1
	Helm Housing	Upper Crescent, Comber	50
	Helm Housing	16 Lenamore Park, Newtownards	1
	Helm Housing	40 Canberra Gardens, Newtownards	1
	Helm Housing	11 Burnreagh Court, Newtownards	1
	Clanmil	94 Shackleton Walk, Newtownards	1
	Clanmil	38 Blenheim Drive, Newtownards	1
	Clanmil	11 Abbot Gardens, Newtownards	1
	Clanmil	3 Laburnum Drive, Comber	1
	Habinteg	Habinteg Acquisitions, Newtownards ESPs Phase 2	3
	Habinteg	Habinteg Acquisitions, Newtownards ESPs	2
	Oaklee	Ilex Avenue, Newtownards	6
	Rural	Ards ESPs, Phase 1	3
	Rural	Ards Rural Acquisitions Phase 1A (DPF)	5
	Rural	Ards Acquisitions Phase 1B	4
	Trinity	William Street, Newtownards	12

	<b>Housing Association</b>	<b>Scheme</b>	<b>Units</b>
2008/09	Clanmil	Church Lane, High Street, Donaghadee	6
	Clanmil	46 Inisharoan Court, Newtownards	1
	Clanmil	Glenwood, Newtownards	7
	Connswater	31-35 Donaghadee Road, Newtownards	40
	Trinity	Church Street, Newtownards	20
	Trinity	38 Belfast Road, Comber	10
2009/10	Connswater	57 Rosevale Avenue, Newtownards	15
	Fold	Upper North Street, Newtownards	31
	Fold	Council Site, Dunsy Way, Comber	33
	Habinteg	31 The Brae, Ballygowan	14
	Helm Housing	Regent Street, Newtownards	43
	Helm Housing	Bartley's Wood, Ballywalter	14

**DOWN DISTRICT COUNCIL STARTS:-**

	<b>Housing Association</b>	<b>Scheme</b>	<b>Units</b>
2006/07	Oaklee	Bryansford Road, Newcastle	12
	Oaklee	19 Dunwellan Park, Newcastle	1
2007/08	Belfast Community	Acquisitions, Phase 1, Downpatrick	7
	Belfast Community	45A Bracken Avenue, Newcastle	1
	Rural	Down ESPs Phase 1	2
	Rural	Down ESPs Phase 2	2
2008/09	Fold	PSNI Site, Downpatrick Road, Ardglass	11
	Fold	1 Lawnfield Court, Newcastle	1
	Rural	60 The Old Mill, Killyleagh	1
	Triangle	12 Alan Close, Newcastle	6
2009/10	Clanmil	Killough Road, Downpatrick	19
	Fold	The Square, Clough	8
	Oaklee	PSNI Site, Newcastle Road, Castlewellan	6
	Trinity	Appletree House, Bridge Street, Downpatrick	24

**CASTLEREAGH BOROUGH COUNCIL STARTS:-**

	<b>Housing Association</b>	<b>Scheme</b>	<b>Units</b>
2006/07	Belfast Community	19 Shimna Close, Castlereagh	1
	Helm Housing	Bennan Park, Ballybeen	20
	Helm Housing	23 Kilbroney Bend, Cregagh	1



	<b>Housing Association</b>	<b>Scheme</b>	<b>Units</b>
2006/07	Helm Housing	18 Shimna Close, Cregagh	1
	Helm Housing	3 Best's Hill Lane, Belfast	1
	Helm Housing	53 Ravenswood Park, Braniel	1
	Helm Housing	20 Stracum Corner, Cregagh	1
	Helm Housing	223 Cregagh Road, Belfast	1
	Trinity	Glenview Park, Belfast	30
	Fold	2,8,17,19 & 21 Cairnshill Court, Belfast	5
	Fold	6,7,18 & 20 Cairnshill Court, Belfast	4
	Oaklee	Cregagh Community Centre, Belfast	8
	Triangle	4 Baronscourt Close, Carryduff	4
2007/08	Helm Housing	Gleneagles Gardens, Ballybeen	12
	Habinteg	Knockbracken Healthcare Park	20
2008/09	Fold	23 Cairnshill Court, Belfast	1
	Fold	24 Cairnshill Court, Belfast	1
2009/10	Oaklee	6-12 Breda Park, Newtownbreda	34

**STRANGFORD CONSTITUENCY STARTS:-**

	<b>Housing Association</b>	<b>Scheme</b>	<b>Units</b>
2006/07	Belfast Community	Acquisitions, Ph2, Newtownards	2
	Helm Housing	Bennan Park, Ballybeen	20
	Clanmil	Rurals, Ph1, Comber	2
	Clanmil	41 East Mount, Newtownards	1
	Connswater	Darragh Road, Comber	2
	Triangle	4 Baronscourt Close, Carryduff	4
	Rural	Rural Acquisitions	2
2007/08	Belfast Community	81 Blenheim Drive, Newtownards	1
	Helm Housing	Upper Crescent, Comber	50
	Helm Housing	Gleneagles Gardens, Ballybeen	12
	Helm Housing	16 Lenamore Park, Newtownards	1
	Helm Housing	40 Canberra Gardens, Newtownards	1
	Helm Housing	11 Burnreagh Court, Newtownards	1
	Clanmil	94 Shackleton Walk, Newtownards	1
	Clanmil	38 Blenheim Drive, Newtownards	1
	Clanmil	11 Abbot Gardens, Newtownards	1

	Housing Association	Scheme	Units
2007/08	Clanmil	3 Laburnum Drive, Comber	1
	Habinteg	Knockbracken Healthcare Park	20
	Habinteg	Habinteg Acquisitions, Newtownards ESPs Phase 2	3
	Habinteg	Habinteg Acquisitions, Newtownards ESPs	2
	Oaklee	Illex Avenue, Newtownards	6
	Rural	Ards ESPs, Phase 1	3
	Rural	Down ESPs Phase 2	2
	Rural	Ards Rural Acquisitions Ph 1A	4
	Rural	Ards Acquisitions Phase 1B	3
	Rural	Down ESPs Phase 1	1
	Trinity	William Street, Newtownards	12
2008/09	Clanmil	46 Inisharoan Court, Newtownards	1
	Clanmil	Glenwood, Newtownards	7
	Connswater	31-35 Donaghadee Road, Newtownards	40
	Rural	60 The Old Mill, Killyleagh	1
	Trinity	Church Street, Newtownards	20
	Trinity	38 Belfast Road, Comber	10
2009/10	Connswater	57 Rosevale Avenue, Newtownards	15
	Fold	Upper North Street, Newtownards	31
	Fold	Council Site, Dunsy Way, Comber (T)	33
	Habinteg	31 The Brae, Ballygowan	14
	Helm Housing	Regent Street, Newtownards	43
	Helm Housing	Bartley's Wood, Ballywalter	14

## Cavity Wall Insulation

**Mr R Beggs** asked the Minister for Social Development to detail the number of Housing Executive homes in each constituency that do not currently have cavity wall insulation; and why this basic energy efficiency measure has not been put in place.

**(AQW 3893/11)**

**Minister for Social Development:** The information is not available in the format requested. However, approximately 90% of Housing Executive dwellings had cavity wall insulation installed during the 1980s and further Housing Executive dwellings have had cavity wall insulation installed since then during maintenance schemes. However, a small number of dwellings “pepper potted” across Northern Ireland remain without cavity wall insulation, possibly because individual tenants may have refused to have the insulation installed. Any such property that is identified through a maintenance survey will be included in future planned maintenance schemes to have cavity wall insulation installed.

The Housing Executive is assessing what further interventions are necessary to address thermal energy efficiency, arising from the recent adverse weather.

## Lack of Insulation in Housing Executive Properties

**Mr R Beggs** asked the Minister for Social Development how many complaints relating to the lack of insulation in their houses were received from residents of Housing Executive homes in each of the last three years, broken down by local council area.

**(AQW 3895/11)**

**Minister for Social Development:** The table below details complaints received by the Housing Executive relating to the lack of insulation in their homes over the last three financial years by District Council area:-

District Council Area	2007/08	2008/09	2009/10
Derry	0	0	3
Strabane	0	1	0
Cookstown	0	0	0

## Economy 7 Heating in Housing Executive Properties

**Mr C Lyttle** asked the Minister for Social Development what plans he has to address the fact that the Castlereagh Borough Council area has a higher proportion of Economy 7 heating in Housing Executive properties than any other district council area.

**(AQW 3940/11)**

**Minister for Social Development:** The Housing Executive has advised that it has been replacing electrical heating within their occupied stock where gas or oil is a technically practical option and has succeeded in reducing the number of homes heated by electrical heating from a peak of 26,000 to the current level of 9,724. The Housing Executive plans to offer replacement heating to the remaining electrical heating users where it is technically feasible to do so, although it is worth noting that significant numbers of tenants with electrical heaters have refused to switch to gas or oil in the past.

The Housing Executive has also advised that almost 77% of electrical heating within the Castlereagh District is in flats or maisonettes and therefore replacement with gas or oil is not a technically feasible option. However, a scheme was recently completed in East Belfast which replaced electrical heating with newer energy efficient electrical heating systems in 58 flats at a cost of £200,000. This will be evaluated to determine whether similar schemes may be considered for other areas. The delivery of schemes will be dependent upon the availability of funding.

## Compensation Under the Financial Assistance Act for People Affected by Burst Pipes

**Ms C Ní Chuilín** asked the Minister for Social Development (i) when he contacted the Office of the First Minister and deputy First Minister regarding compensation under the Financial Assistance Act for people affected by burst pipes; (ii) to outline his request to OFMDFM; and (iii) what other proposals he is bringing forward to compensate people who were affected by burst pipes.

**(AQW 3941/11)**

**Minister for Social Development:**

- (i) I wrote to the First and deputy First Ministers (and the Finance Minister) on this subject on 30 December 2010 and on 10 January 2011 respectively.
- (ii) My December letter outlined the scope of the current Social Fund scheme in helping people affected by the recent spell of extremely cold weather through the provision of repayable Crisis Loans or Budgeting Loans, as well as non-repayable Community Care Grants. Since the Social Fund is cash-limited, I recommended that contact be made with HM Treasury and the Department for Work & Pensions to argue for an increase in funding this year. In addition, I raised the option of other interventions under the Financial Assistance Act and the Emergency Assistance Scheme and suggested that OFMDFM, DFP and DSD officials scope out the details of how schemes could operate. My January letter asked if the First Minister or Deputy First Minister had any further view

on the principle of assistance under the available schemes and how our Departments may work on any proposals.

- (iii) I also instructed my officials and the Housing Executive to work up proposals to identify how funds might be released to help affected tenants. I have now received further details from the Department and the Housing Executive and shall be taking the matter forward.

### **Walkway and Wild Flower Meadow in the Laburnum, Cherryvalley and De Wind area of Comber**

**Mr S Hamilton** asked the Minister for Social Development how much the Housing Executive has invested in the development of a walkway and wild flower meadow in the Laburnum, Cherryvalley and De Wind area of Comber.

**(AQW 3944/11)**

**Minister for Social Development:** The Housing Executive invested £25,000 on a walkway and wildflower meadow in the Laburnum, Cherryvalley and De Wind area of Comber. This will improve the physical landscape of the area as well as hopefully reducing anti-social behaviour in the local community. A drainage scheme was also included as part of this project to reduce the risk of flooding in the area.

### **Newbuild Houses in Mid Ulster**

**Mr P McGlone** asked the Minister for Social Development for an update on the number of newbuild houses to be completed in Mid Ulster in (i) the current financial year; and (ii) the next financial year.

**(AQW 4010/11)**

**Minister for Social Development:** The table below details the schemes due to complete in Mid Ulster during the current financial year:-

<b>Housing Association</b>	<b>Scheme Name</b>	<b>Units</b>	<b>Work Category</b>
Apex	Tobermore Road, Draperstown Phase 2	17	Off-the-Shelf
Apex	Workspace, Tobermore Road, Draperstown	6	Off-the-Shelf
Dungannon & District	Lime Kiln Lane, Cookstown	5	New Build

There are currently no schemes programmed to complete in Mid Ulster during 2011/12.

### **President of the Appeals Tribunals**

**Mr G Savage** asked the Minister for Social Development to detail why the President of the Appeals Tribunals is presently refusing to hear over 100 re-run appeals for Employment and Support Allowance and when these appeals will be relisted for hearing.

**(AQW 4020/11)**

**Minister for Social Development:** Re-run appeals arose from a legal loophole which allowed Employment Support Allowance appellants to remain on a continuous appeal cycle. Legislation (The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2010) was put in place to close off this loophole on 28 June 2010.

The President of Appeals Tribunals, who is a judicial office holder and is independent of the Department, issued a direction on 13 April 2010 which advised that such cases should be “stayed from listing pending the hearing of a test case”. No re-run appeals have been heard since that date and no further direction has been issued by the President regarding these appeals.

The responsibility for such issues lies with The President of the Appeal Tribunal. Should you wish to write to him on the matter he can be contacted at 6th Floor Cleaver House, 3 Donegall Sq Nth, Belfast BT1 5GA.

## Charity Commission

**Mr J Craig** asked the Minister for Social Development to detail (i) the costs incurred by the Charity Commission between June 2009 and April 2010; and (ii) what was this money spent on.

**(AQW 4032/11)**

**Minister for Social Development:** The Charity Commission for Northern Ireland (CCNI) incurred costs of £369,080k during the 2009/10 financial year. A full breakdown of these costs can be found in CCNI's audited accounts which are included in the CCNI 2009-10 Annual Report. This can be accessed on the CCNI website or in the Assembly Library. A summary is included below.

### STAFF COSTS:

Wages and salaries	178,822
Commissioners' remuneration	15,583
Social security costs	13,131
Other pension costs	32,714
Total net costs	240,250

### OTHER EXPENDITURE:

Rent and service charges	21,634
Rates	5,270
Maintenance and repairs	26,633
Cleaning	1,458
Telephone and postage	3,964
Heat, light and power	1,516
IT consumables and stationery	4,304
Publicity, printing and advertising	9,769
Staff/Commissioners training	4,322
Travel and subsistence	5,397
Conference fees	2,484
Recruitment costs	24,381
Hospitality (Public Benefit Road Shows)	2,759
Accountancy	2,879
Legal and professional fees	11,365
Miscellaneous expenses	695
<b>Total</b>	<b>128,830</b>



## Economy 7 Heating Systems

**Mr A Maskey** asked the Minister for Social Development what plans his Department has to replace the remaining Economy 7 heating systems in public housing properties.

**(AQW 4044/11)**

**Minister for Social Development:** The Housing Executive has advised that it has been replacing electrical heating within their occupied stock where gas or oil is a technically practical option and has succeeded in reducing the number of homes heated by electrical heating from a peak of 26,000 to the current level of 9,724. The Housing Executive plans to offer replacement heating to the remaining electrical heating users where it is technically feasible to do so, although it is worth noting that significant numbers of tenants with electrical heaters have refused to switch to gas or oil in the past.

A number of flats or maisonettes have electrical heating and replacement with gas or oil is not a technically feasible option. However, a scheme was recently completed in East Belfast which replaced electrical heating with newer energy efficient electrical heating systems in 58 flats at a cost of £200,000. This will be evaluated to determine whether similar schemes may be considered for other areas. The delivery of schemes will be dependent upon the availability of funding.

## Suffolk Road Flats

**Ms S Ramsey** asked the Minister for Social Development for an update on the cleaning rota for the Suffolk Road flats; and whether there are any plans to replace the windows there.

**(AQW 4068/11)**

**Minister for Social Development:** The Housing Executive has advised that the internal communal areas of Suffolk Road flats are cleaned monthly by the response maintenance Egan contractor. The cleaning rota for grass and external hard surfaces is on a ten day cycle and carried out by the grounds Egan contractor. The flats are included in a window replacement scheme provisionally programmed for 2011/12, dependent on the availability of funding.

## Report on Houses for Land Schemes

**Ms C Ní Chuilín** asked the Minister for Social Development when the 2004 Local Government Audit Office report on Houses for Land Schemes will be made available.

**(AQW 4069/11)**

**Minister for Social Development:** In February 2001, my Department asked the Local Government Audit Office (now the NIAO) to investigate a number of issues arising from various land schemes undertaken by the NIHE.

A report, NIHE Houses for Land Schemes, was duly completed and sent to the Department in February 2004.

The report has already been released following a recent request and I am happy to place a copy in the Assembly Library for future reference.

## Cold Weather Payments

**Mr P McGlone** asked the Minister for Social Development how much has been paid in the current financial year in Cold Weather Payments to people in the (i) BT80; (ii) BT71; (iii) BT70; (iv) BT45; and (v) BT46 postcode areas.

**(AQW 4071/11)**

**Minister for Social Development:** When a Cold Weather Payment period is triggered all qualifying customers living within one of the post code areas covered by the relevant weather station are automatically issued with a payment. There are seven meteorological stations within Northern Ireland and each of these cover a pre assigned range of post code areas. Whilst it is not possible to provide the information on Cold Weather Payments paid to individual post code areas, I am able to confirm

that BT post code areas 70 and 71 are covered by Glenanne weather station whilst BT areas 45, 46 and 80 are covered by Aldergrove weather station. The total amount paid in Cold Weather Payments in the current financial year to customers living within the post code areas covered by the Aldergrove and Glenanne weather stations is £3.05 million and £2.60 million respectively.

### Housing Schemes in the Lisburn City Council Area

**Mr P Givan** asked the Minister for Social Development to detail the (i) refurbishment; and (ii) environmental housing schemes that have taken place in the Lisburn City Council area since 2005; and how much was spent on each scheme.

**(AQW 4078/11)**

**Minister for Social Development:** The tables below details the schemes carried out in the Housing Executive's Lisburn Antrim Street and Lisburn Dairy Farm District Offices which covers Lisburn City Council area.

#### LISBURN ANTRIM ST DISTRICT OFFICE:-

Year	Scheme	Work Type	Cost
2005/06	Huguenot Drive Fence	EI*	£38,000
	Old Warren 2 Phase 4	MEI*	£1,956,000
	Old Warren 1 Phase 4	MEI	£560,000
	Mutli Element Improvement Mop-up	MEI	£450,000
2006/07	NIL		
2007/08	Priory/Titterington	MEI	£857,000
	Glencairn, Ravarnette	MEI	£535,000
2008/09	Ballymacoss Bungalows	MEI	£1,809,000
2009/10	NIL		
2010/11	NIL		

#### LISBURN DAIRY FARM DISTRICT OFFICE:-

Year	Scheme	Work Type	Cost
2005/06	Twinbrook Phase 3	EI*	£2,390,000
	Glasvey/Gardenmore/Juniper	MEI*	£819,000
2006/07	Colinvale	EI	£1,002,000
	Twinbrook Phase 1 Completion	EI	£2,660,000
2007/08	NIL		
2008/09	Glenwood/Woodside	EI	£439,000
2009/10	NIL		
2010/11	NIL		

**Note:** \* EI – Environmental Improvement schemes

MEI – Multi Element Improvement schemes

## Incapacity Benefits and Incapacity Benefit Credits

**Mr K Robinson** asked the Minister for Social Development how many people are in receipt of (i) incapacity benefits; and (ii) incapacity benefit credits in the (a) South Antrim constituency; (b) East Antrim constituency; (c) Newtownabbey Borough Council area; (d) Antrim Borough Council area; (e) Carrickfergus Borough Council area; and (f) Larne Borough Council area.

**(AQW 4082/11)**

**Minister for Social Development:** The information requested is set out in the table below\*:

	<b>Incapacity Benefit recipients</b>	<b>Incapacity Benefit credits only customers</b>	<b>Total Incapacity Benefit customers</b>
South Antrim Assembly area	2629	1275	3904
East Antrim Assembly area	2348	1169	3517
Newtownabbey Borough Council area	2134	1103	3237
Antrim Borough Council area	1370	740	2110
Carrickfergus Borough Council area	1107	476	1583
Larne Borough Council area	867	528	1395

\* In producing this analysis, individual records were attributed to Assembly area and Local Government District on the basis of 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 City Council and Belfast City Council.

## Newbuild Houses in North Down

**Mr P Weir** asked the Minister for Social Development for an update on the number of newbuild houses to be completed in North Down in (i) the current financial year; and (ii) the next financial year.

**(AQW 4103/11)**

**Minister for Social Development:** Tables 1 and 2 below details the schemes due to complete in North Down during the current and next financial years respectively:-

**TABLE 1: NEW BUILD SCHEMES DUE TO COMPLETE IN NORTH DOWN DURING THE CURRENT FINANCIAL YEAR:-**

<b>Housing Association</b>	<b>Scheme Name</b>	<b>Units</b>
Fold	Dufferin Avenue, Bangor*	6
Fold	Upritchard Gardens, Bangor*	9
Helm	1-3 Crawfordsburn Road, Bangor	21
Helm	28-32 Belfast Road, Bangor & 18 Inglewood Park, Bangor	37
Helm	Rathgill Zone 1, Bangor	28
Oaklee	Shaftesbury Road, Bangor	34

\* Off the shelf

**TABLE 2: NEW BUILD SCHEMES DUE TO COMPLETE IN NORTH DOWN DURING 2011/12:-**

Housing Association	Scheme Name	Units
Oaklee	Gibson's Lane, Bangor	17
Oaklee	Central Avenue, Bangor	47
Oaklee	Gransha Road, Bangor	6
Trinity	Strand Avenue, Holywood	19
Trinity	West Church, Bangor	18

### **Housing Executive: Maintenance Contracts**

**Mr A Maskey** asked the Minister for Social Development when the review into current Housing Executive maintenance contracts will take place and whether the Committee for Social Development will have an opportunity to consider the outcome of the review before further contracts are put out for tender.

**(AQO 897/11)**

**Minister for Social Development:** The Member will be aware that I made an Oral Statement in the Assembly in relation to the review on 25 January 2011. I recently secured external specialist assistance, through Central Procurement Directorate, Department of Finance and Personnel, for a Gateway review of the Housing Executive's 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 this field and was a dedicated and accelerated piece of work over a 5 day period.

I briefed the Social Development Committee on the broad contents of the Gateway Review at the first meeting in the New Year. A copy of the Report was forwarded to the Social Development Committee on Friday 21st January and has been published on my Department's website.

### **Redundancies: DSD**

**Mr J Dallat** asked the Minister for Social Development how many compulsory redundancies might arise as a result of his draft Budget allocation for 2011-15.

**(AQO 899/11)**

**Minister for Social Development:** I firmly believe that the Executive's draft Budget requires change to do more to protect those in need and the funding of frontline services provided by my Department.

In the interim, with regard to the Department's draft Budget, I have decided that there must be no reductions in vital frontline programmes targeting the most vulnerable households, including those to address fuel poverty, supported housing, new build housing and disadvantaged communities.

In protecting these priorities and in achieving the efficiencies proposed in the draft Budget, steps need to be taken to reduce administration expenditure such as consultancy, travel and corporate services that do not impact on service delivery. Indeed, redesigning models in social security and child maintenance to further improve customer service are a continuing long-term priority.

The draft Budget also includes additional cumulative revenue allocations to cover, for example, the significant challenges faced by the Social Security Agency in addressing the Welfare Reform agenda and the expansive changes envisaged in Universal Credit. These new areas of work will provide opportunities for staff freed up due to the effect of efficiencies in other business areas.

The Department for Social Development is the largest Department in the Northern Ireland Civil Service. However, I do not envisage any redundancies resulting from the draft Budget and will do everything in my power to ensure that this remains the case. I fully expect that any staff reductions which may be required from efficiencies can be achieved through normal attrition. I am also committed to keeping

staff and Trade Union representatives involved in discussions around changes in the Budget as and when they evolve.

### **Ministerial Statement: DSD**

**Ms M Anderson** asked the Minister for Social Development to outline his reasons for not making a statement to the Assembly on the response of the Housing Executive and Housing Associations to the plight of tenants during the Christmas period.

**(AQO 900/11)**

**Minister for Social Development:** The Member will be aware that in fact I made a Written Statement to the Assembly on Monday 31st January on this very issue. It had always been my intention to do so from the outset of the difficulties caused by the adverse weather conditions.

While there were some difficulties at the outset, the Housing Executive stepped up to the mark. Indeed, I thank the Housing Executive for manning the phones and responding to tenants needs. All of the staff involved in helping need to be acknowledged. My officials and the Housing Executive, did over Christmas, through local offices and emergency call centres, serve the needs of tenants. While over 25,000 properties were affected, at the start of the New Year period about 80% - 85% of the work had been completed or satisfactory alternative arrangements made. The main work currently outstanding relates to properties with severe water damage where ceilings have collapsed and time is needed for the property to dry out before the remaining work can be completed.

In addition, I have twice attended the Social Development Committee – to give a preliminary report on the situation on 13 January 2011 and subsequently a lengthy attendance on 27 January 2011. At all times, when I have had the opportunity to speak publicly I have done so.

### **Warm Homes Scheme**

**Mr T Buchanan** asked the Minister for Social Development to outline the likely impact of cuts to his Department's budget on the Warm Homes Scheme over the next four-year period.

**(AQO 902/11)**

**Minister for Social Development:** £12.35 million will be spent on the Warm Homes Scheme in 2010/2011 and the Public Service Agreement target to assist 9,000 vulnerable households will be met. The £13.5 million allocated in the draft budget to the Warm Homes Scheme in 2011/2012 will allow the Warm Homes Scheme Managers to assist more vulnerable householders to improve the energy efficiency of their homes.

Executive decisions on budgets mean that it is impossible for all budgets to have the same funding as in the past. The protection for vital programmes is primarily protection in outcomes and I am confident that the target to assist 9,000 households will also be met in 2011/2012. Ways have to be found to keep service outcomes around the current levels, despite the cuts.

However, I continue to look at the Warm Homes budget and related budgets to determine if the budget lines can be enhanced. At the same time, DSD has the lead in government on developing the Green New Deal initiative.

### **Savings Delivery Plan: DSD**

**Mr C Lyttle** asked the Minister for Social Development for his assessment of the adequacy of the consultation period on his draft savings delivery plan given the delay in publishing it.

**(AQO 903/11)**

**Minister for Social Development:** The Executive agreed its budget on 15 December 2010. As there were a number of complex issues to be addressed it was necessary to take adequate time to review it. My Department's consultation document was published on its internet site on Wednesday 12 January with an initial consultation period up to 9 February; this has now been extended by one week up to 16 February and I consider this to be adequate. Moreover, I am the only Minister who is conducting a



specific Departmental consultation with five meetings around Northern Ireland, addressing the Budget 2011-15 and the draft voluntary and community concordat.

## Draft Budget for 2011-15

**Mrs M Bradley** asked the Minister for Social Development for an overview of his Department's draft Budget for 2011-15, highlighting where the main challenges and opportunities exist.

**(AQO 904/11)**

**Minister for Social Development:** I have not supported the Executive's budget as I have major issues with it in relation to the level of resources made available to this Department not least on the capital side. Current allocations do not allow me to meet the true demands to help the most vulnerable in our society I will be pushing the Executive for additional funding. I am also deeply concerned at the unilateral action taken to reduce Housing Association reserves by £80 million over the budget period. I note, the additional funds made available for Bamford and Welfare Reforms. Looking forward, we need to:

- be innovative and creative in how we use our proposed funding and, for example, seek to reduce costs through competitive tendering whilst still securing satisfactory outcomes;
- manage our land-holdings so as to drive costs down further and to generate additional sales income when the market improves; and
- seek out opportunities to add to the overall housing stock through, for example, leasing need being successfully taken to the market.

## Housing: Repossessions

**Mr B Armstrong** asked the Minister for Social Development what action his Department is taking to help people facing repossession of their homes.

**(AQO 905/11)**

**Minister for Social Development:** In May 2009 my Department made funding available for Housing Rights Service to pilot a specialist Mortgage Debt Advice Service. Since its launch this service has helped over 1250 people who were heading towards or were at, the doors of the court for repossession action. In addition I will continue to bid for the resources necessary to allow a full Mortgage Rescue Scheme to operate here.

My Department also funds a wide range of advice networks, not just within the Social Security Agency but through the Law Centre, Advice Northern Ireland and the Citizens Advice Bureau (CAB), thereby helping people in local communities when they get into debt issues, including the potential repossession of their properties. There have also been some recent changes to the Support for Mortgage Interest Scheme such as the reduction in the standard interest rate from 6.08% to 3.63%. Whilst I am up for the principle of reform to the welfare system, I will continue to argue the case with Westminster where I consider that changes proposed are unfair, punitive or cuts masquerading as a reform. I will do whatever I can to alleviate the difficulties currently being faced.

I am also attempting to develop proposals to protect those in mortgage stress, while launching a new fuel poverty strategy and have proposed a Hardship Fund to help those in need.

## Charity Law

**Mr G Robinson** asked the Minister for Social Development whether he intends using the definition used in English and Welsh charity law, or that used in Scottish charity law, to define 'a purpose which is for the public benefit'.

**(AQO 906/11)**

**Minister for Social Development:** A legal issue brought to light when the Charity Commission sought legal advice on its Draft Public Benefit Guidance gave rise to an intention on my part to amend section 3 of the Charities Act (Northern Ireland) 2008 to follow the public benefit test of English and Welsh charity law. This is a complex area of law and one in which the Attorney General has taken a close

interest. Following discussion at the Executive meeting on 13 January 2011, I have written to the Attorney General for further detail before a final decision is taken.

### Gas and Oil Boilers in Housing Executive Properties

**Mr P Maskey** asked the Minister for Social Development to outline (i) the age profile of the (a) 154 gas boilers; and (b) 27 oil boilers that had to be replaced during the recent severe winter weather; (ii) the number of these boilers that were under warranty; (iii) which parts could not be replaced; and (iv) the frequency with which these boilers had been serviced.

**(AQW 4125/11)**

**Minister for Social Development:** The Housing Executive has advised that:-

The age profile of the boilers is as follows:

(i) -

Boiler type	Years		
	1 to 2	2 to 4	>4
Gas	46	38	70
Oil	3	4	20

(ii) Warranties for boilers are held by the Contractors and they are responsible for liaising with Manufacturers to ensure that this is honoured. Contractor's are responsible for servicing including parts and labour for a one year period from installation at no additional cost to the Housing Executive. Four of the gas boilers remain under the major heating contractor's service under the contract arrangements; there are no oil boilers that fall into this category. The four gas boilers have all been referred back to the manufacturer to determine the cause of the failure.

(iii) With regards to the gas systems typical damaged parts included the heat exchangers, printed circuit boards, gas valves and electronics within the boilers. Although these parts can be replaced the cost of replacement would be more expensive than the replacement of the complete boiler itself. The decision to replace was made on a value for money basis. In the case of oil systems, the major damaged part was the boiler shell which during frost expands, swells and then bursts. This expansion weakens and cracks all the welds at all the seams of the shell. A repair to the shell in this instance is practically impossible; they cannot be guaranteed and would therefore have health and safety implications.

(iv) The gas boilers are serviced on an annual basis and oil boilers are serviced biennially.

In relation to the recent freeze, I have already instructed that there is a full and deep evaluation of the work; the response of contractors; and that there should be accountability in relation to performance.

### Incapacity Benefit

**Mr D McNarry** asked the Minister for Social Development how many people are in receipt of Incapacity Benefit in (i) the Strangford constituency; (ii) Ards District Council; (iii) Down District Council; and (iv) Castlereagh Borough Council areas.

**(AQW 4186/11)**

**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
Strangford Assembly area	2686	1190	3876
Ards District Council area	2141	1022	3163

	<b>Incapacity Benefit recipients</b>	<b>Incapacity Benefit credits only customers</b>	<b>Total Incapacity Benefit customers</b>
Down District Council area	1995	1209	3204
Castlereagh Borough Council area	1578	704	2282

\*In producing this analysis, individual records were attributed to Assembly area and Local Government District on the basis of 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 City Council and Belfast City Council.

### Homeless People in the Strangford Constituency

**Mr D McNarry** asked the Minister for Social Development how many people in the Strangford constituency are currently classified as (i) homeless; and (ii) being in housing stress.

**(AQW 4187/11)**

**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 table below details (i) applicants deemed to be homeless and (ii) applicants in housing stress, in the Newtownards, Castlereagh and Downpatrick Housing Executive District office areas at 31 December 2010:-

<b>Housing Executive District Office</b>	<b>Applicants deemed to be Homeless</b>	<b>Applicants in Housing Stress</b>
Castlereagh	319	725
Downpatrick	397	700
Newtownards	426	1025

### Housing Executive Office in Craigavon

**Mr S Anderson** asked the Minister for Social Development, pursuant to AQW 2245/11, in each of the years in question, what percentage of new recruits to the Housing Executive Office in Craigavon were (i) Protestant; and (ii) Roman Catholic.

**(AQW 4263/11)**

**Minister for Social Development:** In my answer to AQW 2245/11, I provided details in relation to the religious profile of those recruited to the Housing Executive Office in Craigavon as a percentage of the total recruited. I assume the Member is now seeking the percentage of those new recruits to the Housing Executive District office in the Craigavon area only that were (i) Protestant and (ii) Roman Catholic in each of the last five years. The table below contains the details.

<b>Year</b>	<b>Total Recruited</b>	<b>Religious Profile</b>		<b>Religious Profile as percentage</b>	
		<b>Protestant</b>	<b>Roman Catholic</b>	<b>Protestant</b>	<b>Roman Catholic</b>
2005	7	1	6	14.30	85.70
2006	8	1	7	12.50	87.50
2007	7	2	5	28.60	71.40

Year	Total Recruited	Religious Profile		Religious Profile as percentage	
		Protestant	Roman Catholic	Protestant	Roman Catholic
2008	6	1	5	16.70	83.30
2009	10	4	6	40.00	60.00

## Northern Ireland Assembly Commission

### North/South Parliamentary Forum

**Mr P Callaghan** asked the Assembly Commission when the next meeting of the North South Parliamentary Forum is due to take place.

**(AQW 4340/11)**

**The Representative of the Assembly Commission (Mr S Neeson):** There has not been a meeting of the North South Parliamentary Forum to date. The initial proposal to establish a North South Parliamentary Forum had its origins in the Belfast/Good Friday Agreement and the St Andrews Agreement. Both of these Agreements make specific reference to the establishment of a forum made up of equal numbers of Members of both the Northern Ireland Assembly and the Houses of the Oireachtas, on an inclusive basis, to discuss matters of mutual interest and concern.

Building upon the requirements of the aforementioned agreements and as a result of discussions between the Commission's of the Assembly and the Houses of the Oireachtas in 2007 and 2008, it was agreed in October 2008 to establish two working groups (1 within each legislature) with the specific remit of developing proposals for the development of a working North South Parliamentary Forum.

On the 21st June 2010 the two working groups held a joint meeting in Parliament Buildings, Stormont, to formally agree and finalise the arrangements and programme for an inaugural North South Parliamentary Forum conference. The North South Parliamentary Forum Conference was held on the 7th-8th of October 2010 at the Slieve Donard Hotel in Newcastle. The overarching aim of the conference was titled 'Building Strong Pillars'.

A Conference Report was developed and was considered and agreed by the Assembly's North South Parliamentary Forum Working Group at their meeting on 25 January 2011. The next stage of this process will involve the publication and distribution of the Conference Report to all Members within both Legislatures. Initial feedback suggests that the conference was deemed to be a success and provided a useful forum for the exchange of views on matters of mutual interest.

In relation to the next steps, it has been proposed that a further joint meeting of the two Working Groups will be convened in June 2011, following elections to both the Dáil Éireann and the Northern Ireland Assembly.





# 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.



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# Revised Written Answers

## Justice

### **Prison Weddings**

*In Bound Volume 60, page WA175, replace the answer to the question (AQW 3567/11) asked by Lord Morrow with:*

There was an error contained in my answer of 1 February 2011.

The answer stated in relation to (i) that the cost incurred to facilitate the prison weddings was £324.64, however this should have read £421.14



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