



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Briefing by the Minister of the Environment

24 October 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Ms Pam Brown (Deputy Chairperson)
Mr Cathal Boylan
Mr Colum Eastwood
Mr Ian McCrea
Mr Barry McElduff
Mr Ian Milne
Mr Peter Weir

Witnesses:

Mr Durkan	Minister of the Environment
Mr Damian Campbell	Department of the Environment
Mr Trevor Evans	Department of the Environment
Mr Iain Greenway	Department of the Environment
Mr Ian Maye	Department of the Environment
Mr Wesley Shannon	Department of the Environment

The Chairperson: Minister, you are very welcome. I also welcome your senior staff, Damian, Iain, another Ian, Wesley and Trevor. Have I met you before, Trevor? I am sure that I have.

Mr Trevor Evans (Department of the Environment): Yes.

The Chairperson: OK. You are all welcome. Minister, I am delighted that you are here to talk to us. We sent you a list of topics, but given that you can give us only an hour because you must go at 11.00 am, perhaps we can deal with the major items. We could skip planning policy statement (PPS) 21; we can always ask the officials about that. Will you give us 10 or 15 minutes on the most pertinent issues on which you want to brief the Committee and then take questions from members?

Mr Durkan (The Minister of the Environment): OK. Thank you, Chair. I am delighted to be here for my first meeting with the Committee. I have dealt with quite a few of the members here on individual or constituency issues and I look forward to working with you, collectively, as a Committee. I believe that I will rely heavily on the Committee to inform and guide my position on many issues. I would like us to have a good relationship. I want you to know that I am here to work with you and I would like you to be here to work with me. I think that we all have the same aims at the end of the day. Obviously, we will not always agree on how to get there, but it is important that we always work towards achieving as close to consensus as we can.

The wee list that I got from you included carrier bags, taxis legislation, Driver and Vehicle Agency (DVA) jobs, Exploris, waste management, community planning and PPS 21. Rather than my going on a soliloquy for 15 minutes about any or all of those issues, I am happy to have a round-table discussion and open it to members to ask questions on any of the issues, or others, that may arise. I suppose that one burning issue may be the statement that I made in the Assembly on Tuesday, and I am obviously happy to take questions on that as well.

The Chairperson: I will start with the Planning Bill then, and your announcement that you plan to withdraw it. What are the next steps? As I said in the Chamber, a number of elements remain to be brought forward and bedded in before RPA. Between now and RPA, will there be a gap in advancing those elements that we wanted?

Mr Durkan: I believe that not moving the Bill is the correct thing to do and that it will not adversely impact on the reform agenda. Many reforms in the Bill can and will be brought forward administratively or through policy. I intend to continue to do that.

For example, I have already instructed officials to commence preparatory work on the 11 new development plans across the 11 clusters, and I am going to continue to test the pre-application community consultation, such as we have on the stadia. I intend to do that across other applications as well. There are obviously other measures in the Bill around, perhaps, the implications that this may have for elements of the Bill that dealt with enforcement and penalties, and some Members spoke about those the other day in the Chamber. Of course, we have already managed to increase penalties for enforcement.

I and my predecessor gave you an undertaking in the Chamber to make sure that your amendment, which you did not move at Consideration Stage, is incorporated in the single strategic planning policy statement (SPPS), on which officials are already working extremely hard. We hope to have it compiled by the turn of the year and out for public consultation as soon as possible after that. Hopefully, that whole process will be completed by the end of next year and be well in place before the elections in 2015.

The Chairperson: I do not wish to be too personal, but, although you said that you would put the shared space one into the SPPS, it will only be in guidance; so it will not have the same status as if it were in law. How can we address that?

Mr Durkan: It will be given material consideration, as happens with any other planning policy statement. My officials are working with Queen's and Jordantown academics on the very element that you — in my opinion wisely — brought forward. I think that it is something that will be valuable to the planning system as we move forward to, hopefully, a shared future.

The Chairperson: I will let other members in on that issue and then we move on.

Mr Weir: I had indicated that I would ask questions on other issues, but I will come in. Without rehearsing the arguments again, I do not see a major problem with the amendment that the Chair put forward in her capacity as an individual Member. There is irony in that amendments that got a majority in the House are being killed off yet an amendment that was not put to the House will be enshrined in policy. I will leave that hanging.

Specifically on planning, Minister; you indicated that you intend to bring forward elements of the Bill through a single planning policy statement or by other means. You need not answer directly today, but because there is still a little vagueness around the precise elements, I think that it would be helpful for your officials to send us a clause-by-clause table, or whatever, explaining how you intend to deal with each of them, so that we get a broader picture of what is or is not being put in place and how you intend to do it. I was going to raise a couple of wider topics, Chair, but if you want to keep this —

The Chairperson: Do they relate to the Planning Bill?

Mr Weir: No. There was a list of about half a dozen topics that were brought forward but the Minister wants a general conversation. I had a couple of questions to ask on other aspects. To be fair, the Minister and I hold considerably differing positions on the Planning Bill. Other than getting information on it, I would be flogging a dead horse about those aspects. He was flogged enough yesterday by the Attorney General in that regard, so I will not add to that whipping.

The Chairperson: Yes. Let us see whether others wish to come with questions on the Planning Bill.

Mr Boylan: I will follow your guidance on what way you want the meeting to go, Chair. There are certainly other issues on which we would like answers. Specifically on the Planning Bill, Minister; I am now concerned about the whole RPA process. You touched on how it will impact on what we want to bring forward. It seems to me that your decision on Tuesday to not go forward with the Bill must raise Committee questions about why we went through the whole process. We took Committee time to go through consultation and the amendments, and now you are saying that what was contained in the Bill can be taken forward in a single planning policy statement.

The other day, I asked you about the Attorney General's view. Clearly, he directs and gives advice to the Executive. Is it, or was it not, the case that despite the two amendments to the Bill, with which you were not content, we could have followed through with the Bill and that your issue with the amendments could have been looked at by the Supreme Court or whatever. Could we not have followed through with the Bill and could those elements not have been looked at through the courts system?

Could we not have gone forward with the Bill itself and have issues raised by the amendments dealt with separately through court rulings? Why did we not do that? Did the Department consider doing that and leave the two amendments separate? Could you comment on that and, specifically, how it impacts on the RPA process and how we go forward in relation to that?

Councillors are asking me where we are at in relation to this matter and if we are now saying that the Bill was neither here nor there or that there was no call for it; then the Committee went through a process in scrutinising the Bill and spent considerable time on it, and now it is just sitting in limbo. Obviously, you are not going to move it forward.

Mr Durkan: In response to Peter's request, I have no problem in getting that timetable or plan to the Committee as soon as I have it, and I hope to get it very soon.

I fully appreciate the amount of time that the Committee took with the Bill and in considering the amendments. However, the amendments that the Committee had no time to consider were the two that were added at the eleventh hour. You had a query about whether we could proceed with the Bill and treat those amendments as being separate. Following Consideration Stage, the amendments became part of the Bill. Therefore, in my opinion, they could not be separated from it again.

I saw the Attorney General's advice yesterday for the first time. In fairness, I had not sought it prior to that. The Attorney General advises Ministers on issues. I do not know whether he advises every Minister on every issue. If that is the case, he is not always right. My legal advice came from an eminent source, one of the top five QCs on these islands, and with a particular specialism in planning and public law, and I firmly stand by it.

As regards RPA, I remain 100% committed to getting these reforms through and those powers to councils, the very powers that would have been diluted had the Bill gone through with those amendments intact. I made the point in the House the other day that had the Bill gone through as it stood and with the amendments, I have no doubt that the legislation would have been subject to judicial review and legal challenge. I think I made the point the other day that groups were queuing up to do that. That would not have speeded up the transfer of powers to councils and would have led to only more confusion.

It is important now that we focus on a way forward that is not the way envisaged but is one that we make work as best we can. Ultimately, we can yield results that will be to everyone's satisfaction.

Mr Boylan: That is fair enough, but where does that leave councils? People said, and the Minister responded in the Chamber the other day and said, that there was not sufficient consultation or that the Committee never saw the amendments. This Committee examined a lot of legislation, even in the previous mandate, and a lot of amendments were brought to the Floor of the House that were not consulted on. Maybe the Committee needs to look at this matter, but are we now saying that some, or all, amendments need to be consulted on? The legislative process allows for any member outside this Committee to bring an amendment to the Floor of the House on any piece of legislation.

In relation to what the Minister said the other day, I would not say that the two amendments were not consulted on by the Committee, because we have voted in the past on a lot of legislation on which there was no consultation. You and other parties proposed amendments to legislation over the years that were not consulted on or that this Committee never saw sight of. I do not know whether the argument stacks up, but I am genuinely —

The Chairperson: It has to be said that the two amendments were substantive. They were not a single line or change a word or two.

Mr Weir: Chair, does that mean, by admission, that the amendments you brought are frivolous?

The Chairperson: No but yours were substantive and changed the tenor of the Bill.

Mr Boylan: I do not accept that, Chair. All I am saying is that, at the minute, I have concerns. The Minister answered on how it impacts on RPA. A single planning policy statement is supposed to be brought forward in January, and the Minister has assured us in his response today that the consultation process will be in place and will not interfere with the process itself.

Mr Durkan: Do not forget that legislation is already in place through the Planning Act (Northern Ireland) 2011 for the transfer of powers in 2015.

The Chairperson: I remind members that the departmental officials will brief us on the SPPS on 21 November. We could have a good discussion then.

With your agreement, Barry, we will skip PPS 21. Is that OK?

Mr McElduff: I am a bit concerned. I was never consulted on skipping PPS 21. It is a really important issue.

The Chairperson: Do you want to ask the Minister about it?

Mr McElduff: I do, because it is really important to rural people. I could not consent to skipping over PPS 21 in a forum such as this.

The Chairperson: OK. Go ahead.

Mr McElduff: Thank you very much. In all good fellowship, as they say.

On PPS 21, I hope that the new Minister will have a better understanding of rural planning. Very often, when we raise issues about rural planning, I think that the Minister does not understand the point being made. I felt that the previous Minister did not understand what I was talking about. When we talk about non-farming rural dwellers, it is as though those words confuse people. It is very simple: it means people who live in the countryside and who are not involved in farming at all.

The vast majority of rural people, more than 80%, are not involved in farming. They are not catered for, and there are no possibilities for them. Their options are very limited when trying to secure rights to live in the countryside. When you raise the issue, the response very often is, "We have catered for farmers in a replacement dwelling sense" and all that sort of stuff. We are not talking about farmers; we are talking about people who are not farmers, which is four fifths of rural dwellers. There is almost no opportunity for young people from a rural area to live in the country in the future. A group of people from Mid Ulster was here recently — they were constituents of Ian McCrea and Ian Milne — and I did a vox pop with them and asked, "How many of you live outside a village or town boundary but are not connected with farming?" Four fifths of the hands in a room of 80 people shot up.

PPS 21 does not allow them any opportunity to build a house, even a modest bungalow, in the countryside. Something has happened. When I was a councillor, I attended hundreds of site meetings where we argued the toss with planners about whether an integrated site could accommodate a modest bungalow and whether there was access. Can we not return to the situation where people can apply to build a house in the countryside but where there are criteria about siting, design and possibly even residency or occupancy clauses? You do not want a free-for-all or speculative building in the countryside so that the house can be sold on, but there surely has to be a review to meet local rural need. I am not satisfied that the last review of PPS 21 looked adequately at

the needs of non-farming rural dwellers. It was totally cosmetic. I will try to be more clear in future, but that is my take on it, and I would love a response.

Mr Durkan: Thank you, Barry. I am having a bit of a crash course on PPS21. I said that I had met a few members already on constituency issues, and quite a lot of them — not just in here but in the House — brought constituents with queries that were based on or centred round PPS21. Hopefully, I am developing a better understanding — I do not mean a better understanding than my predecessor — but, hopefully —

Mr McElduff: Chair, I would be very willing to give the Minister more time to get his head around this one, but I am making a strong opening statement about it.

Mr Durkan: I fully accept and take on that statement. Obviously, you recognise the need for some sort of policy to ensure that any development in the countryside is sustainable. However, at the same time, I do not want to see people being unable to build in the countryside, which would lead to the urbanisation of the North and people with no choice but to move into the cities or towns or to move even further afield.

My predecessor issued a written statement on the review on 16 July, and he finished it by saying that the review is live and ongoing, and I maintain that that is the case. I am sorry that you feel that the review was cosmetic. However, if that view is shared, we will look at this, and look at it through the consultation on the SPPS to see how it can be made more meaningful and better. As part of the review, a peer review group was set up. All the divisional planning managers will get together once a month and look at particularly complex PPS21 cases and share their expertise, or otherwise, on them to come up with decisions.

Mr McElduff: I am happy with that for now. Thank you.

Mr Boylan: This is something that the Committee has been asking for in this mandate and in the previous one. I was a bit disappointed in the actual review. I appreciate that the Minister is only in and needs to get a better understanding of it. However, if any review of PPS21 is going to take place, it should take the non-farming sector into account. It is not about all those other aspects.

I read the Minister's statement. Unfortunately, he released it over the summertime when we were all away. To me, it was not a clear review of PPS21, because over the past number of years, we realised what the difficulties and problems had been in the countryside, and it involves those who are not able to apply. You gave us figures for those who have applied, the number of replacements, farming criteria, and personal and domestic circumstances — all of those things that are live. However, people have not been applying for houses on site because they do not fit the criteria. My colleague has articulated the point very well. I would appreciate it if we looked for some criteria to facilitate those in the non-farming sector who have not applied and are not able to apply. I would like the Minister to take that comment on board and look at the policy to facilitate those people, because that is what is happening out there. We have to consider growing and supporting communities, and the policy has not done that to date.

Mr Durkan: I give you the commitment that I will do so.

Mr I McCrea: Constituents and I met you to talk about this issue, and you know my position on it. I speak to them regularly about the difficulties they have, whether they are applying or have agents working on their behalf. I have a couple of issues. I raised the inconsistency of decisions across divisions with you, and that is equally important in respect of how the process is managed. For example, in the mid-Ulster area, previously, the divisional office in Ballymena was shared by Magherafelt and the office in Omagh was shared by Cookstown. You could have had two similar cases, and one could have been approved in Ballymena but refused in Omagh, and vice versa. If you look at the situation in other areas, you can see that there was complete inconsistency. I think that that needs to be realised. It is a subjective policy, and you are never going to get the perfect decision or the right decision on every occasion, so it is a difficult one. I have raised the issue of rural businesses in recent months, and I met your predecessor about it. There are rural businesses that have been set up in the countryside in at people's homes, rightly or wrongly. They may not necessarily have planning permission, but they have been there for years. I know of a couple of cases in the past where they have missed out under the five-year rule by a week or a short length of time, even though they had been there for a number of years. The difficulty is that the policy does not really allow for rural businesses, and I think that that needs to be looked at as well. It is a big issue for non-farming

rural dwellers. I do not want to see a bungalow blight scenario, but I believe that there is still room for improvement.

Mr Durkan: Thank you, Ian. I agree. I sense that the cause of quite a lot of frustration among members is the lack, or apparent lack, of consistency in PPS21 decisions. I am hopeful that, by establishing this peer group and sharing the experience and expertise of all the divisional offices, we will arrive at greater consistency. I think that it is very important that decisions are consistent, but what is more important is that they are consistently right. Like you said, it is a very subjective policy.

I will take on board your point about rural businesses. I think that we should look at that again through this SPPS. The other day in the Chamber, I said that I am pro-economy. So I think that we should look at that again, particularly when we are talking about existing small businesses that have been there for a very long time, but obviously there is a limit to that. If a business in an area is damaging the countryside or causing a nuisance to neighbours, that is a different kettle of fish altogether. Again, I think that there should be a degree of flexibility involved.

Mr Milne: I welcome the way in which you have responded to my colleagues across the floor about PPS21. If there is a burning issue within planning — and I know that inconsistency is one — it is that of the non-farming country dweller. It is ludicrous to think of somebody who owns an acre of ground or a large garden, and their cannot get planning permission even though the site can be integrated into the countryside and is not a ribbon development. It can be seen very clearly that all those issues do not affect the application, and yet they cannot even apply. I just want to put my voice behind what other members have said. If there is a burning issue within planning, it is that of not accommodating non-farming country dwellers.

Mr Durkan: I can hear that loud and clear today, and when I look at my appointment diary I can see it, as well.

Mr Milne: I appreciate your response, and I am glad to hear your attitude towards it.

The Chairperson: Members, we will move on to the next item, which is the DVA. Minister, we wrote to the Department for Transport and have just received a response. It is still refusing or declining our invitation to come and brief us. Can you update us on whether there has been any progress? I know that the consultation has just finished, so what is our next move?

Mr Durkan: This is a massive issue not just for Coleraine but for the North as a whole. There is a threat hanging over 300 actual DVA jobs, but more than that, as borne out by the economic research that my Department commissioned. After the multiplier effect is applied, it is, in fact, over 500 jobs.

The impact on the economy here would be devastating. Obviously I want to protect the people in those jobs as well, but I believe that the economic argument needed to be focused on if we were to try to make the point with London not to go ahead with this centralisation. I have been pretty robust in my correspondence with Stephen Hammond over the past few months. I know that he has declined invitations to meet the Committee, and you definitely will not be meeting him in that capacity in the future, because there has been a change in the guard over there. The new Parliamentary Under-Secretary of State is Robert Goodwill. I will meet him on 6 November to discuss this issue, and I hope that he is goodwill by nature as well as by name. I appreciate the support of the Committee, and indeed, from all parties in the Assembly, throughout the campaign. It has united the Assembly, and will hopefully yield a positive outcome.

The Chairperson: I am sure the responses were overwhelmingly in support of keeping the office in Coleraine.

Mr Durkan: Of course, but we cannot live in a bubble. It is important that we put our hands up and say that there are improvements needed to the service. I am sure that every one of us would like to have the opportunity or choice to license our vehicle online, so that is a welcome development. However, it is absolutely no justification for taking those jobs out of Coleraine, when, time after time, year after year, the staff have won awards and recognition for their outstanding customer service. I believe that the British Government should look at putting work into Northern Ireland, not taking work out.

This is an issue that I have raised at the Executive, and that the First Minister and deputy First Minister have raised with David Cameron at the economic conference and when they met him again a week thereafter. I have also met the Secretary of State on it. We will just keep plugging away.

The Chairperson: Except that there is huge urgency on it. It is due to start in November or December, so we are really running out of time.

Mr Durkan: I think it is important to remember that we would have run out of time long before now, had it not been for the tenacity of my predecessor, who pressed for the consultation, which, flawed as it was, certainly served the purpose of raising public awareness and, like I said, bringing people together in support of the workers up there and around the North. It is easy to forget at times that there are seven other offices across the North with smaller numbers of staff, but performing an equally important job.

The Chairperson: Absolutely.

Ms Brown: I want to speak on the same issue. Minister, thank you for your attendance today. I completely agree with you and support you in your lobbying to the new Minister, Robert Goodwill. I hope that his will is good towards Northern Ireland, because it would be a tragedy to lose those 300 jobs in Northern Ireland. Obviously, we want to be seen to be doing all that we can. I also agree with you as regards the IT stuff. We do have to move forward with technology and provide those services that everybody else will receive. In this fast-paced age, we need those improvements. I appreciate it if you as Minister are lobbying as robustly as you possibly can to ensure that some form of service that keeps our people in jobs here in Northern Ireland is retained. That would be welcome, so I wish you all the best with that. Let us hope that we can keep those jobs here in Northern Ireland.

Mr Durkan: I am sure that we all hope so. I assure the Deputy Chair that I will lobby as hard as humanly possible on the issue. As regards the move towards online transactions and stuff, it is important to look at the experience over the water, where they have had access to vehicle registration online for six or seven years, yet the uptake is still only around 50%. Other studies show that the rate of computer literacy in the North, never mind the rate of internet accessibility, is lower, and it shows how many people will be disadvantaged by a move to that system. There was talk about moving it to post offices so that people could still carry it out over the counter, but there should be a recognition of the amount of work that is already being done in post offices and of the complexity of some of the queries that people go into DVA offices with. As someone who spends many days filling out forms for someone else, there is nothing I dread more than going to tax my car. It is always good to have someone to point you in the right direction.

The Chairperson: The turnaround time is so much shorter; it is five working days or something. In England, it is something like 30 working days. That is quite a difference when you are waiting for your licence to come back.

Mr Durkan: The experience of the motorist in Scotland, for example, where the centralisation has already occurred, has been very poor, and it led the head of the Scottish Motor Trade Association to describe the situation as a "shambles".

Mr Boylan: I know that I am too long in this Committee when I have to comment on everything that is brought up. I support what the Chair is saying. We have an opportunity to support public sector jobs, and this issue has been going on for many years. Minister, I appreciate that you will meet people who have been lobbying on the matter. After the debate in the Chamber, they talked about investment. Has there been any investment in IT or anything else in Coleraine from your Department? I know that they have been asking for money. The staff feel that the system has been run down for years. It is not anybody's fault.

Mr Durkan: I am aware of that and understand it. I have bid for money for DVA previously, and I will continue to bid for the injection that is required.

The Chairperson: There are no more questions on the DVA. Best of luck, Minister, with your great effort to try to convince the Department for Transport that we have good workers here. We will continue to fight for it.

The next session is on taxis with the long-suffering Iain. What progress have we made on taxis and single-tier licensing? I know that we are deferring it until 2014. Are we going to be on time? It has been postponed so many times, and we have had consultation after consultation and briefing after briefing with Iain and the taxi industry.

Mr Durkan: That is how I feel, and I have only been in here a couple of months. I am taxed out already. In the past couple of weeks, I have met representatives from the taxi industry and of consumers, and I will be meeting more taxi people tomorrow. This issue has been beating about for some time. The implementation of the Act was deferred until September 2014, and I remain committed to seeing it through at that time. There is work to be done between now and then. There are people out there who completely reject the Act and see it as a threat. It is important that my Department and other Departments, most significantly the Department for Regional Development (DRD), work with them to make them see it as an opportunity to improve service and to improve the industry as a whole. There are issues to work through, and I hope to do that. I mentioned DRD there. There is work to be done on ranks and discussions to be had around bus lanes, and I am going to do that. I am keen to hear again the Committee's view on that. The Committee agreed the deferral, and I would like to know whether there has been any change to that view.

The Chairperson: Has a decision been made on whether taxis can stop in a bus lane? There was a big consultation. What was the decision on that, Iain?

Mr Iain Greenway (Department of the Environment): That is a DRD decision. They have yet to release the synopsis of the consultation responses. In a sense, there is a linkage to our reform programme in the single tier.

The Chairperson: So, Iain, you can update us. What is the progress? We should have single-tier licensing by September 2014 and maximum-fare metering. Are taxi driver tests ongoing?

Mr Durkan: Yes, there is a test for new drivers.

The Chairperson: Will all those definitely be in place by September 2014?

Mr Durkan: We are going to stagger the implementation to stagger the cost so that it is not overly punitive on drivers. Obviously there are costs attached, be they through paying for meters, printers or new roof signs. The time line for that staggering — Iain, would you like to come in?

Mr Greenway: I was going to suggest that the Chair may like to join the taxi team because she seems well-versed in the taxi reform programme. We looked at the elements of costs, which was raised with the Department by the Committee and individual Members. We complied with the Committee's instruction to bring everything in at once. That was your clear instruction in June. However, what we are looking at, and what we have been talking closely with disabled groups and consumer groups about, is how we can stagger some of the costs without losing the purpose of the Act, which is improvement to the industry and improved consumer protection.

Our current thinking is that we can stagger by deferring the requirement for a printer by a year, bringing the meter requirement in in 2014 but at the same time making regulations that require printers in 2015. We are also looking at —

The Chairperson: That is for printing receipts for people.

Mr Greenway: Yes. We need to discuss that in a bit more detail with consumer groups, because that printed receipt is a key element of consumer protection.

We are also looking at bringing in the test for new drivers from September 2014, but bringing in continuous training probably from September 2015, so we are looking at spreading that cost as well. There is no direct cost to single tier in financial terms. The roof sign would need to come in in 2014. That is a cost of between £70 and £170 depending on what roof sign you already have. To put this in proportion, over three years, we are looking at around £750. That is roughly a penny per mile on the taxi fare. That is the sort of cost that the consumer will be paying for the improved service and training. The Minister heard on Monday many tales of inappropriate behaviour by taxi drivers towards disabled groups and consumers. A definite need for training also came through very clearly.

Mr Durkan: It is important that we remain focused on why this legislation is coming forward. It is to improve the industry and provide more protection for consumers, particularly those with disability.

The Chairperson: Ultimately, it is about improving services for customers or protection for disabled groups.

Mr Durkan: As the industry improves, opportunities will improve for drivers. If the standard of taxiing is better, the rate of people using a bus or taxi will increase. I think that is important.

The Chairperson: We need a very clear message to the taxi industry that September 2014 is definitely going to go ahead with single tier licensing and metering. Can you give us an assurance that there will be no more slippage of the timetable?

Mr Durkan: The meter is running. I am determined that we will get it in by September 2014. I am determined to work with DRD on issues such as bays and taxi lanes, and that will also allay some of the concerns of those opposed to the legislation.

Mr Boylan: I want to put on record that, when we went through the process a number of years ago, the majority of the industry was in favour of the single-tier system, and that is the way the Committee went at that time. It was to give everybody a chance to make a living and to clean up the act of many in the industry. We agreed with that. Subsequently, we found out that a part of the industry is not getting the opportunity to compete in the market, and that issue needs to be addressed. I appreciate the costs, and Iain said that it is £750 over three years. We need to give the industry and the people in it a chance to meet those costs, but they can only meet the costs if they are in the business and are making money. Iain said that it is only a pound per whatever it is, but they need to make that money in the first place, and it seems to me that, at the minute, part of the industry is not achieving that. I want the Minister to seriously look at how we can address that. He has had a lot of talks, and I have met a lot of people from the public hire side, and they believe they are not getting a fair crack of the whip. We did not legislate in the first place to deny anybody a chance to make a living; it is their bread and butter. I want you, Minister, to take the opportunity to look at that issue and look at the legislation to see how we can facilitate the people who feel that they are not being given a fair crack of the whip.

Mr Durkan: I certainly will, Cathal. I appreciate you raising those points. I remain committed to bringing the legislation forward in 2014 and to looking keenly between now and then to see how it can be improved.

Mr Boylan: I agree 100%. I want you to look at it because we agreed, as a Committee, on the single-tier system. That is grand; the legislation is there. I am not asking about that. I am saying that part of the industry needs to be facilitated, and there is a serious issue that we need to look at. The Minister is aware of what it is.

The other issue that I want to talk about, bearing in mind what I said, is enforcement. From what I have heard from part of the industry, enforcement is not working, and I want the Minister to look seriously at what is going on. Other members of the Committee have been lobbied on the matter, and we need to take a serious look at it. We want to bring good legislation in, but it needs to be for the benefit of all the people, and that is not happening. Over the past six or seven years, we have spoken every other week about the taxi industry, but, in 2007 and 2008, we did not hear what I have heard recently, because, if we had known in 2007 and 2008 what is happening now, we might have looked at a different system altogether. That said, we need to address the issues that some people have, and we may have to operate under the single-tier system, but we need to look at some legislative process that facilitates those groups. Minister, I know that you are well aware of those groups. I am making a case on their behalf because I do not want those people to be denied an opportunity to compete in the market like everybody else.

Mr Durkan: Me neither; I assure you and those involved of that. Enforcement is, without a doubt, an issue. Dare I say that we are struggling with it a wee bit at the moment? With new legislation coming in, there will be a requirement for more enforcement, at least in the initial phases. However, the Department has allocated more money to enforcement. We are able to bring in another three or four enforcement officers and are doing so. It is a difficult enough area to resource given the hours and antisocial hours that enforcement officers have to work, given that they are civil servants at the end of the day. An overtime element is attached to those antisocial hours — or unsocial hours.

Mr Boylan: I certainly respect that, but, at the end of the day, Minister, we are bringing in legislation that will affect the livelihoods of people. It is their jobs and livelihoods that we need to look at. Unfortunately, this issue has raised its head continually over the past months. It was never on the radar and is happening now, so we need to take a serious look at it.

Mr Durkan: Of course, we need good enforcement to ensure protection for drivers and operators who are abiding by the law and to ensure the protection of customers and consumers.

Mr Boylan: Is it your intention to look at some legislation that will facilitate those who feel that the system at present or the system that we are going to introduce will not facilitate them? Is that something that you would consider?

Mr Durkan: I am looking at it inside and outside. I said I had chats with DRD, but they were more than chats, which is a maybe an informal term. There were intensive negotiations with DRD on issues such as ranks and bus lanes.

The Chairperson: The point about enforcement needs to be stressed over and over. I am pleased to hear that you are getting more enforcement officers, particularly with the new legislation coming through. We need to step up a gear on that, if you will excuse the pun.

Mr Eastwood: Thanks, Minister. As you well know, taxis in Derry cost a lot less than taxis in Belfast. I am sure that there is variation across the North. How far have you got in resolving the issue of banding? Yes, I think that taxis need to be more expensive in Derry and in probably other places so that people can earn a living, but there is probably a fear out there that you could price people out of the market and that people would not pay the same price as in Belfast, for example. Where are you with that?

Mr Durkan: The meters will have a maximum price on them, so that will offer some protection. Meters will be consistent, won't they, Iain? They are all the same meters.

Mr Greenway: All meters will have to comply with the measuring instruments directive. In terms of vans and everything else, that will be for the firm operating the meter to determine within the technical specification of the meter, as long as every fare band or structure within the meter is calibrated, tested by an approved tester and sealed to ensure that it is less than the maximum fare.

Mr Durkan: One issue that I raised with officials, and which was raised with me by representatives of the taxi industry, was around a minimum price as well. Unfortunately, in my opinion, the meter will not allow for that.

Mr Eastwood: Thank you.

The Chairperson: They have to make a profit to cover labour and petrol. The market will determine that issue.

Mr Weir: Cathal and myself are, for our sins, veterans of the 2007-08 battle on taxis. If you think you have difficulties at the moment, you should have gone through that. Clearly, some people will be disadvantaged because almost anything that is done advantages somebody and disadvantages somebody else. So, some people will be fundamentally opposed no matter what happens.

It is important to see what amelioration can be in the system for the public hire side to ensure at least some level of buy-in. On the issue of enforcement, I appreciate the limitations and welcome what has happened. The one point made to me was that if we have increased enforcement, and I appreciate that it is the most expensive element, there needs to be a focus on night-time enforcement. The concern is that the time when there is greatest competition for places is when there will be the greatest level of abuse.

Iain, you mentioned the £750 over three years. Is that what may be described as £750 all in; that is, including all the changes and the training?

Mr Greenway: Yes.

Mr Weir: Is that the complete additional cost over a three-year period to the average taxi driver?

Mr Greenway: Yes. That is an upper-end estimate. I mentioned that the sign could cost between £70 and £170, depending on what is currently on the vehicle. We have put £170 into the estimate. Everybody's meter may cost a slightly different amount because they may go for slightly different meters. That is a high-end estimate.

Mr Weir: The Minister looks a little bit worried at this point.

Mr Durkan: There will be £50 a year thereafter for ongoing training.

Mr Greenway: We built in three years of £50 each, but we have not put years four, five, six or seven in.

Mr Weir: In a three-year snapshot, apart from the £50 rolling out beyond that, it is basically £250 for each of the next three years. Will that cover everything, including all the training elements that will be required?

Mr Greenway: For existing drivers. It does not include the cost of a test for new drivers.

Mr Weir: I appreciate that. The entry level side will be different. The concern, particularly among existing drivers, is that they have been doing a job for many years, and they suddenly see an additional burden being placed upon them. At least the cost is scoped out.

Mr Greenway: It is £750 over three years. It is not £250, £250 and £250. It is not as neat as that. A meter is a meter; you cannot buy half a meter in any year, as you will appreciate.

Mr Weir: I appreciate that, but, put it this way: it will average out at £250 a year over those three years.

Mr Greenway: In all my years as a civil servant, I have engaged more with the public hire industry in the past six months than I have ever engaged with any other stakeholder in my whole career. There has been an intensive level of engagement, including meetings, phone calls — even in the evening — text messages and tweets. We are open to continuing that but within the framework of the legislation that the Minister mentioned. We will look at mitigating things, but we have a direction of travel.

Mr Weir: I am sure, Iain, that everyone is glad that you are having that level of engagement. However, despite all that engagement, the public hire sector still does not seem very happy with what is there. I will add that caveat.

The Chairperson: I am aware of the time, Minister.

Mr Boylan: Can I come in, Chair? That is an important point. I have heard different figures, and I appreciate the Minister coming today, but we need to see an end result. There are definitely serious problems in public hire, and we need to address them. There is no point coming back time after time. We understand the legislation that we agreed, but it seems to me that there is a gap, and we need to seriously look at that. I appreciate the Minister coming; hopefully we will resolve that.

The Chairperson: Minister, do you have time to give us a brief update on Exploris? I understand that you are preparing a paper for the Executive. Is that correct?

Mr Durkan: You will be very aware of the situation at Exploris, Chair. I have some sympathy with the Exploris situation and have raised the matter with Executive colleagues. Subsequent to that, I provided a paper to the Executive with more facts and figures. Damian has met representatives from Exploris, and I have met Friends of Exploris. While I have sympathy and want to help in some way, I believe that it is important that all sections of government with an interest in Exploris take some responsibility. I am committed to working with the council down there, with Friends of Exploris and with other Departments on a way forward.

The Chairperson: The vice chair and I went to the Committee for Enterprise, Trade and Investment meeting at Exploris yesterday. The CEO of Ards Borough Council was there, and he said that the

marine division met him recently and agreed to go back for a follow-up. There was a suggestion that the marine division might take over the running of the seal sanctuary. Why have they not been responded to at this stage?

Mr Durkan: It is my understanding, and Damian will correct me if I am wrong, that that was not necessarily a recent conversation and that it took place some time ago, before the crisis at Exploris.

The Chairperson: In the summer; I think that it was in July.

Mr Durkan: However, there have been meetings since between Damian and other officials, those in the council and those at Exploris, and it has not really raised its head again.

Mr Damian Campbell (Department of the Environment): The recent discussion that I had with them was solely about the detail of the proposal to close and to explore things, including the circumstances behind it and the running costs. At that meeting, there was no question of us offering to take over the seal sanctuary. That conversation took place with another official from marine division some months ago, and it was some months before the proposal to close. It was just a general discussion about what assistance may have been available to help with the costs of the seal sanctuary. But, as I said, that conversation took place months before the proposal to close. No firm conclusion came from that either, and there was no firm offer of assistance. There was certainly no mention of the figure like the one that was mentioned yesterday. Those are the circumstances in which officials met Ards Borough Council.

Mr Durkan: However, that having been said, we recognise the importance of the seal sanctuary and its retention.

The Chairperson: Queen's University seems to be in partnership with it a lot. Is Queen's putting in any money?

Mr Durkan: I believe that we should look at that. You read my mind. It was on the tip of my tongue. The council has informally intimated that it has money that it could put in as well. It is important that we all work collectively, as with many issues, to get somewhere with this. I found it interesting that, in the monitoring round on Monday, money was given for a new ferry at Portaferry.

The Chairperson: It just does not make sense.

Mr Durkan: If you looked at the passenger numbers on that ferry and how many were using it to go to Exploris, you would find that it does not make sense. You are right.

The Chairperson: It is not joined-up government. I would be very supportive of Exploris. We had a very good tour around it afterwards. You see the children coming in, and they are really interested.

Mr Durkan: It is important that we re-emphasise the work that it has to do and that the council has to do and come back with a robust business plan of how they are going to make it work. They cannot and should not expect the Executive to bail them out because, if we cannot bail them out, we would end up carrying the can for it closing. It is very important to get that message out. I would love to see it remain open, and we will do everything that we can to ensure that that happens. However, if it does not stay open, it will not be our fault or that of the Executive.

The Chairperson: It seems to be quite content to think about one third of the cost. It is saying that the total cost should be about £45,000 and not £60,000 after it has now paid off most of the loans. Sorry, it is £450,000 and not £600,000 — my figures are not great. *[Laughter.]*

Mr Durkan: Your figure is OK from here. *[Laughter.]*

The Chairperson: Perhaps £450,000, if it comes from a cocktail of funding from different Departments, is not a lot of money. Well, we will work on it. Thank you very much, Minister, for coming.

Mr Durkan: Thank you all. I will see you again.