

# **Official Report (Hansard)**

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# Contents

<b>Assembly Business .....</b>	57
<b>Executive Committee Business</b>	
Department of Justice .....	57
<b>Oral Answers to Questions</b>	
Environment.....	74
Finance and Personnel .....	79
<b>Executive Committee Business</b>	
Rates Amendment Bill: Royal Assent .....	86
<b>Ministerial Statement</b>	
Article 31 Planning Applications and Decisions.....	86
<b>Private Members' Business</b>	
Carjacking.....	95
Undeveloped Sites .....	113
<b>Adjournment</b>	
Children and Young People with Cancer: East Belfast .....	128

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# Northern Ireland Assembly

Tuesday 28 February 2012

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Speaker:** Before we proceed to today's business, I advise the House that I received a letter this morning from the Minister of Culture, Arts and Leisure advising that she is not in a position to make the intended statement on salmon conservation today. There will be a statement on planning issues immediately after Question Time. So, there will be only one statement to the House this afternoon.

## Executive Committee Business

### Department of Justice

**Mr Speaker:** The First Minister and deputy First Minister have tabled a motion to continue operation of the Department of Justice from 1 May 2012. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The deputy First Minister will propose the motion and will have 10 minutes in which to do so. The First Minister will conclude and make a winding-up speech on the debate, and he will also have 10 minutes in which to speak.

One amendment has been selected and published on the Marshalled List. The proposer will have 10 minutes to propose the amendment and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Mr M McGuinness (The deputy First Minister):**  
I beg to move

*That, pursuant to paragraph 8(1) of schedule 1 to the Northern Ireland Act 2009, the Department of Justice established by the Department of Justice Act (Northern Ireland) 2010 is to continue operating from 1 May 2012.*

A Cheann Comhairle — Mr Speaker — it is almost two years since this Assembly requested the devolution of policing and justice responsibilities in March 2010. The transfer of responsibilities was achieved in April 2010, and few in this Assembly would now want to put the clock back. Most of us would agree that local democratic responsibility for these powers is a great improvement on unaccountable direct rule.

The First Minister and I made clear at that time that the arrangements for appointing a Justice

Minister were on an interim basis and were subject to review in the light of experience.

In 2008, we first raised the mechanism of a sunset clause, which would require the reassessment of the interim arrangements by May 2012. That was given statutory force in Westminster legislation in 2009, which held up the threat of the dissolution of the Department of Justice on 1 May 2012 unless the Assembly had passed new legislation to adopt alternative arrangements or had passed a motion such as this.

The dissolution of the Department of Justice on 1 May 2012 would be a drastic eventuality; it would create considerable legal uncertainty and is to be avoided if at all possible. The prospect has understandably concentrated minds in recent months. In October 2011, the Assembly tasked the Assembly and Executive Review Committee with reviewing the initial arrangements for appointing the Minister of Justice.

Last autumn, the work of that Committee established that there were continuing differences of views between political parties on the ministerial arrangements that should apply after 1 May 2012. The Committee identified the options favoured by each party and sidelined some options that were not practical. However, the Committee was not able to make specific recommendations in its report.

After a debate on 29 November 2011, the Assembly noted the report, and the Chairman of the Assembly and Executive Review Committee concluded that the way forward is for the Assembly's political parties to decide through the First Minister and the deputy First Minister and other party leaders.

Shortly after that debate, the First Minister and I initiated discussions with the other political parties. After extensive negotiations, which had not established a consensus between all the parties, we put a number of proposals to the participants on 10 January 2012 asking for comments within a week. We proposed that the Assembly be asked to pass a resolution extending the current arrangements for electing a Justice Minister beyond May 2012. That would be without prejudice to arrangements following the next Assembly election or the outcome of the statutory review required by the Northern Ireland (St Andrews Agreement) Act 2006.

After considering responses from the parties, the First Minister and I announced our decisions

on the way forward statement of 18 January. We indicated that we would seek Executive approval to bring a resolution at the earliest opportunity to the Assembly to extend the present justice arrangements beyond May 2012.

We gave a commitment on addressing some of the Alliance Party's concerns in relation to the effect of the Westminster legislation on the Justice Minister's tenure of office. The statement also dealt with the future of the Department for Employment and Learning and the wider review of post-2015 institutions. The Executive recently agreed to our tabling the motion that we are debating today. It refers to schedule 1 to the Northern Ireland Act 2009, which contains a sunset clause; it also cites the Department of Justice Act 2010, which is an Act of the Assembly that established the Department of Justice.

If the Assembly passes the motion with the necessary cross-community support, it will mean that the sunset clause will not take effect on 1 May 2012. It will also mean that the arrangements for electing the Minister of Justice by parallel consent, which had been used in April 2010 and May 2011, will continue to apply after 1 May this year. Again, that is without prejudice to future consideration of the arrangements that might apply after 2015. I should add that in respect of the commitments that we gave in the way forward document, on 23 January, we wrote to the Secretary of State asking him to introduce Westminster legislation to bring the tenure of the Minister of Justice into line with all other Ministers in the Executive.

We have asked that the necessary legislation be taken forward at the earliest possible opportunity. We have also written to the Speaker committing our parties to supporting any Justice Minister elected by cross-community vote and to oppose any attempt to use the provision unique to the Justice Minister to remove him from office.

That commitment will apply pending enactment of the amending legislation at Westminster that we have asked for. I commend to the House the motion that the Department of Justice continue operating from 1 May 2012.

**Mr A Maginness:** I beg to move the following amendment: Leave out all after "2009," and insert

*"a second Act of the Assembly which results in the Minister of Justice being appointed by d'Hondt is*

*brought forward to ensure that the Department of Justice is to continue operating from 1 May 2012."*

The SDLP amendment is about defending and preserving the values of the Good Friday Agreement. It calls for the appointment of the Minister of Justice by way of d'Hondt, which is the original methodology set out in the Good Friday Agreement. That agreement was endorsed by people, North and South, on this island and by an overwhelming majority. It is with that authority that the Assembly has political legitimacy. It is with the authority of the people of Ireland, North and South, who exercised their franchise in support of that agreement, which was the first time that the people of this island of Ireland exercised simultaneously their political will since 1918. That is a very important historic fact. That is the power of the Good Friday Agreement, and that is the basis upon which the Assembly is founded. All the other institutions under the Good Friday Agreement — the North/South Ministerial Council, the British-Irish Council and all of them — derive their authority from that.

The amendment reflects the kernel of the Good Friday Agreement: the principle of inclusive government and partnership between the two great traditions here of unionism and nationalism. All those who have significant political support, derived from any election, have as of right a place in government. Why should that be? As many critics claim, it does not happen in other jurisdictions. It is because of our history of exclusion, division, alienation and conflict — a conflict that created a situation in which more than 3,000 people died, several thousand were seriously injured and society was traumatised by savage political violence that nearly saw the collapse of civilised living in Northern Ireland. The agreement established the concept of inclusive government in order to establish a real and genuine partnership between Catholic and Protestant, nationalist and unionist; a partnership that would, through spilling our sweat, not our blood, bring about the conditions in which a genuine and sustained reconciliation would take place between our two great traditions and communities in Northern Ireland.

We could, as a result of this bold political experiment, transform our society and change the historical legacy of bitterness and division and hatred. Reconciliation is the objective of the Good Friday Agreement, and partnership is the means of achieving that. For those reasons, the

SDLP is rightly precious about the agreement — precious in preserving its integrity. Therefore, we will criticise, and have criticised, any serious departure from the agreement, and we have warned constantly about the adverse consequences of departing from it. Some of those consequences are as yet unseen.

In this instance, we see serious departure from the agreement by way of electing the Minister of Justice on a cross-community vote instead of by d'Hondt. We see that as a departure from inclusivity and partnership. We see the misuse of the cross-community vote as a perverse political act, designed to obstruct legitimate political appointment under d'Hondt.

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

**Mr A Maginness:** No, I want to continue.

It was designed to exclude, initially in 2010, the SDLP and, following the 2011 election, the UUP, from providing the Minister of Justice. The use of the cross-community vote was a naked political expedient, perversely used by the DUP and Sinn Féin to consolidate their political ascendancy and to continue their political carve up in the Executive. It was, and remains, a cynical gerrymander designed to get them out of a hole and exclude the SDLP and Ulster Unionists. It certainly was not about building inclusion, and it certainly was not about developing partnership. In essence, it is anti-agreement; in spirit, it is subversive of the agreement and corrosive of the partnership ideal.

The departure from the agreement in this instance is now to be further consolidated by this motion until the next mandate. Sinn Féin says that at the next mandate it will return to d'Hondt. The DUP says that it will not and that it will actually seek to end the use of d'Hondt for everything.

**10.45 am**

**A Member:** Hear, hear.

**Mr A Maginness:** I hear somebody endorsing that view.

In fact, the DUP wants to see the end of the Good Friday Agreement, and through acts of political expediency like this and other expedient acts, it may well achieve that aim. Complicit in that gerrymander was the Alliance Party, which abandoned its principled opposition for the unprincipled seeking of office and power.

Indeed, by sacrificing principle for office, it got its just reward. The Alliance Party's servility and subjugation to the DUP and Sinn Féin is something it will live to regret.

Finally, the unintended and perverse consequence of the Minister of Justice gerrymander was the ludicrous position of the Alliance Party having two seats in the Executive with eight MLAs, the Ulster Unionists having twice that number of MLAs but only one Minister and the SDLP having one Minister but 14 seats. That made a mockery of the Executive and was so unjustifiable that even the DUP and Sinn Féin were ashamed and embarrassed by it. Unfortunately, the Alliance Party did not share that embarrassment.

In order to remedy that perversity, the DUP and Sinn Féin have decided to indulge in another exercise of political expediency and dispatch the Alliance Minister for Employment and Learning, Dr Farry, together with his Department. I have little sympathy for the Alliance Party in that situation, although I have some sympathy for Dr Farry. I remind the Alliance Party that, if you have no political compass and no political direction, you will enter into Faustian political deals. If you enter into those deals, you will get what you deserve.

Now we are told that we will end up with a so-called "proper" political balance in the Executive, brought about by another piece of political chicanery. That political expediency will produce further unintended consequences and will further corrupt our politics. The lesson is clear: do not eat the forbidden fruit and stick to the letter and the spirit of the agreement. I support the amendment.

**Mr Elliott (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** I thank those who tabled the motion and the amendment. I will speak briefly as Chairperson of the OFMDFM Committee before I speak on behalf of the Ulster Unionist Party.

The Committee has had very limited input to the entire process. We were asked for our thoughts when the Assembly and Executive Review Committee brought forward its paper some time ago. At that stage, it was discussed at Committee. However, we decided that, because of the wider party and parties' aspect, we would leave it to individual parties to make their responses to the Assembly and Executive Review Committee. From discussions among party

leaders, we understood that, at some stage, the matter would probably come before parties to discuss in more detail anyway. The Assembly and Executive Review Committee believed that it was, quite honestly, too much for it to try to come to a conclusion, given that the matter was to go to a much higher level.

The Ulster Unionist Party was clear in its opposition to the devolution of justice two years ago and on the reasons for that opposition, particularly the funding and carve-up issues. However, at this stage, we believe that it would be a retrograde step for the Assembly and Executive and for the overall confidence in the institutions in Northern Ireland not to continue with the Justice Department under the auspices of the Assembly and Executive.

Alban Maginness highlighted issues with the political carve-up that we, in the Ulster Unionist Party, have sincere concerns about as well. We are concerned that many of us are being, or feel that we are being, left out in the cold. However, we appreciate that the First Minister and deputy First Minister brought all parties into the discussions last month and gave us all the opportunity to put forward our views.

We also hear clearly that it is not just about the Justice Ministry; it is about the much wider impact on the Assembly and Executive. We are hearing about much wider opportunities. The deputy First Minister outlined some of those in his opening remarks, such as the broad agreement on removing the Department for Employment and Learning. I would like to hear, reasonably soon, the detail of that, because we need to give Members some opportunity for discussion, as opposed to just making it happen. That process needs to be much more inclusive.

Over the past weeks, I have listened to the Alliance Party, particularly the Justice Minister, threaten not to take up its position of Justice Minister in an attempt to pressurise the Assembly and Executive into doing something different or maybe just to hold on to the Department for Employment and Learning for its benefit. The Ulster Unionist Party, immediately after last year's elections, brought to all-party discussions proposals that would have resolved the issues of the Justice Department and Ministry for the current term of the Assembly. That was not accepted by some parties, but we believed that we were genuine. We wanted to make a genuine contribution that, we hoped, would give

some stability not only to the Department of Justice but to the running of the Assembly and Executive for the current term.

I need to refer to the running of the Justice Department since its inception two years ago. I declare a sincere disappointment in many aspects, even though I said that it would have been a retrograde step not to have it here. The Department and Minister's administration of the part-time Reserve payment and gratuity scheme was proven to be very poor. My colleague Ross Hussey took an interest in that issue and drove it forward.

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

**Mr Elliott:** I am hugely concerned about how that scheme was delivered and administered.

**Mr Humphrey:** I support the motion. For any unionists in the Chamber, the return of powers formerly held by the Home Affairs portfolio in the Northern Ireland Parliament was a welcome step. Better to have a devolved Minister here in Northern Ireland looking after our affairs than a transient Minister, without that level of knowledge, coming across on a part-time basis from London.

I pledge no support for, or loyalty to, the Belfast Agreement. I opposed it when I was a member of the Ulster Unionist Party; I campaigned against it, and I continue to oppose it.

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

**Mr Humphrey:** The DUP clearly advocated a cross-community election — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Humphrey:** The DUP advocated a cross-community election model before justice powers were devolved, and we support its continuation now. Justice is a hugely important and, indeed, sensitive portfolio in the Northern Ireland Executive; more than any other Department it requires cross-community support, and the people of Northern Ireland must have confidence in it. Northern Ireland is a changed and changing place with a society that is developing a more mature outlook on politics. However, confidence is the key.

If that Department was triggered by d'Hondt like the others, there would not be that confidence in Northern Ireland at this time; therefore, the time is not yet right to incorporate justice in

the running of d'Hondt. The inclusion of justice in d'Hondt must be part of wider negotiations along with issues such as a reduction in the number of Departments, Ministers, Members and Committees in this place and the whole structure of government here, which, my party has continued to argue, is too big for the size of Northern Ireland and the population that we represent.

There have been difficulties in the Department, and Mr Elliott outlined some of them. However, the arrangements in the Justice Department have worked reasonably well, and, in my view and in that of my party, they would benefit from the continuation and stability of the appointment of a cross-community Minister. The motion addresses the sunset clause. The fears that we had in the past of the Department being dissolved will not be realised. Different arrangements may develop in future. However, a constitutional crisis, as happened so many times when Mr Trimble was First Minister, cannot happen again as we mature and progress.

As I have said, a local Minister with justice powers in local hands is a good thing for Northern Ireland; some people are clearly uncomfortable with that. However, the key is that we have stability and continuity as we develop as a society, as Northern Ireland matures, as politics develop, as people grow in confidence, and as the structures of this place have growing support from the people of Northern Ireland. I listened to Mr Maginnes's plea for the life support machine of the Belfast Agreement to be switched on. He must realise that the Belfast Agreement is from another time; it is from another political philosophy and leadership.

**Mr McDevitt:** Like you.

**Mr Speaker:** Order.

**Mr Humphrey:** Indeed, it is from another millennium. I have to say to Mr Maginnes, "Hell hath no fury like a would-be Minister scorned." He has not recovered from the fact that he is not the Minister of Justice. He knows why. The people of north Belfast would not have had confidence in his holding that position, as my colleague Mr McCausland outlined at the time.

**Mr A Maginnes:** They have elected me four times. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Humphrey:** Therefore, I have pleasure in supporting the motion and opposing the SDLP amendment.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt ar son an rúin agus i gcoinne an leasaithe. I will speak in favour of the motion and in opposition to the SDLP amendment. The deputy First Minister said that this is familiar territory; it is a debate that we had a number of years ago. Having worked as a member of the Justice Committee for the last number of years, I see the importance and benefit of ensuring that we have a local Department held to account by local political representatives and that we scrutinise that Department properly.

The vision, as outlined by the SDLP, would have ensured that that did not happen. I suppose that, in many ways, that is no surprise because, for a long number of years, the SDLP said that the task of trying to transfer justice and policing powers to the North was beyond us. Indeed, when it was negotiating a long time ago, it never saw that as a priority. We certainly made it a priority, and we delivered the Justice Department and a mechanism that ensured that powers were transferred.

### 11.00 am

We had a similar debate to this one in the Assembly a number of years ago, and from listening to Alban Maginness's contribution this morning, I think that he is making the same argument. From his point of view, I suppose that his argument has not changed. The one big thing that has changed, however, is the priority that his party gives to the issue. I would like to have heard the SDLP outlining what priority it gave to this in last year's election manifesto, and perhaps other Members will take the opportunity to do so. What priority did the SDLP give to it during the many debates and hustings and when its members went to the doors? How many doors did they knock? Did they make the issue a priority? Were they saying to the people that they should vote for the SDLP to ensure that the Justice Department is run in a different way or a particular way?

**Mr McDevitt:** I appreciate Mr McCartney giving way. I am sure that he has read the SDLP manifesto and knows that that was clearly stated in it. Indeed, he will know that it was clearly stated in his party's manifesto that this should be done by d'Hondt. What is regrettable

is that he has come to the House to support a motion that goes against the pledge that he put to the people when he stood as a Sinn Féin candidate. He could support our amendment, which is consistent with his party's manifesto.

**Mr Speaker:** The Member has an added minute.

**Mr McCartney:** Thank you very much for the added minute, Mr Speaker, and I thank the Member for the intervention.

I was fielding a question that I was going to answer myself but you posed it instead. The people spoke, and they decided, based on the emphasis that you put on the issue versus the emphasis that we put on it, that they were against those who run a negative campaign and who are, in my opinion, negative for the sake of being negative. Let the people speak.

**Mr A Maginness:** We have been extremely positive.

**Mr McCartney:** We will let the people decide.

**Mr Speaker:** Order. Let us not debate across the Chamber.

**Mr McCartney:** Mr Maginness made a great play to the will of the people. I think that the will of the people was very clear last May. Indeed, I think that your party — [Interruption.]

**Mr Speaker:** Order.

**Mr McCartney:** I will not go into the inner machinations of your party. The way your party came out of that election was as a result of the decisions about the way in which to run the campaign. [Interruption.]

**Mr Speaker:** Order.

**Mr McCartney:** If we are going to say, "Let the people decide" and "Let the people speak", I think that the SDLP should perhaps learn lessons from that.

Alban Maginness talked about people not having a moral compass. At a particular time, that suited the SDLP in this institution. We can all recall that when Séamus Mallon resigned as deputy First Minister, there was a mechanism, which was devised by the SDLP in a carve-up — if that is the type of terminology that we are going to use today — between it and the Ulster Unionists to enable him to "unresign". I think that that was the first time in a long time in political history and perhaps in any organisation

where a person one day said, “I am resigning on a point of principle” — we all knew what that point of principle should have led to — and then, like a flash out of the dark, suddenly said, “I am now ‘unresigned’”. The SDLP was comfortable with that, and perhaps for good reason: it did not want these institutions to fall. It wanted, from its point of view, to see things flourish. This is why we have this model in place.

Our position is very clear: we want d'Hondt, and we will continue to work towards it. We did not allow the Department to remain in the hands of politicians at Westminster. We wanted it in the hands of the politicians whom the people of the North of Ireland elected to do the job. That is why we will be rejecting the amendment and supporting the motion.

**Mr Lyttle:** I support the motion and oppose the amendment. I will begin by stating that the Alliance Party's overriding concern since 2010 and to this day has been the devolution of policing and justice powers to the Northern Ireland Assembly. The current arrangement has successfully provided for the devolution of justice over the past 18 months and has allowed for greater accountability and more effective delivery of justice-related issues than in recent memory in Northern Ireland. Under the 2010 Act, the Assembly must now have arrangements in place for 1 May 2012 if it wishes to ensure the continued operation of the Department of Justice. It is, therefore, imperative that the Assembly find agreement on the issue; a failure to agree would be a backward step for Northern Ireland. The devolution of justice powers has enabled a Minister to be appointed and endorsed by the Assembly; no other Minister has that support and confidence under current mechanisms. The ministry of justice was appointed by the House rather than by a mechanism with the departmental work programme agreed in advance.

The devolved ministry of justice delivered the first justice Act in almost 40 years and a comprehensive youth justice review; it took difficult decisions on an unsustainable legal aid budget; and it secured agreement from the UK Home Office that all criminal assets seized in Northern Ireland would be used for crime-prevention schemes in Northern Ireland. For once, meaningful action was taken on the removal of so-called peace walls. Perhaps, most importantly, the devolution of justice has provided a platform on which enemies have

stood together in the pursuit of law and order for this jurisdiction.

I understand that the SDLP opposes such progress; it claims that it is anti-agreement. I believe that the electorate has spoken on that view. The SDLP amendment calls for the Minister of Justice to be appointed under the d'Hondt mechanism. The Alliance Party is long on record as saying that it does not view d'Hondt as the best mechanism for the appointment of ministerial posts. My party has always endorsed the principle of power sharing. However, we believe that coalitions should be agreed voluntarily. If the process of agreed and voluntary coalition were used for the formation of the Executive, it would provide for more effective and cohesive government. It would reflect the very spirit of the agreement.

The Alliance Party has always believed that the Assembly should be able to demonstrate its support for all Ministers by a weighted majority, which is not possible under current arrangements — except for the Minister of Justice. It is for those reasons that we do not support the SDLP's amendment. It is critical that the administration of policing and justice remain operational in Northern Ireland and not fall back to direct rule. I would have thought that no Member of the House would want to see powers returned to Westminster.

The Alliance Party's aim is for the Minister of Justice and all Executive Ministers to be appointed as part of an agreed coalition with the endorsement of a weighted majority of the House. It has held consistently that d'Hondt is not the ideal way to form the Executive. The Alliance Party is also committed to playing a constructive role in a responsible review and reduction of the number of Departments and MLAs. However, that is not the issue of today's debate, which is that of continuing the important delivery of justice in Northern Ireland. The Alliance Party, therefore, supports the motion and opposes the SDLP amendment.

**Mr Givan:** I welcome the opportunity to speak on the motion. Most people will agree that the devolution of justice has worked in Northern Ireland, although I have disagreed with elements of what the Department has tried to do. Fortunately, however, because of its accountability measures, the Assembly can stop such elements. That relates to the issue of the continuity of the office of Minister of Justice

when the individual who holds it is appointed by cross-community vote. In my view, that is irrelevant. Every Minister in this place is subject to the accountability measures that were negotiated at St Andrews. Therefore, the nature of the tenure of the office holder is irrelevant because of changes that we negotiated.

Through the devolution of justice, we have been able to open up an area in the Northern Ireland judicial system that needed to be examined in order to get transparency in the way in which justice agencies operate. We have done some good work, as has the Minister in reforming legal aid. Changes that were brought forward on that front were good, and the Committee for Justice supported them. Although the SDLP opposed changes in the fee structure, the Committee supported the Minister in taking forward those changes. Some Members have greater expertise on abuses of the legal aid system; they will have a better understanding of how fees were claimed and paid out. However, greater transparency in how such administration operates in different systems is a good thing for Northern Ireland. Slowly but surely, cultures in those professions are changing. That has to be welcomed.

We have also seen changes to more victims-orientated agencies in the justice systems. The Public Prosecution Service, for whatever reason, appointed a victims' champion only within the past couple of months. I think that that was because of pressure that the Assembly was able to put on those organisations about their need to get their priorities right. Dealing with victims is an area with which people have been very unhappy, and, slowly, we are seeing changes in how those different agencies are operating and dealing with victims. That has to be a good thing.

I listened with interest to the SDLP complaints about gerrymandering and to the Ulster Unionist Party complaints about political carve-up. I say to the Members of those two parties that I know that you may not like it, but the electorate has decided to reject your two parties. That may be difficult for you to comprehend, but those days are over. You need to get used to playing second fiddle. We will not treat you in the way that your parties, when they were in the ascendancy, treated this party when we were not involved. We will involve the Ulster Unionist Party and the SDLP. I think that you need to come to that recognition. It is taking a very long time for you

to realise that the electorate no longer puts its trust in your parties in how this place is governed. That is difficult for you to understand and to get used to but, eventually, you will get there.

Others, particularly the Member for North Antrim, warned at the time of the devolution of justice that Armageddon was going to happen. There were prophecies of doom saying that the devolution of justice would mean that Martin McGuinness would be able to appoint judges. People were given warnings about that. It did not happen. The same warnings came out at the time of the St Andrews Agreement, when it was said that we were all going to be forced to speak Irish because of an Irish language Act. It did not happen. I think that people are realising that we have these predictions and prophecies from the Member from North Antrim that do not ever materialise.

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

**Mr Givan:** No, I will not give way.

**Mr Speaker:** Order. We should not have debate across the Chamber. A number of Members are trying to debate across the Chamber, and a number of Members want to make a contribution to this debate. If they continue, they may not be called. Allow the Member to continue.

**Mr Givan:** The Member for North Antrim will have an opportunity —

**Mr Allister:** Will I?

**Mr Givan:** The electorate may not have afforded him that opportunity under the rules of the Assembly, because there is only one individual. Do not blame me for the electorate not giving your party enough votes to give you more speaking rights in this place.

I think that the way in which justice has operated in Northern Ireland has demonstrated that it can be handled maturely in the Assembly and the Executive and that it is better for the people of Northern Ireland to have it in our hands than the way it operated under direct rule. Under direct rule, we would not have had our accountability levers in our hands. I know that the Member for North Antrim wants us to have to sit idly by and be unhappy with what happens from Westminster, but we have it in our hands and in our gift.

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

**Mr Givan:** We will hold the Minister to account for whatever action he may decide to pursue in the future.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. I speak in support of the motion and oppose the amendment. As we all know, the devolution of policing and justice powers and the justice ministry came about after long, difficult and complex negotiations. Was the outcome of those negotiations perfect? No, it was not perfect. We would have preferred that the Justice Minister was elected by d'Hondt in the same way as all the other Ministers in the Assembly. However, we know that that was not possible at that time.

The SDLP is aggrieved at that, because it felt that the justice ministry should have been its ministry. In his speech, Alban Maginness talked about how Sinn Féin and the DUP perversely used and cynically gerrymandered the process to exclude the SDLP. Perhaps the Member has not noticed that Sinn Féin did not benefit from the outcome of those negotiations, and, in fairness to the DUP, neither did it. He went on to say that the method of electing the Justice Minister was:

*“corrosive of the agreement and subversive”.*

Well, on the contrary, what happened was in the spirit of the agreement. The spirit of the Good Friday Agreement is about working together, working in partnership, solving our own problems, and being imaginative and forward looking.

### 11.15 am

I know that the SDLP has done a fair bit of grandstanding here today. However, the fact is that, in private, the SDLP admits that the only way that policing and justice powers would have been devolved was by what happened in the negotiations and the method and procedure that is used today for the appointment of a justice ministry.

**Mr A Maginness:** I thank the Member for giving way. He says that, in fact, the use of the cross-community vote is not a perverse act, and that it is in the spirit of the agreement. Yes, it would be in the spirit of the agreement if it was used properly, but it was used to exclude, not to include. That is the point that I am making, and that is why it is perverse and corrosive of the

very values of the agreement — the values of inclusivity in government and partnership.

**Mr Speaker:** The Member has an extra minute.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. Thank you for that intervention. The question that the SDLP needs to answer is this: is it more important to have policing and justice powers devolved to this Assembly or for the SDLP to get the ministry? — [Interruption.]

**Mr A Maginness:** It is not about that.

**Mr Sheehan:** No. It seems to me that the SDLP is putting petty party interests in front of what is good for this Assembly and good for the North. What is good for the North and for this Assembly is that we have local representatives here and not some fly-by-night Minister flying in from London to administer justice powers. That is what is important.

We in Sinn Féin hope that, in the next Assembly, the Justice Minister will be elected by the D'Hondt procedure, as with all other Ministers. However, in the meantime, we support the continuation of the current arrangements and oppose the amendment.

**Mr B McCrea:** I rise encouraged by the debate so far. Obviously, the debate on unionist unity is going awfully well. We seem to be getting a lot of good comments coming from that direction.

I will address the SDLP's amendment first. Alban Maginness quite rightly identified what he saw as the kernel of the Good Friday Agreement. The problem is that he has not addressed the kernel of the problem with our current arrangements, which is that we have not yet created trust or confidence so that we can select anybody in the House. It is not about individuals. It is that we seem to come down to the lowest common denominator.

With regard to the argument put forward by the Alliance Party when it trumpeted that it was the only party that had the confidence of the entire House, I feel that it rather overstated the case. There are considerable concerns about the criminal justice system and the delays. There were issues that I think even the First Minister raised when certain proposals were made about the badge of the Prison Service. There were also issues about prisoners getting out, somewhat without check. Therefore, there are lots of issues on which we do not have confidence in the way that things are moving forward.

I also want to address a point that Mr Elliott raised when he said that the Ulster Unionist Party was concerned about the proposed devolution of policing and justice. We had concerns about the Budget. When the Chief Constable attended the Justice Committee, I heard him ask:

*"Will the Executive stump up another £25 million for me into the next comprehensive spending review (CSR) period or will we simply remove a significant chunk of neighbourhood policing?"*

There were and are legitimate concerns about the funding of our criminal justice system and our police service that have not yet been addressed.

I move on to the rather interesting position put forward by Mr Humphrey. That seemed to be some sort of personal attack. It did not seem to be a point of principle. We could do d'Hondt at some stage in the future but only if we got a number of other things sorted out. This is just another dirty deal. There is no principle at stake.

I am disappointed that the Chair of the Committee for Justice, Mr Givan, has not stayed in the Chamber to get a rebuttal to his arguments. When you dish it out in the Assembly, you should stay to face to music. You should be able to stand over your argument, to take interventions and to argue your point. Where is the Member from Lagan Valley to take on the debate, which you, Mr Speaker, rightly said that we should conduct through you and in the proper manner? It appears that we cannot do that.

What we really have here is the putting forward of an argument through which certain Members are trying to confuse the people. They are trying to say that black is white and that day is night. They are trying to tell us that we have consensus that this is the right way forward and a good thing. That is absolute nonsense. We have not yet resolved the key issues in front of us. If we genuinely want to have peace and reconciliation, and if we want to build on the tenets of the Good Friday/Belfast Agreement — that agreement was about genuine participation, genuine inclusion and genuine working to resolve our difficulties — this is not the right way to go about it. We need to have the debate not just in this bit of the Chamber but in all parts of the Chamber. We want to have that discussion.

I have been waiting to hear whether any Members from this side of the Benches wanted to take me on in the debate. However, I can see none who proffer themselves —

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

**Mr B McCrea:** I will indeed.

**Mr McCallister:** Thank you, Mr Speaker.  
[Interruption.]

**Mr Speaker:** Order.

**Mr McCallister:** Building on my colleague's argument: does he think that this is entirely the wrong way to do business? To end up with policing and justice powers, we had to undergo a crisis in the Executive, and as the Member rightly pointed out, the First Minister threatened to resign. We had a situation in which the Executive did not meet for 150 days. We had crisis talks at Hillsborough and the 14 snowmen of the DUP, who had all the spine of a tadpole.

**Mr Speaker:** The Member has an extra minute.  
[Interruption.] Order.

**Mr B McCrea:** Thank you, Mr Speaker. It is interesting, is it not, that the tone of this debate started off rather negatively.

**Mr P Robinson (The First Minister):**  
[Interruption.]

**Mr Speaker:** Order.

**Mr B McCrea:** Mr Speaker, I am willing to give way to the First Minister if he wishes to address — [Interruption.]

**Mr Speaker:** Order. Allow the Member to continue. [Interruption.] Order.

**Mr B McCrea:** Thank you, Mr Speaker. It is interesting that we are having a rather ill-tempered debate, when we are meant to have everything resolved and fixed and are just going to carry on. I find that rather incredulous. Surely if we are to have a proper debate, we should have had matters sorted out by all parties beforehand in a proper, democratic, open and transparent way. The UUP will reluctantly not push this —

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

**Mr B McCrea:** Absolutely, Mr Speaker. We will reluctantly not push this position. We find ourselves in a situation in which to do right for

the country means that we have to put certain things aside. [Interruption.]

**Mr Speaker:** Order.

**Mr B McCrea:** But the issues will not go away.

**Mr Speaker:** Order.

**Mr Eastwood:** At the outset, I want to say that we, as a party, are keen to engage in a debate about the future structures of this Assembly. However, we insist that that is done with the principle of power sharing and reconciliation at its heart. That has not been the experience of the process to date. We have seen the refusal to accept the principle of power sharing and d'Hondt by those leading the Executive.

It is clear that the continued gerrymandering that surrounds the Justice Department is both anti-agreement and against the spirit of the agreement. Our view is clear: the only way to bring about the fair allocation of the justice ministry is through the process of d'Hondt. That process was not only in our manifesto but in Sinn Féin's manifesto. As it stands, no one on this side of the House can be Minister of Justice; in other words, no nationalist need apply.

I will turn to the issue of the other Departments. It is the SDLP's stated view that we should review the number and configuration of the Executive Departments. It is clear that the Department for Employment and Learning is being abolished not because it is not the best way of delivering for the ever-increasing number of unemployed young people in this society, but to continue the cosy carve-up of Departments in the Executive.

The Assembly and Executive Review Committee has begun a full review of Parts III and IV of the Northern Ireland Act 1998. We believe that that process should be used to decide any future make-up of the Executive and the Assembly. Any change to the structures of this House should be done with the principles of good government in mind, rather than perpetuating a discriminatory model for the appointment of the justice ministry or any other ministry.

In 1998, the people of Ireland, North and South, voted for the Good Friday Agreement. Whether people in this House like it or not, that is what happened. That mandate still stands, and it should be respected. The proposal at hand runs contrary to the wishes of the people of Ireland. During the debate it has also been claimed that the SDLP opposes the process

only because we want the justice ministry. The fact is that we would not get the justice ministry if we ran d'Hondt for all the Departments. The SDLP's opposition to the proposal is about good government and the principles of power sharing. I support the amendment.

**Mr Dickson:** The failure of others cannot be blamed on the Alliance Party. We are doing a job, and we are doing it well for all the citizens of Northern Ireland. The d'Hondt mechanism does not afford the Assembly the opportunity to endorse nominations. The best vote possible is a cross-community vote, to which no one would take exception. Others are welcome to put their names forward, but only one will be chosen. In this particular case, this House has shown its endorsement of the Alliance Party nominee for the position of Minister of Justice. That is why things are at this point. The moral compass that guides the Alliance Party is one of cross-community support and of voluntary coalition in this House, not enforced and contrived mechanisms. As my colleague has clearly stated, the Alliance Party will support the motion and oppose the amendment.

**Mr Allister:** It has been almost two years since policing and justice powers were devolved. To some, that might seem like several political lifetimes, because of course there were those in this House who told us that aeons would have to pass before policing and justice powers were devolved. Then, one cold day in Hillsborough, Sinn Féin put their backs against the wall and threatened them that there would be no more Assembly and no more chauffeur-driven cars unless they caved in. They caved in spectacularly, as the snowmen and all melted away, and, once more, Sinn Féin got its way in this House and got the powers that were going to be so many political lifetimes away suddenly devolved in that sordid deal that was Hillsborough.

We were promised, of course, that there would be a momentous amount of money to help things, and that £800 million was coming our way. Where is it? I probed in the Budget debates last year, but the Finance Minister could not tell me where the £800 million was. Last night, I sat in a meeting of 200 people who were fighting to save their police station in the village of Broughshane because of cuts. Where is the £800 million that was going to save policing and justice and do all things marvellously well in

that regard? That is another part of the con that attended all that.

How has it worked out? It has worked out so well that, at one point, the First Minister threatened to resign over the actions of the Justice Minister, who, surreptitiously, was going to destroy the symbols and the name of the Prison Service and had to be called to book by the First Minister.

Now he wants to reappoint him.

Of course, this is a post for which no unionist need apply: pure and simple. Again, this is part of another deal with Sinn Féin and the DUP. It is not part of any negotiations in any real sense between parties in the House but part of a negotiation between Sinn Féin and the DUP in which, again, the compliant beneficiary will be the Alliance Party. Of course, it is going through the motions as best it can, pretending that it is not really saying that it will take the Department. Who do they think they are kidding, Mr Speaker? Everyone knows that David Ford is itching to be reconfirmed as Justice Minister, whatever the party might pretend about having to be persuaded because it is not happy that Dr Farry is being made a sacrificial lamb. It says that it may not take the post and that its very important central council will have to meet and decide and that everything is very much up in the air. Nonsense: everyone knows that the Alliance Party is guaranteed to take it.

**11.30 am**

**Mr Elliott:** I thank the Member for giving way. He makes an issue of the Alliance Party taking or not taking the justice ministry. If the Alliance Party were not to take it and it were offered to the honourable Member for North Antrim, would he be interested?

**Mr Speaker:** The Member will have a minute added to his time.

**Mr Allister:** There is as much chance of that as there was for the snowmen at Hillsborough.

We were told today by Mr Humphrey, I think, that the appointment is a great Belfast Agreement-busting device. Who does he think he is kidding? He is an implementer, as all on those Benches are, of the last jot and tittle of the Belfast Agreement. The tripartite stool still exists: the mandatory coalition, the joint First Ministers, the executive North/South bodies, the very essence of the Belfast Agreement — [Interruption.]

**Mr Speaker:** Order.

**Mr Allister:** All the things that the DUP once eschewed and said that it could never, never, never accept are the very things that it implements day and daily. As a prop to implementing them — [Interruption.]

**Mr Speaker:** Order.

**Mr Allister:** — it had to agree the transfer of policing and justice at Sinn Féin's behest. It agreed that to continue to prop up the very essence and substance of the Belfast Agreement. Anyone who thinks about it can see right through the transparent nonsense that has been talked by many in the House about policing and justice and can see that, again, we are headed down a road that underwrites that which Sinn Féin demands. What Sinn Féin wants, it gets. It got it in the House on policing and justice. Some say that I got it wrong: certainly not. I got it right — [Interruption.]

**Mr Speaker:** Order.

**Mr Allister:** — on the powers of policing and justice. That is why the DUP belatedly had to run scurrying to get changes made to the 2009 Act. It was asleep at the wheel and could not see and could not read what was in the 2002 Act and the 2004 Act and had to get it changed because —

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

**Mr Allister:** — I drew its attention to it. That is why some of the powers that are now going back for review were taken out in the 2006 Act. [Interruption.]

**Mr Speaker:** Order. The Member must be heard.

**Mr Allister:** It may well be reviewed back in.

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

**Mr Campbell:** I am glad to be able to participate in this low-key and uncontroversial debate. I am also glad to be able to refute some of the utter nonsense that we have just heard from the man who was elected on the ninth count in North Antrim. First, I will deal with some issues of more substance.

In moving the amendment, the honourable Member for North Belfast Mr Maginness somewhat churlishly would not give way when I asked him to. I wanted to ask him what exactly had happened in the past 12 to 18 months or two

years that would amount to the caving in of all that he claims had been secured some 14 years ago. Of course, given that I was not able to ask him because he did not give way, I did not get the opportunity to get an answer. However, the substance of the Department of Justice is the issue at stake. Who the person will be after the Assembly's decision on the Department is not the issue at stake; we will come to that another day. The issue is the principle of the Department of Justice.

A number of people have misquoted and misunderstood what has been said in recent years about the Department of Justice. It may not be the first time — it remains to be seen whether it will be the last time — that the former Member for West Belfast and now TD for Louth, Gerry Adams, and the Member for North Antrim, Mr Jim Allister, sing off the same hymn sheet. On the day that Mr Adams left this Assembly to seek pastures new in the Irish Republic — we wish him good riddance in his exodus from Northern Ireland — he made allegations in this Building that are similar to those made by Mr Allister. He said that the DUP had said that it would be light years and political lifetimes before we would agree to the devolution of justice. He said that I had said that. Not only did I never say that, but no one else on these Benches ever said that. [*Interruption.*]

**Mr Speaker:** Order.

**Mr Campbell:** We said that it could be a political lifetime before a member of Sinn Féin would be a Minister of Justice, yet the former Member for West Belfast and the present Member for North Antrim seemed to overlook that. However, those are the current facts, and they will be the facts post-May 2012. That is the position, and that is the way it is.

We have to try to work through the next five years, which will take us to a point beyond 2016, when some people talked about a centenary that would mark an event that they thought would transform politics on this island. Well, we shall see if they are transformed. Hopefully, they will be transformed in a good way so that Northern Ireland, with a Minister of Justice, can co-operate with another country to the south of it and work to defeat terrorism and dissident republicans and any others who try to disrupt and defeat the will of the people

in Northern Ireland. That is what a Minister of Justice needs to do, whoever that person may be.

We need to ensure that the principle of establishing the Department is in keeping with the underlying principles that underpin this Assembly, whether it is done through d'Hondt or through a cross-community vote. There seem to be some within nationalism who have not only a loyalty to d'Hondt but an obsession with it, even though, as a process, it appears on many occasions to run counter to cross-community consensus.

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

**Mr Campbell:** I believe that we are moving in the right direction. We need to keep on moving, and, unfortunately, those who were wrong in the past will be proven wrong again.

**Mr Agnew:** It is important at the start of my speech to say that my comments are very much related to how we appoint the Justice Minister and are not about the individual who happens to be Justice Minister at this time. [*Interruption.*]

**Mr Speaker:** Order.

**Mr Agnew:** The Green Party supports the SDLP amendment. As we have made clear all along, we believe that the justice portfolio should be treated like any other. We need to make a decision in this Assembly: do we want normal politics, or do we not? Can we work together, or can we not? Is this a time of peace, or is it not? Are parties in the Assembly fit to govern, or are they not? We heard the DUP leader, the First Minister, say in his party conference speech that we must normalise politics in Northern Ireland. Today, however, he presides over a motion that seeks to keep abnormal politics in the way in which we elect the Justice Minister compared with the way in which we elect every other Minister.

**Mr Lyttle:** I thank the Member for giving way. What is so normal about d'Hondt? Is that the only mechanism that can deliver power-sharing government?

**Mr Speaker:** The Member has an extra minute added to his time.

**Mr Agnew:** I appreciate the Member's question because it allows me to clarify our position. It is not that my party and I think that d'Hondt is great, but we oppose appointing every other Minister by d'Hondt and treating the Justice Minister differently. We should have one system.

I do not believe that the position of Justice Minister requires any special mechanism.

As I said, it is about normalising politics in Northern Ireland. Why is the current system as it is? It is clear, as we have heard from comments across the Chamber today, that the system is designed to keep “them” out. For each Member, “them” might be somebody different. On the DUP Benches, it might be about keeping Sinn Féin out; on the Sinn Féin Benches, it might be about keeping the DUP out. It is us-and-them politics. Again, I refer to the First Minister’s party conference speech, in which he said that we must move beyond us-and-them politics. I absolutely agree, so let us do it. Let us not talk about it; let us do it and appoint the Justice Minister in the same way as we appoint every other Minister.

It is clear what the system is designed to do. I find it strange that the Alliance Party — a party that, since its inception, has campaigned against us-and-them politics and against seeing Northern Ireland as a divided society — now props up a system that, as I say, is designed precisely to keep “them” out.

**Mr Lyttle:** I thank the Member for giving way again, and I will put the question to him again: how does the d’Hondt mechanism move us beyond us-and-them politics into inclusive, agreed coalition politics, which is the very way in which the Justice Minister is being appointed?

**Mr Agnew:** The current arrangement has been designed for a particular reason — to keep “them” out. With d’Hondt and the Good Friday Agreement or the St Andrews Agreement — I do not see a huge difference but whatever — any party that gets a sufficient number of votes can take up positions in the Northern Ireland Government, and that should be the case. If we are ready to move forward into proper democracy in Northern Ireland, we should not constantly tweak the system just to ensure that the people whom we do not want to get certain positions do not get them.

My final point is that, as has been said, there seems to be a certain amount of self-interest in the system, with the DUP and Sinn Féin not wanting their nearest and dearest rivals to take up certain positions. We have seen it with party political donations. We talk about Northern Ireland moving forward and normal politics. We say that there is enough peace for us to pull down the watchtowers, take soldiers off the

streets and run democratic institutions, but, because of security risks, we cannot tell the electorate who donates to political parties.

As I said at the start of the debate, the Assembly needs to make a decision. Is politics moving forward? Do we want normal politics? Do we want to work together? If the answer is yes, we need to support the SDLP amendment and change the system whereby we seek to keep “them” out.

### 11.45 am

**Mr McDevitt:** I thank all Members who spoke. This is an important debate. We tabled the amendment because it deserved to be aired. We need to hold up a light to let the public see what is really going on: a political deal between a party that could not see a nationalist in power and one that would not have a unionist. That is what is going on. This is an agreement built on self-destructive prejudice. In a compromise to keep this place ticking over, they have had to resort to an agreement that is totally at odds with the will of our people.

I am a republican, and at the very heart of any republican’s tenets and philosophy is the principle that sovereignty lies with the people — not here or in any other place, but with the people. They make the big decisions. The last time the people were tested on how we do government around here, on how we pick our Government and on the shape and structures of that government was when the Good Friday Agreement was put before our people. [Interruption.]

**Mr Speaker:** Order.

**Mr McDevitt:** The people spoke. The DUP did not win that argument, but I suspect that, as democrats, they accept the outcome of that referendum. The agreement is pretty clear. Paragraph 3 of strand one says:

*“The Assembly will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement.”*

The agreement goes on to tell us, in strand one, that the Executive will be appointed by d’Hondt. Then, in a special separate chapter dealing with policing and justice, the agreement, in paragraph 7, tells us the following:

*"The participants also note that the British Government remains ready in principle ... to devolve responsibility for policing and justice issues."*

The people of Northern Ireland were asked whether they agreed with that, and they said yes. They did not agree to it being done in any other way.

**Mr P Robinson:** Yes, they did. We have had elections since then.

**Mr McDevitt:** No, they did not, because it is not — [Interruption.]

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

**Mr McDevitt:** An election for a republican is a permission to shape the structures within the framework given by the people. No republican has the right to alter the basic decisions made by the people in a referendum. That is not republicanism; it is a different type of government. It makes me very sad —

**Mr M McGuinness:** Will the Member give way?

**Mr McDevitt:** I will.

**Mr M McGuinness:** Since the Member has flagged the Good Friday Agreement and talked about the will of the people, maybe he will tell us why, during the debate about the transfer of powers on policing and justice, not one of Fianna Fáil, Fine Gael, Labour or the Progressive Democrats — all parties that are overwhelmingly representative of the people of the South of Ireland — criticised the agreement made by Peter Robinson and me at Hillsborough. In fact, we were applauded for the agreement that we reached, not just by them but by President Obama and the president of the European Union. Can the Member explain why the SDLP finds itself at odds with all other republicans?

**Mr Speaker:** The Member has an extra minute.

**Mr McDevitt:** Thank you very much, Mr Speaker. Mr McGuinness sought to be the president of my nation, and he will know that his first and fundamental duty would have been to uphold Bunreacht na hÉireann: the constitution. He will know that, when a political agreement is reached that affects the institutions of that jurisdiction, it is not the politicians who get the final say, it is the people. I find it regrettable that anyone would depart from that principle. That is the basis on which we should do government around here.

I would like to make a couple of other points. Five of the seven parties represented in the Chamber today said yes to the agreement. Yet, today, we hear that the Alliance Party has become a sort of post-agreement party, one that accepts the agreement in a whole new way that was not what the people were asked to vote on. In the same way, it seems to do post-feminism. In the same way, it says that it is all for equality, unless it requires affirmative action. Well, as the famous feminist philosopher is kind of often known to say: post-feminism will work in a post-patriarchy. Post-agreement politics will work when we do not hear some of the stuff that we heard from the Benches opposite — a sort of unveiled prejudice, an obvious discriminatory tone, a harking back to a bygone era of a lost and long-gone place of majoritarianism.

We can build a new North, but we have to build it on solid foundations. The only solid foundations available to us are those given by the people. If we stay by the people and support the amendment, we will do them and this institution a service.

**Mr P Robinson:** We have now had two years' experience of devolved responsibility for policing and justice. The historic steps that the Assembly took in 2010 have been justified by that experience. The challenge of the new responsibilities has been fully met.

Last year, the Assembly enacted a major Justice Act, the first time in 40 years that a locally accountable, democratic institution had done so. Significant reforms have been embarked on — for instance, in the field of legal aid — supported by the Executive. A local Justice Minister is now answerable to this House. The Department of Justice is closely scrutinised by the Assembly's Justice Committee. Indeed, the synergies between the work of the DOJ and other Executive Departments such as the Department of Education and the Department for Social Development are being exploited in joined-up policymaking. It is about democratic ownership and democratic accountability for justice and policing powers. It is right that it should continue.

It would have been good to achieve cross-party consensus on the justice arrangements that will apply after May 2012. The Assembly and Executive Review Committee tried to achieve that last autumn. The deputy First Minister and I again tried to bring the parties together in

negotiations. After those discussions, we put forward our own proposals, based on what we believed would achieve the widest support, and we then consulted all the parties. None of the other parties made alternative proposals that could command wider consensus than those that we had tabled. That is why the deputy First Minister and I issued the way forward statement on 18 January. In that statement, a package of decisions addressed, first, the immediate future of the justice arrangements with the imminent application of the sunset clause. Secondly, it committed us to action on specific difficulties that the Alliance Party had identified in the current arrangements. Thirdly, it offered a solution to the anomaly in Executive representation created by having a specific arrangement for appointing a Justice Minister side by side with the d'Hondt system for other Executive Ministers. Fourthly, it promised early movement on the review of the operation of the institutions after 2015.

An amendment to the motion has been tabled. It is important that the motion be passed without amendment if the criterion for forestalling the operation of the sunset clause is to be met today. The amendment was not unexpected. Since the deputy First Minister and I first agreed alternative arrangements back in 2008, those who tabled the amendment and their party colleagues have been blinkered in their support for the application of d'Hondt to the appointment of a Justice Minister. Suggesting, as some SDLP Members have, that appointing a Justice Minister by a free vote of the Assembly on the basis of obtaining cross-community support is undemocratic is, frankly, barking mad. It is hard to imagine a more democratic process.

Also, it has to be said that the SDLP seems to have a perverse view of what a mandate is. I notice that there are young people in the Public Gallery today who are watching our proceedings. I would not want any of them to go away with the view that, somehow, democratic mandates ended in 1998 and that a decision taken in 1998 is binding for all time. Mandates come with elections. At each election, the people vote, and the people decide whether there should be changes. The people have had the opportunity to endorse the new proposals that we have put forward, and they have decided that they should endorse those proposals. That is what a mandate is: an opportunity for people, freely at the ballot box, to make those decisions.

**Mr A Maginnes:** The mandate is there; that is the mandate.

**Mr Speaker:** Order.

**Mr P Robinson:** The Member waves at me a document that was written in a previous millennium. He seems to think that that document is like the law of the Medes and Persians: it changeth not. The electorate is supreme; the electorate decides when there are changes to be made. It is about time that the Member's party recognised what democracy is about and what a mandate really means.

It also has to be said that there is another view. It is one that has little public support and popularity in the community as a whole. However, we have to acknowledge that there is that other view, one that dissents from having policing and justice devolved to the Assembly at all. Admittedly, it is not a sensible or fashionable view, but it is held by a very few representatives throughout Northern Ireland and by less than 1% of our Assembly. The House will not want to waste much time on this matter, but it is worth noting that for years this same source of scaremongering predicted doom if policing and justice powers were devolved. First, he claimed that the DUP was ushering Gerry Kelly into office as Justice Minister. He got that wrong. Then, he alleged that Martin McGuinness would get control of the judiciary. Again, he got that wrong. Next, he asserted that policing and justice would become subject to the North/South ministerial process. Once more, he got it wrong. Then, he declared that Martin McGuinness, rather than the Justice Minister, would appoint members of the Policing Board. Again, he got that wrong. Nobody in the House speaks with less credibility on policing and justice than the dissident Member for North Antrim. Happily, the people of Northern Ireland are comfortable with the process that we have put in place, and, happily, the people of North Antrim put the Member in his box as he squeaked through there on the ninth count on DUP surpluses.

I believe that we have a balanced and workable way forward. We have shown maturity and have made progress on matters that eluded those who went before us. I commend the motion to the House and urge the House to resolve accordingly.

**Mr Speaker:** Before we proceed to the Question on the amendment, I advise Members that it requires only a simple majority. If the amendment

is made, the vote on the motion, as amended, will also require only a simple majority. However, if the amendment falls, the vote on the motion, as it stands on the Order Paper, will require cross-community support in accordance with paragraph 8(2) of schedule 1 to the Northern Ireland Act 2009. I know that this is complex, but I will remind the House as we go through the process. I will now put the Question on the amendment, which requires only a simple majority.

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 13; Noes 78*

## **AYES**

*Mr Agnew, Mr D Bradley, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr McDevitt, Dr McDonnell, Mrs McKeivitt, Mr A Maginness, Mr P Ramsey, Ms Ritchie.*

*Tellers for the Ayes: Mr Byrne and Mr Eastwood.*

## **NOES**

*Ms M Anderson, Mr S Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr W Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Easton, Mr Elliott, Dr Farry, Mr Flanagan, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lewis, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McCallister, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McElduff, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McLaughlin, Mr McMullan, Mr McNarry, Mr McQuillan, Mr P Maskey, Mr Molloy, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mrs O'Neill, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Sheehan, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

*Tellers for the Noes: Mr W Clarke and Mr G Robinson.*

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

*Question accordingly negated.*

**Mr Speaker:** I will now put the Question on the motion. This vote requires cross-community support.

*Main Question put.*

*The Assembly divided: Ayes 78; Noes 13.*

## **AYES**

### **NATIONALIST:**

*Ms M Anderson, Mr Boylan, Ms Boyle, Mr Brady, Mr W Clarke, Mr Flanagan, Mr G Kelly, Mr Lynch, Ms J McCann, Mr McCartney, Mr McElduff, Mr Mzz McGuinness, Mr McLaughlin, Mr McMullan, Mr P Maskey, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Mr Sheehan.*

### **UNIONIST:**

*Mr S Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Copeland, Mr Craig, Mrs Dobson, Mr Douglas, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lewis, Mr McCallister, Mr McCausland, Mr McClarty, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

### **OTHER:**

*Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Mr W Clarke and Mr G Robinson.*

## **NOES**

### **NATIONALIST:**

*Mr D Bradley, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr McDevitt, Dr McDonnell, Mrs McKeivitt, Mr A Maginness, Mr P Ramsey.*

### **UNIONIST:**

*Mr Allister.*

### **OTHER:**

*Mr Agnew.*

*Tellers for the Noes: Mr Eastwood and Mrs McKeivitt.*

Total votes	91	Total Ayes	78	[85.7%]
Nationalist Votes	34	Nationalist Ayes	23	[67.6%]
Unionist Votes	48	Unionist Ayes	47	[97.9%]
Other Votes	9	Other Ayes	8	[88.9%]

Main Question accordingly agreed to.

Resolved (with cross-community support):

*That, pursuant to paragraph 8(1) of schedule 1 to the Northern Ireland Act 2009, the Department of Justice established by the Department of Justice Act (Northern Ireland) 2010 is to continue operating from 1 May 2012.*

**Mr Speaker:** The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business after lunchtime will be Question Time.

*The sitting was suspended at 12.29 pm.*

**2.00 pm**

## Oral Answers to Questions

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

### Environment

**Mr Principal Deputy Speaker:** Question 8 has been withdrawn and requires a written answer.

### Association of British Insurers

**1. Mr Ó hOisín** asked the Minister of the Environment whether, in discussions with the Association of British Insurers, he has raised or will raise the question of why it will not divulge information about profits and losses, as it deems such information to be commercially sensitive. (AQO 1417/11-15)

**Mr Attwood (The Minister of the Environment):** I thank the Member for the question. As I previously indicated to the Assembly, I have two streams of conversation going on with the Association of British Insurers. One relates to further legislative and administrative means in respect of training and post-qualification around novice drivers. The second piece of work, being taken forward with the Law Society of Northern Ireland, the insurers and the Consumer Council, to which I spoke this morning, relates to bearing down on costs. One of those factors is that the insurers will not let the profits and losses for their business be known generally, including here in Northern Ireland. I find that unacceptable. I have no doubt that they have that information, and I believe that it should be shared. Given the higher costs of insurance in the North of Ireland, historically and currently, particularly in rural areas, I believe that it is a matter of public confidence that they share that information.

**Mr Ó hOisín:** Go raibh míle maith agat, a Príomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fheregra sin. Does the Minister agree that access to such data is paramount and that we should address the issue of high insurance premiums and the data across different areas in the North? I think particularly of my area in the north-west, where premiums are incredibly high. Does he agree that we need to look at that?

**Mr Attwood:** As I indicated in my opening answer, I very much agree. That is why I met the chief executive of the Association of British Insurers in London when, because of the work of the Office of Fair Trading and the subsequent work of the Consumer Council, the matter became more visible and more public in the latter part of last year. A week later, I met his representatives in Belfast. They agreed that they would work with me and others in the two strands of work that I outlined. The purpose is to consider how, if there is a downward trend in overall car insurance premiums in the North, we are going to push it further and how we are going to interrogate the higher premiums in rural areas, in particular, not least in the north-west. I completely concur with all the Member's comments.

**Mr Dallat:** Does the Minister agree that young people across the North feel absolutely ripped off by insurance companies? Given his recent research on the issue, are there any proposals that he might make to alleviate the problem for our young people?

**Mr Attwood:** The purpose of the two streams of work is to bear down on insurance premiums generally, including those for novice drivers. One of my staff in DOE told me recently that, for Christmas, she gave her son a month's insurance on the car. The cost of an annual premium was prohibitive, but the Christmas present to her son was a month's insurance for the car to enable him to improve his driving skills and have a bit more mobility. It is an acute situation.

The first of my two streams of work is to consider whether we can introduce further measures beyond those already agreed by the Executive that might improve driver safety, especially for novice drivers, in a way that will work itself through in insurance premiums. I have not concluded my judgement on those matters, but among the issues that we have to consider is whether novice drivers should have restrictions on those whom they can carry in their vehicle. That is the case in Australia, New Zealand, Canada and other parts of the world, where there are restrictions on novice drivers about whom they can carry and the age of person they can carry because the evidence is that the likelihood of a serious accident escalates if a novice driver has other young people in the car. We have to interrogate all those options, which is what I am doing. That work will be finished in the next four weeks.

At the same time, we have to look at all the wider reasons why insurance premiums are higher here, not least whether some insurance companies are profit grabbing and whether there is a lack of competition in the North because of not having enough insurance companies, and any other measures that might lead to reduced premiums for all drivers.

**Mr Nesbitt:** Will the Minister inform the House whether he ascertained at his meeting with the chief executive of the Association of British Insurers or elsewhere whether the data he seeks has been made available to the devolved Administrations of Wales and Scotland?

**Mr Attwood:** I did not ask that particular question. However, the fact that a five-month piece of work has been ongoing with the Law Society, the Consumer Council and the association means that that matter will be on the radar and the agenda. To date, the association has not shared the data with us. It has relied on commercial sensitivity. The Office of Fair Trading clearly had access to some level of information that led it to conclude that, over recent years, insurers have not made underwriting profits but have made profits from other work associated with their business. I note the Member's point. It will be on the radar.

## Conservation: Hillsborough

2. **Mrs Hale** asked the Minister of the Environment to outline his Department's responsibilities in relation to the conservation of Hillsborough village. (AQO 1418/11-15)

**Mr Attwood:** I thank the Member for her question. Hillsborough is a very scenic town. I confirm that a large parcel of land in the village is in a conservation area. Ninety-nine buildings in the greater Hillsborough area are listed. There are severe restraints on what can and cannot happen in a neighbourhood, given the outline of PPS 6 in respect of planning, archaeology and our built heritage. The listing of buildings, the conservation zone and grant aid, when that becomes available, are mechanisms to sustain the unique character of Hillsborough village and its worth.

**Mrs Hale:** Does the Minister agree that greater emphasis should be placed on restricting vehicular activity to ensure that the environment and built heritage of the conservation area are offered greater protection?

**Mr Attwood:** I am sure that the Member will agree that the biggest initiative in respect of managing traffic in Hillsborough has been the bypass and the dual carriageway to Newry. I remember going to the national hunt races in the Republic of Ireland with my father when I was a young child. At that stage, you had to go through Hillsborough, Dromore, Banbridge, Poyntzpass and every other village between Belfast and Dublin. So, there has been vehicular intervention to moderate traffic. If there are proposals, those should be raised with the relevant Minister: the Minister for Regional Development. If there are better mechanisms to manage traffic in Hillsborough, I am sure that the Minister and his Department will apply their minds to that.

In respect of DOE responsibility, I have indicated that the village has great history, heritage and listed buildings. A survey of all the listed buildings in the Lisburn City Council area, of which there are over 200, was recently conducted. In the fullness of time, there may be proposals to delist or to list buildings as a result of a second survey of those properties. However, at all times, my Department will be informed by the need to protect the built heritage. That is part of what provides quality of life, not least for the people of Hillsborough, and part of the tourist appeal of Northern Ireland. It is a crucial element for exploiting tourism.

**Mr B McCrea:** That is all very well, Minister. However, Mrs Hale's point still pertains: a huge amount of traffic, including large articulated lorries, goes through the scenic village of Hillsborough, destroying not only the environment but the quality of life there. We seem to be in a no-win situation. We cannot get the help that such a village deserves. We need somebody to look into the matter, and I ask that you do so.

**Mr Attwood:** I am the Environment Minister; I am the planning Minister. I may stretch the competency of my office at times, and, at times, I am certainly glad to do so. In fact, there might be some examples of that in very recent times. Nonetheless, I have to respect other Ministers' authority. Responsibility for roads management primarily falls to your party colleague Mr Danny Kennedy. So, I trust that you will raise the matter with him, as I will.

**Mr McLaughlin:** What funding is available to enhance building facades in conservation areas?

**Mr Attwood:** I thank the Member for his question, which deals with an important issue. The Member knows the quality of the built heritage in the city of Derry/Londonderry. The single biggest asset under state influence on the island of Ireland is the walls of Derry. That is very important. What money is available? Grants are available for relevant categories of listed building. The amount that is available is 35% of building costs and 75% of professional fees. The Member might be aware that the previous Minister reduced the grant aid to £50,000 because of the budgetary situation that, in his view, prevailed in DOE at that time. I have increased the level to £150,000. That has been applicable in the latter part of the current financial year, and it will be applicable in the next financial year.

Behind the question, there is a significant point of principle and policy; namely whether, if built and natural heritage are part of what contributes to quality of life and makes it worthwhile and are important for tourism, growth and jobs, we will find ways and means to protect, develop and enhance the built heritage, not least in the city of Derry and in anticipation of the year of culture. That is why, last week, I went to Derry at the invitation of my colleague Mr Eastwood. I met a lot of people there to interrogate whether there are potential opportunities in respect of a number of projects around the city in which my Department could help towards preparations for 2013. I hope that I will be able to do so.

**Mr Principal Deputy Speaker:** Question 3 has been withdrawn.

## Allotments

4. **Mr W Clarke** asked the Minister of the Environment for his assessment of how local councils are performing in relation to providing residents with opportunities to avail of allotments. (AQO 1420/11-15)

**Mr Attwood:** I thank the Member for his question. Provision in respect of allotments is contained in legislation from the old Stormont Parliament — the Allotments Act (Northern Ireland) 1932 — which was amended in 1985. It gives district councils the ability to provide allotments in their area. Since 1985, that has been without the Department's consent. The consequence of that is that, in 2010, 497 allotments were made available through eight councils. By 2012, that had increased to 602 allotments through 11 councils. I welcome

that direction of travel. However, it raises the question of why, as we speak, 15 councils in Northern Ireland do not provide allotments. Many councils that have provided allotments in recent years have not been able to provide more than they do already. Carrickfergus is the best example of a council that provides allotments. It provides 189 of the total of 602 allotments.

Therefore, to answer the question on how councils are performing, I will say that there is a mixed record. Some councils have performed for a long time. Three councils have come on board in the past couple of years. Eleven councils still do not provide any allotments at all. The principle of more allotment provision by more councils is one that, I am sure, everyone would endorse.

**Mr W Clarke:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer. I am sure that he agrees that clear health and well-being benefits are associated with allotment provision. However, allotment provision by councils or local authorities is voluntary. Will the Minister consider introducing legislation to make it a statutory duty on councils to provide allotments, which is the situation across the water?

**2.15 pm**

**Mr Attwood:** The question is well timed. Given that we are in the process of local government reorganisation, that various pieces of legislation will come before the Assembly over the next 18 months or so, as an answer to a subsequent question will confirm, and that reorganisation will offer opportunities as well as threats and challenges — I would be neglectful if I did not refer to them — it is timely to consider whether we can, in the context of reorganisation, build further duties for councils into the law for local government. Councils might not forgive me for saying that. Some complain that they will have more responsibilities, such as the high hedges legislation — an order relating to fees will come before the Assembly shortly — but inadequate resources to take on those responsibilities. Councils might make that point in respect of the Member's proposal. Nonetheless, I confirm that I will look at whether there are further mechanisms, including legislative ones, that will build more opportunities for allotments into the life of local councils, especially post RPA.

In the meantime, I will not be a Minister who hides from granting approval to councils

when they come to local arrangements with communities on the use of local land. One of my first acts as Minister was to approve proposals from Newry and Mourne District Council to transfer land or buildings to the local community for that community's use. I believe that there are opportunities for local councils to exploit that mechanism. Indeed, my Department wrote to all councils referring to the Newry and Mourne model as one of best practice and so on and so forth. We should use moneys and land assets for greater community benefit. Whether it is —

**Mr Principal Deputy Speaker:** Time, Minister.

**Mr Attwood:** Whether for allotments or other interventions, I support them.

**Mr Hussey:** I should begin by declaring an interest as a councillor and vice-chairman of Omagh District Council. Perhaps the Minister would advise what other opportunities his Department has to open up market gardening in green areas to the public?

**Mr Attwood:** I have to be mindful that I am the Minister of the Environment but do not run the local councils. Local councils would be quick to advise me about the limits of my competence. Having said that, I have advised councils that, on a wide range of issues, be they to do with sharing or collaboration, the direction of reorganisation or tender practice, I will be encouraging and, maybe, directive when it comes to how they conduct their affairs, which is consistent with my legislative competence. Councils are bodies corporate, and I do not have the authority to impose my will on them, much as I wish it were so at times. My response to Mr Clarke was that the RPA creates the capacity for councils to be more agile in doing new and better things differently. That includes, potentially, their use of community land. I will enable councils to transfer land or property to community organisations, which might involve more favourable rents than the market value, and I will encourage greater general discussion in the Department on community benefits, including, for example, community benefit and social clauses in contracts and renewable planning applications. Subject to all of that, I will stretch the limits of my office.

**Mr Byrne:** Does the Minister agree that the allotments policy is a worthwhile initiative by district councils? Is the Minister happy that all councils are consistent in how they deal with

allotment allocations, and is he considering issuing general guidelines to them?

**Mr Attwood:** As I said in answer to an earlier question, compared with England, there is the demand for but not the provision of allotments. The Minister of Finance and Personnel has a long-standing interest in community gardening and allotments, and very good he is at it too, I gather — [*Interruption.*] It is what?

**Mr McLaughlin:** That is enough digging.

**Mr Attwood:** Councils need to look at the evidence that I will place in the Assembly Library. It shows that 11 councils do not yet make provision for allotments, and three came on board in recent years. However, there has not been a great increase in the number of allotments being made available. I appreciate that there might be logistical issues with the ownership of land and so on, but the figures are quite stark and provide a challenge to all the councils that have not yet come on board. When will they do so?

**Mr Agnew:** The issue across the region and in my constituency in the — you will pardon the pun — patchy provision of allotments is a lack of political will rather than a lack of available space. North Down is blessed with plenty of good parkland and green space.

**Mr Principal Deputy Speaker:** Question.

**Mr Agnew:** What work can NILGA do to promote the good practice that exists in some councils to try to bring other councils on board?

**Mr Attwood:** On the one hand, NILGA, the National Association of Councillors, SOLACE and all the other management and councillor representative organisations have a responsibility to encourage the better use of allotments. However, it seems to me that quite a number of Members in the Chamber are still double-jobbing. There are at least 30 of them. None of those Members is sitting behind me, and, after his decision, Mr Clarke will not be among them in the near future. It falls to the 30 Members who are double-jobbing to take back the message from the Assembly that Mr Agnew has just articulated: what are councillors who are also MLAs doing to ensure that there are more allotments in the councils that currently provide them — if that is possible — and what are councils that do not provide allotments going to do? I will work with councillors,

MLAs and representative bodies to get more allotments over the line.

## Local Government Reform

5. **Mr Boylan** asked the Minister of the Environment what legislation he intends to introduce in this calendar year on the reorganisation of local government.

(AQO 1421/11-15)

9. **Mr Douglas** asked the Minister of the Environment to outline the steps that need to be taken to progress the review of public administration. (AQO 1425/11-15)

**Mr Attwood:** I thank the Minister for his question. [*Interruption.*] Sorry. I hear that there is a reshuffle coming, so you might be lucky yet.

**Ms S Ramsey:** Is that in your party?

**Mr Attwood:** I am sure that there could be one in my party as well.

Mr Principal Deputy Speaker, may I take this question with question 9 from Mr Sammy Douglas? I do not intend to go through all the history and rehearse my party's view and my view, as a Minister, on local government reorganisation. However, I have said — I said it at the NILGA conference last week — that I am a believer in fundamental reform of the North of Ireland. I believe that reform has served us well, even though it was difficult and there was resistance. I also believe that we need a new phase of reform that will include local government. I may have a view on how local government should be shaped and how many councils there should be, but I do not deny or in any way discount the need for fundamental reform.

In taking forward and managing that process, a draft local government boundaries order will be laid before the Assembly in the near future. That will outline the shape of the 11 new councils, and, because it will be subject to the affirmative procedure, it will be a matter for discussion in Committee and in the House. It may be that parties, councils and others will have views on what local government boundaries should look like beyond those tabled in that order. A Local Government (Reorganisation) Bill will be tabled in the autumn that will put into law the transition from 26 councils to 11 councils. That Bill will also create statutory transition committees; embed ethical standards regimes in the new councils; empower councils, in the event of RPA,

with community planning and well-being powers; and so on and so forth. It will be extensive legislation and, because the Executive have agreed, it will also ban double-jobbing from 2015. There will also be a suite of subordinate legislation, but I will not go into that at this time.

**Mr Boylan:** Go raibh maith agat a Phríomh-LeasCheann Comhairle. I welcome the Minister's response. I have been called many things, but never "Minister". Will the Minister ensure that the Committee is given the proper time to scrutinise that legislation? Towards the end of the previous mandate, the Committee found that the scrutiny of Bills was rushed through. Will you please afford the Committee that time?

**Mr Attwood:** I absolutely will afford the Committee and the Assembly the time to interrogate this. It is, as I keep saying, a once in a political lifetime opportunity to remodel local government in a better image. That is clearly desirable and needed, even if we may fight about some fundamental issues of detail. There will be adequate time. However, we also need to be mindful that we do not have for ever. Although the RPA issue may have gone on in perpetuity, we now have a deadline for shadow council elections in May 2014, with the councils going fully live in May 2015 or thereabouts. Therefore, while that provides more than adequate time to get all the legislative and policy issues dealt with — there are big issues, not least around questions of assets and liabilities, human resources and all the rest — we need to apply our minds to get this over the line, if that is the will of the Assembly, in due course.

**Mr Douglas:** In light of the Minister's speech to NILGA last week, will he confirm that when people voted in 2011 they elected councillors for a four-year term and that those councillors will remain, regardless of whether they hold an alternative mandate, as representatives for the entirety of the term?

**Mr Attwood:** Yes, I am pleased to confirm that because this is a hybrid situation that could end up in a bit of a muddle. If councillors who are elected in shadow form in May 2014 are MLAs at that time, they will be entitled to continue as MLAs and councillors until May 2015, when the double-jobbing ban will kick in. That is because the shadow councils, as of May 2014, are only shadow and do not have full legal authority until a year later. The hybrid situation will continue until then.

Nevertheless, while I have not raised the issue at Executive level, I may yet be minded to put into the Local Government (Reorganisation) Bill, as part of the double-jobbing ban, the capacity to commence that section of the Act earlier than 2014. If we are to deal with double-jobbing in principle and in law, it falls to political parties to deal with it in policy and in practice and to do so when the situation arises and to encourage that direction of travel. That is why, as of April this year, MLAs who remain as councillors or councillors who are Members of the House of Commons or the House of Lords will have their council allowances, including special responsibility allowances, reduced by two thirds. I think that those are the right principles and that that is the right practice, and I hope that all parties will endorse and act on them.

**Mrs Overend:** I thank the Minister for his interesting responses so far. Will the Minister provide an update on the findings of the policy panels, which looked into RPA in the previous mandate, and whether their work will be carried through?

**Mr Attwood:** Yes, we will provide the Committee for the Environment with further details on the work of the policy panels, and, yes, their work will be carried through. That is why I have written to all the councils, encouraging them and asking that the voluntary transition committees are now re-established in order to take forward all the strands of work that were initiated a number of years ago. Very good work was done, indeed. In addition, a regional transition committee, chaired by me and with representatives of each transition committee, will be established in order to show political leadership and to ensure consistency of practice as we take forward the difficult and different strands of work. Eventually, all that work will be captured by statutory transition committees when the Local Government (Reorganisation) Bill becomes law. A further phase of work will be taken forward by the statutory transition committees in the run down to the councils going live in 2015.

**2.30 pm**

## Finance and Personnel

### Government Assets

**1. Mr Byrne** asked the Minister of Finance and Personnel how much of the £842 million expected from the sale of assets has been realised. (AQO 1431/11-15)

**Mr Wilson (Minister of Finance and Personnel):**

Before I answer the question, I will, as I seem to have to do regularly in the Chamber, correct an SDLP Member on a question that they have asked. I want to correct the Member on two points. First, the amount of additional revenue that the Executive had planned to raise over the Budget period was not £842 million; it was £900 million. Secondly, the £900 million did not refer purely to asset sales. It also referred to other revenue-raising measures, such as the increase in the regional rate to allow for inflation, the plastic bag levy and additional finance from the housing associations and Belfast port.

As I explained yesterday in the Budget debate, since we are less than one year into the Budget, it is too early to draw conclusions on the delivery of capital receipts. Around £600 million worth of capital receipts are planned in the Budget, many of which have been built into the departmental figures and will be up to the Departments to deliver. The one thing that I can say is that, to date, we have not had any indications from Departments that the capital receipts that they had put into their budgets — apart from one or two minor ones — have not been realised.

**Mr Byrne:** I thank the Minister for his answer, and I note the figures that he has used. Are we still on track to try to realise all the proceeds over the mandate, and if not, will any capital projects be put in jeopardy?

**Mr Wilson:** We are not planning for failure. The SDLP seems to love the prospect of failure and plans for it all the time. Indeed, it seems to eulogise failure. We are not planning for any failure at all on this. Departments have made commitments, and their budgets are predicated on delivering certain capital receipts. I have drawn to the attention of the Assembly already that, at present, the only one on which we have

fallen behind somewhat has been the £100 million that is to be realised by the assets management unit. This year, £1.5 million out of £10 million has been realised. We are building in the possibility that £8.5 million will have to be carried over to next year. Of course, that does not mean that the money has been lost. It simply means that those receipts will have to be realised next year rather than this year, and we have been able to deal with that pressure in the monitoring rounds.

**Mr Murphy:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister accept that, given that we are in an extremely difficult investment environment, the Executive should also be mindful of the opportunities to release land through lease or means other than asset disposal and sale? That could assist in developing employment opportunities and, in doing so, could meet some of the Programme for Government targets.

**Mr Wilson:** As the Member will know, the asset management unit has still got work to do in looking at all the possibilities regarding surplus assets. It will look at what assets we have and at what revenue we can raise from those. If possibilities come along where, rather than selling the asset at the bottom of the market, it can be leased to raise money in that way, all those kinds of things should be looked at by Departments. This year, we had £141.9 million worth of receipts. The only ones that have informed me that they have not realised that are the Department of Culture, Arts and Leisure (DCAL), where £2 million from a sale has not been realised, and the Assembly Commission, where £1.4 million that was hoped to be raised from the sale of assets has not been realised either.

**Mr Hilditch:** Minister, you mentioned Belfast port. What progress has been made on planned receipts from the port?

**Mr Wilson:** The planned receipts from the port were £20 million in each of the past two years of the current Budget period. That will require some legislation, and the Department for Regional Development (DRD) is working on that. Indeed, regular updates are brought to the Budget review group.

### Businesses: Tax Liabilities

**2. Miss M McIveen** asked the Minister of Finance and Personnel to outline any

discussions he has had with HM Revenue and Customs (HMRC) about its approach to recovering outstanding tax liabilities from businesses in Northern Ireland.

(AQO 1432/11-15)

**Mr Wilson:** By way of background: I received a number of representations from local businesses in recent months regarding the approach of HMRC in recovering debt. The suggestions were that HMRC had hardened its attitude. I also had a meeting with the insolvency practitioners who indicated that they, too, were concerned about the number of insolvencies that resulted from petitions from HMRC. I had a meeting with the Exchequer Secretary, David Gauke, who arranged a meeting for me with the director of debt management and banking in HMRC. I was given assurances that there had been no change in policy. However, I pointed out to him the evidence on the ground, and as a result of that meeting, we will now have closer liaison with HMRC on those issues. We will, hopefully, get early warning of any changes, and where we believe that unfair or harsh decisions have been made by HMRC, we will have direct contact with it to draw those cases to its attention.

**Miss M McIlveen:** I thank the Minister for his answer. Will he outline the number of bankruptcies and company liquidations petitioned locally by HMRC?

**Mr Wilson:** The worrying thing has been that, over each of the past four years, on average, 55% of petitions that have led to bankruptcies for companies in Northern Ireland have been brought forward by HMRC. Hence, I believed that it was necessary to have the conversation that I did and to look at what might be done to ensure that we had direct links into HMRC. I do not want to discuss the business of individual companies in the Assembly, but I have had a number of cases where, quite clearly, businesses had short-term liquidity difficulties that were made even more difficult by decisions made by HMRC not to allow time to pay.

**Mr D Bradley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. What is the Minister's approach to recovering outstanding rates liabilities from businesses in Northern Ireland in the present economic situation?

**Mr Wilson:** There probably is a bit of leeway there, Mr Principal Deputy Speaker, but I am quite happy to outline the approach that we,

in the Department, and Land and Property Services have taken. As far as we are concerned, we have a duty to collect debts. I do not know whether the Member wants me to take a more lenient or a more robust approach to this, but members of the SDLP usually highlight the amount of outstanding rates debt.

This Assembly cannot have it both ways. If we wish to pursue rigorously the level of debt, it will mean that we pursue individuals and companies to the point where we take them to court and perhaps even drive them towards a situation in the way that I have just described HMRC doing. If we take a very lenient attitude, debt will increase. We tried to take a very balanced approach in so far as we have sought to work with companies and individuals who have run up debts because they are unable to pay their rates. We give them every opportunity, and we try to make arrangements with them. One of the difficulties is that they do not come quickly enough to talk about their problems. However, ultimately, given that we do not want to send out a signal that you can simply decide not to pay a legitimate debt that you have incurred as a result of owning property, where we find that people are not co-operating, we will have to pursue it to court.

**Mr P Maskey:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Is the Minister in a position to state how much large multiple retail stores, for example, pay to the revenue authorities for their operations here in the North?

**Mr Wilson:** I do my best to prepare for these question sessions, and I have a big black book with answers in it that, at times, makes me appear more intelligent than maybe I am. I am afraid that I do not have the detail that the Member has asked for in my big black book and, therefore, I cannot give him an answer. However, I will endeavour to find out the answer for him.

**Mr B McCrea:** I do not know whether this is in the big black book either, Sammy, but do you have any data comparing the level of business tax arrears in Northern Ireland with that in the rest of the United Kingdom?

**Mr Wilson:** I raised that with HMRC officials, who told me that about the same level of debt recovery through court action pertains in the rest of the United Kingdom as pertains here. Indeed, they indicated to me that they had similar discussions with the Scottish Minister

recently, and were able to say that the same approach was being used in Scotland.

## Government: Consultants

**3. Mr D McIlveen** asked the Minister of Finance and Personnel, in light of the decreased spend on external consultants in 2011-12, how he plans to reduce their use further in the future.

(AQO 1433/11-15)

**14. Mr G Kelly** asked the Minister of Finance and Personnel whether he has plans to reduce further the use of external consultants by the Civil Service.

(AQO 1444/11-15)

**Mr Wilson:** I will take question 3 along with question 14, Mr Principal Deputy Speaker.

The total spend on external consultancy across Departments was less than £16 million. That is a reduction of £56 million from the level that was reported in 2007-8. Of course, the Executive are committed to reducing the amount of spend on consultants by 10% per year. Last year, the reduction was actually 39%. We have proposed to do that in a number of ways. The first is by setting the target. The second is by requiring that any consultancy spend above £10,000 has to be approved by Ministers. What that has done to the number of applications that have been made is significant. Thirdly, Ministers can lower that threshold within their Departments if they see fit.

**Mr D McIlveen:** I thank the Minister for his answers so far. Does he ever foresee a day when we could do without consultants full stop? Does he envisage that that day could be sometime in the future?

**Mr Wilson:** It has to be borne in mind that we will always require some consultancy in any public body. First of all, there will be occasions when the expertise does not reside within a Department. Secondly, it may be a one-off piece of work, in which case there is no point in bringing in the expertise and employing someone full time in the Department, because that expertise will never be used again, so you would be tying up resources. We try to get consultancy spend down as much as possible. Indeed, in some consultancy contracts, when we know that we are going to require the same kind of information or the same skills again, we actually build into the contract a requirement for the consultants to train people within Departments so that we do not have to go back

to the same consultants again. However, I do not envisage a situation in which we do not have any consultants.

I have just been passed a note. I thought that I had said a 56% reduction, but it seems that I said it was a £56 million reduction. It is a 56% reduction. If I got that wrong, I want to put it on the record.

**Mr Nesbitt:** Is the Minister confident that he has maximised the potential for shared working in that area with the Special EU Programmes Body (SEUPB)?

**Mr Wilson:** The Special EU Programmes Body extensively uses consultants. Indeed, almost on a weekly basis, I query consultancy spend by the SEUPB. It would appear that much of that consultancy spend is a result of requirements that are laid down by Europe itself. When it comes to particular projects, they need to do economic assessments on them, etc. I do not have the figure off the top of my head. If I had known that the Member was likely to ask the question, I would have loved to put the figure into the public domain. It is too high. I am told that it is high because of requirements that are laid down by the funding body, namely the European Union. Sometimes I think that the SEUPB must be a consultancy dream when it comes to spend.

**Mr McNarry:** Following on from David McIlveen's supplementary question, does the Minister think it may be necessary to review Civil Service and public service job descriptions to perhaps include qualifications that might have heretofore been lacking? Improving on that might reduce the need for consultants.

## 2.45 pm

**Mr Wilson:** As I said in an earlier answer, when we see the need for a consultant and we think we will need that expertise again, we ask the consultant to train our own staff to build up the kind of skill set that the Member is talking about. We also look around Departments. It may be that a Department has done some work, and there is liaison between finance officers and that Department. If that Department has brought in consultants who have done some work, and there has been learning, that knowledge can be transferred and used by another Department, rather than bringing in consultants. I think that, in those ways, we will drive the figures down. Of course, if we

know that we are going to do certain pieces of work, and there are vacancies, why not put that into the job description as the Member has suggested?

**Ms S Ramsey:** I take this opportunity to welcome the work that the Minister has been involved in. It is a good-news story that we are targeting overspend on consultants. A 56% reduction is nothing to be sneezed at. You probably do not have the figures here, Minister —

**Mr Principal Deputy Speaker:** Question.

**Ms S Ramsey:** Can you give us a breakdown to see where the 56% reduction cuts across all the Departments?

**Mr Wilson:** As far as I can remember, there may have been a written answer to a Member about the reduction across Departments. The first thing to say is that it is not even across Departments, but I cannot think of any Department where we have not seen a reduction. Some have been more successful than others.

## Public Sector Jobs

4. **Mr McElduff** asked the Minister of Finance and Personnel to outline his Department's strategy for the decentralisation of public sector jobs. (AQO 1434/11-15)

**Mr Wilson:** There is no central programme or strategy for the decentralisation of public sector jobs. Individual Departments, of course, can look at the distribution of their staff, where they are employed, and will make decisions about location on the basis of business need, value for money and affordability.

**Mr McElduff:** Go raibh maith agat, a Phrómh-LeasCheann Comhairle. The Minister will know that in the interests of balanced economic development, I favour greater decentralisation to towns like Omagh and Strabane. I ask the Minister to provide an update, in the meantime, on the promotion of home and remote working options for civil servants who travel in excess of 50 miles a day to their place of work. I am not referring to myself.

**Mr Wilson:** Departments use flexibility in deciding where to locate workers and what working practices they use. Hot-desking, the better use of resources, different office layouts, etc, have all been ways in which we

have reduced the amount of money spent on the estate. Indeed, this year, my Department has reduced the budget for the cost of the Civil Service estate by, I think, nearly £2 million as a result of making better use of those resources. When individuals make applications to work from home, if possible, I am sure that each Department will make a judgement on the basis of whether it offers value for money and whether it means that the Department's work can be properly carried out. I do not have figures on how many people are engaged in that kind of activity.

**Mr Humphrey:** The Minister will be aware that north Belfast has many wards that score high in deprivation indices. I ask the Minister whether any Departments are considering relocation to parts of Belfast other than the city centre, or, indeed, to other parts of Northern Ireland.

**Mr Wilson:** Of a total of 217,000 jobs in the public sector, 71,000 are located in Belfast, which indicates that there is a fair number of public sector jobs already in the city. To be frank, I am not so sure that people cannot travel from north Belfast into the city centre. If we get to the point where we indulge people to the extent that they have a job at the end of their street, rather than have to do a bit of travelling, we really could not sustain that.

**Mr Eastwood:** I am sure that the Minister will say that I am painting a very gloomy economic picture, but anyway, I will give it a go. Given the very high levels of unemployment in my constituency, will the Minister tell me how many jobs he or any of his Executive colleagues have decentralised to Derry?

**Mr Wilson:** I assume that the Member is speaking about Londonderry. We have no plans to decentralise jobs. As I said, the Executive are not pursuing a central strategy. It is being done on the basis of where Departments see opportunities and take decisions based on affordability and value for money. I do not think that any Member would be prepared to defend a decision by any Minister whereby jobs were relocated simply on the basis that it might help employment in a Member's constituency, if such a decision were to cost a fortune and not make sense in a time of economic austerity.

**Mr Allister:** Will the Minister inform the House whether his Department has oversight of or control powers for the redistribution of public sector jobs by other Departments, bearing in mind the cost that is often involved? If his

Department has such oversight, will he take on board concerns about the Department of Education and the Education and Skills Authority, which are that plans are being prepared to transfer jobs out of Rathgael House but not transfer the corresponding jobs that are in Londonderry?

**Mr Wilson:** Such a relocation would involve capital expenditure, so a business case would have to be submitted to the Department of Finance and Personnel, and value for money for the proposed project would have to be shown. From that point of view, when Departments make such decisions, they have to justify them and show that money is being spent in a way that gives value for money.

### DFP: Cost of Division

5. **Mr Lunn** asked the Minister of Finance and Personnel for his assessment of his Department's performance in tackling the cost of division.  
(AQO 1435/11-15)

**Mr Wilson:** The nature of the work that is progressed by my Department is largely in support of other Departments and, as such, does not give direct exposure to the policies that cut across the cost of division. As I have said in the Assembly on many previous occasions, as Finance Minister, I urge Ministers to make best use of resources. As I said in response to the previous question, especially at this time, we expect Departments, whether in relation to jobs relocation or the delivery of services, to ensure that costs are reduced. If that reflected a reduction in the cost of division, it would be important.

**Mr Lunn:** I thank the Minister for his answer. I understand his point that the issue is not a direct concern of his Department. However, in his role of encouraging Departments, and in light of the Deloitte report from five years ago that identified £1 billion of potential savings, does he feel that any Department or the Government have made serious inroads into reducing that figure?

**Mr Wilson:** The Programme for Government refers to the building of a strong and shared community being a requirement and a priority. The Member and the Alliance Party in general are keen to quote this Deloitte report. Maybe I can hammer the myth that the £1·5 billion is all about the cost of division. In fact, the Deloitte

report did not, and was not able to, attribute that solely to the cost of division. The report compared the cost of providing services in Northern Ireland with other parts of the United Kingdom and came up with a difference of £1·5 billion. In some cases, that reflected different levels of deprivation and poverty as well as other factors. It was not, and could not be, purely attributed to the cost of division, although I think that Members of the Alliance Party like to add that in because it makes their case for them.

**Mr McQuillan:** As part of the Budget review, will the Minister consider allocating more funds to this area?

**Mr Wilson:** It is up to individual Ministers to decide how Departments spend their money. The whole point of the Budget review is to look at the allocations made to Departments, look at why some have overspent while others have had additional demands for finance and to try to match the money allocated in the past with future needs.

**Mrs Overend:** Will the Minister provide details of how Peace III funding has benefitted communities and reduced the costs of division?

**Mr Wilson:** The whole point of Peace III funding is that it was designed to get people to work in co-operation. Indeed, there is meant to be a cross-community element with Peace III funding. However, I have to say that when I see some of the projects that Peace III funding has gone to, I wonder whether it has actually exacerbated the costs of division rather than reduced them.

### Titanic Quarter: Public Sector Projects

6. **Ms J McCann** asked the Minister of Finance and Personnel how many public sector projects are located in the Titanic Quarter, Belfast.  
(AQO 1436/11-15)

**Mr Wilson:** My Department is not directly involved in any public sector projects located in the Titanic Quarter and does not hold this information in relation to projects funded by other Departments.

**Ms J McCann:** I thank the Minister for his short answer. However, he will be aware of the social and economic benefits that such projects bring to an area as regards regeneration. Given that west Belfast is the most deprived and disadvantaged area, economically and socially, across the North, will the Minister ensure that

he says to his Executive colleagues that any public sector projects will be located in west Belfast?

**Mr Wilson:** I will give the same answer that I gave to the Member for North Belfast. Belfast is a fairly compact city. When talking about the costs of division, sometimes the best way of reducing such costs is to get people out of the areas in which they have traditionally lived and help them to see that there is actually life beyond those areas and stop the so-called ghettoisation. If we can provide jobs that are accessible to all — and that is the important thing — and that are open to all on the basis of merit, then that is what we should be looking for, rather than simply saying that jobs should go to this or that part of the city.

**Mr Principal Deputy Speaker:** Mr Moutray is not in his place. I call Karen McKevitt.

**Mrs McKevitt:** Sorry, Mr Chairman I was not concentrating. What action is the Minister taking to ensure —

**Mr Principal Deputy Speaker:** Can we have just the number?

### **Asset Management Unit: Land and Property Services**

8. **Mrs McKevitt** asked the Minister of Finance and Personnel for his assessment of the role of Land and Property Services in assisting the asset management unit. (AQO 1438/11-15)

**Mr Wilson:** Land and Property Services (LPS) has developed a very effective and constructive working relationship with the asset management unit (AMU) since the latter was set up in September 2011. There is daily contact on a range of issues with the current focus on LPS providing new and updated valuations of all property assets identified by Departments for likely disposal within the current CSR period. This work will feed in to the upcoming AMU report to the Budget review group.

**Mrs McKevitt:** Thank you, Principal Deputy Speaker, and I apologise as I was reading something different.

What action is the Minister taking to ensure that LPS valuations are realistic and market compliant?

**Mr Wilson:** The purpose of having the valuations done is to make sure that they do reflect market

values. Where it is felt that valuations are too high, people can have recourse to having them looked at again. They are a guide for Departments when it comes to selling particular assets. I am sure that valuations are done on a fair and professional basis.

**Mr Principal Deputy Speaker:** That concludes questions to the Minister.

## Executive Committee Business

### Rates Amendment Bill: Royal Assent

**Mr Principal Deputy Speaker:** Before we move on to the ministerial statement, I wish to advise the House that the Rates Amendment Bill received Royal Assent. The Rates Amendment Act (Northern Ireland) 2012 became law today, 28 February 2012.

## Ministerial Statement

### Article 31 Planning Applications and Decisions

#### **Mr Attwood (The Minister of the Environment):**

Copies of my statement were circulated earlier this afternoon and were in Members' pigeonholes on the second floor.

**3.00 pm**

As Members will be aware, the planning applications for the most significant development proposals in Northern Ireland are designated major applications under article 31 of the Planning (Northern Ireland) Order 1991. As Minister of the Environment, the final decision to approve or refuse those applications rests with me. The planning system is, of course, far greater than the article 31 applications, but the management of those applications gives an insight to how planning works — whether it works well or not so well.

Those article 31 applications relate to retail, leisure and mixed-use developments and other commercial and industrial projects that have the potential to generate significant investment in the local economy and create much needed jobs in these difficult economic conditions. Consequently, their impact may be greater, and symbolism is higher than may be the case for other categories of application.

There were 55 article 31 applications in the system at the start of this year. In January this year, I was able to dispose of five of them, including approving three: the redevelopment of Ravenhill rugby ground; a new cemetery and crematorium at Moira; and a major hotel proposal in Lisburn. However, I was concerned that, overall, there had been a lack of progress in dealing with those applications. Therefore, I intend to accelerate the process in order to unlock the economic potential in all the proposals that are capable of being approved.

I said in January that I hoped to decide on seven or eight applications in February, and as the month edges to its end, that remains my ambition. If that is realised, one quarter of all article 31 applications that were live at the beginning of January will have been concluded in the past two months. The ambition to have two thirds or three quarters of article 31

applications concluded by the end of June can, in my view, be realised.

Last week, I signalled my intention to grant approval to the proposed Bushmills dunes golf resort and spa at Runkerry — a £100 million development proposal that is expected to create 360 jobs. That decision demonstrates the demanding nature of those proposals where there are factors for and against them; factors that are often viewed as not being capable of reconciliation.

In making my decision on Runkerry, I had to carefully balance the environmental aspects of the proposal — the setting of the world heritage site, the area of outstanding natural beauty and the protection of local landscape and wildlife — against the boost to tourism and the local economy. In arriving at a decision to approve the application, and to ensure that the environment has been properly acknowledged, my decision will be accompanied by stringent conditions that will mitigate the impacts — I accept that there will be impacts — of the development on the sensitive local environment.

I believe that the built and natural heritage designations and appeal of the Causeway Coast, including the wonderful stones, have been recognised and, as fully as my judgement allows, reconciled with the exceptional wider circumstances that led to my decision. I believe that this particular decision is about the wider needs of the Causeway Coast signature project — the Causeway Coast being arguably our single greatest natural and heritage asset — as well as the particular needs of our golf product, balanced with and in a new equilibrium with the built and natural heritage.

Runkerry is part of the process that I have initiated and, in the coming weeks and months, officials will be bringing recommendations on more article 31 applications for my consideration. Since becoming Minister, I have monitored article 31 planning applications with officials on a monthly basis and will continue to do so in order to drive the process forward. Indeed, I had the latest such monthly gathering with all the relevant senior planning officials yesterday to drive the process forward. I will also be seeking an early view from officials on new article 31 applications, of which there are not many, to give a clear steer on how they should be progressed, and in doing so, I have honoured the needs of good process, good

evidence and the limits of competence of my office.

I am conscious that a large proportion of article 31 applications relate to retail proposals or mixed-use, retail-led schemes, some of which are in direct competition with others. The situation in Derry is a case in point. There are currently nine retail applications, and officials are finalising an up-to-date analysis of the capacity of the retail catchment for the city to determine how, if at all, to accommodate further retail development. I expect to be able to start dealing with those applications very soon, but I have insisted on a robust retail impact analysis that will allow all proposals to be properly assessed.

There are four similar retail proposals in Magherafelt, four in Newtownards and two in Newry, as well as the long-running John Lewis proposal at Sprucefield. I anticipate that, following the processing of further environmental information in line with current legal requirements, my officials will be in a position to ask the Planning Appeals Commission (PAC) to resume the public inquiry into the John Lewis proposal at Sprucefield in the near future.

The planning applications under article 31 include a number involving the processing of waste, including energy production from waste. Such proposals can be controversial, and they have required very careful consideration and analysis and raised many competing issues. When assessing those applications, I will adopt the same diligent approach that I took when considering the Runkerry proposal to ensure the correct balance between the need for the project and the protection of the environment.

The process does not rely solely on the actions of my Department. I urge applicants to provide the Department with any additional information that has been requested as quickly as possible to allow applications to be progressed. The Department of the Environment (DOE) and I are about creating a better place to live, work and invest. I am determined that applications should not become stuck in the system, as previously happened. If applicants cannot respond to such requests, my officials or I will determine applications on the basis of current information.

I want to make it very clear to consultees and Ministers responsible for Departments with which the Planning Service consults that delay by the DOE or consultees and doubts of Departments or consultees about PADs and the

response to applications is not what we need, and it must not continue. Statutory timelines for consultees will be introduced to rectify that.

In the first six months of 2012, there will be a gear change in planning: decisions will be made; there will be certainty for all; and planning will be a key tool in economic progress and creating jobs in time of need. We need to deliver improved public services and make sure that planning makes a real difference to the physical, social and economic development of the North, while protecting the best of the built and natural heritage. That is the standard by which I wish to be judged and judge myself. To do so, and to embed accountability in the planning system, the DOE and the Minister's office, I intend to report to the Assembly at least two or three times a year by way of an oral statement.

I do not set up this new process casually. My new senior management team in the Planning Service bring a freshness, rigour and application to the management of article 31 applications. I believe that setting strong targets for decisions can be achieved, in part because I have a sense of what the team can achieve. I accept that the new order of things has to cascade into divisional offices where practice and performance can be enhanced. That is a further phase of what needs to be done, and I intend that it shall be.

**Ms Lo (The Chairperson of the Committee for the Environment):** I welcome the Minister's statement and the fact that he is making a proactive effort to unlock the economic potential of article 31 planning applications. I am very pleased that the Minister recognises that most of the large planning decisions are not straightforward. They require careful balancing, often to protect the environment. Therefore, I welcome the fact that his decision on Runkerry will be accompanied by stringent conditions to protect the area's landscape and features. Will the Minister back that up by giving a commitment to the House today that his planning enforcement unit will be adequately resourced to ensure that those stringent conditions are adhered to at all times over the coming years?

**Mr Attwood:** I thank the Chair of the Committee for the Environment for her remarks. I endorse all of what she said about being proactive, the potential of article 31 applications and the fact that they are not straightforward. Although, in

my view, exceptional circumstances allowed the Runkerry proposal to proceed, it will be accompanied by 19 planning conditions, some of which are groundbreaking in their protection of the natural heritage and environment. In advance of any development, there are requirements relating to when you can build and to environmental management, even to the extent of whether external floodlights can be used in the golf academy. In my view and where the approval of that application is concerned, all those demonstrate a particular rigour on the part of DOE and its advisers.

The Member made a very valid point. We cannot, on the one hand, have a fit-for-purpose planning system but, on the other, not have fit-for-purpose enforcement, whether that is on the planning or the environmental side. I have said before in the House that I think that the model of the Department's environmental crime unit should be more widely deployed. It captures issues of not just environmental enforcement but planning enforcement. The number of staff in the environmental crime unit is about to be increased by 11. However, in my view, and I have made this clear to the permanent secretary, even that increased staff of 34 will not be adequate for the environmental crime challenge that we face.

We need to have partners in that approach, not least judges and magistrates who impose penalties. Some time ago, there was a case in a seaside town in Northern Ireland where a listed building that was in a very prominent place and part of a very prominent terrace was knocked down. The fine imposed was £250. There may well have been reasons why the judge in that case — a magistrate — was minded to go in that direction, but, from this distance, that sort of outcome raises questions. The same applies to planning enforcement. In that regard, I endorse the sentiment of what the Member said.

Since I became Minister, I have tried to demonstrate to those who are, in my view, the worst offenders that people will be made to live up to their obligations, whether those are planning or environmental. I find it quite intolerable that some developers in Northern Ireland who have the money and resources to develop and who are actively developing apply pressure on the Department to grant planning permissions while allowing neighbouring sites that they are developing to go to rack and ruin. Whatever about planning enforcement,

developers and those who have control and custody of development sites have obligations that they need to face up to.

**Mr Storey:** I welcome the Minister's statement and the fact that he referred to consultees. I also welcome his decision on the Runkerry development. Will he give an assurance to the House that a consultee in his own Department, namely the Northern Ireland Environment Agency (NIEA), will be brought under the same rigorous timeline for responding to applications?

The Minister is aware of a particular ongoing problem in Clough Mills in my constituency, where a difficulty rests in differences between the NIEA and the Planning Service in that conflicting, contradictory messages are being sent.

**Mr Attwood:** I thank the Member for his question and for his support for the decision that was taken on the Runkerry development.

If I cannot put my own house in order, I do not have much authority to tell others to get theirs in order. I have made it clear to the various sections of my Department that they have obligations to respond in good time and to maintain consistency with the memorandums of understanding that exist between consultees and the Planning Service. I hope that everyone listening will have heard my endorsement of the sentiments and substance of Mr Storey's question on that matter.

However, whether they are in my Department or other Departments — there may be worse offenders than the NIEA, which is Mr Storey's view — memorandums of understanding, encouragement and ministerial leadership go only so far. Ultimately, we must have statutory timelines for responses to consultation, whereby the law would require responses within a stated number of weeks. Until we have that, we will be fighting with one hand tied behind our back.

That should not make any difference to any statutory consultee. In the circumstances that we face, it seems to me that, just as I have said that it is time to get decisions out, it is the responsibility of those who are in control and command of Departments or other statutory consultees to ensure that they impose that same discipline on the organisations that they are responsible for.

### 3.15 pm

**Mr Boylan:** Go raibh maith agat a Phríomh-LeasCheann Comhairle. I welcome the Minister's statement. A lot of people are happy that decisions are being made. What has been the change? Have you changed the ways in which you deal with the statutory consultees, or have you changed management practices?

**Mr Attwood:** There is the beginning of a change; even I would concede that it is the beginning of a change. We have to demonstrate between now and June that that change is deeply embedded by fulfilling the ambition to have two thirds or three quarters of all the current article 31 applications addressed in whatever way they should be addressed — by being withdrawn, approved or refused. Given that it may yet be the case that, by the end of business tomorrow, another seven or eight applications will have been addressed, in two months a quarter of the applications will have been decided on one way or the other. That will be a good signpost for the future.

Why has the change come about? There are a number of reasons. As I indicated in my statement, there is a new senior management team. Although I acknowledge the work of the previous senior management team, as I indicated in my statement, the new senior management team brings a freshness, a rigour and a new application to the management of those projects. I acknowledge that, for all the comments that I and others make about the planning system, the directness, determination and application of the new senior management team, without naming them, is beginning to produce results.

I would like to think that the fact that I actively manage the applications on a month-to-month basis is a factor. We sit down to assess the applications, and the meetings are not short. Yesterday's meeting began at 12.10 pm and finished at 6.45 pm because of various interruptions and other ministerial duties. The three members of staff who were present at that meeting stayed in this Building until the meeting concluded, even though it ate into a big part of their day. That demonstrates that they are committed.

There is a need for decisive judgement in some of these matters: it is time to bring them to a conclusion. In all of the toing and froing that may go on in respect of each and

every application, there is a time to call it. As I demonstrated in Runkerry, it was time to call it, even though the call was not in sympathy with all those who have an interest in and a concern about the Runkerry development. If there is a changed regime — as I said, I will be judged by results, although the indications are encouraging — it is because that child has many parents. I acknowledge all those who contributed to the start of a changed regime.

**Mr Kinahan:** I thank the Minister for his statement and congratulate him on trying to get things moving and get matters and jobs in place. It was particularly good to hear that the enforcement system will be getting better.

I am in a quandary about whether to ask questions about issues on my patch or Runkerry. I will stick to Runkerry for my colleague Robin Swann. Will the Minister ensure that the local infrastructure that needs to go with the development, such as cycle paths, rambling routes and all the other ways of getting to the resort, is properly put in place so that the other stakeholders, particularly the environmentalists, are continually kept on board so that we get the excellent resort that we want to see for the benefit of the whole of Northern Ireland?

**Mr Attwood:** Yes, I can give that reassurance. I will explain the fundamentals of the Runkerry decision. It was not a decision primarily about whether there should be another golf course on the north coast, which is blessed with golf courses. Indeed, the north coast, stretching to Donegal, is blessed with a multitude of the best courses in the world.

It was a decision, in the first place, about the Causeway signature project. It was a decision informed by the fact that all the land in the Causeway signature project stretching from Ballycastle right across to Magilligan is, arguably, our single biggest asset when it comes to the quality of our lives and the opportunity for tourism on the built and natural side. Certainly, people in that neck of the woods will agree with that.

I keep saying that there is a better concentration of built and natural assets in the North of Ireland and on the north coast than anywhere in these islands. That is no exaggeration. Therefore, mindful of the scale of the wonder and beauty of all that, and the environmental needs of all that, there is also a need to try to

build infrastructure, which is the very point that Mr Kinahan made.

Part of the infrastructure is hotel accommodation. Although it is not an easy task, the ability to reconcile a planning application for a new hotel on that site with the scale and size of everything that is around it across the Causeway area is difficult but can be done. The fact that this took a long time is evidence that it could be done, and that is how I judge it.

The decision was, second, based on the fact that there was a golfing opportunity and golfing product as part of the signature project. Further evidence of the golfing product is Rory McIlroy very nearly winning the Accenture Match Play Championship title in Arizona last weekend. As he said himself after that tournament, it is inevitable that he is going to be world number one. Therefore, there are issues around the golf product and golf tourism and the opportunities that those create.

People go and play golf up there but they do not stay up there. The evidence is that people come to the North and spend only 60% of what people spend in other jurisdictions on these islands when it comes to their spend per pound or euro. Given that narrative, therefore, that piece of land needs to be managed in the way that Mr Kinahan indicated. Any developments therein, be they the hotel, cycle paths, pedestrian ways or the golf course itself, will be done in sympathy with the particular designation of the Giant's Causeway. Remember, the golf course will be a dune course, which will reinstate the land to its original condition of many years ago, before the farming enclosure.

**Mr Dallat:** I welcome the Minister's statement. I want to turn attention away from the golf for a moment to large retail developments. I note that the Minister will insist on independent retail assessments where those are considered. Can the Minister assure us that the independent assessments are really independent and, where recommendations are made restricting floor space, they will be insisted on by the planners? Furthermore, will the Minister discourage the planners from entertaining subsequent planning applications for extensions to stores that already exist, all, of course, in the interest of our town centres, which have the capacity to suffer greatly where development gets out of sync?

**Mr Attwood:** I thank the Member for his questions. They capture a lot of the issues

around in-town, edge-of-town and out-of-town retail development. One third or thereabouts of article 31 applications are for retail.

Therefore, it is absolutely critical how those applications are managed by the article 31 team and decided by me in the event that they come before me. That is why I got the Executive's endorsement of draft PPS 5, which I welcome. It tries to create a better balance between in town, out of town and edge of town.

Draft PPS 5 is already a somewhat dated document, given that it came out in 2006. There has been a legal challenge and various issues around it since that time. It had to be issued in its original format because, for legal reasons, we could not take on board the consultation response that came in a number of years ago. Draft PPS 5 is arguably not all that it should be in dealing with all the issues that Mr Dallat raised in his question. For that reason, whatever about the draft current PPS 5, officials are now working on a new PPS 5 to better express the chain of circumstances over the past four or five years when it comes to in town and out of town, and in order for any draft to better reflect my thinking when it comes to the configuration of in town and out of town.

There is the potential for new policy; it has to go for consultation, through the Executive, to the Committee and all the rest. In the meantime, as I indicated, one third of all live article 31 applications are retail-related. There are four in Mr McGlone's neck of the woods in Magherafelt, nine in Derry, four in Newtownards, two in Newry and other retail issues in other towns across Northern Ireland.

I have indicated two things. First, I hope that all those applications will be determined between now and June. Developers need to have certainty in the planning system, which is why I am minded to try to get those all over the line by June one way or the other, whatever the decision might be. Secondly, I want to ensure that communities that need new retail opportunities get those retail opportunities but, at the same time, get the balance right between in town, out of town and edge of town. Those are very difficult decisions, to which I will bring my own view and judgement, consistent with planning policy. Decisions will be subject to the Department's assessment of retail impact, whether in Magherafelt, Derry, Newtownards or elsewhere.

I do not want to get into the detail of any one or other application. There has been a lot of comment in recent days, some of which is mistaken in my view. However, I want to make it very clear that my judgement is that, in the round, we need to do more to protect town centres and encourage big retailers to locate in town centres and on the edge of towns. As we move forward with a new planning policy, we need to reconfigure the presumption that seems to have existed that out of town has primacy.

**Mr Cree:** I, too, thank the Minister for his statement and support the thrust of improving the Planning Service. This is possibly not strictly related to article 31, but will the Minister advise on the current situation in respect of the Belfast metropolitan area plan? Is it ever likely to see the light of day again?

**Mr Attwood:** I regularly ask the same questions myself. The PAC has now handed over to the Department all elements of the Belfast metropolitan area plan draft. It was for the PAC to manage its own affairs and make its own assessments of the metropolitan plan, and that part of the process has now concluded. The consequence is that the Department now has custody of all the relevant documents and is beginning to work through the process. I discussed the matter with officials again yesterday.

On one reading of it, it could take up to a year. I am going to be very straightforward about this; it could take up to a further year for the Department to interrogate what the PAC has concluded before the final report can be published in full, because the Department has to assess the recommendations from the PAC. Although it may be presumed that the vast majority therein will be accepted, there will be areas that may not be accepted and which I may not be of a mind to accept. On one reading, it could be another year — another year after many years. That does not create certainty for communities, developers or those people with land who are on the edge of going under, and who, if they had opportunities to develop, might be able to survive, and, with that, create job opportunities.

### 3.30 pm

Over the past number of weeks, I have asked officials to identify whether there are opportunities to release parts of the report on a rolling basis, rather than to wait for the issue

of a final report in up to a year's time. That is a very difficult matter. We are taking legal advice on it, because a partial plan could lead to all sorts of legal, practical and policy issues. I have asked officials to look at it. Yesterday, I asked them to look again at whether it was possible to release, on a phased basis, parts of the report's conclusions on which there were accepted and settled views.

It is a work in progress, and I am unable to be more definitive at the moment. I absolutely identify with the sentiment of the question, but when it comes to this matter, I need to make sure that I am on the right side of the law and of good process.

**Mr McGlone:** Go raibh maith agat, a Príomh-LeasCheann Comhairle. I thank the Minister for bringing the statement before the House. Although, quite often, blame for delays in bringing forward decisions on planning applications is rightly apportioned to Planning Service, there are other times when the decisions are not within its grasp. Perhaps the Minister could give us some sort of an outline of the situations in which the delay might be as a result of the case being referred to the PAC, for example. Perhaps you could provide details. Alternatively, the delay could be due to other circumstances, such as an agent or a developer not providing the Department with the necessary detail to process an application, or the bringing of a legal case via a judicial review, for instance. Such actions completely hold up the process of a project. Those things are outwith the control of Planning Service.

**Mr Attwood:** As with Mr Dallat's question, I think that captures a lot of the issues around where culpability may or may not reside when it comes to the management of planning applications, be it article 31 applications or otherwise. The application that has been with the strategic planning team for the longest time has been there for 13 years. It is in respect of a marina development in Larne. There might be some further developments there, because a cross-party delegation from Larne Borough Council came to see me before Christmas. I assure people that that delay has very little to do with the planning system; it is all to do with the scale of, and issues around, that project.

Similarly, as the Member indicated, some matters have to go before the Planning Appeals Commission. The article 31 applications in

respect of John Lewis, the airport extension and the North/South interconnector are subject to independent interrogation by the PAC. As we know from the BMAP experience, the PAC is responsible for its own conduct and affairs, and once a case is capable of going before the PAC, it will adapt its processes. We are always cautious about these issues, but the PAC hearing in respect of the North/South interconnector is scheduled to commence next week, on 6 March.

As Mr McGlone also indicated, we have a number of what appear to be well-resourced groups and individuals with the weight and legal capacity behind them to make applications to the High Court in respect of judicial reviews, which, on occasions, go to the Supreme Court and even beyond that.

Some of those matters are beyond our control, because they are subject to good process and are the proper entitlement of those involved in the planning system, be they objectors or proposers. Mr McGlone's point is very valid. We should be able to control that which is within our control. In that regard, agents have an obligation. I do not want to go into any particular detail at the moment. However, there seems to be a pattern of flaws and fault lines in the significant volume of applications in respect of energy proposals. That is because they are being regurgitated, without taking into account the individual circumstances of the application. It is up to a farmer or somebody else to decide who to employ as their agent. However, they should be more demanding of their agent if there is a consistent pattern of flaws or fault lines in applications coming from that person. I am not going to comment on that in any great detail. There is an obligation on agents and the people funding them to make sure that the agents do their job in order to ensure that all these issues are expedited in the way that Mr McGlone would like.

**Mr Allister:** It is good to see progress on a number of these long-outstanding article 31 enquiries and applications, and I commend the Minister for the action he has taken in expediting them. Will he update the House on the Rose Energy application and advise us on where it is in the process? Can he assure us, since he made the point in respect of Runkerry and others, that his decision will be informed by the need for the project and that the urgency of that project for the poultry industry will be a

strong influence in the ultimate making of that long-overdue decision?

**Mr Attwood:** I thank Mr Allister for his question. I thought for a moment that he might declare an interest, given his background in the courts. I do not know whether you represented anybody who challenged the planning system. Was it just the Attorney General?

**Mr Allister:** None of these ones.

**Mr Attwood:** I can confirm that Rose Energy is at an advanced stage in the planning system. I note the Member's point in respect of the need to dispose of chicken litter and other residue as part of the capacity to grow our poultry industry. Not very far from here, in the Republic of Ireland, there are examples of how the agrifood industry has been part of the Irish economy's recovery programme as it comes out of recession. I am sure that there will be a lot more on that over the next period of time.

Yesterday, I met one of the organisations involved in the poultry industry. It is about to produce a report in March that identifies where opportunities exist for the development of the agrifood industry, and part of the strategy will address the need to deal with chicken litter. The proposed site is in a very sensitive area, à la Runkerry, as it is adjacent to one of the great natural assets in the North and is not far from residential areas and settled communities. So, it is a bit like the situation with Runkerry, which is near the Giant's Causeway.

A very hard judgement will have to be made, and nobody should be in denial about that. We need to balance the needs of the poultry industry, in respect of the disposal of chicken litter and other residue, with the very obvious and self-evident environmental, community and residential concerns that exist. Another factor that has been brought to my attention in relation to the application is the fact that we have very significant life science employment sites in that neighbourhood, be it Almac or any of the other life science sites that offer the opportunity of high-value jobs. So, as with Runkerry, fine judgements will be needed. However, I will not shirk from making those judgements, whatever they might be.

**Mr D Bradley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas an tráthnóna seo. I thank the Minister for his statement and welcome

the robust approach that he has adopted to expedite that aspect of the planning process. In the consideration of article 31 applications, what weight does the Minister give to their job creation and economic potential? How does he balance that potential against other considerations?

**Mr Attwood:** I thank the Member for his question. The very character of article 31 applications is that they may have some significant impact, be it environmental, economic or jobs-related. If one was to go through the live applications, on which, I believe, the Committee is updated on a rolling basis, one would see the truth of all of that. They include a marina at Larne, one on waste, food stores, golf resorts, a biomass fuel power plant — the very one to which Mr Allister referred — and runway extensions.

The nature and character of those applications is that they are complex and/or controversial or they have a potential environmental impact or, ultimately, an impact on jobs. As Runkerry demonstrates, one must be alert and vigilant in interrogating all the various issues therein. The judgements are not easy and have legacy consequences. Anybody involved in political life must, when making calls of that nature, which have legacy consequences, be vigilant and alert.

As I said, balance can be achieved. There can be reconciliation between the environment and jobs and between in-town and out-of-town interests. The decisions are not straightforward. However, we are not employed as politicians just to be straightforward.

**Mr Byrne:** I, too, very much welcome the statement. It is good for investment and has the potential to create jobs in different areas of Northern Ireland. Will the Minister elaborate on his comments on the waste-to-energy proposals? Does he accept that one of the biggest difficulties now pertaining to such plants or, indeed, wind farms is that of connecting to the grid?

**Mr Attwood:** I thank the Member for his question. As he will appreciate, probably more than many other Members from different constituencies, renewable energy is arguably the single biggest economic opportunity for the North and Ireland. I have said that repeatedly, and I believe that it is true. The scale of wind farms in his area of the North, the number of applications for wind turbines and the growing

number of applications for anaerobic digesters — most of which are dealt with in local offices, as will increasingly be the case as time rolls on — are all evidence and part of the narrative that demonstrates that.

I confirm that there are a number of waste-to-energy applications in the planning system as well as that by Rose Energy Limited. I do not anticipate that all of them will be dealt with by the end of June 2012, as some will take longer to assess.

I cannot recall the second part of the question.

**Mr Byrne:** I asked about connection to the grid.

**Mr Attwood:** The Member is quite right to raise that issue. As I said in response to a previous question at Question Time, if all renewable energy applications that already have approval or are likely to get approval were connected to the grid, the renewable target of between 1,400 and 1,800 megawatts by 2020, which would then be 40% of the energy output, would be met.

### 3.45 pm

In my view, there will not be an issue around the planning system with regard to ensuring that there is a sufficient number of approvals to reach that target and to work towards surpassing it. The issue will be whether those who get planning approval will have the financial wherewithal to build and, critically, whether there will be connection into the national grid achieve the 40% outcome. That matter falls to DETI in the first instance and to the regulator in the second instance. There are issues that are part of an ongoing conversation to address whether the national grid will be sufficiently upgraded to ensure that the 40% will be attained. That is not an easy judgement because it is a huge investment stretching into billions of pounds. That investment has to be paid for, and it will come back into the pockets of those who use electricity. Therefore, those are not easy judgements. However, in my view, there will not be any impediment on the planning side in the roll-out of planning approvals for renewable energy applications. That is not where the issue will arise. If issues arise, they will reside elsewhere.

**Mr Givan:** I do not envy the Minister his job. I recognise the complex nature of dealing with article 31 planning applications and decisions, and I appreciate the frustrations of getting all

the submissions from different bodies, which often do not come on time, and the constant need to chase people.

I have an interest in article 31 in that it deals with the John Lewis application at Sprucefield. I am aware that the environmental assessments have been submitted to the Department. Can the Minister indicate when the Department will be in a position to push the application back again to the Planning Appeals Commission, and has DOE retained the applications as one of its top priorities for the PAC to deal with?

**Mr Attwood:** The Member is right in that we have received further environmental information. I have the answer to the second part of his question somewhere in the recesses of my mind. Clearly, some assessments have to be made in that regard. I cannot quite recall how quickly, if at all, we will be in a position to refer the matter back to the PAC. However, you are quite right: the information has been received and assessed, and I will confirm with you in writing the likely process thereafter. Given the history of the matter, it is time for the PAC, hopefully, to be in a place to make a recommendation and for a decision to be made thereafter.

**Mr Agnew:** The Minister referred to the proposed runway extension at Belfast City Airport. Can he confirm whether the airport management has submitted all the information needed for a decision to be made? If so, does he have a timeline as to when the public inquiry will take place?

**Mr Attwood:** I thank the Member for his question. I understand that the airport management has not submitted the further environmental information required for the PAC to go live. The airport management has to explain its approach. The Member is aware that there is a free-standing issue around the noise contour, which is a legacy issue arising from the planning agreement made in 2006, and it remains unresolved. There may be a difference of view about how it came to be unresolved, why it remains unresolved, and the history of the issue. However, when I came into this office, the noise contour issue had been unresolved for a number of years. As I keep saying, it was time to create certainty and avoid doubt, and that was one of the issues where it was needed to create certainty and avoid doubt.

Consequently, through conversations with the airport management, advice from officials and by keeping third parties informed of what was happening, a process has been designed whereby the issue of noise contour will be subject to independent examination. We have been awaiting further environmental information from the airport's management on the noise contour issue, and it is my understanding that, in the past 24 hours, that information has been submitted to the Department. I will discuss that matter with officials, and I will take forward the process that I indicated earlier of subjecting the noise contour issue to independent examination. That examination will have an independent chair and there will be a process that will allow appropriate input from all concerned, including those who have objected and local residents. It is a matter for the airport authorities and I cannot give a definitive view, but it is my expectation that if the issue of the airport extension is dealt with at all, it will be dealt with on the far side of that independent examination.

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

## Private Members' Business

### Carjacking

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Mr P Maskey:** I beg to move

*That this Assembly calls on the Minister of Justice to respond to public concerns about the recent pattern of carjackings, particularly in relation to the role of prolific offenders and the conditions on which they are given bail; and further calls on the Minister to develop and resource a strategy to curb this crime and engender public confidence.*

Go raibh maith agat, a LeasCheann Comhairle. The reason why we have tabled this motion is that, in recent times and especially since the start of this year, there has been increased media attention on carjackings or car hijackings, whatever terminology we want to use. First, I want to thank the Business Committee for selecting the motion and the members of the Assembly's Research and Information Service for their work in providing us with some background information.

Our motion is a simple one, but it is very serious in trying to tackle the issue that we are all faced with. I was at a district policing partnership (DPP) meeting in west Belfast last night, and I have raised this issue with the PSNI at a local level in west Belfast and with its north and west Belfast district command. From those meetings, and from looking through some of the research, I have learned that the crime is not specific to the city of Belfast. Indeed, there has been a lot of similar crime for a long time across the North of Ireland and beyond.

Our motion is about the "prolific offenders". It calls on the Minister to:

*"develop and resource a strategy to curb this crime and engender public confidence."*

It is quite clear that the public have lost confidence in how the state, the police and the judicial system are treating this matter.

Sinn Féin has called on people in the community to come forward if they have any information, and I repeat that call today. If anyone has any information about offenders involved in this type of crime, they should come forward and give that information to the PSNI as a matter of urgency.

I know that the DUP has tabled an amendment to the motion. We have not finalised our position on that amendment but are looking at it. We would like to hear exactly what the DUP has to say. Its amendment calls for the introduction of "tougher sentences". There is a 15-year maximum sentence for this type of crime, but even though there are prolific offenders, I do not know whether anyone has ever received that maximum sentence. There seems to be a revolving door for those who commit this type of car crime: they are arrested and then let out after a short period. I urge the Minister of Justice, who is here today, to take that seriously and to give us his views on the revolving door system that there seems to be for prolific offenders.

There is a possibility that the Department of Justice could carry out a review of higher sentences that could be imposed, but in light of the DUP amendment, which looks for tougher sentences, we think that it is probably more appropriate to have effective sentences. It is all about how the issue is dealt with.

The crime statistics in the research papers show that there have been a number of arrests. There have been 18 or 19 arrests in Belfast specifically related to car crime offences and at least six people have been charged. Seventeen proactive searches have been carried out and 65 arrests have been made in total in connection with a range of criminal activities across the North. Yet, confidence has not been established in our community, and people need to see that issues are being resolved.

It is my belief also that when the PSNI arrest people in cars and release them on police bail, they must state very clearly to the media what that is about. Even though we are told that four or five people have been arrested in a car, those people can sometimes be arrested as far as half a mile away from a particular car. That needs to be explained, because information and evidence have to be gathered. The police

must gather that evidence much more speedily than they have done to date, because on many occasions, it takes a long time for people to be charged and sentenced, and, sometimes, we see them being released very quickly.

It would be remiss of me not to say that car crime has been prevalent in our society for many years. Many people have been killed on our streets over many years, and, thankfully, that has reduced. That is down to the work of the car crime team, the fact that the community has come forward with information, and the fact that people in the community have put an emphasis on challenging the state to come up with more effective sentences and to make it harder for people to commit such offences.

We have lost numerous people, and I hope that the issue will be tackled as soon as possible with resources and a strategy. When individuals steal cars, they drive them around our streets in a reckless manner and could end up killing someone. That is my fear, and it is why we have tabled the motion today. Many people have to be commended for tackling the problem, and I hope that there will not be any more deaths on our roads as a result of this particular type of car crime.

The unfortunate thing is that most of the victims of the recent attacks have been females. People ask why that is; I suppose it is because the criminals who carry out those crimes will always look for the easiest target. I say fair play to Anna Lo, who was nearly a victim of a carjacking crime, for standing up to those individuals and not giving up her car. The criminals will always look for the most vulnerable in society, and people have to look out for that and be wary of it. We all have a part to play. The PSNI has a part to play by making sure that they gather information as soon as possible so that charges can be laid, and the judicial system must make sure that it hands down effective sentences and that prolific reoffenders are not allowed out through the revolving door.

People have been pulled out of cars and bricks have been put through car windows. As recently as last week, an individual was hit in the face with a hammer. I know that the police are looking at other motives in connection with that incident, but, nonetheless, a man was hit in the face with a hammer and was hospitalised while his car was stolen and burnt out a short distance away. I have met a number of people

who have experienced that type of crime, and some of the TV interviews over recent days and weeks have shown that people are horrified and fearful.

In some cases, fathers and mothers are afraid to let their daughters get into the car at the weekend, in different parts of Belfast and other places, because they are fearful that someone will try to steal their car and cause them damage. We all need to tackle that.

#### 4.00 pm

We have called and will continue to call for people to come forward on this. As I said when I opened the debate, it is not a new crime. It is unfortunate that a task force was set up only after the media started to raise the issue and when local politicians and local people went on to the TV screens and got on to their local papers to write stories about it. That seems to be the only time that the PSNI and the judicial system take action, and that is not good enough. This crime has been going on for a long time, and the authorities need to step up to the mark and ensure that they are tackling it to reduce the fear in society and to reduce that type of crime.

As I said, I was at a DPP meeting last night in west Belfast, and a number of proposals have come forward. The task force has said that people should be aware of what to do. They should lock doors and close their windows and ensure that they do not have any valuables lying about their car when they park it, because that makes it an easy target for criminals. We all must ensure that we protect ourselves to the best of our abilities and minimise the chance of an attack.

A strategy needs to be introduced. That needs to be resourced, and additional resources are being put into the PSNI to tackle the issue. I have no doubt that, once this goes away from the media spotlight, those resources will be pulled from it. I am concerned about that, and many of my constituents who I talk to have that concern. We must all tackle the issue. If there is a fear in our society, we all have our part to play in tackling it.

There are many issues for the judicial system, the community and the PSNI. In addition, some of the people who carry out that type of crime are very young, so the social services also have a part to play. In many cases, there is

neglect from families, some of the statutory organisations and social services. They are not tackling it. If we do not all tackle the issue together, we will all fail the people affected by this crime. We will listen to the DUP's amendment and take it very seriously.

**Mr D McIlveen:** I beg to move the following amendment: At end insert

*“, including introducing tougher sentences.”*

I congratulate the Members who brought the motion to the Floor of the House. We are all very aware of the recent spate of carjackings that has dominated the news headlines of late, and, from my role on the Policing Board, I know that, unfortunately, the issue has been coming up over the past few months. We have been questioning the Chief Constable on the issue almost incessantly, and everyone in the House and in the community would like to see headway made on that and, ultimately, those who are involved in this terrible crime brought to justice.

We could probably spend a fair bit of this time bandying around statistics on what is happening and what is not happening. The most important thing that is happening that we have to highlight is this crime. It is vital that we recognise that, whether because of the media profile or because of genuine fear — I feel that is probably more likely to be genuine fear — a significant number of people are thinking very seriously before they go into town on their own in their car. They are certainly very aware of their security and are relatively fearful when they are in their cars. That is particularly the case with females who are in their car on their own. As the Member for West Belfast pointed out, it is predominantly females who have been the victims of this crime. Those are genuine fears, and we in the Assembly have to step up to the mark and send out a clear message on what we are going to do about the issue and try to address the public's concerns head on. Of course, other agencies will have to be involved, and we certainly acknowledge that the PSNI will have a large part to play. We welcome the establishment of the task force for carjacking, and we wish the PSNI well in its efforts.

The reason that we brought this amendment forward is quite simple. Mr Maskey has thrown down the challenge for us to win him over, and I am more than happy to take that challenge up. We have to acknowledge that, whether we are talking about antisocial behaviour or

about attacks on the elderly, as we have in the Assembly in previous months, we are talking about another crime that is making a pretty large section of our community very uneasy as it goes about its day-to-day life. We also have to accept that, although we may not want to admit it and it may be uncomfortable to listen to, there is a group of people in our society who, quite frankly, feel that they are above the law. We have to send out a clear message to those involved in this crime that if they are caught they will face severe consequences. We would welcome negotiations with the Department of Justice on what those measures should be.

If somebody leaves the pub tonight having drunk too much and gets into their car with their keys, they know that by putting the key in the ignition they will lose their licence if they are caught. Such minimum sentencing, if we could use that term, is what ultimately has resulted in drink-driving being brought pretty much under control, certainly from where it was five or 10 years ago. It is ultimately about sending out the message that if you are involved in this crime, you will face the consequences. We cannot pander to people who feel that they are above the law. That is the message, and that is why we felt that the amendment was necessary. It does not take away from the motion; we do not want to do that as we support the motion fully. However, we felt that the amendment added weight to it by acknowledging the fact that it is a crime and should be dealt with as a crime.

Let us be clear about how despicable and cowardly this crime is: it is a violation of somebody's liberty. All of us in the Assembly who are drivers know how dependent we become on our cars, whether to get to and from work or to drop the kids off at nursery, take them home from school or to take them to the events that they are involved in in the evening. A car is a vital part of everyday life now; therefore to have it taken away is not a petty crime. If I lost my car today, I would find myself in a very difficult position, and I would probably have to hitch a lift home with Jim Allister, although I do not see him here this afternoon.

As with previous debates on similar issues, it probably appears that it is falling on the DUP to take the slightly more right-wing conservative line. In this instance, we are glad to take that position because we feel that it is important that crime should be dealt with in a way that

sends out a message that such behaviour is not acceptable.

I accept that the Minister will most likely say something along the lines that in issues of sentencing a certain dispensation is given to the judiciary to set its own guidelines and that we are not to interfere in that. I accept that to some extent. However, the fact is that, the last time I checked, we were still living in a democracy, and our role, as elected representatives, is to listen to the people, who are very concerned about this issue. I do not think that it will cut it for us to send out a message that it is a job for the judiciary and the police. I do not think the public are going to let us away with that. It is very important that today, following on from the debate, we send out the message loud and clear that we are committed to working with the police and the judiciary, but with a very urgent need to bring the issue under control and deal with it as quickly as is humanly possible.

I do not want to pre-empt what the Minister is going to say, but we do have to acknowledge that, on issues around the London riots, for example, there were quite quick changes made to how the legal process works in response to the will of the people and of the Government that were in place at that time. We cannot just take a back seat and pass the buck over to someone else. The issues are here now. The challenge is set before us to get them sorted out as quickly as we can.

Tougher sentences are one thing to consider against the people who are committing these heinous crimes, but it must be clear that the potential rewards gained by committing those acts at the moment pale in comparison to the punishment awaiting them when they are caught. There is a revolving door, as the Member for West Belfast mentioned. The public who are coming to us are increasingly frustrated that there seems to be very little deterrent to stop the people who are carrying out these crimes from doing so. We therefore ask that the Minister takes those thoughts on board.

What we are looking for is a punishment that fits the crime. We want to echo the words of the proposer of the motion: information that anyone has about these incidents should be brought forward to the PSNI. We fully support the establishment of the car hijacking task force and wish it well in its efforts. We want to

publicly say that we will support it and help it in whatever way we can in order to bring that crime under control. It is a very important issue, and I believe that the media has had a certain degree of interest in it. It is not unknown for the media to sometimes take issues and slightly blow them out of proportion, but this is an issue that is causing a lot of people fear in our streets, and that is something that we cannot just sit back and allow to happen. Therefore, we will be supporting the motion, but we urge the House to support the amendment as well.

**Mr Hussey:** I am grateful for the opportunity to speak on this subject today. "Carjacking" is a new term to me. Prior to this the offence was known as hijacking; "hijack" is defined in the Oxford English Reference Dictionary as:

*"take over ... by force or subterfuge in order to redirect".*

That is clearly what happens in these cases. I am sure there is a similar explanation available in the Irish language. We have a scenario where thugs forcibly take possession of a car, drive around for a period and then destroy the vehicle and subsequently the forensic evidence that may link them with the crime. In the past few months in particular, that crime has been very evident in west Belfast and it has, unfortunately, spread into rural areas as well, with examples recently taking place in my own constituency of West Tyrone.

Unfortunately, we in this society have been aware of this offence for a very long time. Since the early 1970s, teenagers were encouraged by paramilitary organisations — some with links to political parties that now sit on the Benches of this Chamber — to hijack cars in order to terrorise the community and tie up security forces, but we are now supposedly in better times, so we can forget the past. Perhaps that is why the term "carjacking" is being used, so that we cannot be accused of looking back to what was a horrendous crime 30 years ago and now create a new crime so that we can condemn it and call for stiffer sanctions against the perpetrators.

I am not known for my liberal views in relation to criminals. I have a very clear notion in my head as to how those who break the law and terrorise communities or individuals should be dealt with. In this instance we have a scenario where generally the person targeted is female and alone. Cars are stolen and then destroyed.

That is clearly antisocial, and no right-thinking individual could or would do anything other than condemn those actions. The Police Service of Northern Ireland has a role to play, and we all know that it must work to the letter of the law. I quote from an article in last Thursday's 'Irish News' by Newton Emerson:

*"having been embarrassed into setting up a hijacking taskforce, the PSNI has achieved fairly rapid results and further criticism of its performance would be misplaced. Specifically, it is unfair to lambast officers for releasing suspects under police bail. Sinn Fein representatives have described this as 'lazy policing' and denounced police bail as 'a loophole'. In fact police bail is a well-established way to extend the period of evidence-gathering before a charge must be brought. Its use suggests officers are working hard to build the strongest case possible."*

#### 4.15 pm

There are those in this House who would not allow the police one second of leeway if they were to hold a suspect for one second longer than police and criminal evidence (PACE) regulations allow. In fact, they would be protesting outside police stations in certain circumstances to demand the release of those who are held. Are we now demanding a breakaway from PACE? I support the notion that someone who terrorises the community in any fashion should be removed from that society as soon as possible, for as long as possible.

**Mr P Maskey:** Will the Member give way?

**Mr Hussey:** Not at the moment; no. If someone chooses to throw a petrol bomb, they should go straight to jail, and stay there. If someone is found in possession of a hijacked vehicle, he should go straight to jail, be dealt with by the courts almost immediately, and be returned to jail. However, we have the conundrum of the law and proof. If someone is suspected of being involved in hijacking a car, and even the dogs in the streets know he has done it, but there is no evidence to support that suspicion, there is absolutely no way that the individual can be detained for any longer than the law currently allows.

In Northern Ireland, there are known terrorists but the proof that they committed an offence is not available. I would love to see those individuals incarcerated until such proof is found, but that would be seen by some in this House as internment, and would be frowned

upon. I would love to give the police further powers to detain those individuals, but we would be accused of running a police state if someone were arrested and no forensic evidence can be found to support detention for any longer than the time currently allowed.

A review of sentencing is certainly appropriate. Hijackers and petrol-bombers should spend a very long time behind bars, but only once they have been found guilty by due process. Repeat offenders should also be made aware that a second offence of hijacking or petrol-bombing can and will lead to a life sentence. The laws are already there but are not being used because the miscreants generally face a lesser charge. We must remember that those who carry out such actions sentence their victims to a lifetime of fear.

**Mr Eastwood:** I welcome the motion and thank the proposer, Mr Maskey, for bringing it to the House. This is a very serious issue, especially for the communities in Belfast that have had to deal with it. On behalf of the SDLP, I want to say to all those who have been victims of so-called carjacking — we do not have to look very far to find one of them — that our sympathy is with you. This should never happen in a society in the 21st century.

It is also important to say that there are people living every day in all our communities right across the North with the fear and the reality of antisocial behaviour. It is very important that, together, as an Assembly, we condemn antisocial behaviour and all the things that flow from it. However, it is more important to try to deal with it. Sentences should definitely be a deterrent; no one should feel free to go around committing whatever crimes they want. We also have to mindful that a sentencing review is ongoing. My view is that we should sensibly and systematically look at sentences for all crimes across the community, but the bottom line is that there will never be a real systematic attack on antisocial behaviour unless we continue the good work of community policing. The promise of Patten has delivered a lot in policing our society and in our communities, but community policing has to go much further. We need better partnership between the police and our communities, and that goes both ways. Every one of us has a responsibility to ensure that community policing becomes a byword of society.

This is also a debate about the nature of the justice system. We have to be aware that the justice system must provide deterrence to anyone who would think about going out and attacking someone in their home or hijacking a car. However, the justice system also needs to focus on prevention and rehabilitation. That might not be the most populist thing to say today, but it is true. I hope that the noises from the Justice Minister in that regard will become a reality in the justice system. We need to get better at ensuring that people who at a very early age have first contact with the justice system do not become repeat offenders, which is the cycle that we are currently in. Most people who enter the justice system at an early age stay in it or repeatedly come into contact with it. That needs to change.

We also need to be mindful that very real social conditions bring about antisocial behaviour. I am not the kind of person who often quotes Tony Blair, but forgive me if I say that we need to be strong on crime — tough on crime and tough on the causes of crime. Quoting Tony Blair is a first for me. However, it is true.

The bottom line is that people should not feel fear, not only in this city but across the North, that their car will be hijacked or they will be victims of any other antisocial behaviour. Communities need to work with the police, and the police need to work with communities to ensure that anybody who thinks that it is OK to attack members of our community will face the full rigours of the law. This year, there have been 21 carjackings in Belfast, which is just not acceptable. Visible community policing needs to be embedded. The Patten process has brought about a great transformation, not least in the nationalist community. However, community policing should not be seen simply as comforting phraseology; it should be at the heart of everything that the police do. Public representatives, the community, the justice system and the police have a role in bringing carjacking to an end.

**Ms Lo:** I welcome the chance to speak to today's motion. As Members are probably aware, I recently experienced an attempted car hijacking near my constituency office in South Belfast. I take this opportunity to thank all the people who have been in contact with me to offer their support, and also the police for their very swift response.

I have been concerned about the issue of car-hijacking crime for some time. Just a few weeks ago, I met a constituent whose car had been hijacked and subsequently burned out. From that meeting and from my personal experience, I want to highlight the aftermath of such a crime for victims. It is not only what occurs during a car hijacking or an attempted hijacking that impacts those targeted. If a car hijacking is successful, the victims of the crime have to deal not only with the trauma of the incident itself but with the consequences of losing their car, which is often used for joyriding, then wrecked and burned out within a very short time. If there are personal belongings in a car, the car hijacking can result in a loss of credit cards, driving licences, money, house or office keys, personal documents that give victims' work or home addresses, mobile phones or laptops. There is then the problem of sorting out insurance and getting a replacement car. Car-hijacking crime represents mindless destruction and causes horrible stress and anxiety to its victims.

Although I welcome the motion, I find it difficult to support the amendment, which calls for the Minister to introduce tougher sentencing for those who are convicted of car hijacking. Although I appreciate the sentiment, Members should be aware that the current maximum sentence, as Mr Maskey mentioned, is 15 years. Obviously, it is up to the judiciary to determine sentences in individual cases; it is not for the Minister to decide. I am aware that the Minister will address the motion's concern regarding bail, and it is important to highlight the need for due process in such matters.

The final part of the motion focuses on the need to curb this crime. I appreciate that the PSNI has established a special task force to step up patrolling and gather intelligence to make arrests.

I am thinking back to the young person who tried to take my car and I am wondering why he wanted to do that. He was breaking the law and putting his and others' lives at risk in so-called joyriding for a quick thrill. We have a section of our young people in Northern Ireland that is not in education, employment or training and has become disenfranchised in our society. Those young people feel that they are excluded and do not have a stake in our society.

Over the weekend, the former chief probation officer Brige Gadd wrote in 'The Irish News' about the successful response to joyriding

in west Belfast some years ago. Then, the Probation Service worked in partnership with local community groups and statutory agencies to identify known joyriders and to approach young people and those close to them in order to encourage them to take part in an intensive programme that was created to enable them to move away from drink and drugs and address social exclusion and life in and out of prison. Independent research has shown that the majority of young people in that scheme did change the direction of their lives. Perhaps it is time to revamp that scheme in order to stop this new wave of car hijacking.

We need to be proactive in bringing our disenfranchised youth back into society.

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

**Ms Lo:** We need to resource and promote diversionary incentives. This is not just a justice issue. All Departments have a responsibility to ensure that we are engaging young people and tackling youth disenchantment.

**Mr Givan:** I support the motion and commend the Members for bringing it forward.

This is a serious crime and, as Members have indicated, 15 years is certainly a serious punishment for it. Perhaps the Minister will tell us how many people have received that sentence; then he may understand why those on this side of the House feel that a message needs to go out that, when people are being sentenced, a tough sentence is being administered.

There needs to be a very robust response to this type of crime. I think that we are seeing that from the police. The Policing Board is certainly taking the matter seriously in the way in which it is pressing the police on the issue. At the moment, this crime is primarily being focused on in Belfast. However, Mr Hussey highlighted an incident that he has had in west Tyrone. In my constituency in times past, when the police focused resources into tackling a problem, that problem moved into neighbouring constituencies. Therefore, it is important that the solution and response are not just for Belfast, and that we are looking at areas around Northern Ireland. I do not want people thinking that it is too dangerous to attempt the crime in Belfast, so they will try it in Lisburn. That has happened in the past when it came to car theft,

in particular. We need a response that is not just for Belfast but for the whole Province.

The problem is that the culprits have absolutely no fear of being caught. They do not fear the consequences of being caught, and I think that that speaks volumes for the type of justice system that exists in Northern Ireland. Individuals who are caught will be the first to communicate to the authorities about their rights and any rights that they believe may be being infringed. I believe that there is a need for the Justice Minister to articulate the rights of the individuals facing this type of crime. In countries such as South Africa, where carjacking is a particular problem — and I am not advocating this — vehicles are fitted with devices that will hurt the individual carrying out the attack.

Indeed, some are fitted with flamethrowers. I do not think that people in Northern Ireland would want that, but what if we do not have a justice system that will properly deal with that type of crime and people are not aware of what their rights are? Perhaps the Justice Minister could tell us what rights an individual in a vehicle has to defend their property. I know that people would be very reluctant to defend their property if someone tries to steal it for fear that they themselves would be taken before the courts to face punishment. That is the perverse system that we find ourselves in, where law-abiding people are fearful but lawbreakers are not. That problem needs to be solved.

#### **4.30 pm**

The motion also mentions bail. When people, whether drug dealers or those involved in car theft, are released on bail and sent back out into the community, what I hear in my constituency is that people do not feel that justice is being done. If justice is not seen to be done, justice is in danger. What I hear from local people is, "We need to take the law into our own hands". We face a constant battle to tell people that they have to work with the police and that, as much as they find the legal system and how it operates frustrating, they cannot take the law into their own hands. However, pressure is being put on local communities and individuals in those communities to take action. If the justice system does not deal with that type of crime properly, that is the scenario that we will end up in; people will feel that they have to take the law into their own hands.

I commend the motion and what it is trying to articulate. I think our amendment will send a clear message that, when people are being sentenced for this type of crime, it should be a tough sentence.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. I, too, speak in favour of the motion, which was moved by my colleague Paul Maskey. I welcome Minister Ford's presence at the debate and apologise for not being able to remain for the latter part of the debate; I have to attend the monthly meeting of the Assembly Commission, in Room 106, to be exact. I will certainly read the Hansard report tomorrow to find out exactly what the Minister says in his response.

Of late, carjacking has been mentioned as a predominately urban phenomenon. A lot of incidents have taken place in the city of Belfast and the greater Belfast area, but it has spread to some rural areas as well, including Coalisland and Carrickmore. I am particularly conscious of an incident that happened on Sunday 19 February — hopefully a one-off incident — in the Carrickmore area, at the garage forecourt of one of the local supermarkets — Centra, by the way. A 19-year-old male who had returned to his car was taken out of it and the vehicle was taken away.

I agree with the emphasis that David McIlveen placed on the inconvenience that this crime causes for the individual and the families who are dependent on the family car, not least in a rural setting, where the local transport system may not be adequate and the transport options are not plentiful. I think, too, of the cost of running a car and the tax, insurance and MOT payments. It causes huge inconvenience for the individual and the families affected.

We have learned that the PSNI recently established a task force and appointed a particular investigation team and that there is a campaign to raise public awareness in the greater Belfast area. I hope that the Minister can use his influence to ensure that that campaign is extended to rural areas, where I believe the problem may be more prevalent than the public realises.

Last Friday, the MP and MLA for West Tyrone, Pat Doherty, councillor Declan McAleer and I met senior PSNI officers in Omagh to discuss the latest incident in West Tyrone and a range of other matters. We were making progress on some issues, but I did not get a sense at that

meeting that there was an adequate strategy even to raise awareness of the problem in rural communities.

Simple steps have been outlined, but there needs to be a rural awareness campaign. The PSNI also needs to work on the matter with major retailers and garage shop owners in particular.

The motion has a number of elements. It calls on the Minister to:

*"develop and resource a strategy to curb this crime and engender public confidence."*

Therefore, I would welcome the Minister's giving some attention to that in his remarks later in the debate.

**Mr S Anderson:** I welcome the opportunity to take part in this debate. The motion and the amendment give us an opportunity to highlight an issue that is not new, by any means. Carjacking was once very common in Northern Ireland. Since the turn of this year, carjacking has once again become flavour of the month among thugs and gangsters. Like a lot of antisocial behaviour, such as rioting and so on, once there has been one or two carjackings, the whole thing suddenly spirals out of control and there are copycat attacks.

However, whatever the reason, the ongoing spate of carjacking incidents since the start of this year has struck fear into drivers in Belfast and, indeed, across the entire community. There have been 25 incidents since Christmas, and, as has been said, many of the victims, including the Member for South Belfast Ms Anna Lo, have been women. She now knows at first hand the reality of what we are all talking about here today. I hope that she has got over her ordeal, and I wish her well.

We all feel threatened by this catalogue of terrifying, vicious and violent attacks on drivers. Once again, we are being held to ransom by thugs. Violence of any sort against persons or property is completely unacceptable in any civilised society, and no member of the public should be subjected to the trauma of being threatened and assaulted in that way.

When the current spate of attacks began, there was considerable public unease at what was seen as a poor initial response by the PSNI. It is vital that the police have all the resources necessary to do their job effectively and to

tackle crime on all fronts. In fairness to the PSNI, it seems to have intensified its efforts, and it now appears to be tackling the problem with greater vigour. I pay tribute to the three officers who were injured when they gave chase to a car that was stolen from a young woman in south Belfast, and I also wish them well.

Yesterday's 'News Letter' carried a very interesting report about the work of the PSNI's auto crime unit and the setting up of a special operational team in January. That is also very welcome, but we need to see positive results.

The public also have a vital role to play, and we must all assist the police in whatever way we can. It is vital that arrests are made, and I welcome that there have been some arrests. More importantly, the culprits must be charged and brought before the courts.

That leads me to the amendment, which calls for tougher sentencing. I have said it before, and I will say it again: there is no greater deterrent to criminal activity than the threat of a substantive and robust sentence. Members can talk and debate and argue until they are blue in the face. We can all call on the police to act, and so they should, and we can call on the Minister to act, and so he should, but we can act as well. We really need to take whatever action is necessary to introduce criminal justice legislation that will make it clear that crime, particularly violent crime, will be punished by a tough sentence. That will not only deter the criminal but will go a long way towards enhancing public confidence in policing and justice.

The motion suggests that the Minister should develop a strategy to tackle the carjacking problem. That makes sense. The problem might fade as a result of police efforts, and I really hope that it does, but it will not go away. Therefore, we need to devise and develop a strategy.

The motion also refers to bail and bail conditions. That is clearly a relevant issue, and it might form part of an overall review of carjacking, but it is an area that will need careful management so that we do not interfere in the bail operations and decisions of the court.

Finally, I will touch on a couple of the other side effects of carjacking. We recently debated the rising cost of car insurance premiums, and I fear that carjacking will only give the insurance industry another reason, or, indeed, excuse,

to raise those premiums even further. There will also be an adverse effect on our retail, hospitality and tourism industries if this spate of carjackings is allowed to continue and is not brought to a swift end.

Members of the public will not want to risk driving and parking in Belfast city centre when they could have their cars taken from them. Some might even use public transport instead, but I suspect that there will be a detrimental effect on that, too, at a time when the economy can ill afford further knocks.

I support the motion and the amendment.

**Mr B McCrea:** There is no doubt that the public are fearful of the crime of carjacking. Picking up on Mr Anderson's point, I spoke to a lady in my constituency who has decided to use public transport because she is fearful that, if she is in the car, something horrible may happen to her. I have to say that the chances of that may be relatively modest, but the fear is there. We have to be careful about how we address the issue.

I was struck by the contribution of Anna Lo, who has had experience of this. She has our support and best wishes. She provided a very interesting insight into how we should tackle the matter.

The fundamental issue is not whether carjacking is a crime; it is what we can do to stop it. There are those in the Chamber who argue, as they argue on almost every issue, that we need tougher sentences and to throw the book at offenders. Others wonder whether such an approach is effective. If it worked, why would we not do it? No one wants crime. The response to that argument, however, is that the police strategy for tackling crime at the moment is, on the face of it, successful because crime figures are down. The police's performance is improving, but, sadly, that message is not getting through to the public.

To those who ask for tougher sentences, I say that the issue is not one on which there should be a general discussion in a place like this, in which an amendment can be tagged on to a motion. If you really believe in tougher sentences, bring in legislation. Sadly, the Chair of the Justice Committee is not here at the moment, but he is certainly in a position to do so. I understand that Jonathan Bell also wanted to introduce tougher sentences and was going to introduce a private Member's Bill to do so. So let us have no more of the old talk; let us have

some action. If you really believe that that is the way forward, let us deal with it. However, in doing so, Members may like to consider certain issues. Colum Eastwood quoted Tony Blair, but he might also have quoted Hazel Blears, who, when Home Secretary, was asked whether there were any plans to introduce a specific offence of carjacking. She said no, because many other offences already covered that crime: in particular, robbery contrary to section 8(1) of the Theft Act 1968, for which the maximum custodial sentence is life imprisonment. If you are asking yourselves what that means, read the detail of that legislation, which is already in place:

*"A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force."*

Surely that covers the majority of issues that we are looking at here.

I hope that I will not misquote her, but I read that Ms McCann talked about whether we should look at bail conditions. Such questions should be part of a general discussion. There should be a presumption of bail for people under the age of 18 because that is the law. That is how to improve the situation and not make matters worse. That is a point which Ms Lo brought up. We have to consider properly the appropriate way to deal with such matters. My friend Mr Hussey is, as he said himself, not normally known for being on the lenient side, but he made some very coherent arguments about whether that would be the right way forward, or whether it might be better to let the police do their job. It is not for the Minister of Justice to come forward with a strategy; it is for the police and the Policing Board. They should institute the proper way of dealing with such matters. That is paying dividends.

When it comes to the question of the correct response, we are all concerned about any form of aggravated robbery or burglary. The question is what do we do about it? The amendment does not add anything. We are also concerned —

**4.45 pm**

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

**Mr B McCrea:** If pressed, we will support the amendment, but only because we do not want

to send out the wrong message. However, it is really a police matter, and we support the police.

**Mr A Maginness:** I thank the proposer of the motion. It is a timely motion on a serious public issue that has struck fear into the lives of many people living in the greater Belfast area. There is no doubt that we were all touched by the attack — that is what it was — on our colleague Anna Lo. She acted very bravely in confronting the attempted hijacking of her car and the person who was attempting to carry out that despicable attack on her and her property. Others have acted in a similar fashion.

Clearly, this is a very serious problem. I am not certain that the problem will simply be solved by the Minister of Justice talking from the Dispatch Box today. It is the action of the PSNI that will bring this problem under control and curb those who are trying to carry out such criminal acts.

The greatest deterrent for criminals is the fear of detection. The creation of the task force by the PSNI is a very positive step towards the detection of such criminals. When they are caught, they should face the fullest rigour of the law, because this is such a despicable criminal activity.

Comparisons with joyriding some years ago are not quite correct. Joyriding was a phenomenon associated with young people and was done for various reasons, but I believe that this phenomenon is carried out by professional criminals. That is because those professional criminals can no longer access cars due to the technological advances: you cannot start a car without a proper key, and it is very difficult to gain entry to a car, such is the security of locks and locking systems. So, there are all sorts of technological reasons why serious criminals cannot access cars and take them away.

**Mr B McCrea:** I support what the Member is saying. I draw attention to the fact that a similar case arises for aggravated burglary, where burglars steal keys from the house so that they can get to the car. There is a similar traumatic experience for the victims.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr A Maginness:** Thank you, Mr Deputy Speaker. I agree entirely with what Mr McCrea said. That is another way that hardened, professional criminals use to gain access to vehicles for whatever purposes. Perhaps, they

want to spirit them away, across the border or to Scotland or England, or use them for robberies or other serious criminal offences. Accessing people's homes to steal the keys and the cars is just another aspect of this phenomenon. Hardened criminals are carrying out such activities.

I do not believe that this is some sort of youthful phenomenon such as joyriding, which was successfully addressed by the community in conjunction with effective policing and the youth justice system.

We should send out a strong message to the judicial authorities emphasising the seriousness with which we view this matter, the fear that has been struck into the community and the need for deterrent sentences to try to curb those despicable acts. Therefore, we will support the amendment.

I believe that the judiciary will be sensitive and will hear the voice of legislators and public representatives in the Assembly. It is important that they do hear that voice and that we make sure that we highlight this matter to the judiciary. Naturally, it is up to them to exercise their discretion, but it is important for us to emphasise to them the fear and hurt in the community and that people have been seriously affected as a result of the psychological trauma —

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

**Mr A Maginness:** — as well as the physical trauma of being attacked and hurt, and the serious financial detriment as a result of insurance and so forth being affected.

**Mr Wells:** I was in Ballycastle 15 years ago. I managed to break the key of my car when I tried to open my wife's blue Ford Fiesta. A young gentleman, who originated from west Belfast, approached me and said, "You're having trouble getting into your car." I said, "I am." He said, "Will you let me do it?" Within 30 seconds, he was into my car, had broken the steering lock, had produced a screwdriver from I don't know where, and had the car going. I said to him, "Have you done this before?" He said, "Somebody told me how to do this."

I drove the car for the next three weeks using the screwdriver to turn it on and off. That is how simple it was to do carjacking 15 or 20 years ago. Since then, fortunately, we have developed car safety devices to ensure that it would be almost impossible for that young lad to break in

and get a car going today. Clearly, however, there are still lots of young men out there — they are, of course, as far as I know, almost entirely young men — who get their kicks from stealing a car, driving it in a mad way and then leaving it, often burned out, particularly in areas such as west Belfast.

Indeed, in my South Down constituency, a gang of young men from west Belfast were regularly left off in Newcastle and the trick was that the first to arrive back at a certain point in west Belfast in a stolen car was the winner. Often, the individual who brought them to Newcastle was overtaken by several of them on the way home in stolen cars as they passed him to go back to west Belfast with their trophy of a car.

**Mr P Maskey:** Having looking through the research and, as I said earlier, having been at a district policing partnership meeting in west Belfast last night, I am conscious that this crime is right across the North. It is not prolific in only west Belfast, so it is a major issue. I am just wondering where the Member is getting his information. If he has information on individuals racing up and down from Newcastle and other places, maybe he should come forward to the PSNI with that information.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Wells:** I certainly have, and I would urge any Member with information to make it available to the PSNI. He keeps referring to the North. I assume he means Northern Ireland, leaving Donegal out of it.

I have to say that, with regard to my constituency, for the vast bulk of people who had their cars stolen in South Down, those cars ended up in west Belfast. We need to call a spade a spade here.

My vehicle was stolen outside Queen's University when I was a student. It ended up at the top of the Glen Road. I rang the police and said, "I am going to collect my car. When are you coming with me?" They said, "No, we are not going with you to the top of the Glen Road to collect the car. You are going on your own, though we will put you in contact with a gentleman who specialises in recovery." That was simply because they realised that packages would be left under the seat etc as booby traps for the police if they started accompanying people to collect their cars. Those individuals

are carrying out a crime. I hate the word "joyrider". There is no joy in this.

Women who are driving around south Belfast are terrorised by the prospect of having their car attacked, losing their vehicle and being left on the street in the dark on their own. Unless those individuals place themselves in the position of women on their own, they will not realise just how frightening an experience that it is. Therefore, I commend the decision of the Member for South Belfast Anna Lo to go public in explaining the terror that she endured in the awful situation that arose in her constituency. I hope that others have the courage to do that as well.

People are left in a very vulnerable position, but the difficulty is not only that people are terrorised when they lose their car. Serious road accidents are often caused as a result of the stolen cars. There have been many examples in Northern Ireland of totally innocent people being mown down and killed as a result of the extremely antisocial activity of car hijacking.

The reason why sentencing is important is the new trend. We have gone from the straight breaking in and driving off to the creeper burglar who breaks into a house and steals car keys, which is an utterly terrifying position for the people concerned to be in. We all remember the dreadful incident on the upper Malone Road in which a gentleman was almost killed with a hammer. We have now moved to the next facet of the crime: stealing the vehicle when the owner is present. Through sentencing, we need to send out a very clear and immediate message that society condemns, and is revolted by, this crime and will take it extremely seriously.

After the London riots of August 2011, the vast majority of the perpetrators were brought in within days, and very heavy, stiff sentences were imposed on most of them. It was done almost overnight. That sent out a very clear message on behalf of the people of London and other conurbations in Great Britain that society will not tolerate looting, rioting and arson. I am glad that some carjackers have been caught already. When we get those individuals, we, too, have to send out a very clear signal, through sentencing, that this is serious and that we will not tolerate it. We have to make an example of the young individuals responsible so that they see that society will not tolerate for one moment this type of antisocial and vicious crime.

**Mr Ford (The Minister of Justice):** I add my congratulations to Mr Maskey and his colleagues for securing the debate. I join all those who have taken part in the debate in unreservedly condemning the crime of hijacking, car hijacking, carjacking or whatever we choose to call it. As Jim Wells just highlighted, it is a crime that is perpetrated with extreme violence against entirely innocent people going about their lawful business.

To the end of last week, we have had 23 incidents of carjacking this year, predominantly in central, south and west Belfast. For each individual who has been subjected to the crime, it has been a horrific event that has caused fear, stress, worry, perhaps the loss of goods as well as the car, and financial hardship. Anna Lo highlighted her own experience in a way that all of us have to pay attention to. I will update Paul Maskey's statistics slightly. So far, there have been 20 arrests specifically for carjacking, and eight people have been charged. In total, there have been 92 arrests by the police team acting against the carjackers.

While the investigation of those crimes is quite properly one for the Chief Constable and the Police Service, which is accountable to the Policing Board and not directly to me, I spoke informally to the Chief Constable last week and had a formal meeting with him yesterday to discuss the issue. The Chief Constable has reassured me of how seriously the Police Service is taking the spate of attacks. They have put in place additional resources, as has been well highlighted by other Members and in the media, and a high-level command oversight to deal with the crime wave that we currently face. They have also devoted significantly more resources to tackling the problem and adopted a higher profile on the streets in certain hotspot areas. The result is that we have had a significant number of charges and arrests for similar activities.

The motion calls for a strategy aimed at curbing the crime of carjacking.

However, I do not believe that the Executive need to agree a specific strategy to target carjacking because we have a number of strategies in place that will effect that.

## 5.00 pm

Members, particularly those on the Justice Committee, will be aware that I hope to publish

in the coming weeks a community safety strategy, one of the key themes of which is making communities feel safe by providing more confidence in the agencies that serve them. The strategy will include outcomes around improving community confidence in the ability of all the criminal justice agencies to respond to and tackle issues of concern such as this. It will also include outcomes around understanding and dealing with the fear of crime, particularly amongst the most vulnerable, because, in many cases, the fear of crime is as great as the crime itself. The strategy will also include outcomes around community engagement to identify and address local priority crime issues.

Critical to the success of that strategy will be the work of the new policing and community safety partnerships, which will work with a range of partner agencies, including the Police Service, to deliver solutions to the different local problems that they identify. PCSPs have two main objectives that are particularly relevant to this debate. The first is to improve community safety by tackling crime and antisocial behaviour, and the second relates to improving community confidence in policing. Those objectives will be achieved by a number of actions, including the preparation of a local plan to meet the priority needs expressed by the local community and other partners. It is not for me to suggest what local priorities should be in a given area. That will be for those who know the needs of their area at a particular time.

As different priority issues emerge over the coming years, be they carjacking, ATM attacks or metal theft, the Police Service will provide the operational response, but the community safety strategy will help to ensure a joined-up approach, with agencies working in partnership at a strategic and local level. There is clearly a key issue there around the personal policing role, which the Chief Constable has done so much to highlight, and which was referred to by Colum Eastwood. I certainly endorse his remarks about community policing, though not necessarily his quoting Tony Blair.

I accept that there is a very real issue of fear in the community, especially amongst the vulnerable, those who consider themselves to be vulnerable and those who live in or need to drive through areas that are seen as having particular difficulties. Again, fear of crime will be a key issue for the PCSPs to address.

Although there has been a spike in car hijackings recently, it is worth saying that there has been a significant overall reduction in car crime, which is down 12.7%. The overall crime trend for cars has reduced over the past 10 years. I will give you a couple of examples. In 1998-99, there were 9,700 thefts of vehicles, but by 2010-11, there were fewer than 2,500 such thefts. In the same period, hijackings reduced from 215 to 102. So, robust action is clearly being taken by the police and is having an effect.

During the debate, concerns were expressed about the issue of bail in particular and perhaps that does need to be explained, not in the sense of discussing individual cases but of looking at the powers and procedures available. Members should note that the police have the power to detain without charge for no more than 24 hours, unless there is authorisation of further detention, which would allow for a maximum period of 96 hours, subject to the appropriate authorisation. However, a suspect may be detained in police custody only if it is necessary to secure or preserve evidence related to the offence or to obtain such evidence by questioning the suspect. The granting of bail is a separate matter for the independent courts. It is for the judge, acting on the basis of the information before him, to take decisions in individual cases. Judges have to take account of the risk of the accused failing to appear for trial or interfering with the course of justice and the likelihood of reoffending, which includes looking at the criminal record of the accused. We also have to be very conscious of overarching European law. There is an obligation to release people, unless particular circumstances are met.

I regularly discuss the law on bail with the Lord Chief Justice during our meetings. We should note that bail legislation was changed a few years ago to make it an offence to breach bail conditions, with a potential sentence of up to three years imprisonment. The law also now provides a police power of entry to enter premises and arrest anyone in breach of bail conditions. Prosecutors can appeal decisions on bail from a Magistrates' Court to the higher courts. Members may be interested to know that the Law Commission is about to conclude its review of the law on bail. I expect to receive the commission's report this summer, and that will clearly be an issue for the House to address.

The amendment talks about increasing sentences. As a number of Members have said, under current legislation, the maximum sentence that is available for hijacking a vehicle is already 15 years' imprisonment. Certainly, there have been criticisms of the Department for the level of sentences that are handed out. However, as other Members have pointed out, it is clear that that is a matter entirely for the judiciary. In that context, I am slightly baffled by some of those who talk about the role of the judiciary and, yet, suggest that the amendment would meet that. It appears to me that the amendment asks the House to increase the maximum sentence when the key issue is seeing how sentences currently operate.

**Mr G Kelly:** The amendment says "including introducing tougher sentences". Although I accept that it does not actually mention legislation, perhaps it should have said "including tougher sentencing". That means that sentences could be increased within the bounds of current law. That is the crux of the matter. The law exists at present. However, sentencing is not being used in a way that is appropriate to those crimes.

**Mr Ford:** I take Mr Kelly's point. Unfortunately, I am going by the words that are on the paper in front of me. Perhaps, at this point, I should give some indication of recent sentencing. In the past two years, 26 people have been convicted of hijacking. One person received three years' probation. All the others received a custodial sentence. Three people received sentences of less than one year; 14 received sentences of between a year and two years; and seven received sentences of over two years. One person received a total sentence of six years when there were also other offences. It is up to Members to decide what representations they may wish to make with regard to the judiciary's application of a maximum sentence of 15 years.

We also need to be careful that, as a House, we do not seek to go beyond our role to deal with sentencing in individual cases. Of course, the Lord Chief Justice has been doing work on sentencing guidelines and has sought public comment on which particular sentences should be considered early. I have no doubt that if that crime attracts particular concerns, Members could make representations to the Lord Chief Justice for the inclusion of sentences for car hijacking in his work. Sentences can be set only on the basis of judicial decisions within the

parameters that are set by the law. It is not for the Department of Justice to seek to influence any individual case.

Sentencing is complex. It is emotive. It is an issue on which, undoubtedly, all of us will have an opinion. Indeed, many of us have expressed one today. I also need to see that we look at a range of potential mechanisms to get greater transparency and consistency in sentencing, along with the work that is being done by the Lord Chief Justice on sentencing guidelines. I hope that further proposals will be announced in the near future.

In developing an agenda for reform, I want to build a fair, just and safe society. That needs a major initiative to reduce long-term offending. There has been particular mention of prolific offenders during the debate. The police have advised me that although many of those who have been arrested recently have been involved in other low-level crime, some of those who have been arrested had no previous criminal history at all. I advise the House that my Department is developing a strategic framework for reducing offending that is based firmly on international research that sets out how the Government and their partners can reduce crime and offending. The strategic framework focuses on preventing people's becoming involved in criminal behaviour in the first instance and reoffending by those who come into contact with the justice system.

One key theme is reducing opportunities to commit crime, which focuses on making Northern Ireland a more difficult place in which to commit crime and should contribute to a reduction in the number of crimes. Of course, Members have highlighted how, as cars have become safer with improved locks, that may, perhaps, have resulted in increased hijacking crimes. The framework for reducing offending will not be a quick fix. It will address a broad range of issues and will take time to implement. While that is being done, the Police Service is working to tackle reoffending by targeting the most prolific offenders in each policing district. I am committed to ensuring that that partnership works with the Police Service and others at a regional and local level as we address that and other awful crimes.

I want to address a couple of points that were raised by Members who asked me specific questions. Mr Givan asked about an individual's right to defend his or her property. I think that it

is fair to say that the use of a flamethrower on a car would not be acceptable in this jurisdiction. The precise detail is, perhaps, something that the Committee may wish to explore with departmental officials. Basil McCrea and Anna Lo talked about the issue to which I just —

**Mr Givan:** I am grateful to the Minister for giving way. Of course, he did not want to elaborate on my saying that I did not advocate that as a method of defending yourself. However, my point about reasonable force and what the law's view of that would be when defending your car from being stolen is relevant.

**Mr Ford:** I apologise to the Member for not acknowledging his point, and I am delighted to know that there is a limit to how far to the right wing the DUP will go in those matters. The concept of reasonable force is a genuine and serious issue. However, reasonable force is well understood in common law, and it is a matter for each individual in each circumstance to consider what that might be.

Basil McCrea and Anna Lo talked about the effective work to reduce crime. Interestingly, references were made to an article in 'The Irish News' last week by Breidge Gadd, speaking from her experience as Chief Probation Officer, about the level of detailed and in-depth work done to deter young people from crime. Her view is, I suspect, closer to reality, although not necessarily to what we would all instinctively jump to, than Newton Emerson's article the previous day, which Ross Hussey quoted.

For Mr McCrea's benefit and to keep him right, I inform him that, in Northern Ireland, car hijacking is prosecuted under section 2(1)(a) of the Criminal Jurisdiction Act 1975, not the GB legislation that he quoted.

As Alban Maginness and others said, it is not an issue for just the Minister to address; it is an issue for the justice system as a whole to address in a variety of ways. I hope that Members will encourage everyone involved in that justice system, including those on the Policing Board and those on the Justice Committee, to ensure that they play their part in building a joined-up solution that meets this crime. I also encourage any member of the public who has information that could help to catch those thugs to give it to the police or Crimestoppers, which is offering a reward of £1,000. We also need to encourage motorists to be extremely careful and to heed the security

advice given by the Police Service. If there is joined-up working between the police, the other criminal justice agencies and the community, I believe that we will beat this crime.

**Mr Craig:** I take great pleasure in supporting the motion and the amendment put forward by my party. I will not get into the semantics of whether the word should be “sentences” or “sentencing”. Quite frankly, we are plagued with the problem, which has moved on from joyriding, to breaking into houses to steal keys, to the euphemistically termed “carjacking”. As the police pointed out, the problem has come about because modern cars create the desire to hijack cars. As Jim Wells said earlier, the truth is that it is nigh on impossible to break into a car now and successfully steal it. Unfortunately, the criminals have moved on to something worse: they threaten individuals, such as the honourable Member Anna Lo, take their keys and take off in their cars.

Unfortunately for all of us, the crime is not that different to what it was in the past. There is an element of theft to all of it. Criminals steal valuables from the cars, and that was always the case. However, the simple truth is that many steal cars to go joyriding or, as it was more accurately described, “death riding”. That is why, as a Chamber, we need to take this very seriously. It is becoming prolific. The statistics for this year are that there have been more than 23 carjackings; 20 arrests; 21 proactive searches, which led to a further 65 arrests; and between 40 and 60 police officers have been involved in the carjacking task force. They are now targeting 102 priority offenders.

### 5.15 pm

I can only speak for myself and other Members who sit on the Policing Board when I say that we are taking this issue seriously. I have personally been involved in six meetings at which the only topic on the agenda was carjacking and how we can tackle it. We were actually in a meeting discussing that very issue when the news came through about Anna Lo’s attempted carjacking. We are taking it seriously and are putting the police under huge pressure to deliver.

The police can put resources into combating this crime. They can bring helicopters in, target individuals and certain areas where that crime is prolific and arrest the individuals responsible. However, as you know all too well Minister — you pointed it out — there are specific rules

on how long the police can keep individuals in custody. The police are only allowed to detain those individuals for 24 hours, with a further 12 hours allowed if an officer at the level of superintendent can authorise it. There is always a question mark over whether that extra time in custody can be authorised. In many cases, that is not long enough to get the specific evidence that can put those people away.

Some people have commented on how right wing DUP Members are. However, for the first time ever, I have discovered someone in the Chamber who is more right wing than me. I speak of Ross Hussey, who said that we should throw those offenders straight into jail, forget about the PACE regulations, only bring them back out for sentencing and then throw them back into jail again. I have an awful lot of sympathy for the sentiments held in that. However, the Member also referred to the conundrum that exists between proof and justice. I amused myself with the thought that there is someone in the Ulster Unionist Party who is more right wing than me. However, that was totally contradicted by his colleague Basil —

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

**Mr Craig:** — who said that he would not support our amendment. Not for the first time, Members of the Ulster Unionist Party have contradicted themselves. I commend our amendment and the motion to the House.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I am very glad to speak on the motion that my colleague Paul Maskey proposed. I hope that everyone in the Chamber will send out a united message that we want to see this crime taken on and want to put those who are responsible through the judicial system and make sure that they face the full rigours of the law.

In his opening remarks, my colleague Paul Maskey talked about the lack of public confidence, and all Members who spoke referred to that also. There is a real lack of public confidence, and women in particular are very afraid. Several women friends of mine are frightened to go out in their cars to bring their children to school in the morning or go to a garage on their own to buy petrol or diesel. This crime is really putting a sense of fear into women in communities across Belfast and beyond.

The revolving door that prolific offenders go through was also referred to. I must say to the

Minister that I have evidence of people who have been charged with a crime and who have been released on bail, only for them to be rearrested for another crime and released on bail again. I do not understand how that system works, and I feel that we should look at it in more detail.

My colleague Paul Maskey also mentioned that some good work has been done by the PSNI's auto crime team. He and other Members said that this crime is not joyriding but death riding. It should be called that, because numerous families have been bereaved by people who steal cars. No matter how they steal them, they go out on the roads and innocent people end up dead. Paul Maskey mentioned Families Bereaved Through Car Crime, which has done a lot to highlight the problem and to bring forward programmes to combat it.

Everyone commented on Anna Lo's experience, and I join with them. She has to be commended for standing up to those people.

A task force has, thankfully, been set up, but, as my colleague said, that happened only as a result of local, community and political representatives, along with publicity, focusing on the problem and saying that enough is enough. We now need to make sure that that task force is resourced. Many Members talked about people being released on police bail, saying that the police can hold individuals only for a limited time. That applies particularly to those who are arrested close to a crime scene and to the fact that although the police know that those people are connected to that scene, they do not have the evidence to hold them. In those cases, we need to ensure that forensic evidence, or whatever evidence is needed to hold people in custody and charge them, is gathered more quickly. So, resources are needed to allow the PSNI to do that.

David McIlveen talked about the fear that some people, particularly women, experience when they go out in their cars. He used drink-driving as a comparison and said that drivers know that if they are caught drink-driving, they will lose their licence. He said that a similar deterrent is required to deal with carjackers and that we need to work closely with the judiciary and the PSNI to sort out the issue.

I do not know why Ross Hussey used the time that he had to go into the details that he gave

in his speech. He quoted Newton Emerson and talked about different things.

Colum Eastwood said that the problem needs to be tackled sensitively and systematically. He said that there needs to be a better relationship between the PSNI and the community and the justice system, because it needs to work. He outlined some of the social causes of car crime in our communities. He said that community policing needs to be visible and that people need to feel secure.

Anna Lo outlined her experiences, and we all felt for her. She talked about a constituent whose car was burnt out and she discussed more than just the trauma of the incident. It is important to remember that many people lose personal belongings, including car keys and details of their home address, which can result in their homes being burgled later. Those are the other losses that we need to look at as well. She went on to talk about young people who are involved in those types of crimes. I have to say that there is a clear difference between young people who are caught up in these crimes for the first time and prolific offenders who have been through the courts time and time again and have been let out on bail and rearrested. We need to make the distinction that there are disaffected young people who get caught up in such incidents and who need to be treated a bit differently. I think that everyone would acknowledge that.

Paul Givan said that although carjacking incidents have happened primarily in Belfast and the greater Belfast area, it is important that any strategy or plan to tackle the problem is rolled out across the North. He probably would not call it the North, but he said that about a strategy. He is right: any such strategy needs to be effective across every part of the North. He said that it is very wrong that people get out on bail time and time again, and he also said that the justice system needs to be seen to be working for people.

Barry McElduff said that a few incidents have taken place in Carrickmore and Coalisland in his constituency, which is in a rural area. He detailed how a young man's car was taken recently. He said that, in a rural setting, it is even more of an inconvenience for people because of the lack of public transport. There is a dependence on cars, and he said that we need some sort of a strategy to tackle the problem in rural areas as well.

Sydney Anderson talked about the vicious and violent threats that are used, and he talked about the PSNI's auto crime unit. He also said that we need to work together to ensure that the criminal justice legislation that is needed is brought forward.

**Mr G Kelly:** Will the Member give way?

**Ms J McCann:** Yes.

**Mr G Kelly:** On that point about bringing legislation forward, I return to the amendment. The problem is not that we need a deeper maximum sentence of 20 years. Currently, the maximum sentence is 15 years, but the sentences that the Minister read out were all less than two years. It is not the police who give out the sentences but the judiciary, and we need some sort of pressure to make the sentence fit the crime. That is what we are dealing with. With a maximum sentence of 20 years, the judiciary could still give out sentences of less than a year.

**Ms J McCann:** My colleague has made a valid point. We need to use the legislation that is there. There is probably enough legislation already, and we need to use it to ensure that there is a deterrent.

Basil McCrea said that he did not feel that the amendment added to the motion but that he would not divide the House on it. Alban Maginness said that it is a very serious problem and was not certain that it could be totally solved by the Minister, and he said that we need a holistic approach to this. He called the people who carry this out professional criminals. Jim Wells said that people in south Down have also been victims of this crime.

I will go on to some of the Minister's comments, and I am conscious of time. He mentioned the arrests, and, as my colleague said, we need to use the existing legislation. The sentences for 26 convictions together did not add up to 15 years.

**Mr Deputy Speaker:** Can the Member bring her remarks to a close, please?

**Ms J McCann:** In closing, this is a very serious debate. Everyone who contributed to it spoke well, and we need to send out a clear message to the people that this crime will not be tolerated, that we will be united in that and that we will say that we will —

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

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly calls on the Minister of Justice to respond to public concerns about the recent pattern of carjackings, particularly in relation to the role of prolific offenders and the conditions on which they are given bail; and further calls on the Minister to develop and resource a strategy to curb this crime and engender public confidence, including introducing tougher sentences.*

**Mr Deputy Speaker:** I ask Members to take their ease for a few moments.

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

## Undeveloped Sites

**Mr Principal 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 in which to propose the motion and 10 minutes in which to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer will have 10 minutes in which to propose the amendment and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**5.30 pm**

**Miss M McIlveen:** I beg to move

*That this Assembly notes that there are a number of sites in urban areas where buildings or other structures have been demolished or removed pending future development and that neither local councils nor the Health and Safety Executive have the power to require that they are made secure; and calls on the Minister of the Environment to bring forward proposals to empower local councils to require that sites which contain no existing buildings or structures and are awaiting development be made secure.*

First of all, I want to indicate my support for the amendment. The debate should be widened out to deal with other blight issues, and the amendment certainly complements the intention behind the motion.

Like my previous motion on surety bonds, this motion is about ensuring that developers act responsibly and that a process and powers are put in place to make that happen. However, it goes a little further than that. Local councils have certain powers through their environmental health departments to force land and property owners and occupiers to take steps to tidy up and secure premises. In practice, there are significant limits to those powers, and that has been acknowledged through written answers from the Minister of the Environment, who I am pleased to note will respond today.

There are a number of areas in my own constituency — and I have no doubt that it is the case throughout Northern Ireland — where sites are lying unsecure. Sometimes, that is just because there is an additional portion of land

at the end of a site where materials were left during building or where the builder's Portakabin was situated or because areas have been cleared in readiness for development. In today's economic climate, with its devastating impact on the building trade, the latter example is very prevalent. Some may have ineffective fencing around them, while others may have no fencing at all.

However, it appears however that local councils have no powers to secure undeveloped greenfield sites but do have powers where sites contain existing buildings and structures awaiting development. That gap is not filled by the Health and Safety Executive either, and that was confirmed by the Minister of Enterprise, Trade and Investment. That inability on the part of local authorities means that action that could be seen as preventative cannot be taken, and, while some landowners may take the advice of their insurers and erect fencing or take other measures to limit liability, some do not, or, in some cases, the measures taken have become ineffective through damage or general wear and tear. There is a danger that children, or even adults who are using the area as a shortcut, may get in and hurt themselves. Sites such as that may not be flattened, may contain rubble and other building debris or may have holes, and the news yesterday of the death of a toddler in Athlone on an unfinished site brings the potential human cost into sharp focus.

The sites can also be a magnet for youths to gather, and that, in turn, can lead to antisocial behaviour problems such as drinking and fire-setting, which can be a danger to the neighbouring properties and, understandably, annoying for local residents. Often, those areas not only have building debris left on them but become sites for other illegal dumping. If the waste left behind is inert, the local council can do little about it. It can only step in if there is potential for a public health problem — for instance, if food waste has been left that might attract vermin. That was of particular concern at a location in Newtownards, but that issue has, fortunately, been rectified. Although those problems are located on sites that are lying vacant, it needs to be borne in mind that they will, in the majority of cases, be next to people's homes. Those people have pride in where they live, and it can be deeply frustrating for them for such sites to be located next to or near their homes.

No doubt, many in this Chamber have been in contact with local councils about similar issues after complaints from residents. I know, from speaking to Ards Borough Council, that the number of calls on matters on which they do not have the power to step in are in the region of dozens each year. If that is multiplied across the other council areas, it is clear that there is a considerable problem.

That brings me to the issue of partially developed sites, which is the subject of the amendment. While Northern Ireland has not fallen victim to the ghost estates that blight the Irish Republic, it would be wrong to say that there is not a problem. That is compounded by a lack of powers for local councils, which cannot act where building work has been abandoned unless the building is dangerous and near to a road. Often, the sites are set back from the road and are, therefore, not a danger to a passer-by. It seems pertinent to tighten up legislation on this to prevent possible injury to children who might see it as an adventure to go wandering into such a site. Work has ground to a halt on a large number of those sites, and the Minister has acknowledged in his written answer that he is fully aware of the problems.

The argument and primary thrust of the motion is to call for powers to be conferred on local councils to require that all necessary and reasonable steps be taken by landowners or occupiers to ensure that such sites are secure so that problems such as the risk of injury, antisocial behaviour and illegal dumping can be minimised. Even the powers that councils do have may not be being used to their maximum. That is where the Minister's officials could step in to provide clarification of phrases in the legislation such as:

*"seriously detrimental to the amenities of the neighbourhood".*

Most councils, being prudent about the use of ratepayers' money, will not want to risk testing those definitions, and clear guidelines in that instance would be immensely beneficial.

Having said all that and pressed for an extension of those powers to local councils, something that environmental health officers would welcome, there is a brick wall — if you will pardon the pun — when it comes to developers who are in administration. In such cases, local councils can issue whatever notices they like under the current legislation, but they

are unenforceable under the insolvency laws. When a company is in administration there is a moratorium on insolvency and other legal proceedings.

During my research for the debate I was shocked to discover that, in relation to a site on Harbour Road, Portavogie, the council finds itself powerless to enforce a public health notice for clearing up asbestos on the site because the developer is in administration, despite reports that children have been seen jumping up and down on it. Although I appreciate that a change in the insolvency laws is not in the gift of the Minister, it has been suggested that it would be of great assistance if an amendment requiring administrators to comply with statutory notices was made. As has been pointed out to me, such notices are not issued without good reason. Although the moratorium on legal proceedings while a company is in administration has a sound practical basis, allowing an exception in relation to statutory notices is similarly logical.

One final issue that I would like to raise, which is not totally unrelated to the matters that I have mentioned so far concerning enforcement difficulties faced by local councils, is the issue of dilapidated and ruinous properties. There is a recurring problem with dilapidated sites where councils are finding it difficult to trace the owners because of a lack of registration. There are a number of possible reasons for that situation to have arisen. For example, perhaps the property has changed hands without the proper steps being taken to register it with the Land Registry or Registry of Deeds, or possibly the owner died intestate many years ago and it was never realised that that person owned it. Whatever the reason, problems can arise, and have arisen. I have been made aware of a number of properties in the Ards Borough Council area where that is the case, and it is a cause of frustration on the part of officers who want to deal with dilapidated properties.

Sections 65 and 66 of the Pollution Control and Local Government (Northern Ireland) Order 1978 state that local councils need to serve notices on the owners of the defective, dilapidated or ruinous premises. Obviously, if those cannot be served, a problem arises. Environmental health officers feel that they cannot act unless they serve those notices. Belfast City Council is slightly different, it seems. Under section 76 of the Belfast Corporation Act 1911, the city council has the power, if the owner is unknown,

to affix a notice to the dilapidated property prior to applying to the court for an order to demolish, repair or secure the property without any notice being served on the owner or occupier of the building. The Minister may consider that to be an option for other local councils.

Another aspect that the Minister may wish to look at relates to planning permission for demolition of those buildings, particularly where an order has been obtained from a court for demolition. It may be that the demolition application can be fast-tracked or, in the case of a court order demolition, exempt from application. I know that that is an area of interest to the Minister, and I ask that he instruct his officials to speak to local councils to identify what they feel they need. There is frustration on the part of councils and of residents.

In all of that, of course, the cost to the ratepayer must be addressed. I would like to see that, if there was new legislation forthcoming to address those problems, the costs would lie with the party at fault and, if action related to a property where the owner could not be identified, that a charge could be fixed against the property. I look forward to hearing the Minister's response.

**Mr Kinahan:** I beg to move the following amendment: Leave out all after the second "to require that" and insert

*"incomplete sites and derelict buildings be made secure."*

I am very pleased to speak on the motion and I congratulate Miss McIlveen and Mr Weir on tabling it. I am grateful to them for supporting our amendment because I was extremely keen to expand the motion to include other matters. The main motion calls on the Minister to empower councils and, therefore, we are calling on him for stronger legislation. Through our amendment, we want to secure incomplete sites and derelict buildings. I hope that the motion, as amended, lets us do that.

In my brief time in council, the problem has changed from age-old derelicts that muck up towns and villages, stopping them from tempting people to invest and stopping people from being able to use the buildings, to the more recent complication of unfinished but new developments. I started as a councillor six years ago, and one of the first things I got involved with was Crumlin town centre, which

we wanted to do up and revitalise. We looked at lighting, car parking, holes, and, eventually, we got to derelicts and how we were going to make them look presentable and do them up. We just wanted to give them a facelift and to get some paint on the front of the buildings. We could not find seven of the owners, and it took us months to establish who they were.

In Ballyclare at the moment, at the bottom of the town, there are two fenced-off areas that are full of weeds and litter. They are damaged and are an eyesore. That is at the entrance to the town, which should show off Ballyclare as people arrive. It gives completely the wrong image. We have the same problem concerning owners: this time, not the problem of knowing who they are, but finding that there are numerous owners. We need to find a way to target and make sure that councils know who the owners are so that we can talk to the right people when we are enforcing these matters.

In Antrim, well before I was a councillor, I was involved in trying to deal with the Ulster Bar corner, which was fenced off in the centre of the town, and just became another place that gathered litter and weeds, and became an eyesore. In that case, it suffered from having two separate owners, both in government: one was the education board and the other, I think, was the Housing Executive. We could not get agreement on what to do with the site. Therefore, the first thing we are looking for is to allow councils to know who the owners of all the buildings are, so we need to find the link between Land and Property Services —

**Mr Weir:** I thank the Member for giving way. I agree that there needs to be a much clearer and swifter establishment of who owns which buildings. That applies not only in these situations. I was shocked when I recently saw figures from the Finance Minister about the number of buildings and properties for which ownership had not been able to be established. In some cases, they were recently built, so it may have been a matter of a time lag. However, there is also the issue that, when ownership of buildings cannot be established, it has a major implication for rating. That means that everyone else must bear a heavier burden.

**Mr Kinahan:** That is a particularly good point. We need a very slick and dynamic system for finding out who the owners are.

When the downturn came along, I moved on to something else in Antrim: Bush Manor, or Bush Ford, as it was originally called — a good, new, high-grade housing development, with some 350 upmarket houses, which was to have a nice, green play area in the middle and was nearly a gated community in that it had one main entrance. It was going to be kept as an individual high-grade development. It was near Antrim Area Hospital, the M2 motorway, and should have been finished in no time and sold extremely quickly. However, the downturn came on us, we had three large areas unfinished, the developer, sadly, had gone bust, and it all moved to the administrator. By the time I was asked to help, we had been there for three years and had got nowhere. One issue was private roads, which has been dealt with through other means. I will not go into that in great detail, but there are shared roads, which are really driveways to people's houses, and which were not finished. To get that resolved, each householder has to get a lawyer to talk to others and come up with a plan on the way forward.

We managed to get the lighting resolved, and we managed to get bonds in to get the main roads finished. However, we were still left with three areas that were fenced off. One was what should have been the large green play area, with 10-foot fencing, all wired and strapped together. It looked fine the day it went up, but it was nice, stepped wire fencing, which was good for climbing over. If anyone hit it, it was dented, and, eventually, it fell over.

On the other side, weeds ran amok, and the fencing was eventually knocked over. There was dumping, and there were holes in the ground, some of which were full of wires and others of drainage material. In a way, it was the ideal play area for completely the wrong people. We passed the matter on to the council and to the Health and Safety Executive, but they said that they could do nothing. We must give that sort of power to councils so that they are able to deal with such areas and force developers or administrators to secure a site. Alternatively, councils should be able to make areas safe and then charge developers or administrators.

#### **5.45 pm**

The developer's office, which was housed in a Portakabin — a mobile, as some people call them — was in another area of the same site. It had all the building material — stacks of

bricks, paving stones and slabs — and became a gathering point. The youth of Antrim gathered there, with their antisocial behaviour, and the idea of having a gated community collapsed completely. The local river was blocked by bricks and slabs that were thrown into it. That is why we tabled today's amendment. We wanted to expand the motion so that we could find a way to deal with the matter.

For some of the people in Bush Manor, this has been going on for six years. They look out of their houses onto the fencing, where there should have been a play area. They cannot sell their houses, move on or find an easy way out. They cannot set up a management company to mow the grass or tidy the place up. I praise some of the residents who have gone ahead and done those things themselves.

I ask the Minister to look at the issue of better enforcement. I heard Margaret Ritchie on the radio this morning talking about the possibility of lowering rates. That is probably the right thing to do to gain votes. However, councils need their rates. The lowering of rates would open the door for everyone experiencing problems. Minister, please keep that in mind.

I wonder whether we should look at developers paying for a bond on the whole site, not just the roads. A bond on the entire development site would mean that there was some money or insurance to finish off any development.

We have heard a little bit about legislation. There is the Pollution Control and Local Government (Northern Ireland) Order 1978, which contains the phrase that has already been mentioned: "seriously detrimental to the amenities" of the area. Those words could be a dream for lawyers, as they can challenge and find different ways to play with the words so that it becomes difficult for councils to have the will to take on big companies or, in many cases now, big administrators.

We also have the Public Health Acts Amendment Act 1907 and the Belfast Improvement Act 1878. The 1911 Act has already been mentioned, which Belfast also uses. There is the Occupiers' Liabilities Act (Northern Ireland) 1957; I challenge anyone to read that and understand a word. It is probably the worst bit of English I have come across. We have the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1962, which is based on the 1907 Act. So the legislation goes back over 100

years, and the 1907 Act is probably the best bit of English in any of this legislation and shows us how it should be written. The Department and the Minister need to pull all that earlier legislation together with some new legislation so that we come up with something that makes it possible for councils to deal with the matter and to have the will and to be able to act.

We need new legislation and a dynamic system. We need to know who owns sites, we need to know about enforcement and how to act quickly, we need timescales, and we probably need fines. Let us consider the issue of rates, but let us also think about bonds. There are many ways to do this. Perhaps we should look at the issue of a developer, or perhaps a director, going bust and not being allowed to start work on another site. I am pleased to support the motion and the amendment.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome today's debate. Ba mhaith liom labhairt faoin rún seo agus faoin leasú. I support the motion and the amendment.

I think that the arguments have been well-rehearsed and articulated, and I do not propose to go into all of what has been said before. Given the new and challenging economic circumstances in which we find ourselves with the downturn, we, and local councils, have been left new challenges with respect to the complexity of issues involved in dealing with the increase in dangerous and derelict buildings.

I know that the Member across the way said that there are perhaps no ghost estates in the North. I have to say that I know of some ghost estates already. Down South, they are going to review the legislation there; and this issue needs to be dealt with by legislation, which I will come to in a minute. With your indulgence, Mr Principal Deputy Speaker, I will use a few photographs to show examples of sites and developments that have been left. When I look at this photograph, which I will show to you, Mr Principal Deputy Speaker, having heard the story of the child who drowned last week in Athlone, I think that this is a prime example of what might have happened.

For your benefit, Minister: in this case, a developer got permission to build a certain number of houses. He developed 99% of them and left one in this condition. For years, we have been asking developers to provide play and

recreational facilities on their developments. Now, by default, they have left a playground that is very dangerous. I want to use that as an example. The issue here is that, although building control and the council were contacted, and they then contacted the Health and Safety Executive, it could not use its powers to go on to the site because work and activity on the site has stopped. We need to take that on board when it comes to the regulations that the Health and Safety Executive works under.

Mr Principal Deputy Speaker, I have another example of an abandoned site. Permission for a number of buildings was granted, but the firm is now in receivership, and this is how the site has been left. As you can see, there are wooden-framed houses beside a primary school. We need to find out exactly which Department, whether it is the Department of Justice, is responsible for this issue. When the banks take over some of these estates, public liability ceases, to my knowledge, and we cannot find out who is responsible for doing anything with the sites. We need to look at that issue.

I recognise the work done by Belfast City Council, and I thank the Assembly Research and Information Service for preparing a paper for the debate. A pilot project was undertaken by Belfast City Council a number of years ago, which came up with some ideas. My time is running out, but I want to quickly run through some things that could be included in new legislation. I would like the Minister to lead on the matter along with the relevant Departments that need to deal with it. There should be powers to identify ownership, recover costs and deal with dangerous structures in emergencies — we have seen what happened in Derry recently. There should be powers to deal with abandoned building sites, clear legal definitions and details of council responsibilities for work that is in default.

Minister, responsibility is across all Departments. I have mentioned the Health and Safety Executive, but there is also the Housing Executive, the Department of Justice and the Department of Enterprise, Trade and Investment (DETI). There is a lot of responsibility involved. I would like to see a joined-up approach with councils, building control, and all of the bodies and agencies that need to be included.

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Boylan:** I support the motion and the amendment. Go raibh mile maith agat.

**Mr Dallat:** I congratulate Michelle for proposing the motion. I listened very carefully to her introduction, and it is quite clear that she has researched this matter thoroughly. I look forward to the Minister's response. He has been on tour in Portrush and Portstewart sniffing out derelict sites like a sniffer dog, so I am sure he knows something about them.

Michelle, being a townie, as I understand, has referred to this as an urban problem, but it is a rural one as well. I hope that can be encompassed. I am not picking holes in the motion, but it makes reference to cleared sites: there are towns where the developer will come in and simply demolish a building on site. I know one town that is more like the Sahara desert; the only thing missing is camels. The people there pray for rain every day because of the serious health problems that arise. I am quite serious about that. That can go on for years because the property may be in some kind of liquidation, like the other properties that have been referred to.

These sites are all over the North; in urban areas, rural areas, hamlets and villages, and people's lives no matter where, whether a little boy in Athlone or anywhere else, are all precious. Some agency has to be responsible for this. Either that or the legislation is hopelessly out of date. I suspect it is the legislation that is the problem, although my colleague Patsy McGlone pointed out to me that, if this simply becomes a council problem, we still have to somehow encourage them to carry it out. We spoke with councillors at the NI Local Government Association conference last week who are cheesed off with the additional responsibilities that are given to them. I know that we still have a few councillors in this Assembly — in the short term, anyway.

Let us see where it goes from here and who picks up the bill. Is the legislation adequate to deal with the situation? Perhaps we cannot solve the problem. I think the motion points us in the right direction. Some of the properties are owned by the wonderful organisation called the National Asset Management Agency (NAMA), which was born in the Republic but owns lots of properties in the North. Who pays in such a case? The banks are not all broke; some of them have sites as well. Maybe it is not just a

question of passing responsibility entirely to the councils, but of looking for those who now have ownership of the sites and seeing what obligation they are under to clear those sites up.

There is another problem. Sometimes these sites are between existing buildings, and I have experienced in Portrush falling masonry coming from the buildings on either side. Thankfully, no one has died from that to date, but that is a serious issue when there are high winds and so on. Again, it is something that we need to address.

I have every confidence. The issue is a very serious one and it is widespread. It is all over the place, and, until now, the councils have been very slow to react. Having spoken to building control officials in the Assembly earlier today, I believe that the legislation goes back to the 1800s. That is quite a while ago, and it certainly needs updating. I am very pleased that Michelle has identified that as an issue.

I am pleased that, depressing as this issue is, we can all unite on it and support the Minister, who has been very proactive. We must ensure that we bring some kind of relief to people in different areas whose communities have been blighted by this phenomenon. There is not just the danger that has been highlighted; the huge tourist potential of some towns and villages has been affected. Although it may not be as serious as children losing their lives, there is an economic element as well.

There are many reasons why we should support the motion and the amendment proposed by the Ulster Unionists.

## 6.00 pm

**Ms Lo:** I support the motion and the amendment. I take this opportunity to congratulate Alliance councillor Laura McNamee, who brought forward a motion in Belfast City Council calling on the Department to review the existing legislation on dangerous structures and the granting of discretionary powers to local councils in addressing dilapidated and ruinous structures, particularly abandoned building sites. I thank the proposers of the motion for bringing it to the Assembly, and I also thank Belfast City Council officials for their briefings on the seriousness of the problem.

Undeveloped and abandoned sites are not only an eyesore to the local amenity of an area

but they present substantial health and safety concerns, including fly-tipping, contamination, antisocial behaviour and the potential for local children to access or use dangerous, abandoned or demolished sites as playgrounds.

At this point, I extend my sincere sympathy to the family of the toddler who died on an unfinished building site in Athlone last week. Sadly, that highlights the serious problem that we face in ghost estates, where development has been stopped or sites abandoned. The same is true of sites where demolition debris has not been cleared. In cases of dilapidated or blighted buildings, article 66 of the 1978 Pollution Control Order can apply. However, that stipulates that councils can serve orders where buildings are "seriously detrimental" to the amenity of the area. That definition is vague and requires clarification, as it has never been tested in court. Furthermore, councils are unable to serve notices on owners unknown in such cases and, therefore, cannot carry out work.

With regard to abandoned building sites, legislation such as the Belfast Improvement Act, the Town and Country Planning Act and the Public Health Act were not geared to deal with such cases. Councils also encounter problems where demolition is the elected next step. Planning permission is required before demolition can take place, and in serious situations where structures or buildings are on the brink of collapse or pose a serious danger to the public, councils need to be provided with a fast-track option, or, in extreme cases, a planning permission exemption.

Ownership is a final problem that councils encounter. Where ownership of dangerous structures cannot be established, councils can place notice on owner unknown. Although the ability to act where an owner cannot be established is welcomed, we need to look at how to enable councils to recover the money that is used to secure such sites. Additionally, as mentioned, article 66 of the Pollution Control Order does not even allow for notice to be served on owner unknown in cases of dilapidated buildings. The Minister needs to bring forward proposals that widen the scope of responsibility to allow easier determination of ownership and extend responsibility to banks and administrators.

The problems that stem from those situations are wide ranging. At the Brooke Hall

development in my constituency, local residents now feel that they are permanently living on the edge of a building site due to an unsecure section that contains building materials and machinery. In such cases, there needs to be co-operation with the Department for Regional Development, as residents such as those in Brooke Hall are left in limbo without roads or pavements.

I welcome and support the motion and the amendment, and I call on the Minister to ensure that his officials meet with councils so that they can fully comprehend the difficulties that they face and the powers that they require to take the lead in a multi-agency approach to securing dangerous structures.

I apologise that I cannot stay, but I have to go to a PACT meeting in south Belfast.

**Mr G Robinson:** Every constituency has areas, in town centres especially, that are blighted by the sight of vacant plots or dilapidated buildings. Unfortunately, my own town, Limavady, comes into that category and two other towns in my East Londonderry constituency spring to mind, namely Portrush and Portstewart. To my mind, they are in a small way blighted by some undeveloped sites, and with a major golf tournament and other major tourist events due to take place this year, they need to be tidied up.

At a time when most towns and cities are trying to attract investment and jobs, this does not help an investor's overall impression of an area. Those areas may sometimes also be used as centres of antisocial behaviour and may even be fire risks. As the motion states, there is currently no responsibility on local councils or the Health and Safety Executive to make such sites secure until redevelopment can take place. Legislation is needed to help deal with the problem, and that is what the motion is all about.

There must also be thought given to those people unfortunate enough to live in the vicinity of those sites, which can be a blight on their everyday lives. Not only do they have to suffer antisocial behaviour, they find that there is an increased risk of health and safety problems. If they own property, a severe impact on its value can be made by unsightly adjoining derelict buildings. Surely, as an Assembly, we must take positive action to ensure that the situation is rectified, not just for the sake of the people who are affected but because of the impact on

the economy and the effect it will have on the future.

The motion seeks nothing revolutionary, just clarity as to who is responsible and what powers there are to address the problem in tandem with local councils. Therefore, I urge all Members to support my colleague Michelle's motion. I take pleasure in supporting it.

**Mr Storey:** I support the motion and the amendment. I declare an interest, first, as a member of Ballymoney Borough Council but also as a member of the Ballymoney Regeneration Company.

**Mr Dallat:** Ooh.

**Mr Storey:** I heard some Members say "Ooh" there. I have no shame just because former Councillor Dallat had to give up his seat on the council. I have no intention, in the short term, of doing so. I have no issue about being on Ballymoney Borough Council. I am very proud of the fact that I was first elected to that council, and I have declared my interest in the Ballymoney Regeneration Company.

I commend my colleague for bringing the motion to the House and to public attention. The sad reality is that it does not require a motion to bring it to public attention. When we go through our towns we see, unfortunately, and as has been pointed out by Members who spoke previously, the problem that we have with these sites.

In moving the motion, the Member referred to developers acting responsibly. Sometimes, I think that politicians and the public are very quick to lay the blame solely at the door of developers. Although developers have a huge responsibility, we must also remember that if it were not for some developers, we would not have any development in some of our towns. We need to ensure that we strike a balance between the responsibility of those who build in a particular location and the responsibilities of local councils, the Department of the Environment, the Planning Service, the Department for Social Development and other government agencies. We must work together to deal with this problem.

I note that Mr Dallat said that he would have concerns about referring this issue entirely to councils. For once in a long time, I think he is right. Councils are very concerned about the comments of his colleague the Minister of

the Environment. They are worried that he is dumping a number of issues on local councils and not giving them the adequate resources to carry out those responsibilities. An example of that is the transitional committees.

However, let me take you to one location in my constituency, just a few yards away from my constituency office in Linenhall Street in Ballymoney. I left school 31 years ago and can remember Christie's, which occupied a site on that street when I was at school. For those 31 years, that property, almost an acre in size, has lain derelict and has become an eyesore, a place of contention and an embarrassment, despite repeated attempts by the local council and local representatives to do various things with the two separate owners over a long period.

That is why I make the point that sometimes it is not all about just blaming the developer. I have had meetings with the two owners of that site on numerous occasions over the past number of years. There is now planning permission to build residential homes and retail facilities on the site. However, the owners are now telling me that because of the financial circumstances that they find themselves in, they are unable to proceed.

The recommendation was then made to knock the building down. The cost of knocking it down and clearing the site, given all the implications of that, is huge. My colleague who moved the motion made reference to some things that could be done in relation to demolition. We need to find a solution that is not all rooted in DOE or in the developers or in the councils; it needs to be a genuine attempt by us all to find a solution to addressing what is a blight in our towns.

I hope that the Minister will come forward not just with the recommendations for Portrush and Portstewart, although they will be very welcome; I hope that he will go beyond the bounds of those recommendations to include other areas of Northern Ireland, including Linenhall Street in Ballymoney.

**Ms Overend:** It is a pleasure to speak to the motion. My colleague Danny Kinahan proposed the amendment. I apologise because I cannot stay to hear the Minister's response this evening, but I will certainly be reading the Hansard report with interest later tonight.

We have heard in the Chamber that this is an issue that is blighting every constituency.

The situation has worsened with the onset of the downturn in the housing market. Local constituents brought to my attention the issue of derelict buildings and incomplete sites in my area again last week. Therefore, from their perspective, this debate is very timely. From speaking to them, I came to understand the failings of the system, and I am thankful to the DUP for tabling the motion and accepting the Ulster Unionist amendment. The rationale of the amendment is to broaden the motion and to call on the DOE to acknowledge that although there may be legislation in place, it is not working as it should be.

The problem of incomplete sites and derelict buildings, often left unsecured, plagues many towns and villages across Northern Ireland, including those in my constituency of Mid Ulster. One such dangerous building is the old Moneymore Post Office, which sits in the centre of Moneymore. That building is derelict and is an eyesore. It is such a striking building in the heart of the town. That listed building is a perfect example of the type of building that we are discussing today. Minor restorative action could have substantial benefits for the health and safety of the structure, the aesthetics of the village and the businesses in it.

Just over a week ago, on a Saturday night, the model village in Moneymore was badly damaged by vandals. Local residents believe the damage was caused by drunken youths who were hanging out in a nearby derelict building. If that building had been made secure, the damage might have been averted. Those two stories are just a small sample of the issues. Indeed, I heard calls today from that plantation village to another plantation village, Draperstown, where there are similar concerns.

*"Our listed buildings are jewels from the past which need to be conserved for now and future generations."*

Those are not my words; they are the words of the Minister of the Environment, Alex Attwood. Those are sentiments I certainly agree with. From the constituents I have talked to in Mid Ulster, I know that there is a strong feeling about developers who come in and buy property only to leave it empty. Often, such properties become nothing more than dangerous playgrounds. It is not only a matter of creating an eyesore; there are health and safety issues. I hope that the

Environment Minister will take up and agree to address the issue. I urge him to do so.

### 6.15 pm

The powers that councils currently have do not prevent the serious dereliction of a building, such as the post office in Moneymore. Legislation for dealing with incomplete sites and derelict buildings is largely out of date. More importantly, it is not in line with modern health and safety standards. The language used, particularly in the Pollution Control and Local Government (Northern Ireland) Order 1978, is vague and, in the opinion of one council to which my party talked yesterday, far too waffly. It includes the phrase:

*"seriously detrimental to the amenities of the neighbourhood"*

Any legislation that uses that phrase leaves itself incredibly exposed to dispute. It is the Ulster Unionist Party's belief that the Department of the Environment needs to engage with local councils to find a solution. Poor legislation and vague wording result in responsibility being passed from pillar to post.

The motion and amendment are about enabling local councils to respond more efficiently to the blight of incomplete sites and buildings. The securing of dangerous or dilapidated sites and properties can avert the vandalism seen in Moneymore and prevent further risk to the public. I encourage Members to support the amendment.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Thanks very much to those who moved the motion and amendment.

It is a very topical issue. Indeed, I might defer to Mr Storey and acknowledge that he raised a salient point. There are many good, committed developers who have fallen on hard times and are trying their best under difficult circumstances to try to rectify situations and work with the rest of us. Yes, there are cowboys, but that is true in every walk of life.

The flavour of the debate is that it is principally an urban or large town issue, but that is not the case. Those of us who represent rural constituencies, including Mrs Overend, see that blight in our smaller villages and smaller rural, dispersed communities. We saw the problem at its worst with the death of young Liam Keogh in Athlone. Ultimately, that is what happens when

blighted sites are irresponsibly left uncared for and unsecured, and it means that we face difficulties, responsibilities and problems. The parents of that poor wee child face sheer pain.

We all know the issues that we face in our constituencies. We see the sites with no street lighting and poor footpaths and streets. Mr Principal Deputy Speaker, you know about Clonaboy in Coalisland where the developer left an absolutely pathetic storm sewerage system. That raises a number of issues. People are living in houses in which they invested a lot of money, and they look out over sheer, utter blight. Nothing is attended to, dilapidation is all around them, and the situation is being exacerbated. However, that, in turn, raises a number of issues. For example, are the amounts of money and extent of the bonds put down, whether with Roads Service or another agency, adequate to cover the reinstatement of that estate and to make sure that the footpaths are brought up to a standard adequate for adoption? There is also a lengthy process to realise some or all the money required to bring the estate up to standard. That really has to be looked at.

It also leads to serious questions about the quality of legal advice given to many buyers. People were advised to sign off on deals to buy properties in circumstances in which the advice should have been to do the opposite. Their legal advisers should have told them to watch out and not to sign because the estate had not been properly looked after or brought up to the condition required for a dwelling. That needs to be looked at as well.

As regards the review of the legislation, we look through briefing documents here, and, apparently, there is legislation until the cows come home, ranging across Departments from DRD to DSD to DOE. Members have reflected on that. As we heard earlier, it is all about harmonising legislation and making it much more contemporary. However, there is a concern that it will be dumped onto councils without their having the finance to do anything about it. If a council assumes responsibility for reinstatement and making a site safe, does that lead to an ongoing responsibility? If it does, can the developer just walk?

Strong checks need to be made on the financial circumstances of the owner of the site and the other companies that that person might own or have a share in, not only in this jurisdiction but

in other jurisdictions. We live in an age when developers shift in and out of jurisdictions and often work the system. The last thing that we want is for the system to be worked in that way and for all the cost to be dumped on ratepayers.

Another issue that we need to look at is the question of liability for the maintenance and upkeep costs —

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr McGlone:** — and assumption of the duty of care. We do not want to absolve owners of responsibility and hand it over to councils when owners should take responsibility. I support entirely the motion and the amendment.

**Mr Attwood (The Minister of the Environment):** I thank Michelle McIlveen, Peter Weir — who has not spoken yet — Danny Kinahan and Sandra Overend.

**Mr Weir:** The thanks might be premature.

**Mr Attwood:** I will withdraw it then. *[Laughter.]*

I join other Members in expressing sympathy following the tragic death in Athlone. If it is appropriate, Mr Deputy Speaker, given that it has been referred to by a number of Members, I will write to the chair of Athlone Town Council and confirm not only that the death was noted with sympathy but that it concentrated everybody's minds because, but for the grace of God, it will happen here. Given those circumstances, it would be appropriate to write.

I will start, perhaps unusually, by explaining what I will do further to the debate rather than just responding to the various comments. The issue has, to some degree, been on my radar, and, I hope, on that of other Ministers, in recent months. For that reason, I convened what I called the blight summit in Portstewart in October 2011 to make assessments about what DOE might do and what might be done generally. Subject to what Mr Weir may yet say, I have to record my gratitude to Members and say that the debate has further concentrated my mind on what I need to do and on what government needs to do.

In responding to the debate, this is what I propose to do. First, whether Mrs Overend reads the Hansard report on her way to bed or not, we will interrogate it to identify all and each of the various initiatives that were proposed.

The issue stretches beyond the competence of my office. It touches on Land Registry and registration matters, which cuts across DFP; health and safety, which, as Members indicated, cuts across DETI; roads and lighting, which cuts across DRD; and so on and so forth. It is such a cross-cutting issue that the Hansard report needs to be interrogated to identify each and all of the initiatives that were proposed to see where they lie and what should be done in respect of all of them. In doing so, I will give my officials more homework by asking them to scope out what DOE's response should be and how we will engage Ministers and senior officials in other Departments to address the issue.

As we all know, whether it is in Portrush, Portstewart, Newtownards, Limavady or many other towns and cities or on the Lisburn Road in Belfast, the issue is becoming acute and will be with us for five or 10 years or more. The collective wisdom of all of government, therefore, needs to be applied to address those matters. Subject to the agreement of other Ministers, I will suggest that there be an interdepartmental group of senior officials to look at all the proposals and to address what is required in policy and legislation.

As suggested, I will gather councils together to learn from, in particular, Belfast City Council because, as a number of Members rightly pointed out, it has the best collated advice on such matters. Although I asked officials to send that information to all councils previously, it probably would be useful to gather them all together and to get a lead council such as Belfast City Council, whose practice in the area is perhaps more advanced, to share best practice and, therefore, enable others to deploy it. When all the issues raised by Members have been gathered together, I will send a report to the Environment Committee. Other Ministers may want to send reports to their relevant Committees to identify what has been done and what more needs to be done to take forward all the issues raised. Given the quality of the debate, I owe it to the Chamber to do that and to encourage other Ministers to do so. The debate has been far-reaching and has moved beyond the remit of DOE, and Members tried to identify solutions to problems that are beginning to appear in various parts of Northern Ireland. It is, therefore, only appropriate that the scale of my response and that of government should be in the terms that I outlined.

When I was the Minister for Social Development, I used to argue that investing in town centres and public realms helps to stabilise and grow local trade. I used to give the example of Main Street in Newcastle, County Down, where, because of public realm intervention, footfall had increased by 300%. Conversely, if our town centres decline further through dereliction, footfall is unlikely to be encouraged. In fact, footfall is likely to decrease and trading conditions in those areas will be depressed. Just as government can intervene positively to grow and stabilise local trading conditions, so, too, can central government, local government and others by addressing decay, dereliction and dilapidation to ensure that the appearance of town centres, villages and cities is improved. A bad built environment only encourages bad trading conditions, which only depress the economy and market further. That is how I come at this. On the one hand, there needs to be positive interventions to stabilise and grow trade. On the other hand, there needs to be interventions to mitigate risk where it arises.

When I convened the blight summit last autumn, I did not anticipate the announcement about the Irish Open this summer. The reason why we convened the blight summit was in anticipation of such events coming down the road. What could we do in areas such as Portrush and Portstewart to address the situation? The scope and scale of what we should do is clearly greater than what we have done so far. Nonetheless, there have been some interventions that have begun to tell the tale of how government can intervene to address such matters. For example, following the blight summit and the two heritage crime summits last summer and autumn, the Department began to deploy urgent works notices in respect of listed buildings more rigorously. Over the past 30 years — this sounds remarkable — the government in the North have deployed only two urgent works notices in respect of listed buildings. However, I am sure that every Member in the Chamber could name listed buildings that are decaying and that the Government have never intervened to protect. Mrs Overend referred to properties in Moneymore in that regard.

Arising from that scary figure, I instructed the Department to begin to identify properties for which urgent work notices could be served. We have done that and have begun to serve notices. In the past two or three months, five such opportunities have arisen. As a

consequence, urgent work notices have been served on landowners in Derry, Dungannon and Dundrum. In Belfast, works were done by developers because of the threat that notices would be served.

### 6.30 pm

I understand the point that Mervyn Storey and John Dallat made in respect of developers. They have overreached. They have done good business in the past. At present, some of them are in a bit of a conundrum. However, as I indicated earlier during Question Time, I cannot tolerate that certain developers in the North, who are on Planning Service's back to get planning permission or retrospective planning permission for buildings that are finished or almost finished, are, at the same time as actively developing and pushing Planning Service for approvals, allowing adjacent sites — and I mean adjacent sites — to go to rack and ruin. That is not responsible development.

If developers want government to stretch themselves, including in the context of the run down to the Irish Open, in order to enable development to happen, even if that is through retrospective approval, responsibility falls to developers to respond in a similar manner to the sites that they own, whether they be at Portrush or Portstewart, where the situation is acute, or in other parts of the North. Developers must face up to their responsibilities and not simply offload onto government.

I want to talk about the situation in Portrush and Portstewart in particular, where, over the next short while — probably, the next number of days — I will, working with the local council, take measures to ensure that developers, whoever they might be, begin to fulfil their responsibilities. However, that will not be enough because of the quality and state of Portrush and Portstewart with regard to dereliction and decay. That area is not the only example: I appreciate the situation in Newtownards. Given the context in that area and the situation that is faced in the run down to the Irish Open, government must demonstrate that they will improve the physical appearance of the area in order to demonstrate not only that the north coast has a great golf course and heritage, but that we will try to build the built environment there, particularly in Portrush and Portstewart.

Therefore, in the next hours or days, subject to DFP approval, I hope to release significant sums of money so that the local council can, in quick time, deploy measures to secure sites that are in decay or dereliction and to improve the appearance of sites; both those that have never been developed and those that have been developed then abandoned before completion. I hope that that will show the way. I would like to think that, in the fullness of time, either my Department or others would deploy those mechanisms in other parts of the North, not least in the city of Derry in advance of the run down to the year of culture. On Friday, I spent some time up there, and I met a number of people to discuss projects on the built heritage in and around the walls in which government may have a role to get more involved.

I will respond briefly to some points that were made. I noted that John Dallat referred to me as a sniffer dog. Previously, I have been referred to as a terrier, but never as a poodle. I would like to think of myself as a bit of a guard dog when it comes to good government. When I sniffed around Portstewart, there was a foul smell. As I said, certain developers must not leave that smell to endure any longer. As I outlined, we will take that matter forward.

I agree with people that the issue of the legal concepts in the various legislation of what is seriously detrimental to amenity is one that we need to get legal advice on, and we may need to broaden the interpretation, if that is consistent with best advice. However, as Mr McGlone pointed out, ultimately it will fall to councils to take forward some of those responsibilities.

Without getting into the issue of what central government might or might not do, it seems that it falls to local councillors to acknowledge that there are critical situations in various parts of Northern Ireland and that those critical situations in respect of derelict sites or dilapidation must become a greater priority for councils. It is not simply a matter of having better laws, although there needs to be, and it is not simply a matter of reinterpretation of the existing law, although there may be an argument for so doing. It is the responsibility of local councils to say that, given the context that we find ourselves in, and given the levels of decay and dereliction that they might endure over the next five or 10 years, they are going to give greater priority to taking forward the existing legislation that falls to them in order to ensure

that the decay and dereliction is mitigated. I will face up to my responsibilities, and I will encourage other Ministers to do likewise. It seems to me that council leadership has the same responsibility.

**Mr Beggs:** This has been a very worthwhile debate. I thank the Member and her colleagues for tabling the motion. There has been a general consensus on the need for significant improvement in this area. I understand that everyone has accepted the amendment tabled by Danny Kinahan and Sandra Overend, which attempts to widen the motion to include derelict buildings and incomplete sites, which are a significant part of the problem in our communities.

Danny Kinahan started by giving us a tour of his constituency from Crumlin to Ballyclare; John Dallat moved on to Portrush and Portstewart; George Robinson referred to Limavady; and Mervyn Storey and Sandra Overend referred to Ballymoney. I have to say that there are problems in my constituency, and I can think of significant difficulties in Carrickfergus. To pick up on the Minister's comment about some of the listed buildings; there is a site directly opposite the historic Carrickfergus Castle, Kelly's coal office, which is a Grade B1 listed building that has been sitting in ruins for several years and is at risk of further dilapidation. It is not something that would appeal to the tourists that we are trying to bring into this country. Therefore, I support the Minister in being proactive in that area.

I also highlight Prospect House in Carrickfergus, which is a Grade A listed late Georgian house. Development was allowed to be completed right around it, and yet the money raised from that was not used to upgrade that property. There is something wrong with a planning system that allowed that to happen. Again, that property has, on occasions, become a playground and a dangerous area for our young people to congregate. The unsightliness of the building is also a nuisance and an irritant to those who have bought houses in the area. Ballyloran House in the Larne area is a Grade 1 listed building that is sitting derelict and open to possible antisocial activity.

A number of Members talked about the dated legislation. I thank the Assembly's Research and Information Service for providing a brief, which is fascinating when you read through it in detail. A

lot of Members referred to the Pollution Control and Local Government (Northern Ireland) Order 1978. However, when you read through a lot of the other legislation that is relevant, you come to the Public Health (Ireland) Act 1872 and the Public Health Acts Amendment Act 1980. There is some very dated legislation. Other legislation dates from the 1950s and 1960s. It is clear that we are operating under some very dated legislation. We have heard about good practice in Belfast, which has additional legislation — the Belfast Corporation Act 1911. I am sure that improvements could also happen there.

Local government has experience of this problem, and it is clear that there is a need to liaise closely and work together to come up with a workable solution. Local government has professionals with knowledge in the area. Its building control division will have dealt with issues such as dangerous buildings and dereliction, and its environmental health division will have professionals who can give appropriate guidance. Local government has a lot of knowledge and we ought to work with it to come up with a good solution.

Other Members mentioned that, in some instances, there have been problems in identifying the ownership of buildings. When property changes hands — whether through receivership, transfer of ownership or fire sales — that can be a problem. There is a need to require owners to take urgent action; they cannot simply pass the trouble on and avoid taking that action. We need to get wiser to deal with the issue.

Members also mentioned the issues of ghost estates, unfinished properties and dangerous playgrounds. I have frequently come across the issue of playgrounds that are left unfinished or for which the original designs have not been delivered, and I think that we ought to look at whether the delivery of such work should be included in bonds. I am unsure whether they are already included, but if playgrounds are intended to be part of area plans, they should be delivered and not be allowed to go amiss. We can eventually get roads built using the bond system, so surely there ought to be a means of protecting listed buildings or finishing playgrounds.

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Beggs:** I ask Members to support the motion and the amendment.

**Mr Principal Deputy Speaker:** I call Mr Peter Weir to make a winding-up speech on the amendment; sorry, on the motion.

**Mr Weir:** Thank you, Mr Principal Deputy Speaker. There did seem to be a little bit of confusion towards the end of the debate.

I am reminded that, last week in the House of Commons, the Conservative MP Jacob Rees-Mogg talked about floccinaucinihilipilification, which is the art or process of estimating something as worthless or irrelevant. Today, I think that we have had a debate that is very much the antithesis of that term. We have had a very sensible debate. A range of views have been expressed across the Chamber and, as the Minister indicated, there was plenty of food to go through the mincer of the Department with the various ideas that were put forward. John Dallat put it succinctly when he said that although the issue is depressing, it is one that we can at least all unite around.

As we heard from across the Chamber, the issue undoubtedly affects all the constituencies in Northern Ireland. It cuts through not simply from east to west but across the board. As was pointed out by Mr Dallat and Mr McGlone, although a number of Members referred to it in an urban context, it is an urban, a suburban and a rural issue.

When Mr Beggs was summing up and quoting the list of examples from east Antrim, I thought of the saying that all politics is local. Fortunately, Mr Beggs widened it beyond Carrickfergus.

The issue before us is deeply frustrating for many constituents. As a number of Members mentioned, unsecured properties have knock-on effects on the locations that they are beside and can become eyesores or detrimental to the overall area. As the Minister highlighted, dereliction often leads to decline, and we need to bear that in mind.

Some Members felt that the motion was an unfair attack on developers, but that was not the intention behind it. As was mentioned, there are many responsible developers out there. I know of cases in my constituency in which problems arose and developers took swift action to clear

up the situation. Developers are not the target of the motion.

Concerns were also raised that the motion was an attempt to dump on councils and ratepayers. That was not its intention, and I am sure that that will not be the case with whatever proposals eventually come forward. It is about a sense of empowerment rather than a sense of burden and ensuring that, for example, when statutory notices are served, they cannot simply be ignored by developers. It is very much in line with the idea of polluters paying and with the words of the proposer of the motion, Miss McIlveen:

*"costs would lie with the party at fault".*

That has pervaded a number of pieces of legislation, and it is important that we follow through on that.

#### 6.45 pm

The proposer of the motion highlighted a number of issues, but particularly some of the dangers. The most obvious one is health and safety, and I join with others in passing on my sympathies to the family of the toddler who died in Athlone. In the words of the Minister, it is by the grace of God that such a thing has not happened in Northern Ireland. We need to take proper action to make sure that it does not happen.

Similarly, as Miss McIlveen highlighted, you can get illegal dumping grounds that can very easily become eyesores. At best, they can offer a degree of encouragement to antisocial behaviour — for example, drink and drugs. Therefore, it is important that we develop policies that tackle all those problems.

Miss McIlveen, Mrs Lo and others mentioned the specific position of Belfast. Perhaps because of a quirk of history, there has been specific legislation that has given opportunities to Belfast. It is undoubtedly the case that, as the Minister highlighted, whenever there is a convening of all those involved in local government on the issue, Belfast has, perhaps, had a slightly different experience and has been able to apply certain solutions. It is important that better liaison with councils does apply. Legislation and finding sensible solutions are at the root of this. Consequently, a thoughtful analysis of the process will bear dividends.

The purpose of the motion — and the amendment — is to try to close that gap. There have been opportunities in other sets of

circumstances for interventions, but councils and local communities have found themselves powerless. That is why we welcome the amendment. The proposer of the amendment highlighted the wider issue of ownership of properties, although that goes beyond the issue at hand. He mentioned a situation in which action was being taken but seven owners could not be traced. The problem is that if we do not tackle this, as was said, people will live with the consequences.

We have to look at whether a bond solution can be part of the answer. It is also an issue of giving councils the opportunity to do that investigation. It is not a question of shifting a particular responsibility on them, but of giving them that power.

The legislation around this has been there for quite a long time. Even Mr Dallat conceded that the 1800s was quite a while ago, predating his involvement in Coleraine Borough Council. Therefore, there has been some degree of examination of or action on the issue. As a number of Members said, it is about pulling together what is there and ensuring that we have an effective structure and effective legislation.

Mrs Lo highlighted issues in Belfast, but also the particular issues of contamination and fly-tipping. She expressed a concern that although we have legislation, some of the definitions are somewhat vague. George Robinson highlighted the wider context and described the impact on tourism on the north coast and on the wider economy. Apart from anything else, it is an issue of overall perception. Mervyn Storey, in a speech occasionally supportive to the motion — to be fair, we had to dig down — called for a balanced approach, which we all would endorse. It is not a question simply of accusing developers, but about finding solutions that everyone can work with. Sandra Overend gave a very specific example of the impact of one particular situation on the town of Moneygore as a whole. She said that the need for a degree of early intervention is important.

Cathal Boylan said that this was one of a series of new challenges. It is one that people are up for, provided it is done in the right way. Patsy McGlone, wearing a 10-gallon Stetson hat, said that there are cowboys in every profession. I assume that he was not referring to himself in that regard. He again talked about the need to harmonise legislation and getting that right. The

Minister indicated that there would have to be a thoughtful strategy that we would all accept, involves various Departments. Working together, particularly with councils, is important.

This cannot be simply offloaded on to government; those who are responsible for it have to bear that responsibility. As he indicated, we need to see interventions where we can in quick time. In conclusion, Roy Beggs highlighted the particular problems in East Antrim and the need to get the legislation correct.

We have had a wide-ranging debate, and there is plenty that the Department can take away from it. I appreciate the Minister's commitment to do that. Given that it affects all of us in different parts of Northern Ireland, we can unite behind it, so I urge the House to back the motion and the amendment standing in the names of Mr Kinahan and others.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly notes that there are a number of sites in urban areas where buildings or other structures have been demolished or removed pending future development and that neither local councils nor the Health and Safety Executive have the power to require that they are made secure; and calls on the Minister of the Environment to bring forward proposals to empower local councils to require that incomplete sites and derelict buildings be made secure.*

**Mr Principal Deputy Speaker:** I ask the House to take its ease for a couple of minutes.

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

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker.]*

## Adjournment

### **Children and Young People with Cancer: East Belfast**

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes to speak, and the Minister will have 10 minutes to respond. All other Members who are called to speak will have approximately six minutes.

**Mrs Cochrane:** I thank the Minister for coming. I know that he has a busy schedule, and I am glad that he is willing to give this matter his attention. I welcome the opportunity to speak about and raise the issue.

Cancer is a terrible disease that affects so many. All of us know someone who is affected. It is a cruel illness that is often so much worse when it hits a child or young person. Every week in Northern Ireland, two children and young people are given such devastating news. No area of that child or their family's life will be unaffected, from the severe physiological effects of the disease and treatment regime to the emotional, financial and social impacts that accompany it.

Cancer treatment has improved over the past number of years, and the Executive's 'Service Framework for Cancer Prevention, Treatment and Care' has given it more focus. In particular, the framework includes specific standards for children's and young people's cancer. Standard 31 states:

*"All children and young people (aged 0-24...) with cancer should be managed by a multidisciplinary team whose composition reflects the needs of the child or young person at each point in their care journey."*

Standard 32 states:

*"All adolescents and young people (aged 14-24...) with cancer should receive holistic assessment and care that is age appropriate and delivered by team members who are adequately trained in the care of this specific group of patients."*

Unfortunately, baseline data for standards 31 and 32 have yet to be collected, although I understand that that will be completed by December.

I have heard some heartbreaking stories from families in East Belfast who have real emotional, practical and financial needs. The Minister needs to put options in place to actively support children and young people with cancer and their families in the hospital, at home and in the community. The implementation of standards 31 and 32 has the potential to improve the provision of treatment and care for young patients, and I am, therefore, concerned that the implementation plan for the framework has yet to be published.

To give an example of why this support is so vital, let me tell you about Jacob, who lives less than a mile from here. Jacob was diagnosed with cancer on 17 September 2009. He was three and had just started his preschool year in Kings Road Nursery School. As a result of his diagnosis, he was given a treatment plan that would span more than three years, and, to begin with, he had to spend many weeks in hospital in isolation. Immediately, the impact on his whole family was immense. He had an older sister, a younger sister and a younger brother, all of whom had needs of their own. His parents did their best to manage juggling school drop-offs, childcare needs, household chores, preparing meals and going to work among the numerous nights spent sleeping on a chair at Jacob's bedside in hospital and talking him through his treatment, comforting him when he was in pain, and so on and so on. When he was having the treatment in hospital, the nurses brought the medicines, and the parents were able to administer it. However, when they were sent home with a large pharmacy bag and, all of a sudden, the responsibility lay with them, as parents, it was very daunting. I witnessed the various charts on the wall in the kitchen that set out which medication had to be given on specific days and at specific times. You almost had to be a qualified nurse to work it out. Team that with another child who needs some Calpol, and it very soon becomes very stressful.

At this point, Jacob, having just entered the education system, pretty much dropped out of it. There were play specialists in the ward, and his parents spent time reading with him to ensure that he was not missing out on any learning. However, the lack of social skills, which

are learnt during preschool, and his inability to deal with the routine were only really evident the following year when he went into primary 1. Settling into school can be difficult enough, but he just could not accept the routine, and his mum described that first term as a nightmare.

When he was at home, his parents had to carefully manage who could come in and out of the house to try to contain the risk of infection. However, that brought other problems, not just for Jacob but for his three siblings, who were unable to have friends round to play. Other siblings can often blame the child for being sick and preventing them from being able to participate in activities such as family swim time. That is another difficult situation for parents to manage, and they often have to tiptoe around conversations.

Jacob is now into his third year of treatment and his family have come so far, but things are still very difficult. His mum has had to resign from her job as she needs to be available for the regular hospital appointments, and she always has a bag packed just in case he needs to be kept in. He is on steroids about five days a month, and during that time, he struggles with concentration, has different eating habits and will often have to be kept home from school. There is also the added risk of illness through many of the childhood diseases that are carried around our schools. That is also when he needs to be kept home. We need to ensure that young people like that maintain strong links with their schools while they are on treatment.

Another family in East Belfast that I have spent time with were devastated when their son was diagnosed with cancer while he was studying at university. His treatment was very severe and included the use of stem cell technology, which meant that he was in isolation for long periods. As he had left school and gone straight to university, he had never been in need of benefits before, and neither he nor his parents were able to negotiate the benefit system. It was difficult, and there were added financial pressures to deal with, such as the lease on his flat in Scotland, which was with a private landlord and still had to be paid. All of a sudden, he again became a dependant of his mum and dad. It is, therefore, so important that financial support to young people and parents is put in place, especially as welfare reform proceeds. Emotionally, he had to deal with the fact that his friends were progressing through

university when he was missing out on so much that he had worked so hard for at school. He was worried about his prospects, isolated from his peers and felt downright lousy during the treatment.

Young people like that are treated alongside adults and, therefore, they are often left out when it comes to receiving age-specific support, social work and wider psychosocial support, which is so crucial for young cancer patients and their subsequent recovery. The service framework for cancer prevention, treatment and care recognises the need for a distinct service for teenagers and young adults, but that piece of work, which is being led by the Northern Ireland Cancer Network (NICaN), may stall due to the uncertainty around funding arrangements of NICaN. I hope that the Minister will be able to provide some assurances on that.

With budgets being cut overall, I appreciate that there is massive stress on the health budget. However, as I have often said in other debates, early intervention is so important. Offering support to those going through treatment can ease the demand on services in later years. Investment is required to improve the timely and equitable access for all children and young people with cancer and their families to effective and efficient services, to continuously improve outcomes. The implementation of the standards in the framework will help to improve the care and treatment of children and young people with cancer, not just in East Belfast but across all of Northern Ireland.

I have outlined my concerns, and I hope that the Minister will agree on the importance of this issue and bring proposals to move forward with the implementation of the framework to ensure that the standards are achieved. I thank him once again for coming here this evening.

**Mr Douglas:** I am pleased to participate in this Adjournment debate, and I thank Judith Cochrane for securing it. At the outset, I want to state clearly that although this debate is about support for children and young people with cancer in East Belfast, I hope that we will look at the issues from a Northern Ireland perspective. I think Judith did that.

As we all know, cancer knows no boundaries, whether of age, gender, socio-economic status or geographical location.

**7.00 pm**

I would like to begin by paying tribute to the cancer charities in Northern Ireland that have been lobbying to increase awareness of cancer in general and to secure early implementation of the cancer services framework. Those charities, which carry out such an important job, often on a 24-hour basis, deserve the encouragement and support of us all. I will quote from the website of the CLIC Sargent charity on what that type of charity means to children and parents. This is an extract from a mother whose son was in hospital recovering from an acute form of leukaemia:

*"When we first arrived at the hospital everything was so overwhelming. Then this face appeared in the doorway, it was Laurena our CLIC Sargent Social Worker. She was like an angel and we would have been lost without her."*

Many of us in the Chamber tonight — and there are not too many — will have our own stories of angels in the health service and stories of our own Laurenas.

I, like many others in the Chamber, am certainly not an expert on the many aspects of cancer, but this type of debate helps all of us to be more informed about the issues and to explore ways of making the services even better for children and young people. Again, I pay tribute to Judith for bringing this Adjournment debate forward.

When carrying out some research for the debate I was very encouraged by the wide range of services that are available across Northern Ireland, including specialist teenagers' and young adults' cancer posts. The £60 million cancer centre on the Belfast City Hospital site deals specifically with teenagers and young adults, as does the Royal Belfast Hospital for Sick Children, which provides such a valuable service of outreach into the community. Those are but two excellent examples in Belfast of quality cancer care in action. Currently, children of 13 years of age and above whose treatment is managed by Belfast City Hospital are often supported by district nursing services locally and, if necessary, the CCN team. Children below the age of 13 are catered for in the Royal Belfast Hospital for Sick Children.

I spoke to one of my colleagues today, who told me that her young nephew, who is only seven, was diagnosed with a brain tumour. He recently

went through a range of treatments and care. She said:

*"I have nothing but praise for the comprehensive cancer services that my nephew received."*

I think that we do have an excellent service in Northern Ireland. Do we have opportunities for improvement? Of course we do. When we talk about the support offered to our young people who are suffering from cancer, it is also important to highlight the excellent work carried out by the Northern Ireland Children's Hospice, which provides respite for children and young people in-house or within the family home.

I was speaking today to the famous east Belfast lottery winner Peter Lavery, who is involved in the Northern Ireland's Children to Lapland Trust. That trust, in its own unique way, provides a wonderful service by bringing dozens of terminally ill children to Lapland every year for the holiday of a lifetime. However, while I appreciate all of the excellent treatment and care that is available for children and young people with cancer, there is no doubt that, for young people, the health service can be confusing and intimidating. In that regard, we certainly have no room for complacency.

I will finish by saying that, for us as an Assembly and for the Health Minister — it is great to see him here tonight — there is absolutely no room for complacency. Tonight is about raising the issues. The question for us all is: can we help any more?

**Mr Copeland:** I, too, thank Mrs Cochrane for bringing this issue before us this evening. I am now a good deal closer to 60 than I am comfortable with, and I have not lived a life that could be described as isolated, cosseted or insular. In that life, I have, on occasions, experienced very great good and very great Christian charity, and I have also experienced what can only be described as the depths of evil. There is nothing, in my view, more evil than the effects that that awful range of diseases has on children and families.

I do not want to go into detail because most of you know it already, but my wife, some 22 years ago, at the age of not quite 30, was diagnosed with breast cancer and survived. Our son, at that stage, was, I think, five days old. During that time, we had to go to the very old, some would say old-fashioned — I think the word decrepit was used on occasion — Belvoir Park

Hospital cancer centre. The building may have been old, but a spirit developed in that building among those who found themselves confronted with that disease that I do not think sits as easily at the new sanitised affair at the City Hospital.

Treatment entailed travelling every day for six months for radiotherapy and every two or three days for chemotherapy, only to find, on occasion, when you got there that you could not take the drugs because the white blood cell count was down. Throughout that time, our visits were cheered as we became friendly with a little kid from County Antrim. I will call him Jack; that is not his real name. He was accompanied every day by his two aunties. We thought that he looked so well that one of his aunties must have been receiving treatment, but it transpired that it was him.

To go back to something that Judith said earlier, I could not understand why, every time I saw him, he was eating a pound and a half of cooked ham. It was because he was on steroids. I am appreciative of accents, but there is nothing nicer than a kid with a County Antrim accent because every time he spoke, I smiled.

Sonia got through the radiotherapy, the chemotherapy and the mastectomy. She got through a silicone implant that did not work and had to be removed. She got through a TRAM flap operation, and we went from going every six months, to going every year, to going every two years, to going every five years. The first person who gave us hope was a clinical oncologist at Belvoir Park Hospital. I will not name him, but at one meeting towards the end, when Sonia was at three-year reviews, we asked, "What about wee Jack?" He just looked at us and said, "It killed him." Although I was in his company for only a very few hours over a short period, that affected me in a way that was brought to mind recently when I was blessed with the arrival of a grandchild, because you look at a child or a grandchild, and they are yours — they would not be there if it was not for you, and upon you falls the responsibility to protect them and keep them safe. Then, something that you cannot see, touch or explain comes and destroys a life, possibly several lives.

We were treated in the Northern Ireland health service at that time with compassion, and it was efficient, if that is the word that can be used. The social services, once you got to know the system, worked, but nothing can replace the

feeling of sheer helplessness when confronted with something that you know will do whatever it is going to do, regardless of what you do.

I know that these responsibilities lie heavily on the Health Minister because he is responsible for everything and does not have the money to do what, in some cases, needs to be done. But the truth is, sir, whatever steps you can take to ameliorate the effects of this condition on children will have the support of any right-thinking person in this Chamber and, I believe, the support of any right-thinking person in this society. I thank Judith again for bringing this issue forward.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I thank the Member for proposing the topic for this Adjournment debate. At the outset, I have to say that I have an interest in this matter because, although some of you may think that I am a devil, I am, in fact, married to an angel who has supported, worked with and cared for children suffering from cancer for over 20 years.

Therefore, I know quite well the trauma that those families and children came through. It is not only about the experience of suffering from cancer, the side effects of the treatment, and so on, but about the experience of one or both parents having to give up work, the costs associated with travelling to hospital regularly and the burdens that are put on other children and family members. It is immense and life-changing. You would never want it to be visited on your own home for a range of reasons, not least the fact that many young people lose their lives. That said, many recover and go on to live normal lives. One of the most satisfying things is to see a young person who had cancer grow up and be able to give birth. That is really good because many of those young people did not expect that they would have such an opportunity.

In my role as Minister, I have met children and young adults who have undergone the trauma and stress related to their cancer treatment. I can, therefore, empathise with the parents and the families, who want only the best for their children. I want to assure them today that, as Minister, I want the health and social care service to deliver the best treatment and care to this group.

Our cancer services are organised on a regional basis, and all the evidence tells us that

regional specialist centres, with highly skilled professionals supported by multidisciplinary teams, delivering the highest-quality treatment and care available, will provide the best outcomes for patients, regardless of their age or where they live. Everyone here today knows someone affected by cancer. If you do not mind, I want to widen the debate to services provided to all children and young people across Northern Ireland.

The health service in Northern Ireland has made significant progress in the care and treatment of cancer in the past decade and has made huge improvements in outcomes for patients, as evidenced by the prestigious diamond jubilee prize for the work of the comprehensive cancer centre. I wish to extend my warm congratulations to the team at Queen's University Belfast for this magnificent achievement. However, we do not need to be complacent, and we still have more to do to make all our outcomes among the best in Europe.

The improvements that have been made to date have been brought about through an investment in cancer services and, crucially, by a major refocusing on how services are delivered. Cancer services have moved from a position in which fragments of cancer treatment were provided at all our hospitals, resulting in there not being a uniform standard of care, and outcomes ranging from poor in some hospitals to outstanding in others. Through reorganisation, we now have a network of dedicated cancer units, staffed by specialist multidisciplinary teams. Doctors and nurses provide the highest standards of treatment and care, whereby the patient is the focus of their care and all services provided are evidence-based and reviewed.

All that, of course, costs money. In Northern Ireland, we spend around £22 million annually on a range of cancer medicines. As Minister, I am determined that this investment is effectively and efficiently used. I want the health and social care sector to support families of children with cancer, which is why my Department provides children and young adults, or their parents, with access to direct payments to assist them financially in their social care as they have to adjust to the impact of their children's treatments. As Minister of Health, my priority is to ensure that the health and social care treatment and care provision of children and young adults is of the highest quality available across the UK. However, it is also important for

Members to recognise the fact that the needs of this young group are much wider than its specific health and social care needs, including their financial and educational needs.

I recognise the fact that there is more that we can do on raising awareness of the needs of this age group. The Health and Social Care Board and the Public Health Agency are taking forward work to ensure that pathways and protocols for teenagers and young adults with cancer reflect high-quality care, consistent with National Institute for Health and Clinical Excellence (NICE) guidance on improving outcomes for children and young people with cancer.

It is intended that this work will be progressed in collaboration with health and social care (HSC) trusts and voluntary sector organisations. Experts have told me that the ideal for this group is to be cared for in their own homes or as close as possible to their homes, and that is why I have continued to invest in outreach nursing services specifically in that area.

### **7.15 pm**

Services to support children and families with cancer are provided, for the most part, on a multi-agency and multidisciplinary basis. The Children and Young People's Strategic Partnership has recently consulted on its draft 'Northern Ireland Children and Young People's Plan 2011-2014'. The plan aims to put in place integrated planning and commissioning arrangements across agencies and sectors to improve the well-being and realisation of the rights of all children in Northern Ireland. Although accepting the reality of the constraints we face in the current economic climate, I am determined that my Department, working with the HSC Board, will ensure that the HSC is delivering the most efficient service it can for all patients.

In addition, the HSC Board continues to direct investment into vital front line services such as support and care for children and young adults living with the effects of cancer. I recognise that, to a young person, the health service can be confusing and intimidating. That is why my Department, through its links with the children and young people's group within the Northern Ireland Cancer Network (NICaN), has commissioned work to identify the existing multiple points of entry and complex pathways to treatment, care and support currently experienced by teenagers and young adults.

NICaN has been instrumental in advancing cancer treatments here, and I wish to pay tribute to the dedicated staff in NICaN, other cancer units and the Belfast Cancer Centre who have worked tirelessly to ensure that our patients are not disadvantaged in comparison with those in the rest of the UK.

Recently, we have seen further major changes in how we can deliver cancer treatment and care. In February last year, the cancer services framework was launched. There has been significant achievement against the standards in the service framework, although some require an extension to time frames in line with the current financial climate. We will continue to work towards full implementation of the framework.

NICaN has been a driving force in the delivery of services to cancer patients and is actively engaged with teenagers and young adults. Initial work has identified a number of specific issues relating to communication, staff training, patient information and access to support services. Although developments in this area are at an early stage, the outcomes of the work will help commissioners to shape services to better meet the specific needs of this group.

My Department, through its links with NICaN, has commissioned work to identify the existing, and often confusing, array of multiple points of entry and pathways experienced by teenagers and young adults when assessing their various sources of cancer treatment. Children and young adults' service provision can be complex, and their needs evolve differently over time, as they move from parents and guardians holding full parental responsibility towards being recognised as responsible people themselves. There is also the complexity of moving from a children's hospital to an adults' hospital when they are still quite young. Nonetheless, the treatment is different, and there is a challenge for the medics to deal with that.

Each person's care has to be assessed on an individual basis. It is not a simplistic matter, and one size does not fit all. Children and young people do not fit into predefined boxes easily. The health service is moving towards a multidisciplinary and multi-agency approach to the provision of care for children and young adults, involving them in how their treatment and care plans are to be designed and delivered.

We have made good progress, but we can, and need to, make further progress. Any solution for

children and young adults will need to involve the statutory and independent sectors working closely together. That is why I welcome the involvement of independent sector organisations such as CLIC Sargent, Macmillan and others that work in this area, as we could not have made such progress without them.

In conclusion, I wish to assure the Assembly that access to the latest cancer treatment, care and support will remain a high priority for me.

*Adjourned at 7.19 pm.*







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