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They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.

Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

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Northern Ireland Assembly

Tuesday 15 October 2013

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

Members observed two minutes' silence.

Ministerial Statement

Fraud Awareness

Mr Speaker: Order. The Minister of Health, Social Services and Public Safety wishes to make a statement to the House.

Mr Poots (The Minister of Health, Social Services and Public Safety): With your permission, Mr Speaker, I wish to make a statement to the House on the critical issue of raising fraud awareness across the health and social care sector in Northern Ireland. Before I do that, I apologise for not being in my place yesterday to move a particular piece of legislation. An opportunity arose to meet the family of people who are in the public realm at this time on the abortion issue. The lady is carrying twins who have no prospect of life outside the womb. Unfortunately, I was a tad late. I apologise for that. That is the reason.

This is an important opportunity to highlight the detrimental impact that fraud has on the HSC and what can be done to combat it. Health and Social Care is the biggest spender of public resources in Northern Ireland. Those of us who provide the services have to be vigilant in the fight against fraud. Two weeks ago, I launched Fraud Awareness Month, the purpose of which is to raise awareness of the threat of fraud in the HSC. It provides a great opportunity to spotlight this serious problem and to stress the importance of counter fraud training and education. We have a duty to counter and report fraud and corruption wherever we work and by whomever it is perpetrated. Such activities are unprofessional, indefensible and, ultimately, reduce the money that is available for front line services.

Let me be clear: fraud is wrong. It is a criminal offence and will not be tolerated in the HSC. It is important to recognise that the vast majority of people are generally honest and would not consider acting fraudulently. However, that fact can, sometimes, make it difficult to accept that a colleague or fellow professional might act

dishonestly. There is a general perception that HSC staff are employed in the caring professions and are, therefore, in some way above such behaviour. However, cases have come to light: clinical professionals of considerable standing who make claims for services not supplied; nursing staff who claim grants to which they are not entitled; senior managers who claim for journeys never travelled; support staff who undertake private work while on sick leave; and members of the public who try to evade payment for treatment. The list goes on.

The House will have heard in recent days about inappropriate access to free healthcare in Northern Ireland. That is one of the key areas of fraudulent activity for the HSC, where those not ordinarily resident in Northern Ireland fraudulently use a Northern Ireland address to secure access to free healthcare services in primary and secondary care settings. That activity represents a significant and inappropriate drain on health service resources.

Fraud is by no means a victimless crime. In the health and social care setting, fraud can lead to direct financial losses through overpayments; damage the reputation of an organisation through public exposure of its perceived weaknesses; and indirectly lead to a failure to provide sufficient care to vulnerable patients or clients because the money has been lost to the system. In each of those examples, the general public is the ultimate victim. No matter what, it is clear that any type of fraud is wrong, whether it be for £1 or £1 million. It robs the HSC of vital resources and means that there is less to be invested in front line services. That is particularly evident in light of the significant financial challenges currently faced by all public services. Put simply, every penny lost to fraud is a wasted opportunity. It means that someone somewhere is not getting the treatment that they are entitled to. We must therefore understand that we all pay the price for fraud. Every penny lost as a result of fraudulent behaviour results in a reduction in patient care.

Although the true extent of fraud in the HSC and, indeed, across the NHS nationally is not known, independent research across the health sector in a number of countries suggests that the potential level of fraud may be between 3% and 7%. Taking the highest figure, that equates to around a quarter of a billion pounds of my Department's budget. Even if the level of fraud was estimated at 1%, that equates to some £40 million of my Department's budget. That is £40 million that is not available for investing in front line services. What would that buy? It would buy, for example, 4,000 coronary heart bypass procedures or 55,000 cataract surgical procedures or 5,500 hip replacements or renal dialysis treatment for 1,000 patients.

My aim today is to raise the profile of the threat of fraud, and I would like to highlight what the HSC is doing about it. First, everyone has a part to play in stopping fraud. Everyone who accesses health and social care services or works to deliver those services has a role to play in tackling fraud. If we are to be successful in achieving that, we need to recognise that fraud is wrong, to acknowledge the damage that it causes and to report it effectively. It is therefore necessary to increase the levels of fraud awareness among everyone, not only HSC employees and those who work in healthcare but the general public. It is everyone's duty to report fraud or suspected fraud through either the HSC fraud hotline or the HSC's online reporting tool or, indeed, through the relevant organisation's whistle-blowing procedures. Any information — no matter how small — can be of assistance in combating fraud.

Secondly, there is already a significant amount of counter-fraud work being undertaken by the HSC's counter-fraud unit. The unit employs a team of trained specialised staff who have responsibility for delivering a professional counter-fraud service across the HSC. The counter-fraud unit is currently investigating over 100 cases, covering all types of fraudulent activity. During the past year, there have been some notable successes. Two owners of a business contracted to carry out domiciliary eye services were given 18-month jail sentences suspended for two years, and £40,000 was recovered. Serious crime orders were awarded against the owners, which will prevent them from having any proprietary interest in any ophthalmic business for the next five years. An optometrist working for the business was struck off.

The Business Services Organisation's (BSO) probity services team provides assurance on the millions of pounds expended every year on

family health services. That probity work is undertaken in collaboration with clinical advisers from the Health and Social Care Board. In the last financial year, over 400 probity checks and visits with family practitioners were performed, and just under £200,000 was recovered. We also ensured the removal of 108 people from GP registration lists. A robust investigation showed that those individuals were not ordinarily resident in Northern Ireland and were, therefore, not entitled to register for free access to our health and social care services.

Our cross-border work is underpinned by a memorandum of understanding with the Department of Social Protection in the Republic of Ireland. That allows us to obtain information that will confirm whether a person who is claiming to be resident in Northern Ireland is also claiming to be resident in ROI. That greatly improves our investigation times. In addition, a new service — eligibility to access health services — was set up June 2013 to provide advice and guidance to HSC trusts on how to deal with inappropriate access to healthcare. We are, therefore, serious about tackling fraud and will endeavour to ensure that it is punished appropriately.

In closing, I emphasise three key messages to the House. First, fraud is wrong; it is unethical, immoral and unlawful. Secondly, we all pay the price, because front line services suffer, and there is less money to pay for the treatment of patients. Thirdly, everyone has a role to play. We all have a responsibility to be alert to fraud, and we can all minimise the risk of fraud by recognising the potential risk of fraud, knowing what constitutes fraud and knowing how and when to report fraud. As Minister, I am committed to developing a real anti-fraud culture across the HSC, where everyone regards fraud as unacceptable and everyone understands the role that they can play in eliminating it. I commend the statement to the House.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat. I thank the Minister for his statement. Every one of us should pay attention to the requirement to ensure that we have an efficient and effective health service, and we cannot lose sight of the statistics that the Minister outlined in his statement. Even if fraud was estimated at 1%, that would be in the region of £40 million of the overall health budget.

The media recently highlighted the figure of 80,000 people who had been registered for a

medical card in the North, but, given that there are issues because residents in the Twenty-six Counties who work in the North have that entitlement, is that 80,000 an accurate figure? I suggest that the figure is a lot lower than that. Is there a specific issue with students' access to medical cards in the North? Finally, how much does the counter-fraud unit cost to run and what has been recovered over the past year?

Mr Poots: First, regarding the medical cards, the mid-year population estimate in Northern Ireland in 2011 was 1,814,300. The estimate for those registered with a general practitioner in 2011 was 1,893,000, and that is a 4.34% difference. In England, the population estimate was 53,107,200, and the figure for those registered with a GP was 55,308,000, a 4.14% difference. In Scotland, the difference is 4.34%, and, in Wales, the difference is 3.24%. So, the issue is not peculiar to Northern Ireland. It appears to happen across the United Kingdom, and, in that respect, we have to look at what the issues are.

The Member mentioned one of the issues, which is that students who come to study here can rightfully claim a medical card, but, very often, when they leave this country, they do not give up their medical card and, therefore, are not taken off the register. We also have people from Northern Ireland who have emigrated or gone to live elsewhere and whose name has not come off the medical cards. Very often, those people will have died elsewhere. There is a series of other reasons. Some patients are registered in more than one practice simultaneously. Systems and processes are in place to capture those cases, but that still happens. So, it is an issue of concern, but there are reasons for the disparity, and it is not particularly different from what happens in other places. Nonetheless, if we believe that information is there that can lead to helping us to clamp down on fraud, it is certainly something that we would be interested in tackling.

10.45 am

I mentioned the case of the ophthalmic service, which is one of the cases that has been looked at over the past number of years. We also have examples of persons who have fraudulently obtained prescription medication, and there have been convictions, including a jail sentence, for some 50 separate offences. An arrest was made on 15 March 2013 in which there are potentially 80 separate counts. There has been recovery of £25,000 in the case of one nurse who was falsifying time sheets.

There has been involvement in civil recovery legal processes for pharmaceutical manufacturers over the past number of years, and that has netted recoveries in excess of £2 million. So, work is going on to secure the recovery of moneys.

I understand that the fraud investigation team employs around five people. Those people are very busy, and, as we look to the future, we may consider enhancing and strengthening that further, given what we are finding with fraud.

Mr Dunne: I thank the Minister for his statement and welcome this initiative against fraud. What is being done to tackle people from the Irish Republic falsely claiming to be resident in Northern Ireland so that they can use the health and social service provision?

Mr Poots: There is a long-standing issue for the health service in Northern Ireland on that, and the extent of the abuse is unquantified at this point. However, on the basis of evidence from known cases, it is a very significant issue. We recently signed a memorandum of understanding between CFPS and the Department of Social Protection. That has been formalised and was signed off on in July this year. It will allow CFPS to obtain information that will confirm that a person who claims to be resident in Northern Ireland is also claiming to be resident in the Republic of Ireland. That is cross-border cooperation that I am happy to endorse and that will significantly reduce the timescale of our CFPS investigations.

Since August 2012, CFPS has investigated some 108 ROI residents who were found to have falsely claimed to be resident in Northern Ireland. All those people have been removed from the NIGP registration system. Those cases were highlighted either by whistle-blowing reports or related CFPS proactive work, and their discovery has prevented a significant future drain on Northern Ireland health service resources.

Mr McKinney: I agree that fraud is wrong, and the SDLP supports that stance fully and endorses fraud awareness. Does the Minister accept that, while we are dealing with potential dishonesty, it is also important to be honest with the public? The goalposts of fraud that he has set here extend to £250 million on one hand and to £40 million on the other. There is an inference with the bigger figure that potentially more NHS staff will be implicated and fewer staff will be implicated with the smaller figure.

Does he agree that there is a need for accuracy in that regard?

Mr Poots: It is hard to be definitive with accuracy. I think that I said that the figure was estimated to be between 3% and 7%, which would be £120 million to £250 million. Nonetheless, I accept that the gap between the two is massive. I am not sure whether we will ever get to complete and total accuracy on this. However, when I look at the situation and the circumstances, I expect the low-hanging fruit to be the first that the counter-fraud investigations will go after. Nonetheless, a considerable number of others will have to be addressed and looked at, and, as I indicated, whether it is £1 or £1 million, it is wrong and deserves investigation.

Mr Beggs: I thank the Minister for his statement. Will he advise what is being done to improve the collection of information in real time? Our GPs have a sophisticated computer system to track individual patients' healthcare and to enable quality and outcomes framework (QOF) performance payments to be made to them. The Minister talked about two-bedroom houses with 12 or 16 adults living in them: can he advise why the computer system cannot be used to identify such situations in real time, rather than having to wait for some form of historical data mining?

Mr Poots: I did not refer to two-bedroom houses with 12 or 16 people living in them. I am not saying that that is not the case, but I do just not know. It may well be the case, and it may be accurate in some instances, given how some things are done.

GPs are independent contractors who own the IT systems. However, the electronic care record may give us the opportunity to address the issue better. As for bringing the information together, I expect that we will have the full cooperation of GPs with the counter-fraud service to ensure that we can better identify people who should not be on the GP register and have them removed from the list. Many of them do not pose a particular problem to us because, although they remain registered, they are not living in the country and are not using the services. However, it does not seem unreasonable to seek to reduce the disparity of 80,000 that exists, albeit that it is a disparity that is replicated across the UK. It is not novel to Northern Ireland.

Mr McCarthy: The Minister mentioned whistle-blowing procedures in his statement. We all agree that that would probably be the best way

of tackling fraud, but it is unfortunate that the Department's record on whistle-blowers is not very good. I think about the lady from the Fire and Rescue Service who lost her job. Has the Department done anything to assure whistle-blowers that their efforts will be welcomed and listened to and that they will certainly not lose their job?

Mr Poots: As far as I understand, in the case that the Member refers to, the person still works for Northern Ireland Fire and Rescue Service and has not lost her job. Nonetheless, I wrote to everybody in the health service and the Fire and Rescue Service setting out what whistle-blowing is about and indicating that we are offering them protection for whistle-blowing. We are not just encouraging them to do it but are indicating that it is their duty to report wrongdoing when they see it. I want to instil a culture in the organisation that whistle-blowing is the right and proper thing to do.

I am encouraged by the number of people coming forward indicating that they are well aware of significant problems to do with a range of issues and encouraged that they want to see those problems addressed. It is wrong that people who know of wrongdoing live in fear of reporting it. That is a further punishment on those individuals. Individuals who know of wrongdoing should report it and should not have any fear of doing so. That goes way beyond the health service, but it is something that I want to instil in it.

Mr D McIlveen: I also thank the Minister for his statement. Will he give us examples of cases that he is aware of that might currently be with the PSNI?

Mr Poots: We need to be somewhat cautious about ongoing cases, but a police investigation is under way into four vulnerable adults who, it is suspected, have been the victims of significant financial abuse dating back to the early 2000s. We also have a bank nurse who submitted time sheets between July and August 2010, all of which were fraudulent. A PSNI investigation is under way after concerns were raised about the transportation policy operated by a care facility, and a PSNI investigation is under way into the issue of direct payments between April 2007 and July 2013 to the value of £72,500. In all those things, an investigation is exactly that: an investigation. It is not an indication of wrongdoing. It is an indication of wrongdoing only if an investigation is put to the PPS to indicate that a prosecution should take place and a conviction then happens in a court of law. The PSNI is carrying out a number of

investigations in conjunction with our fraud investigators.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. Is ceist thábhachtach í seo, nó níl sé inghlactha ar bhealach ar bith go mbeadh an oiread sin airgid ag gabháil amú agus a chailliúint ag an chóras sláinte nuair atá gearghá leis.

I agree with the Minister: it is totally unacceptable that this amount of money or anything approaching it should be lost to our health system when there is such a need for it currently and always. The Minister said that it is necessary to increase the levels of fraud awareness for everyone. How does he intend to get the anti-fraud message across to everyone, from the offices of the top administrators to the service users and everyone in between?

Mr Poots: I thank the Member for the question. Over the course of this month, opportunities have arisen to highlight the issue in a very public way. We launched it two weeks ago. On that day, I think, I did six or seven interviews for the media, so there was widespread coverage. Obviously, we are doing our business today in the House, which may produce more coverage. People are very well aware of what is going on. People in the system are aware that more is being done to counter fraud. Highlighting it will help to reduce fraud because people will become more aware that there is that scrutiny taking place. Fraud awareness month will greatly assist us in delivering on that.

Mrs Overend: I thank the Minister for his statement, in which he recognised that there is inappropriate access to free healthcare in Northern Ireland, where those not ordinarily resident here fraudulently use a Northern Ireland address to secure access to free healthcare services. Whereas healthcare is free in Northern Ireland, in the Republic of Ireland, I believe, it costs €50 to €75 to visit a GP and €100 to visit a hospital. Will the Minister therefore ensure that each Northern Ireland hospital regularly publishes the income it receives from treating patients from the Republic of Ireland so that that is kept in the public domain?

Mr Poots: It is for the hospital to pass that information to the Health Department, which is responsible at national level for recouping the money. It is not for the hospital to recoup the money. This is a difficult issue. Take Altnagelvin Area Hospital or Daisy Hill Hospital,

which are right on the border. On Saturday nights, people arrive into the emergency departments a little the worse for wear having been out in some of the facilities in the cities. Clearly, many of those people will come from the Republic of Ireland because of the proximity of the cities to the border, and they will require treatment. They are not ordinarily resident in Northern Ireland, but we should be able to claim the money back from the Republic of Ireland. It is the hospital's responsibility to ensure that that information is passed on to allow that to be the case.

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

The memorandum of understanding that we signed with the Republic in July will be helpful in many senses. Recent European legislation that has been approved will assist us in ensuring that we can claim back moneys not just from the Republic of Ireland but from other places whose people have used the Northern Ireland healthcare system. It is free of charge, but other people have to pay for similar services.

11.00 am

Mrs D Kelly: I also welcome the Minister's statement. It was particularly helpful that he set the context that the money lost could have purchased services and surgery for some of our citizens. Picking up on Mr McCarthy's point, it is my understanding, Minister, that the lady in question in the Fire Service was not given her old job back, and, therefore, a very strong message needs to go out that people who step forward as whistle-blowers will be protected and not treated as though they were the wrongdoer. Does the Minister agree that much more needs to be done to protect people who step forward as whistle-blowers?

Mr Poots: I am not sure of the appropriateness of talking about individual cases in a public forum such as this. I outlined very clearly to Mr McCarthy the steps that we have taken to encourage people to whistle-blow and the assurances that they have been given that they will be protected when they do so. I have given the assurance that, if they do not get satisfaction from their line managers, they can move further up the management chain. If people feel strongly enough about something, and it is a significant enough issue, they should go right to the top of the organisation. I have recommended that people take that course and I encourage them to do so.

Mr Allister: I do not doubt for one minute that fraud may be as extensive as the Minister says. Therefore, does the Minister think that the five members of staff in the anti-fraud unit will ever tackle that? If it is only five people, can it ever be proactive? Will it not always just be reactive to situations when it will probably take a proactive initiative to deal with fraud? What plans has he to increase the scale of fraud investigation in the Department?

Mr Poots: I tend to agree with the Member, and that issue is being looked at. Although the number of staff in the unit is small, those people are, nonetheless, effective. It currently has a caseload of 100 cases under investigation. We are looking at how it could be enhanced but, as with all of these things, it involves investment in difficult times, and enhancing the fraud service would involve taking money from some other service. However, the fraud service may well reap much more income from the work that it carries out than it costs, so it could be an investment that reaps a dividend and allows us to invest further in the health service. People are looking at and addressing that issue.

Mr Wells: The Minister outlined the work that he is carrying out in conjunction with the authorities in the Republic of Ireland, but I am sure that he will accept that this important task can be carried out only with the cooperation of a wide range of statutory organisations in Northern Ireland. Can he outline the other players in this important task?

Mr Poots: Obviously, in Northern Ireland, the PSNI is a key player, as are general practitioners. The Departments in the Republic of Ireland are key players. We will have to work very closely with all those organisations to bring issues forward and provide qualitative information to the Public Prosecution Service so that it can establish a case when taking people to court. Of course, the main players are the people in the organisations, because they have the most information and the qualitative information. That can be passed to us, allowing us to look at these cases, challenge the individuals who are involved, take actions to recover lost finances, and prosecute when appropriate. The most important players are the 70,000 individuals who work in the HSC and Fire Service sector.

Private Members' Business

Hydebank Wood Young Offenders Centre

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. As two amendments have been selected and published on the Marshalled List, an additional 15 minutes has been added to the total time. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. The proposer of each amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Before we begin, the House should note that, if amendment No 1 is made, amendment No 2 cannot also be made, as the wording will have changed to such an extent that it would not be in order to put the Question on it.

Ms McCorley: I beg to move

That this Assembly notes with concern the findings contained in the Criminal Justice Inspection's reports on Hydebank Wood Prison and Young Offenders Centre; notes that the Owers review highlighted most of the issues raised in these reports; and calls on the Minister of Justice to take the necessary steps to ensure that the prison reform programme is progressed in the manner envisaged by the prison review team's report.

Go raibh maith agat, a LeasCheann Comhairle. We are having this debate today as a result of a number of very worrying reports that have come from inspections of the Prison Service. Those have been a matter of grave concern. The background of the motion is as follows. Seo cúlra rún an lae inniu. In 2010, a prison review was set up to examine, among other things, the conditions of detention, management and oversight of all prisons, and also:

"Consideration of a women's prison, which is fit for purpose and meets international obligations and best practice".

Chaired by Anne Owers, the review group took evidence and carried out its investigation over a period of months, which resulted in two reports making a large number of specific recommendations. It was decided that an interim report would be issued early in the process to focus on the problems of the system

in general and to set out the necessary components of a solution. Those internal changes were required to be put in place before any further adjustments to the system could happen — a change programme that would involve people letting go of processes and attitudes that had become familiar and comfortable. Also required were better communication skills, stronger and more visible leadership and support, and professional development for those undergoing and implementing the required changes.

The final report from the review group made very depressing reading. In the eight months between the two reports, the reality was that very little had changed, despite the launch of the strategic efficiency and effectiveness programme, a new sense of purpose at the top of the service and support from the Justice Minister. The endemic and systemic problems identified in the interim report remained unresolved. Efforts to move forward to create a more effective and efficient prison environment were poor and were not helped by a lack of cooperation from the Prison Officers' Association (POA). The report also cited problems related to excessive staffing levels, high levels of sick leave, restrictions on the use of support staff and inefficient shift schemes that wasted resources and made it impossible to provide sufficiently active and consistent regimes.

While the lack of progress was disappointing, there was, however, a view that change could still happen, but the ensuing six months would be crucial in that regard. In February this year, an announced inspection of Hydebank Wood by the Criminal Justice Inspection (CJI) took place into the treatment of women and young male offenders. The report emanating from that inspection has led to the debate that we are having today. *Tháinig díospóireacht an lae inniu amach as an tuairisc a d'éirigh as an scrúdú sin.* Just like the previously mentioned reports, the results of that inspection were a matter of very grave concern. I will go into the specifics of the report that relate to the treatment of women, and my colleague Sean Lynch will detail the effects on young adults in the system.

Before I go any further, it is important to recognise that women prisoners in the system must be considered and treated completely separately and differently from the way in which male prisoners are catered for. The 2010 review of the Prison Service referred to the fact that women and young adults are poorly served by the prison system, which was created primarily to serve the needs of adult men.

Hydebank Wood is a poor home for both groups.

Women prisoners form a small proportion of our prison population, although they have very specific needs and vulnerabilities. Many are vulnerable to mental health problems, substance misuse and various other forms of abuse and social problems prior to imprisonment. Many women prisoners have dependant children and are often sole carers. Many problems emanate as a result of that for the children and the women. Women are much less likely to reoffend compared to men; only 20% are reconvicted.

In 2006, the Corston report identified problems in women's lives that often trigger a crisis point, which in turn leads to offending behaviour. Those crisis points include domestic circumstances and problems, such as domestic violence and childcare issues; personal circumstances, such as mental illness and substance misuse; and socio-economic factors, including poverty, isolation, unemployment and homelessness. Baroness Corston concluded that a more women-centred, integrated approach would help in ensuring that women are properly supported to lead law-abiding lives and would reduce levels of reoffending.

In another report on women offenders in England and Wales, it was specified that there is a need for a distinct, radically different, visibly-led, strategic, proportionate, holistic, women-centred, integrated approach to how women are treated in the criminal justice system. In that instance, that led to the adoption of community alternatives to custody and the resourcing of projects offering holistic support that is tailored to the specific needs of women, rather than placing a focus on them as people posing a risk of reoffending.

Clearly, there is a strong case for treating women differently from men when it comes to criminal justice. It is also clear that prison is not always the solution. There are now convincing arguments for looking at community-based models as more suitable choices. The Inspire model, which was recently taken up in Belfast, has, through effective partnership working, produced very positive outcomes for the women concerned. It has proven effective in decreasing the risk of offending and in preventing reoffending.

The Inspire model offers essential, through-the-gate support for women prisoners, which is a very meaningful way of dealing with the problems that those women face and helping them to move on from the prison system.

Inspire operates outside the mainstream with separate funding. It is innovative, flexible and dynamic. It is a model that should be built upon. Rather than a focus on prison, the Inspire model should be the default setting for dealing with women who offend or who are at risk of offending.

It is accepted that there will probably always be a requirement for women to be imprisoned in some particular cases. In that regard, it is strongly argued that Ash House is wholly unsuitable for women prisoners because of its design and their collocation with male adults. It is vital that the needs of women are properly addressed in their own purpose-built accommodation.

Unfortunately, the report from the Criminal Justice Inspection was disappointingly negative in what it had to detail. It reflected very poorly on how the prison and other relevant statutory agencies treat women prisoners. The inspection found that, despite the recommendations in the Owers report, women continued to be housed in a predominantly male prison, which was having a significant and intractable impact upon the outcomes that they experienced. Women were marginalised and restricted in their access to facilities and services. They were subjected to verbal intimidation and abuse from male prisoners when travelling to courts and using exercise yards.

The findings included many other examples of failures to implement the recommendations of the prison review, which included that some prisoners experience victimisation from staff; they were needlessly strip searched; excessive random searches took place after visits; and lessons were not learned from deaths in custody. Phil Scraton's book, 'The Hurt Inside', details very difficult testimony on those deaths in custody. There was inadequate care for the most vulnerable women and the environment that they were forced to live in was claustrophobic and restrictive for long-term prisoners. There were inadequate improvements to healthcare and insufficient support for self-harmers. Provision for training and educational facilities was poor and did not really fit the challenging needs of those women. There was inadequate support for poor numeracy and literacy skills. It was clear that the needs of prisoners were not being well enough met and not well enough understood by the system. Little was done to equip women with the meaningful skills for leaving prison and resettling on the outside.

11.15 am

Those are damning indictments on the Prison Service and are a source of shame in respect of how women have been treated. The most fundamental injustice to women prisoners is that they are held in Hydebank Wood, and they remain in a prison that is unsuited to their needs. It is wrong and disrespectful. A new purpose-built prison for women, which caters for them specifically and contributes to the requirements of safety, respect, purposeful activity and resettlement, is an immediate priority. It is important that we adhere to the Owers report, which states that the prison for women must be fit for purpose.

What is also required immediately is the full implementation of the prison reform programme to ensure that all prisoners are treated with respect, that their physical and mental health needs are catered for and that they are supported in all the ways required, but particularly in terms of assisting them in their resettlement beyond prison.

The reports that we have seen on the Prison Service are a damning indictment on that service. Failure to act on the recommendations is totally unacceptable and should not be allowed to continue. There can be no further delay in the full implementation of all the recommendations specified in the prison reform programme, and we now call on the Justice Minister to ensure that that happens. Glaoim ar an Aire anois le cinntiú go dtarlaíonn sin. Go raibh maith agat.

Mr Givan: I beg to move amendment No 1:

Leave out all after "Minister of Justice" and insert:

"to review the implementation of the Northern Ireland Prison Service strategic efficiency and effectiveness programme to ensure support from all relevant stakeholders taking forward the reform programme."

I welcome the opportunity to speak in this debate. It is right that we have it, given the nature of what was in the CJI report, which I do not think that anybody is in a position to defend. So, it is right that the motion is brought to the House today, and I am pleased to be able to speak on it.

The amendment goes beyond the Owers report. It has been termed for the wider SEE programme, which is to do with the strategic efficiency and effectiveness of the organisation, and concerns about how that is being implemented. The Minister of Justice needs to

make an intervention in respect of how that is proceeding for a number of reasons that I will elaborate on. We cannot support the motion as outlined. There are a number of recommendations in the Owers report that the Democratic Unionist Party has some difficulty with, and that is why we cannot sign up to the motion as written.

Recommendation 3, for example, included a statutory presumption to ensure that effective community sentences are the preferred method of dealing with those who otherwise get short custodial sentences. The Minister lectures others when we want to put in mandatory sentencing that we should not interfere in judicial independence. Here, you have a recommendation taking the opposite approach that you should not send people to prison. So, to be consistent, we have indicated that the Minister should not take forward that recommendation, despite his efforts to continually seek to bring it forward. We cannot support that recommendation in the Owers report, even though a number of people will share the sentiment, but the question is this: why do some people who assault the police only get less than three months in prison when they should get longer sentences? That deals with why we had to table this amendment around the Owers report.

In respect of the SEE programme —

Mr Poots: Will the Member give way?

Mr Givan: Yes, I will give way.

Mr Poots: Does the Member agree that Fire Service personnel, Ambulance Service personnel and hospital personnel need to receive greater protection and assurance and that more custodial sentences for individuals who attack such staff in front line services would send out a very positive message to dissuade people from engaging in such activity?

Mr Givan: I do. We often say that we should take a zero-tolerance approach to these issues. I am concerned that this recommendation would send out the wrong message. That is why we have had to amend the motion slightly.

The Minister launched the SEE programme in a hail of publicity at the time, and he said a number of things about how he was going to take forward the reform programme. He said:

"I recognise that the challenge falls not only to the management and staff of the Northern

Ireland Prison Service, but also to me, as Minister of Justice, to my colleagues in the Executive; to members of the Justice Committee; to the staff associations; and to partners across society as a whole."

In that respect, the Minister clearly indicates that he has a particular role in how the SEE programme is taken forward. Therefore, when the problems are presented to him, it is incumbent on him to act and to respond to that. My party and I are concerned about a number of things that have been happening, including the breakdown in the relationship between the management and the staff associations that the Minister refers to as being important to taking forward a change programme.

I spoke with the chairman of the Prison Officers' Association this morning. I will not repeat some of the language used. Needless to say, it was pretty evident to me that the relationship between staff associations and prison management is non-existent. There is a complete failure to engage, and that relationship is not there. When you are trying to take forward a fundamental change programme, which was envisaged in the Owers report — many of the recommendations of which we support — and outlined in the SEE programme, and the relationship between the main organisations and individuals who need to implement it has broken down, intervention from the Minister is required.

There has been much discussion about the TO model. Profilers were brought here from England to do that work. The chairman of the POA indicates that what is being sought here is an English solution to an Irish problem. I do not agree with the specific language of that sentiment, but I understand what he is trying to say about the way in which this process is being taken forward.

It concerns me that, at a time of fundamental change, Prison Service management, at senior level and director level, has been subject to so many changes that there is no consistency of approach. Colin McConnell, the director who started this programme, left Northern Ireland within a very short period. We now have another change in personnel at director level. That concerns me particularly, because a relationship had been struck up between the director of human resources, Ronnie Armour, and the chairman of the POA. Good work was being taken forward, but he is no longer in position.

You are trying to take forward this reform programme, but there has been a turnover of

senior personnel at director level who are tasked to deal with it. There have been changes, and relationships that were struck up over a long period and were difficult to build have been broken off; that causes me concern.

The director at the time, at the same event, indicated its huge nature:

"The SEE Programme is a four year change management programme the scale of which is not dissimilar to the changes proposed by the Patten reforms. It will deliver fundamental end to end reform of the Prison Service by 2015."

Yet, personnel changes at senior management level have provided an inconsistent approach to the handling of the process. Relationships that had been established have not been maintained. That is why the Minister needs to make a direct intervention in the implementation of this programme.

Mr A Maginness: Thank you for giving way. What you are saying about industrial relations and so forth is very interesting. However, your remarks are not strictly applicable to the two reports on Hydebank Wood before us. In my respectful view, the issues arising out of those reports are different. I ask the Member to reflect on that. His comments may be more applicable to the wider prison estate than to Hydebank Wood.

Mr Givan: I thank the Member for that intervention. It is not dissimilar in that a governor in Hydebank — I will not go into the particular circumstances — had to step away from that position. So, we have had inconsistent management of Hydebank as well. The change of personnel has implications for how the Hydebank Wood site is being operated.

You absolutely cannot restrict competitions or people from elsewhere applying for jobs, and I would not do that. However, there is a growing concern that people from Northern Ireland, who have been in the service and built up reputations and relationships, are not getting senior level jobs and that people from outside Northern Ireland are. They then need to build up relationships to overcome some of those barriers. It is obvious to me, when I speak to rank-and-file officers about the change, that they are being told what must happen and that they feel that it is being put upon them. They do not necessarily have a relationship with those who are telling them how to do their job. So, that is why I believe the Minister needs to review the implementation of the SEE

programme and to take direct involvement in trying to repair the relationships that, I am told, are now non-existent between staff associations and the Prison Service management. I trust that the Assembly will support the amendment and try, collectively, to reform the service. I think that everybody in the House wants to be able to do that.

Mr Elliott: I beg to move amendment No 2:

Insert after "steps to ensure that":

"the performance of the senior administration of the Northern Ireland Prison Service is sufficient and that".

I welcome the opportunity to debate the issue. My party's amendment is based on some of the issues that Mr Givan just talked about in relation to the recognition and acknowledgement of Prison Service staff. All the blame cannot be apportioned to them. Some feel that they are getting the wrong end of the stick in this and that they are getting a lot of unjustified criticism. Indeed —

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

Mr Elliott: OK. Yes.

Mr A Maginness: I know that these reports are critical of staff in some instances, but they also compliment them on their good work and on the good relationships that are in the Hydebank Wood complex.

Mr Elliott: I thank Mr Maginness for that point, which is exactly right. Comments in the reports record that some of the staff in the prisons have gone, in my words, well beyond the call of duty. That was reflected in Committee meetings when some of the senior management were there. Going back to some of the reports of deaths in custody, it was said that staff had been very attentive to some of those prisoners, particularly vulnerable prisoners. You are quite right, Mr Maginness, and I totally accept that. However, there is still a feeling from staff that almost all the blame comes in their direction and very little goes towards the senior management.

That is the basis of our proposal and amendment. We hope that the House will at least recognise that this is an issue and that it deserves to be recognised as such.

Going back to 2006, the Prison Officers' Association brought forward its own report on

the restructuring of the Northern Ireland Prison Service. At the time, that report was quite helpful. Although he criticised others beyond the prison officers and was critical of the management, a spokesman said:

"Whilst I have been critical of management I would be less than honest with you and myself if I did not acknowledge that, at times, the POA has not been entirely blameless for some of the awkward situations which we have found ourselves in."

In that case, the prison officers accepted that there was work to be done by both management and themselves. However, that work does not appear to have progressed enough. I am told that there has been almost a breakdown of communications and relationships between the management, the Department and the Prison Officers' Association.

That is not helpful for either good relations or a working relationship. It is not helpful, either, for the prisoners whom prison officers have to accommodate and assist. That is what they are there to do. We must remember that prisoners are put in prison for punishment, but there is a rehabilitation process that is vital in the Prison Service. If there is no proper communication or support mechanism from the management through the staff to the prisoners, there will obviously be difficulties. I think that that is clearly recognised.

The reports raise a huge number of questions. I am always sceptical about how in-depth reports are, and I am anxious to hear from the Minister about some of the elements that have been reported. Obviously, when you hear about issues such as bullying and violence reduction, it has been said that:

"An effective strategy should be developed to challenge bullying and antisocial behaviour".

So it goes on. I would be very surprised if some of that is not already taking place. If it is not, why is it not? If it is taking place, why has it been flagged up to an extent but not so that there has been recognition that it has been happening?

Obviously, we have heard very similar issues being brought out on several occasions, particularly drug misuse, bullying and very vulnerable prisoners. We heard about that in, for example, the Prisoner Ombudsman's reports on deaths in custody.

Some of those issues raise the question of whether some of those prisoners should even be in prison, especially those with mental health issues?

There are huge questions around the judiciary. This cannot be left to the Prison Service alone. There is a much wider aspect to be considered about who is put in prison, why they are put in prison and the rehabilitation process that takes place when they are in prison.

11.30 am

Another aspect that does not get as much mention is the —

Mr Dickson: I thank the Member for giving way. On the point about the interaction between our judiciary and what is delivered on the ground in the Prison Service, I was somewhat surprised to learn during a recent Justice Committee meeting that a visit to a prison to see the prison regime was not part of a judge's training. That is an important element that needs to be borne in mind when bringing about many of the changes that we are trying to achieve here.

Mr A Maginness: Judges should be sent to prison.

Mr Dickson: Judges should be sent to prison. *[Laughter.]*

Mr Elliott: Mr Deputy Speaker, I do not necessarily hold to Mr Dickson and Mr Maginness's comments that judges should be sent to prison. On a more serious note, yes, there are better training mechanisms. That is relevant not only for the judiciary but for the Department and management. It would be of benefit to them to spend time there and to see what is required.

I was about to talk about the exit scheme. A number of prison officers and staff have retired in recent years, and I suppose that the number who have done so has been quite significant. As is the case in any role or job, once you lose significant experience, there is a major gap to fill. I know that a number of young recruits and new recruits have been brought into the service. That is very, very welcome. It is good to see that there is that interest and that those people are willing to serve society. That is what it is: a service to society. I was concerned at a Committee meeting some time ago, at which there was almost a suggestion that long-serving officers might be a bad influence on newly recruited officers. That worried me because

there was almost an indication that some of the long-serving officers were not professional in their work. I refute that strongly. I believe that the implication was unwarranted. Although there is a requirement and necessity to ensure that new recruits get the best opportunity that they can to deliver on what they have been trained to do, we need to recognise the service and experience of long-serving officers.

I also wish to comment on the locking-up of prisoners. It is vital that prisoners be kept active so that they do not merely sit about in their cell all day and all night with nothing to do. One of the allegations from prison officers and staff is that they have been trying to work with management to ensure that there is much less of that but that it does not seem to be happening. There are questions to be answered on why it is not happening, and not happening on the basis on which all of us — staff, management, prisoners and we as legislators — feel that it should.

However, we must get back to the initial point, which is that prisoners are in prison for punishment but that rehabilitation is vital when they are there. Finally, I make the point once again that we need a serious view to be taken on who is sent to prison and on whether some prisoners should be there in the first place.

Mr A Maginness: I feel a bit lonely because I do not have an amendment to propose. Nonetheless, I will try to make a few pertinent points in the meagre five minutes that I have been given. First, if we extend what Mr Finlay Spratt said about this being an English solution to an Irish problem, perhaps we should be looking for an Irish solution to an Irish problem, which might fix it.

Mr Elliott: Will the Member give way?

Mr A Maginness: I will, surely.

Mr Elliott: Does the Member accept that a better terminology would be that we should have a Northern Ireland solution to a Northern Ireland problem?

Mr A Maginness: Or, even better, an Ulster solution to an Ulster problem. Whatever way you package it, Finlay Spratt was saying that we must have a bespoke solution to our problem.

It seems that the same issues arise time after time. The reports from the Criminal Justice Inspection date back to 2005 and repeat the same messages. We need to take that into

consideration, particularly in relation to the women's prison at Ash House. I am sure that most colleagues have visited that facility and have found it to be claustrophobic and not physically fit for purpose.

In the foreword to his report, the chief inspector said:

"Overall this was a disappointing inspection, in particular because women continued to be held in a predominantly male prison, which was having a significant and intractable impact upon outcomes they experienced. Women were reasonably well cared for but they were inevitably marginalised and restricted in their access to facilities and services. There was also evidence of verbal intimidation from male prisoners from time to time."

I want to emphasise what the chief inspector goes on to say:

"Only the long-promised closure and replacement of Ash House would resolve the problems we saw."

That puts the whole thing in a nutshell.

I do not know what the Department's plans are. I know that it is committed to a new women's facility, but we really have to have a particular programme for that, with target dates, and so on. We cannot go on like this because we are simply repeating and recycling the same old problems. Therefore, we must find a more radical solution.

I do not like that building. It has to be changed because it is inappropriate for women to be held in a male prison. We have to move on it. It may be that we will have to approach this by having a design, build and management scheme in order to push it forward, if the Department or the Executive do not have the money; I do not know. However, we must have a radical solution. I say to the Minister of Justice that we cannot just continue like this.

Similar problems are re-emerging at the young offenders' centre, where the purposeful activity that Mr Elliott talked about is certainly absent. Lockdowns are also a serious problem there, because purposeful activity or the use of education and training facilities cannot be properly implemented unless there is a properly regulated day in the prison. There should be no lockdowns. If there were no lockdowns, a lot of this work could be done and progress could be made. That is a particular problem that must be addressed by prison management and the

Prison Officers' Association to see whether there is some way around the difficulties in industrial relations.

I heard what Mr Givan said. He has particular knowledge of the circumstances and the conditions in which prison officers work. He brings a wealth of knowledge to the Committee for Justice and this House on those matters. However, there must be some way of repairing those difficult industrial relations, so that we can have facilities in the young offenders' centre and the women's prison that we can be proud of. The women's prison is different as far as the building is concerned, and so forth. However, the young offenders are young men whom we really need to help, retrain, re-educate and set out on the road to a decent life in which they will not reoffend.

In conclusion —

Mr Deputy Speaker: Your time is up.

Mr A Maginness: — I support the motion and commend Ms McCorley —

Mr Deputy Speaker: The Member will bring his remarks to a close, please.

Mr A Maginness: — for bringing it to the House. I think that there is a good deal of consensus around the House in relation to the reports.

Mr Dickson: Echoing the words of Mr Maginness, there is a great deal of consensus around the House. In fact, the motion should not divide the House. We do not have a situation in the Assembly today in which we are demanding that a Minister delivers something that he does not want to deliver. Indeed, our Minister has set this agenda himself by commissioning the Owers review and by committing an enormous amount of financial resource and political energy to the reform agenda. Time and again, he has appealed to all the parties to support him in that work, and this debate offers the House and Members an opportunity to do so.

Of course, we need to be concerned about the Criminal Justice Inspection reports. However, we also need to take encouragement from the amount of long-term change that is happening across the system. For example, the report on Ash House raised concerns about the content of sentence plans, an issue that needs to be addressed and, in fact, is being addressed. We must not forget that the reform agenda that has been put in place by the Minister has delivered

sentence plans for all offenders. Now that those plans are in place for everyone, it is quite right that we look at further improvements that can be made. However, we must not lose sight of the fact that we have come from a situation in which there were no plans for offenders at all.

It is clear that we also need to continue to develop innovative approaches to deal with women prisoners, whose needs are very different from those of their male counterparts. As Baroness Corston argued in her report, women are at a greater risk of suicide and mental health problems in prison. Those are key areas that require support. Many have been victims of violence and abuse prior to coming into prison, and we need to continue to support those issues while women are in prison. Indeed, as others have said, we need to look at the broader spectrum of who should be in the prison population. That highlights the importance of resolving the concerns that have been raised about Ash House, particularly regarding the specific needs of women in suicide and self-harm policy; the location of a women's unit in a largely male young offenders' centre; available activities and learning opportunities; and plans to reduce the risk of offending. Some of those concerns were also raised in the inspection report on Hydebank Wood Young Offenders Centre, which demonstrates that those issues are not confined to one facility. However, the Minister has, time and again, stated his desire and willingness to address those issues. He has demonstrated that by putting in place the massive reform agenda that is under way.

It is good that the motion recognises that most of the issues that have been highlighted are being addressed by the reform programme; a programme that is in progress. Reform on this scale does not just happen in an instant, or overnight. It is a process that takes time and, dare I say it, resources. It requires and may require legislative change, new strategies and schemes, and massive changes to the management. As has been referred to, employee relations are also a key part of the change management programme, as are the provision of healthcare, the development of an offender manager and, in particular, changes to learning and skills provision. If we are genuinely determined to improve and to deliver for the prison population, we need to deliver learning and skills provisions so that, when they come back into society, they are ready to make a contribution.

Those changes will not be completed overnight. There is a planned end point of April 2015, and the House has a responsibility to give its full

support to the Department, the relevant agencies and the reform agenda. It is not for the House or its Members to micromanage our Prison Service.

11.45 am

We will support the motion. However, we will listen to the Members who argue for the amendments before we come to a final conclusion on the amendments presented to the House.

Mr Humphrey: I begin by paying tribute to the Prison Service in Northern Ireland for the leadership that it has given to this society over past decades. As my party colleague and the Chair of the Committee pointed out, we, on these Benches, have concerns with the Owers report, and I want to spend some time dealing with the Criminal Justice Inspection report. The report provides little comfort for the Minister or for the House when it talks about the ability of Hydebank and Ash House to deliver positive outcomes — whatever that means — for the prison estate. The report comes on the back of a number of serious reports over a number of years. Nine years ago, the women were moved from Maghaberry because of its unsuitability, and the report provides little comfort for the Minister and no reassurance, I believe, for the people of Northern Ireland.

As Mr Maginness mentioned, the regular use of lockdowns is of real concern. There seems to be an endemic problem or, if you listen to other reports, a systematic problem of drugs across the prison estate. It is all too easy to blame prison officers. Clearly, however, there is a huge responsibility on those responsible for the penal system in Northern Ireland to look at that problem, if it exists. In his contribution to the debate, the Minister might spend time providing reassurance on that issue, because, quite frankly, it is too easy to blame the prison officers and the staff in prisons and young offenders' centres.

Sue McAllister said that Hydebank was facing very challenging times, and we should all be concerned about that. Clearly, there has been a lack of leadership, direction and management on a day-to-day basis in that institution. The CJI report is not at all positive for that centre and for the wider prisons estate in Northern Ireland. The role of the Minister is crucial, and his actions and reactions to the reports and to the challenges that they highlight are also crucial and key to the resolution of those problems.

I had written down something, but Mr Maginness rather stole my thunder on this. Instead of the English or Irish solution to the problem, what we need, quite frankly, is a good old common-sense Ulster solution to an Ulster problem. The challenge for the Minister and for the House is to ensure that we get that solution: a solution that works and is demonstrably seen to be working; that provides a prisons estate, in this particular institution and across the estate, that benefits those in prison or young offenders' centres; and that gives reassurance to the people of Northern Ireland.

The lack of leadership and management is of real concern. We will not deliver the change that is required unless that direction and leadership is put in place. I listened to Mr Finlay Spratt at the Justice Committee a number of months ago, when he made very clear the point that Mr Givan made earlier; he and his colleagues have real concerns that Northern Ireland prison officers who have risen through the ranks, who know, who understand, who — let us be honest — served at the height of the threat in Northern Ireland and who gave good leadership and service to our country, are being overlooked and maybe even ignored for promotion in the Prison Service.

We need to be very concerned about that. The Minister needs to deal with that issue as well. We simply cannot have people disenfranchised because they are from Ulster.

Regarding management and leadership, the fact that there was no permanent governor or deputy governor is something that the Minister should be really concerned about. That is equally something that needs to be addressed.

I made this point a number of times, and I make no apology for making it again: it is for the Minister, in his response and reaction, through working with the Justice Committee, within his Department and with the Prison Service —

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

Mr Humphrey: — to build up relationships with the association. That is key to getting a resolution, and it will be watched by the people of Northern Ireland.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. A well-known quote came to mind when I was reading this report. It goes: a society can be judged on how it treats its prisoners. If that is the case, we would be judged very poorly.

I welcome the opportunity to speak on what is an important issue. We as politicians should have a keen interest in what happens in our prisons, particularly regarding women and young people in custody. They are the most vulnerable in society and very much without a voice.

This report confirms that there have been no improvements in the women's prison and young offenders' centre since the last report. In fact, there has been a regression in some aspects. Those two groups of prisoners are full of people with alcohol, drugs and mental health problems. In a nutshell, little is being done to address those problems unless it is being done to address the conditions in which they live. I agreed with Tom Elliott when he said that we should ask whether some of those people should be in prison at all.

In its final report, published exactly two years ago, the prison review team set out a compelling vision for an effective and efficient service, with those in custody at the core. That includes the targeting of services and programmes aimed at reducing the risk of offending. That was two years ago, and little has changed.

This issue was brought up by Mr Maginness, and I understand that fundamental change is proposed and the configuration of Hydebanks as a secure college, and the building of a new purpose-built women's prison, will take time. However, the Minister must accept his failings to implement the most basic of changes. I agree that timescales need to be set regarding those two major issues.

In an answer to a question earlier this year, the Minister said he was hopeful that the next inspection of Hydebanks Wood by the CJI would recognise significant improvements from the inspection in February this year. Clearly, that did not materialise. Rather than significant improvements, the chief inspector's report stated:

"Overall this was a disappointing inspection".

Responsibility for overall change is with you, Minister. Huge amounts of public money are being spent and wasted. Remember that this is the fourth CJI report into prisons here in eight years. For the approximately 70 women and 180 young people, safety, respect, purposeful activity and rehabilitation are not being delivered.

I and my two colleagues on the Justice Committee went into those two facilities on 4 September. Although we do not profess to have the same skills as the inspectors, what we learned and heard is confirmed in this report. Those involved in the delivery of activities were frustrated at the lack of resources and limited activities in the young offenders' centre (YOC). There was no planned approach to purposeful activities. Everything was disjointed, which resulted in young people not being interested in taking up activities. That is confirmed in the report.

The computer suite was restrictive and controlled to the extent that few had positive experiences. Another problem was the cancellation of activities at the last minute. The governor himself told us in his office that, if he is down by five or six members of staff, the prison comes to almost gridlock, thus leading to longer lock-ups and a major impact on educational activities. In the afternoon of the same day, we went over to Maghaberry prison. In Roe House, staff were standing on each other's toes to ensure control over a small number of prisoners in what is a secure environment. In my opinion, that is bad use of staff resources. In 2013, it is not good enough that staffing is having a major impact on bringing about the fundamental change that is envisaged in the prison review team's report.

Mr Givan: I appreciate the Member's giving way. He will get an extra minute now. Does he not need to be a little bit cautious in his comments about Roe House, given the protest that went on for such a long period and that resulted in, of course, the murder of prison officer David Black by people who were involved in it? There was a need to have a secure environment during that protest. Obviously, things have now moved on. We just need to be a little bit wary about making those types of comments, given the environment that officers had to work in.

Mr Lynch: Go raibh maith agat. I agree. However, in my opinion, Roe House is overstaffed for the number of prisoners who are there.

I will continue. The Minister cannot allow another report of that nature to happen, with similar outcomes for prisoners, or continue to let down the most vulnerable prisoners and society by not reducing reoffending and the continued waste of public funding. The Minister chairs the prison review oversight group that was set up to oversee the implementation of the recommendations that the prison review team made. He should make that a priority over the

next six months. It is my opinion that he needs to ensure that change happens as soon as possible, otherwise his leadership on the issue will be called into question. Go raibh maith agat.

Mr Anderson: I will speak in support of amendment No 1. Like my colleague William Humphrey, I commend prison staff for their dedication and commitment in carrying out their duties and services to the community over the past 40 years.

I accept that some serious concerns and criticisms are in the recent inspection reports on Ash House women's prison and Hydebank Wood Young Offenders Centre. They need to be considered and addressed. However, I also feel that those reports' findings need to be set firmly in the context of the wider picture. The Northern Ireland Prison Service is unique. Like Northern Ireland society in general, it continues to bear the scars of years of terrorism and civil unrest. As the Prison Service seeks to move forward, the process of change and reform will require careful and sensitive handling. Some people are so keen to see our prisons reformed with undue haste that they tend to forget that the terrorist threat has not completely gone away. It is just one year since David Black was brutally murdered simply because he wore the Prison Service uniform. The terrorist threat is still there.

Although I agree with some of the motion's sentiments, I feel that it does not take the complexities of the issues fully into account. That is why I ask the House to accept my party's amendment, which sets the specific issues of the two recent reports in the context of the ongoing Northern Ireland Prison Service (NIPS) strategic efficiency and effectiveness programme, which is, by any standards, a radical, challenging and fundamental prison reform programme. If prison reform on the basis of that programme is to be successful, it must have the support and, indeed, confidence of all the key players in the prison regime and the general public. It also must take Northern Ireland's unique circumstances into account. The recent report highlights a number of issues and lists around 150 recommendations. The inspectors expressed concerns that both prisons are on a downward spiral. I do not think that it is quite as dramatic as that.

As the director general of the Prison Service, Sue McAllister, has pointed out, those inspections were done in February at a time of great challenge for the Prison Service. For example, there was no permanent governor or deputy governor at Hydebank Wood. Many

experienced officers had left due to early retirement. Making the point that the inspections came at a bad time is a reminder of the need for us to take a pragmatic approach to not only the staffing issue but the reform agenda in general. Ms McAllister also pointed out that, since then, there have been major changes and that some of the concerns in the reports have been or are being addressed. That needs to be taken into account.

I have to say that, although I am concerned with many of the findings, I do not agree with all the criticisms that the inspectors made. I am very much in favour of a humane and dignified prison regime. I feel that we already have that. When you hear the horror stories of people from the United Kingdom being held in foreign jails of one sort or another, it makes you realise that even the worst of our prison conditions are not so bad. So, we need to take those matters in context.

12.00 noon

As I said, we must take note of the reports' findings and recommendations. For example, we need to be very sure that everything possible is being done to reduce the risk of suicide and self-harming and to develop and enhance support mechanisms.

I come back to the issue of staffing and management. I fear that quite a few of the problems stem from reductions in staffing, and I am not sure that changes in that crucial area are always being managed in the way in which they should be.

An academic has said that problems over the treatment of women and young offenders will continue until more managers are recruited from outside Northern Ireland. That, to me, is not a logical statement. I believe that we must recruit the best managers, and perhaps we might find them in Northern Ireland.

We must never forget that a prison is a prison and not a holiday camp. I listened to a debate on prison reform on the radio recently, and the focus was almost entirely on the welfare of prisoners. Welfare is indeed important, but those who are in prison are there to serve a sentence for crimes of one sort or another, and it is essential that the public have confidence in the prison regime.

One of the criticisms in the reports is about excessive strip-searching of female prisoners. Such a practice should never be excessive, but we must be very sure that it is adequate in order to control the availability and use of drugs

in our prisons. I am concerned about the drug culture in our prisons, and it is vital that we protect the safety of staff and prisoners. Finlay Spratt of the Prison Officers' Association has a case when he suggests that we should look at modern technology as an alternative to strip-searching.

I have touched on only a few issues, but we are dealing here with a wide range of hugely complex issues. That is why we need to —

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

Mr Anderson: — review exactly where we are with the efficiency and effectiveness programme and make every effort to ensure that we have the support and confidence of stakeholders as we move forward.

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

Mr Ford (The Minister of Justice): I welcome the opportunity to address the issues that were raised in the recent inspection reports on Hydebank Wood Young Offenders Centre and the women's prison.

I wish to put on record my appreciation for the work of the chief inspector of Criminal Justice Inspection and his team and that of Her Majesty's Inspectorate of Prisons.

Like many Members, I was certainly concerned by the findings in the two reports, and although they highlighted many challenges, it is important that the findings are put in context — a point that Mr Anderson made. There is no doubt that the inspection took place at a difficult time, in February this year. The Prison Service had an ongoing reform programme, with significant change taking place, and the inspection of Hydebank Wood came at a time when many experienced officers either had left or were in the process of leaving under the voluntary early retirement scheme. Although new staff had come in, there were staffing shortages at the time of the inspection. Those shortages were compounded by the fact that many staff were unable or unwilling to undertake overtime duties.

Furthermore, as Members said, at the time of the inspection, there was no permanent occupancy of the posts of governor and deputy governor. Those positions have now been filled. On the point about filling posts, a number of Members said that when it comes to promotion staff feel — as one Member put it — disenfranchised. The reality is that there is open recruitment to the senior posts that we are

talking about. Recruitment is done on the basis that we appoint the best person for the job. That is the single most important criterion. I think that it would be very difficult to suggest that that should not be the case. The reality is that very few posts in the Prison Service have been filled by staff other than those based in Northern Ireland.

If we look at the reports, we see that they were a snapshot of what was happening back in February. The new governor and his team at Hydebank Wood are addressing the reports' major issues of concern. They are continuing to work with colleagues, particularly those on the healthcare side from the South Eastern Trust. Of course, as Members should know, the trust has the lead responsibility for prisoner healthcare, and the work being done between them is aimed at delivering an appropriate and fitting regime.

The reports highlighted some specific issues, many of which have been mentioned already, and I wish to address a number of them today. It is absolutely clear from the report — I think that nearly every Member who spoke highlighted this — that the inspection's overall rating of Ash House was heavily influenced by its collocation in the YOC. Indeed, the report points to the fact that physical conditions in Ash House were good and clean. I agree, and have agreed for a long time, that collocation of female prisoners and young offenders on the same site is far from ideal. I can assure members that I remain committed to providing that new separate facility for women offenders, and, as Members are aware, I will make a statement on the prison reform programme next week, which will include specific details on the plans for women in prison. I assure Ms McCorley and others that that will be very much based on building on the Inspire model and similar examples — for example, one that I saw recently in Scotland — to look at a better way of managing women offenders.

The report also highlighted the searching of female prisoners, and I can inform the House that women are no longer routinely strip-searched, as the report terms it without actually describing it. Strip-searching in that context means women being stripped to their underwear. Searching is carried out now on the basis of intelligence across the different prison establishments rather than a routine search of all people at particular stages.

I am in no way attempting to play down the serious issues raised in the report, but it is important that we also recognise, as some Members have acknowledged, that the

inspectors found examples of good practice. Alban Maginness highlighted positive staff and prisoner engagement, and the report also states that positive role modelling is encouraged. It commended faith services and said that the provision of mental health services had improved since the last inspection. It is hardly a downward spiral in that respect. Importantly, it found that each prisoner has a sentence manager and that offender management arrangements are good.

I want to point out that, in addition to the appointments at senior level — the governor and deputy governor at Hydebank — a number of significant changes have taken place at leadership level in the Prison Service in recent months. We have a new director of offender policy and operations, who was appointed since this inspection, and, at the beginning of September, the new director of rehabilitation took up post. Those are very important posts in the Prison Service. The director general now has in place an experienced, well-motivated and determined leadership team that will deliver the necessary changes, not only at Hydebank but across the service.

We all know that reforming our prisons remains a key priority. It is not an issue for me for the next six months; it has been current for me for the past three years and will continue to be so because the reform of our Prison Service is one of the biggest challenges facing us collectively. As with any change on this scale, it is challenging, and implementation will take time. It will not happen overnight, and that is why we have a change programme in place that is timed to run until April 2015 and is on track to deliver by that date.

From the outset, I have said that implementing the reforms will not be a single event but a process, and that remains the case. Reports such as this make me more determined to see the reforms go through and more convinced that we are addressing the right issues. As the motion says, most of the issues highlighted in the report are being addressed as part of the reform programme. Although the report highlights that a number of issues had not been resolved satisfactorily in February, I am reassured that they are being addressed as part of the wider programme.

With any major reform programme, the pace of change can feel frustrating at times, and there is no doubt that that is the case with this programme, but the next year is a critical period for the Prison Service, when many of the recommendations from the Owers report will become real. My statement to the House next

week will give a detailed progress report against those recommendations. That will include positive developments with learning and skills in our prisons; more detail on the prison estate; plans to establish the Hydebank college; and the development of our staff.

To deliver any reform programme of this type, it is vital that strong governance and strategic foundations are put in place. That is driven and led by the prison reform oversight group, which brings together the key people responsible for delivery and has a strong and robust independent element. As chair, I am fully aware of how strong and robust that independent element is, as the group meets quarterly to review operations and the independent members engage with a variety of stakeholders between meetings and robustly hold to account Prison Service staff at those meetings. That provides me with, and it should provide the House with, considerable reassurance.

The challenge of reforming the Prison Service falls not only to the management and staff in NIPS but, as I have acknowledged, to my Department, other Departments, particularly the Department of Health, Social Services and Public Safety, and beyond.

My Department will continue to work across government to ensure that we have a joined-up approach to prison reform. Of course, the partnership does not just end with other Departments. Over the past year, nine stakeholder events have taken place with statutory, voluntary and community partners. Just last week, the Prison Service held two stakeholder events to update partners on the reform programme. This engagement is an important part of the programme, and it will continue into the future.

The Prison Service is an organisation in transition. Many people inside and outside government are working to make that change a reality. I am greatly encouraged by the work that is being done to reform our prisons. As with any major reform programme, the challenge is to build on that work, to see it through to April 2015 and to ensure that the progress that has been made to date continues and that all necessary work is delivered on that timescale. I assure Members that I remain resolute today to ensure we have a prison system that delivers secure and safer prisons, has a professional and effectively led service and places the offender firmly at the centre of our work. That is how we will help offenders to reduce their risk of reoffending. That will only be good for the wider community in Northern

Ireland. That is what the prison review team envisaged. That is what I am determined to deliver, and I trust that, when I report more fully next week on the progress that has been made, that will provide evidence to the House of how today's motion is being put into practice.

Mr Hussey: I begin by apologising to the Members whose speeches I missed. I had to leave the Chamber for a short time, and I apologise to them for that.

I am pleased that the House has had the opportunity to debate the issue today. When the two reports referenced in the motion were originally published by Criminal Justice Inspection, my colleague Tom Elliott attempted to raise the matter by way of a question for urgent oral answer. The Speaker did not see fit to allow it; however, our party has had that opportunity in this debate.

We are all aware that the Northern Ireland Prison Service is halfway through a programme of reform that will run until April 2015. The Justice Minister has assured us that the senior management team has set out a clear direction of travel for the Prison Service based on the 40 recommendations of the prison review team's report. To date, nine of those have been fully implemented, with the remaining recommendations due to be completed at various stages over the next 18 months. I hope that we are on track to deliver this, and the Minister referred to "delivery" several times in his speech.

I want to deal specifically with the situation at Hydebank. The reports were certainly a wake-up call as to where we are with prison reform. As a general point, we should not underestimate the seriousness of the concern in the House over the state of affairs at Hydebank when the inspection was carried out. CJI outlined clearly that it had significant concerns around the performance of the two prisons, so much so that 156 recommendations were made. Some of the most pressing deficiencies related to spending too much time in cells, a lack of prisoner access to work and education, the approach to violence reduction and a lack of learning from recent deaths in custody.

I note that the inspection at Hydebank Wood was carried out less than a year into the current reform programme. I also note that since then a new director of offender policy and operations has been appointed and that last month the first director of rehabilitation for the Northern Ireland Prison Service took up his post. At the time of the inspection, there was also no permanent

occupancy of the posts of governor and deputy governor at Hydebank Wood. I am pleased that those posts have now been filled and a new senior management team is in place in the establishment.

I welcome the steps taken since the inspection, but that does not excuse the terrible standard that was evident at the time. The Ulster Unionist Party made its position clear on publication of the reports: the buck has to stop with the senior management of the Prison Service and, indeed, with the Minister. It has been mentioned before and I again mention the fact that prison officers in Northern Ireland have given unrivalled service in their field at really challenging times throughout the worst days of the Troubles. It is appropriate that we today again remember David Black and the service that he gave to the Prison Service and to this country. I again put on record in the House my total respect for how the Black family dealt with the terrible circumstances that befell them and for the Prison Service generally for the way that it dealt with that bereavement.

I believe that prison officers stand ready and willing to offer a first-class service, but they need support and resources from their superiors. The Ulster Unionist Party seeks support for our amendment in the knowledge that the Minister must take ownership and complete this reform.

12.15 pm

Mr Deputy Speaker: I remind Members that they should not make reference to the Speaker's previous decisions. That is the custom and practice of the House, which should be obeyed.

Mr Wells: I apologise that I was not here for all the speeches. I had to deal with an urgent health-related issue that lasted somewhat longer than expected.

I support the amendment and want to deal with some of the issues that have been raised. In his contribution, the Chair of the Justice Committee, Mr Paul Givan, raised the frequent turnover in senior staff in the Northern Ireland Prison Service. I have been on the Committee for just over two and a half years, and I have to say that I have been astounded at the different faces that appear before me so frequently. I hope that now we will at least have some form of long-term consistency, because the lack of that is undoubtedly inhibiting the ongoing reform programme in the Prison Service. It has been quite a shock to learn this morning, for

instance, that Ronnie Armour has been moved on. I found the relationship between Mr Armour and the Committee and, indeed, individual MLAs to be a very good one. He was always available at the end of the phone when an issue arose urgently, and it is unfortunate that, yet again, someone of considerable experience has been moved at short notice. Fundamental change can occur, as the Chair said, only if we have consistency of senior management. The SEE programme is a four-year programme, rolled out until 2015; it will not work if we constantly change the faces at the table.

The Chair raised another issue that is very worrying. I keep saying this, but I was elected in 1982, perhaps before other people in the Chamber were born, certainly some of the ladies. I see that no one is denying that statement. I must say that it was always thus: I can never remember a time when the relationship between the POA and the senior governors at any of our prisons was good. It has always been fraught with controversy. This is an issue that, on devolution, we can no longer blame direct rule Ministers for. Now that we have devolution, it is incumbent on the Minister, senior directors in the Prison Service and the unions to get together to bury some hatchets and reach agreement, because we will not achieve all that we wish to in the Prison Service until that issue is addressed. Of all the public sector areas, that relationship is particularly bad and seems to have remained in a 1970s stupor that has not moved on, unlike other relationships between unions and management.

Ms McCorley said that she did not accept that it was right to have a mix of women and young people in a single state prison function. A risk assessment is carried out by senior management, and they have deemed that appropriate at the moment. We all wish that we had the resources to move things on, but there is not a great deal of evidence to show that either the young offenders' or the women's treatment is being affected by their coexistence.

Tom Elliott made the point that this is a senior management responsibility, and that bears out what Mr Givan said. Stewart Dickson made the most extraordinary statement. He said that it was MLAs' responsibility to support the Minister. I do not see it as my role to support the Minister; I see it as my role to scrutinise the Minister and to hold him to account. I know that the Alliance Back-Benchers see it as their role to be cheerleaders for their Minister and constantly argue that all swans are black and crows are white, but that is not even his role as a very obedient Back-Bencher who is no doubt

aspiring to great office. At times, you have to ask even your own Minister difficult questions.

William Humphrey made the point that this solution should be made in Ulster. Of course, we are all part of the United Kingdom — we all accept that — and, therefore, we cannot say that, because someone has done most of their training in the Prison Service in England, Scotland or Wales, they should be denied an opportunity to work in Northern Ireland. Indeed, we have benefited enormously from folk who have come over from Scotland and England to take on the management of the Prison Service. However, equally, in the interests of consistency, we should have a greater role for Northern Ireland-bred talent. It strikes me as a bit worrying that, every now and then, when someone reaches the higher echelons of the Prison Service, suddenly, out of nowhere, they disappear overnight without explanation.

Mr Givan: Will the Member give way?

Mr Wells: Certainly.

Mr Givan: I am sure that the Member agrees that Northern Ireland should never be regarded as a training ground for people to spend short periods in before going back to a better promotion elsewhere.

Mr Wells: At times, Northern Ireland is a nurturing ground for talent; people come here to cut their teeth in a difficult situation and then move on to the higher echelons in GB. There is nothing wrong with that, but, if we become too dependent on that happening in the Province, the Prison Service will suffer.

Seán Lynch said that he believed that there was a shortage of staff in our prisons and that we would be judged on how we treated our prisoners. I do not think that the public would agree with some of that. I think that he was referring to a situation in which he saw a preponderance of staff in a particular prison, but he failed to mention that there was an ongoing protest in that wing that required additional staff. You cannot have it both ways: you cannot give tacit support to protests and then complain when extra staff are brought in.

Sydney Anderson mentioned the need to promote local staff. He also raised an issue about the timing of the inspection.

Ross Hussey rightly brought us back to —

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

Mr Wells: — David Black. We pay tribute to him, his family and all the courageous work that he did in the Prison Service.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Beidh mé ag labhairt ar son an rúin. I support the motion, the terms of which were laid out by Rosaleen McCorley and Seán Lynch. They gave a sense of what the two reports were about: one was about the young offenders' centre and the other was about the women's prison, which are both based in Hydebank Wood.

The Minister and Alban Maginness said that the reports were like snapshots, that perhaps there was a feeling that we have been here before and that now is the time to take stock. We accept that. The difference on this occasion is that the Owers report and the other prison reform programme are now being rolled out, so you would expect it to be analysed against that. I think that most people accept that the inspections to date by Criminal Justice Inspection not just of prisons but of other issues that it has brought to the attention of the Assembly have been done in a very objective manner. Of course, there are aspects that we might, at times, feel could have been stronger or weaker, but, in general terms, it does excellent work. That is why it is important that, whatever we say or do, it is very much with that in mind. CJI will point out the weaknesses. It also pointed out the strengths of the two establishments. Perhaps there will sometimes be an emphasis on the weaknesses, and the strengths can be overlooked. We have to acknowledge that there are strengths and good work is going on. It is the task of all of us to ensure that the weaknesses are addressed to get the situation to the level that we all want to see.

We were supportive of the need for the Owers report at the Hillsborough negotiations. The Minister then commissioned a report. It can be broken down into smaller elements. To me and my party, it was about the need for change and dynamic leadership. Leadership comes at not just a senior level; it can and should be at every level in any organisation, particularly in the Prison Service. The Owers report, the SEE programme and all the other changes provided the opportunity to bring about what most people accepted was the need for prison reform. People can pore over what went before — perhaps we spend too much time poring over what went before — but here was an opportunity to programme for the future by

having a forward-looking outlook and ensuring that we brought to the core of whatever we did the need for rehabilitation. I look at some of the changes in that regard. We have welcomed them, which is the proper way to go.

I am conscious that the Deputy Speaker has said that, if amendment No 1 is supported, the Question on amendment No 2 will not be put. We would have been supportive of both. It is understandable, from the way in which people have approached the debate this morning, that, when we put forward the Owers report, it was not about asking people to endorse it chapter and verse; it was about the broad thrust. All Members who spoke this morning talked about that. Critical to that is the statement that the Minister headlined for next week, and we await the outcome of that. The oversight group has an important role in all this, and it has to give the snapshot. So, whatever about the lack of leadership at Hydebank in February when the report was made, it is where we should be.

Seán Lynch made an observation about protests. Sometimes it is difficult, because you are giving a version of what someone else has told you, but you did not wish to do that. The senior management people whom we met at Hydebank in September talked about difficulties with staffing levels in the prison, and they made the point to us that a small number of staff can have a great impact on the regime. All of us come at this from different angles, and, as I said, good aspects are being carried out. Core to all of this — this is where the Minister is talking about prison estates and staffing levels — is that both reports' forewords say clearly that a big measurement of our prisons is how often people are locked up and locked down and the purposeful activity that they carry out when they are outside. That gives all the people who want to work with prisoners on rehabilitation the time, space and opportunity to do so.

It was interesting that Tom Elliott, quoting the POA from as far back as 2006, said that it was not blameless. It has to analyse where it was to blame and what the obstruction is. It is worrying to hear that there is now a breakdown. We know that, in the past, a breakdown in relationships within the prison regimes led to fragmentation and, when they are fragmented, the prisoners suffer. Everybody here in the Chamber this morning has accepted that they are the people whom we have to work with because they are the most vulnerable. So, if prisoners are in their cells, the education, the learning and skills programmes and the health service — all those elements — are broken down. Therefore, it is in none of our interests to

have a relationship where the leadership, whether it is the management team, the POA or staff, are at odds with each other. That is not the way to take this forward. It is critical that we say this, because a new management team is now in place at Hydebank and we cannot afford to have similar criticisms made in a year's time. From listening to that governor, I think that some of those criticisms will be made in the future if we do not tackle staffing levels. That is why we should not look at Hydebank or the women's prison in isolation from the overall package. One of the recommendations in the Owers report was for the reconfiguration of Maghaberry. That should be a priority, because such a reconfiguration could help to ease staffing levels, which will impact on the other establishments, particularly Hydebank Wood. We found it enlightening and, I am sure, the senior staff found it frustrating that as few as five or six people can have such an impact on a regime.

On a wider point, as we have said in Committee and in our discussions with the management when we have been in Maghaberry, Hydebank and Magilligan, the measurement of people out of their cells and the measurement of purposeful activity is a big part of prison regimes. So, management is supportive. Seán Lynch made an observation about the protests at Roe House and Bush House. We realise that there are complexities in that, but our observation and that of other people is that those blocks are overstaffed. The small cadre that could be released could have an impact on the wider prison regime, which would have an wider impact on prison reform.

It is difficult to stand here and say — the Minister alluded to this point — that the next report, particularly on Ash House, will not make similar observations while the women's prison remains in Hydebank Wood. Despite the best efforts of people in there, it is accepted that the women's regime is impacted by the fact that most of the services, including health and learning skills, are affected by their location. The governor said that he would wish women to have more movement around the establishment but that is curtailed by the fact that it is co-located. He even talked about, in one instance, having to put up screens to block views. That is not the way in which we should go forward. The Minister should have that as a priority when he looks at the estate review, because it would have a qualitative impact. I am not saying that it would underwrite or guarantee a better report, but, in our opinion — I think that most people would agree — while Ash House remains co-located, you will have that problem. We have to realise that.

12.30 pm

It was worrying to hear this morning about the breakdown of relationships. Attention should be given to that. One of the main planks of the Owers report concerned leadership, and leadership has to be given. I do not think that we can have a situation in which one part of the system can dictate to the rest. It is important that we do that as we go forward. Whatever the reform package is and whatever projection and outcome is in place, that is what we should all work for. Anyone who prevents it for sectional or narrow reasons has to be faced down so that we do not come back here in a year or 18 months and say, "Here we go again". I welcome the fact that the POA accepts that it is not blameless; that gives you some sense that it perhaps wants to work its way out of this. On a lighter note, it is not often that I find myself in agreement with Finlay Spratt, but he said in Committee —

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

Mr McCartney: — that there is no English solution to an Irish problem. Maybe that is something that could be taken wider.

Mr Deputy Speaker: Before I put the Question on amendment No 1, I remind Members that, if it is made, I will not put the Question on amendment No 2, as the wording will have changed to such an extent that it would not be in order to put the Question on it.

Question, That amendment No 1 be made, put and agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes with concern the findings contained in the Criminal Justice Inspection's reports on Hydebank Wood Prison and Young Offenders Centre; notes that the Owers review highlighted most of the issues raised in these reports; and calls on the Minister of Justice to review the implementation of the Northern Ireland Prison Service strategic efficiency and effectiveness programme to ensure support from all relevant stakeholders taking forward the reform programme.

Mr Deputy Speaker: The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose therefore, by leave of the Assembly, to suspend the sitting

until 2.00 pm. The first item of business when we return will be Question Time.

The sitting was suspended at 12.32 pm.

On resuming (Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair) —

2.00 pm

Oral Answers to Questions

Finance and Personnel

NAMA

1. **Mr Elliott** asked the Minister of Finance and Personnel whether he has had any recent discussions with the National Assets Management Agency and whether there are any plans for the disposal of assets in Northern Ireland. (AQT 221/11-15)

Mr Hamilton (The Minister of Finance and Personnel): I thank the Member for his question. I had a very recent discussion with the chairman of the National Assets Management Agency (NAMA), along with members of the Northern Ireland advisory committee. We met last Monday in Parliament Buildings. That was my first meeting with Mr Daly in my capacity as Finance Minister. It was a very useful meeting, given the extent of the assets that NAMA has in Northern Ireland; the nominal value of its assets in Northern Ireland is around £3.5 billion.

As the Member will be aware, NAMA has been selling assets off as it becomes viable to sell them off. Obviously, we were all very concerned at the creation of NAMA. My predecessor in this post very assiduously worked with his counterpart, the late Brian Lenihan, who was Finance Minister in the Irish Republic at that time, to ensure that the fears that many of us had that there could be a fire sale of assets in Northern Ireland did not materialise. Obviously we were very concerned about that happening. NAMA was keen to point out that not only has there not been a fire sale but, through the ability to lend to developers for viable propositions, it has put some £140 million into the local economy. That has seen various developments go forward, including a housing development of 90 units in Dundonald in east Belfast, and some significant commercial property in the centre of Belfast.

Mr Principal Deputy Speaker: I remind Mr Elliott that, yesterday, the Speaker drew attention to topical questions at times overlapping or infringing on questions for oral answer that have already been tabled. Having

drawn attention to that, I will be listening very carefully to your supplementary question.

Mr Elliott: Thank you very much, Principal Deputy Speaker. I did not realise that there was an overlap. Apologies for that, if there was.

Does the Minister consider it likely that the Ulster Bank could be partly exchanged for British loans and investments currently owned by NAMA? Would there be any likely implications for Northern Ireland in that?

Mr Hamilton: There may be well be a tad of an overlap there.

I do not think that that is a likely option. I have met my counterpart in the Irish Republic, Michael Noonan, and the issue has been raised, and I do not get any sense of longing for such a swap as the Member has described.

Obviously, the future of the Ulster Bank is something that we are very closely monitoring, not least because of its significant size in Northern Ireland; it is the biggest lending bank in Northern Ireland. Despite its problems and the issues it is currently dealing with, it has a 30-plus percentage share of the market in Northern Ireland because it is the only bank we have that is nationally owned at a UK level. It is frequently the only one that avails itself of various national lending initiatives.

So, for all its travails and all the difficulties it has faced and continues to face, the future of the Ulster Bank is something that we are concerned about. We want to see it operating in Northern Ireland as a properly functioning bank. It is incredibly critical to our economy that the Ulster Bank functions properly and is able to get loans out to businesses so that they can start to grow and employ people in Northern Ireland.

Mr Principal Deputy Speaker: I inform Members that the Member listed for question 4 has withdrawn her name within the appropriate time frame.

Driver and Vehicle Agency

2. **Mr Ó hOisín** asked the Minister of Finance and Personnel what he has done to advance the Driver and Vehicle Agency (DVA) issue beyond merely lobbying London Ministers, given that he has agreed the possibility of devolving DVA functions to the Executive in conjunction with the Minister of the Environment and his recognition of the importance of the 300

jobs, plus the attendant jobs, in Coleraine. (AQT 222/11-15)

Mr Hamilton: At the outset, I want to clarify that vehicle licensing and registration is a reserved matter and is not devolved to the Assembly, as we know. To date, I have had no discussions with the Minister, although it is an issue that has been discussed at Executive level. The Minister of the Environment is following on from his predecessor in trying to lobby for and argue that what the 300-plus staff in Coleraine do is a vital part of the entire DVA operation for the whole of the United Kingdom and, whatever happens with a move towards more online processing of car tax, that there is still a role for those staff in Coleraine.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire. Will the Minister assure the House that he will take a look at consulting the unions, the workforce and, perhaps, Coleraine Borough Council?

Mr Hamilton: The Minister of the Environment has greater policy oversight in this area than I do. Just because I do not have direct responsibility does not mean that I do not share his concerns, the Member's concerns or the concerns of any representative from that area or, indeed, right across Northern Ireland for the future of that function that is performed at Coleraine. However, the Minister of the Environment is better placed to take the issue forward. He has set up meetings with the relevant Transport Minister, Mr Stephen Hammond, to deal with the issue. It is an issue that is better pursued on a one-to-one level by him, with the support of me and other Executive colleagues.

Banking

3. **Lord Morrow** asked the Minister of Finance and Personnel to outline the issues discussed at the first meeting of the joint ministerial task force on banking. (AQT 223/11-15)

Mr Hamilton: I thank the Member for raising this issue. It is very important, and it follows on from some of the points that Mr Elliott raised. Arlene Foster, the Minister of Enterprise, and I represent Northern Ireland on the joint ministerial task force, which was created out of the economic pact agreed by the Prime Minister and the First and deputy First Minister in June. It is one of the most significant aspects of that pact, because, as we all know, and the Member will know from his constituency experience, the inability of good businesses to get the finance

that they need to grow is inhibiting our ability to recover as an economy. So, the fact that that task force has been created is an acceptance and an acknowledgement at a national Government level that there is a particular problem here in Northern Ireland that is often very distinct from banking issues that affect Great Britain.

At that meeting, we had a broad-ranging discussion on about six issues. We discussed the strategic importance of making progress on access to finance to economic recovery in Northern Ireland. We discussed the very different structure of banking that we have in Northern Ireland, where there is less penetration by the big five banks, as I would describe them, in Great Britain. We talked about legacy issues, primarily the property overhang that many businesses in Northern Ireland experience.

We also talked about the issue that Mr Elliott raised, which is the future of the Ulster Bank, particularly in the context of the Parliamentary Commission on Banking Standards. We looked at national lending initiatives and their operation in Northern Ireland. Finally, we discussed how we could improve the data sets that we, as an Executive, receive to inform us better about what lending is going on out there in the community.

Lord Morrow: I thank the Minister for his comprehensive and detailed reply. How can national lending initiatives become more effective here in Northern Ireland?

Mr Hamilton: That was one of the key issues that we discussed at length at the first meeting of the task force. It was raised specifically because my colleague Arlene Foster and I have been concerned for some time that national lending initiatives, which have been rolled out to much fanfare in Great Britain for the whole of the United Kingdom, have not operated properly or at all here in Northern Ireland. There are two principal reasons for that. The first reason is the different banking structure that we have. So, when they are unveiling those sorts of initiatives in Great Britain and enforcing them on the big five banks, only one of those big five banks — the Ulster Bank, through its ownership by RBS — is operating in Northern Ireland.

The second reason is that many of those solutions are not tailored to the Northern Ireland problem, which is the issue of having a property overhang. It is not so much an issue of reducing the price of lending, which is what many of the initiatives at a national level have

been focused on; it has been about the availability of lending here in Northern Ireland and the risk inherent within that.

I was very encouraged by the discussion that we had because we looked at how we might be able to tailor some of those initiatives for Northern Ireland. Some of the thresholds and entry levels have been far too high for the economy that we have in Northern Ireland, where most of our businesses are small- to medium-sized.

The very high thresholds have put banks off getting involved in, for example, the funding for lending scheme and the enterprise finance guarantee scheme. As an Executive, we believe that those schemes can be tailored for the Northern Ireland environment.

We received a very positive response from Treasury and the Business Department when they said that there might be scope for tailoring some of those funds and channelling them through existing funds, such as the growth loan fund, which is administered by Invest Northern Ireland, so that we can get that funding into the economy here in Northern Ireland and out to businesses that need it so badly.

Help to Buy

5. **Mr Moutray** asked the Minister of Finance and Personnel to update the House on the operation of the Help to Buy scheme in Northern Ireland. (AQT 225/11-15)

Mr Hamilton: The Help to Buy scheme is another of these national initiatives. It is aimed at getting the mortgage market going. The Help to Buy mortgage guarantee scheme is available right across the United Kingdom and has been taken up by quite a few of the big high street banks, including RBS — not the Ulster Bank, although I understand that it is considering it — Lloyds, Halifax, which lends in Northern Ireland, and, in the past week, Barclays. I saw a report yesterday that stated that Nationwide is the only big mortgage lender in Great Britain that is not part of the Help to Buy mortgage guarantee scheme.

It is an attractive scheme in that the Government will guarantee up to 15% of a property, meaning that only a 5% mortgage deposit is required from those who might want to get onto the property ladder. This scheme and our highly successful and now exceptionally well-funded co-ownership scheme have the potential to assist in the recovery of the Northern Ireland housing market.

Although there has been some criticism of the scheme at a national level because of the fear that it might overheat the housing market in London and the south-east, I think that most of us here would accept any sort of heat in the housing market in certain parts of Northern Ireland.

Mr Moutray: I thank the Minister for the response. Will he work with the Department for Social Development (DSD) and the banks to encourage participation in the schemes?

Mr Hamilton: Absolutely. My DSD colleague, Minister Nelson McCausland, and I plan to meet local banks in the not-too-distant-future to discuss how Help to Buy, in concert with the likes of the co-ownership scheme, might be able to offer some assistance to the recovery of the Northern Ireland housing market. It is important that we meet the banks to show our support for the scheme as a Government, and to ask them how, if there are particular reasons why they are not getting involved in Northern Ireland, we could iron out those problems with the Westminster Government through the joint ministerial task force. That is, in some ways, allied to the question that Lord Morrow asked.

It would be a shame if a scheme that is operating and functioning in mainland Great Britain and that has the potential to help people in Northern Ireland to get onto the property ladder and start to get the housing market moving — just like the enterprise finance guarantee scheme for business — is not operating in Northern Ireland because local banks are not joining it. So, if there is anything that I can do, that Nelson McCausland can do or that the Executive can do to encourage local banks to get involved in this scheme or even to use it as an opportunity to highlight the products that they have to encourage people to get onto the property ladder, that would be a useful use of our time.

Agrifood Loan Scheme

6. **Ms P Bradley** asked the Minister of Finance and Personnel how the agrifood loan scheme will work. (AQT 226/11-15)

Mr Hamilton: The scheme that the Member refers to is the scheme that the Enterprise Minister and I launched at the start of this month. It seeks to enable us to avail ourselves of a major opportunity that we believe is there for local food processors and producers. The horse meat scandal that we were all only too familiar with in recent times has seen large supermarkets wanting to go back to sourcing

their meat products from the UK. Obviously, therefore, there is a potential gap in the market for suppliers to get into.

We, in conjunction with the industry, identified that as an area of opportunity. However, the problem was that farmers who wanted to build more chicken houses and accommodation for pigs, poultry, and so forth, did not have the ability to access the finance that they required; they were being asked to do so at very high levels of security. The scheme that we have brought forward is in conjunction with banks to the extent that people will have to complete only one application form when they go in. There will not be multiple application forms, with one for government, one for the banks, and so on. We will work with the banks to lend money on commercial terms, with government money subordinate to the banks' money but, significantly, with lower security. That will allow those farmers to seize that opportunity. It is being rolled out initially in the poultry sector, and we have committed £10 million in the first phase, with a commitment to give more money to the scheme as it develops.

2.15 pm

Mr Principal Deputy Speaker: That is the end of the period for topical questions. We will now move on to the questions for oral answer that have been listed for the Minister.

Shared Future: Peace III

1. **Mr Lyttle** asked the Minister of Finance and Personnel for his assessment of the impact of Peace III funding on delivering a shared future. (AQO 4794/11-15)

Mr Hamilton: I thank the Member for his question. The Peace III programme and associated funding has a specific focus on reconciling communities and contributing towards a shared society. By the end of September 2013, the programme had attained expenditure of €193.7 million contributing towards that goal.

The programme has funded a wide range of projects, including large-scale capital developments with the creation of new shared spaces as their priority. Such projects aim to tackle the separation of communities by encouraging the development of physical environments that are not marked out as the territory of one side of the community. Through peace and reconciliation action plans, it has also enabled local authority-led peace partnerships to support initiatives at a local level

in conflict resolution and challenging sectarianism and racism. Through the consortium of the Community Relations Council and Pobal, funding has been awarded to 94 projects with the aim of acknowledging and dealing with the past. Beneficiaries of, and participants in, the Peace programme have been surveyed and were found to be more likely to engage in contact with the other community — as neighbours, friends and work colleagues — and more likely to trust the other community.

By building cross-community trust, the Peace III programme helps to lay foundations for stability and thereby for political and economic progress and a shared future. However, I am sure that the Member agrees that it is incumbent on us all to work towards that goal.

Mr Lyttle: I thank the Minister for his answer. I certainly agree with him that, although the European peace and reconciliation work has been hugely beneficial to building a shared future in Northern Ireland, we in the Assembly and the Northern Ireland Executive need to take leadership in that issue.

The EU Peace IV reconciliation programme prioritises the delivery of shared services. I welcome that the Minister has made a priority of delivering innovative and efficient public services. Given that the Deloitte report of 2007 found that it cost £1 billion a year to deliver segregated services, what policies will the Minister put in place to ensure that Departments prioritise shared services over segregated services?

Mr Hamilton: Everyone acknowledges that a lot of money is spent in Northern Ireland on providing services for two sides of the community, and, at a time when we have straitened public finances, that is not the best use of those finances. Equally, I am sure that the Member would agree that, if it were just a matter of our laying out everything that we desire and clicking our fingers to make all that division disappear, we would do it. However, it is not, and I think that the Member knows and would acknowledge that it is significantly more difficult than that.

I am not entirely sure how roll-out of shared services such as those that the Department of Finance and Personnel (DFP) administers would lead us in the direction of getting over divisions. Those services are, for example, shared IT or use of HR facilities in the Civil Service or broad public sector. Sometimes it is difficult to get over the divisions inside the

public sector and in the silos in Departments, never mind those in society in Northern Ireland.

However, I am exceptionally open to looking at anything that will help, as I know my colleagues in the Executive are. We have backed that up through our commitment through Peace funding and the match funding that Departments have provided. We have done that through the 'Together: Building a United Community' document, which has some very ambitious plans and targets for bringing our community together. However, we must always recognise that this is not as easy a process as any of us want it to be.

Mr Girvan: I thank the Minister for his answer. What work has been done with the Protestant, unionist and loyalist community to encourage uptake of Peace III funding opportunities?

Mr Hamilton: I thank the Member for his question. I am well aware that this has been a criticism of the Peace programmes in the past. It remains a criticism of the Peace programme that, although projects are not Protestant or Catholic as such, and although there is no delineation of funding between one community and another, there is evidence that there has not been an equity of funding towards the Protestant community. SEUPB has been instructed to engage with the Protestant community to encourage applications, and a significant amount of time and resource has been invested in encouraging greater involvement and more applications, and, most importantly, I think, in developing the capacity within the Protestant, unionist and loyalist community to make those applications. I think that we have seen some increase, although marginal, from Peace I to Peace III. There has been an increase in uptake of about 2%. It is still not enough. It is not where it should be, and I want to see it higher. I want to see SEUPB continue the engagement that it has started, and that has borne some fruit, but I want to see it do a lot more.

SEUPB has already carried out extensive outreach work, and it has brought forward better, bigger and more fundable projects from the broad Protestant community. I will highlight two of them. One is Skainos, which is not too far away from here on the Newtownards Road. It is a community project valued at £6 million for that community, and it is doing a fine job. The other project is the Grand Orange Lodge of Ireland's REACH project, which has a value of £3.6 million. Therefore, you can see that there have been more significant projects coming forward from the Protestant, unionist and loyalist community so that they can avail

themselves of that Peace funding, which is every bit as much theirs as it is anybody else's.

Mr D Bradley: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. Sorry for popping up earlier, Mr Principal Deputy Speaker. I am a better timekeeper than I realise. In any case, I thank the Minister for his answer. He will recall that a number of groups in receipt of Peace moneys had their letters of offer withdrawn. Will that money be repayable to Europe by the groups involved or will it be a charge on the public purse?

Mr Hamilton: That is a fairly cryptic question from the Member. Without knowing precisely what groups and projects he is talking about, it is very hard for me to say what will happen to the money that he is speaking about. If he wants to raise particular issues with me afterwards or in correspondence, I am sure that I will be able to give him the answer that he is looking for.

Mr Copeland: I thank the Minister for his answers thus far. Can he detail how applications to Peace III are classified, if indeed they are, to monitor and ensure that funding is dispersed proportionately and fairly across community, cross-community and other sectoral interests?

Mr Hamilton: It is not as easy as you might think to say that a project belongs to one community or another community. I am aware of that being the case in capital infrastructure projects in particular, where the project would serve both sides of the community but be classified as being part of one side because the predominant community in the area is one side of the community. I am thinking particularly of the Peace Bridge in Londonderry, which, although serving both sides of that community, was scored as being Roman Catholic because it was physically located in the Derry City Council area, which is predominantly Roman Catholic. That is why it is hard to pinpoint this.

Some projects are much clearer to identify than others, but there is a difficulty, particularly on the capital infrastructure side, in saying, "That's a Protestant project, that's a Catholic project." However, it is not that we should avoid this. There is clearly a problem with the lack of uptake, and even with applying, never mind applying and not succeeding, as the Member will know for the likes of Belfast. That is why it is useful that we monitor the figures and keep on top of them. Doing so allows us to identify where there might be problems, and it allows us

to target our resources, as we have done, through the extensive outreach work that SEUPB has done.

The Member is right to identify that it is not as simple as saying, "That belongs to one side, and that belongs to another", because, as we know, projects are, by their nature, open to everybody, especially on the capital side of things.

Mr Principal Deputy Speaker: Question 13 has been withdrawn.

Procurement

2. **Mr Milne** asked the Minister of Finance and Personnel to outline what aspect of quality is measured in procurement for public projects of £5 million and above. (AQO 4795/11-15)

Mr Hamilton: I thank the Member for his question. Public procurements above £5 million are subject to the Public Contracts Regulations 2006 and the European Union directive on public procurement. That legislation permits the awarding of public contracts on the basis of lowest price or most economically advantageous tender, both of which incorporate quality considerations.

In the procurement of public projects of £5 million and above, various aspects of quality may be measured through the following approaches: at selection stage, through an assessment of the quality of those firms seeking to tender on the resources and technical ability that they possess; and at the award stage, through the specification and contract requirements that require adherence to standards or performance measures and/or evaluation of bids against specific quality criteria.

Mr Milne: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer. I hear what he is saying but there are concerns in the construction industry that these projects are based 100% on price because DFP has changed the criteria. Does he not agree that there is a significant risk to getting public value when you remove quality from procurement criteria?

Mr Hamilton: I understand the Member's point and the concerns that some may have. The policy change, which is permissible under the law, was introduced through the publication of a procurement guidance note in May 2012. Prior to the introduction of the policy there was full consultation with the construction industry and

the guidance was presented to the Construction Industry Forum for Northern Ireland.

I make that point to emphasise to the Member that this was not something that was landed on the construction industry without its involvement or without consultation. In fact, we looked at the policy note and the change to policy in direct response to representations made to the Central Procurement Directorate by many in the construction industry. Their concern was that because quality was now integral to bidding for contracts, everyone was doing it so well that it was very hard to distinguish between the quality of one bid and another.

In some instances above a certain threshold — with currency fluctuations, the EU threshold is roughly £4.3 million — bids were allowed on the basis of lowest price. Some in the construction industry, and the majority of people who responded to the consultation, could see the advantages because there was not much difference in the quality of bids. As I outlined, the quality aspects can still be put into contracts at specification stage. We all have a particular interest in ensuring that, although we cannot manipulate or break the rules, small firms have good access to contracts. Some found that this slew of quality measures made it incredibly difficult for small and medium-sized firms to bid for contracts at all.

Mr Anderson: I thank the Minister for his answers so far. He talked a lot about quality, but how is quality measured in a lowest-price contract?

Mr Hamilton: It is useful question to clarify in the context of Mr Milne's question. Just because a tender goes towards being let on lowest price does not mean that we have thrown the idea of having good, high-quality contracts out the window; in fact, it is quite the opposite. Quality is still ensured, but at a different stage when a contract is awarded on the basis of lowest price. Quality is now, and will be, addressed by specifying standards that must be met at various stages throughout the delivery of a contract. It is not a matter of quality being cast aside and abandoned; we still want quality but it will be achieved in a different way. We have several different centres of procurement excellence in Northern Ireland, which will look at the policy and adapt it as they see fit for the contracts that they have.

2.30 pm

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas

leis an Aire as na freagraí go nuige seo. I thank the Minister for his answers on this topic so far. Will the Minister give us some examples or details of good practice in procurement that has delivered on social clauses?

Mr Hamilton: The Member will be well aware that there is a Programme for Government commitment to include social clauses in all contracts. That has proven challenging. Some contracts, particularly supply contracts, are difficult to let on the basis of including social clauses in the form that we might traditionally have understood them: entailing things like bringing in apprentices or the long-term unemployed. By their very nature, it is less easy to fulfil those types of social clauses in supply contracts than in construction contracts, which obviously include the possibility of bringing in apprentices and employing some people from the local area who are long-term unemployed.

The process is being shaped. The Member will know that social considerations and clauses have to be incorporated into public procurement processes and contracts, either by linking them to the subject matter of the contract or by using them in contract performance clauses. One school of thought suggests that all contracts have social elements because there are always equality and health and safety considerations and we are increasingly putting prompt payment considerations into contracts. Those factors all have a clear social benefit. However, where possible — in fact, across all contracts — Departments are trying to let contracts that have social clauses. As we develop that policy, we will develop different and broader thinking about what social clauses mean so that we are not pigeonholed into just employing apprentices or the long-term unemployed. We need to look at some other social and community-benefit clauses that we can incorporate into contracts.

Mr Cree: Is the Minister content that work carried out by the bodies working under central procurement — I am thinking about quality and value for money — will allow us to be sure that the contracts will satisfy the Northern Ireland Audit Office or, indeed, any other form of audit?

Mr Hamilton: I am not entirely sure what the Member is getting at. Some would say that we are overly strict in how we administer contracts so that we do not fall foul of any audit, whether from the Northern Ireland Audit Office or anyone else. Obviously, there was a recent Audit Office report on collaborative procurement. The Department welcomes the recommendations in that report and is taking

those forward so that, in particular, it can ensure value for money in delivering the softer services that, sometimes, can be more easily procured across Departments.

Budget Exchange Scheme

3. Mr Buchanan asked the Minister of Finance and Personnel whether unused capital departmental expenditure limit transactions at year end will count towards the Budget exchange scheme carry over. (AQO 4796/11-15)

Mr Hamilton: I thank the Member for his question. The Budget exchange scheme is an agreement between the devolved Administrations and Her Majesty's Treasury that allows the carry-forward of unspent public expenditure from one year to the next up to a specified limit. At present, these limits allow for the carry-forward of 0·6% of that year's resource departmental expenditure limit (RDEL) and 1·5% of capital departmental expenditure limit (CDEL). In practice, this means that the Northern Ireland Executive can carry approximately £55 million of RDEL and £12 million of CDEL from one year into the next.

This year, however, there is an additional complication in that the devolved Administrations have been allocated additional amounts of financial transactions capital that must be allocated to private sector entities. Because of this complexity, it is more difficult to allocate in year. I am in discussions with Her Majesty's Treasury about the possibility of setting up some form of ring-fenced Budget exchange scheme treatment for this financial transactions capital that will allow the Executive to fully allocate that spend in Northern Ireland.

Mr Buchanan: I thank the Minister for his response. Will the Minister advise what the additional flexibilities that he referred to are? Does he anticipate that all the financial transactions capital funding that has been allocated to the Executive will be spent?

Mr Hamilton: I thank the Member for his question. As I said, I have been in discussions with Her Majesty's Treasury on separate Budget exchange scheme arrangements for financial transactions capital. Under those proposed arrangements, we would be able to carry forward a larger proportion of the new financial transactions capital into the first year, with that reducing in the second year.

We have done that so that we can achieve the subject of the second part of the Member's

question, which is that we can get it all spent. There is difficulty in getting it all spent: it is about £45 million in the first year, closer to £60 million in the second year, and up to £100 million in the third year, so you can see that the expenditure is ramping up over the next few years. However, because it is new and because it requires us to deal directly with the private sector, it is slightly more complicated for Departments to do that work than it might have been with conventional capital and waiting for £5 million, £10 million or £15 million to come forward conventionally and spending fairly easily. This requires partnership with the private sector.

In response to Ms Bradley's question I mentioned the agrifood loan scheme that the Minister of Enterprise, Trade and Investment and I launched recently, which is a very good example of the use of that financial transactions capital. It is given to the private sector — in this case, directly to the farmers — so that they can develop their business. Other money has already gone to the housing sector to help that ailing sector and allow it to develop. However, it is incumbent on Departments to come forward with new ideas on how they can use this and how they can partner with the private sector and, perhaps, in the process bring forward major infrastructure projects that would otherwise languish and would have to wait several years before they get the money that is so badly needed to get them off the ground.

Mr McKay: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. This issue will be keenly watched by many in the construction sector. The Minister attended an event with me recently where the construction sector cited concern about party political interventions in some of our major capital projects, such as the peace centre and the A5. Today, the former Finance Minister said that our local construction companies should not build wind turbines, which provide jobs in the local economy. What will the Minister do to prevent further party political interventions in major capital projects that create jobs in the local economy?

Mr Hamilton: It was a fairly major party political intervention from the Member's colleague, the Member for North Belfast Mr Kelly, that did more damage to the peace centre project going forward than anything that anybody else did. Before the Member criticises others, perhaps he should look at the actions of some of his party colleagues in that respect.

What will I do to ensure that infrastructure projects go forward? I will do absolutely everything that I can to ensure that every pound

of capital that we receive — conventional capital, financial transactions capital or as a result of receipts that we get from selling assets that are no longer needed by the Northern Ireland Executive — gets out the door, gets on the ground and gets the infrastructure projects that we need to boost our economy off the ground and, in the short to medium term, provide a boost to employment in a sector that has suffered very badly throughout the downturn, as the Member knows, and continues to suffer very badly. In the next number of weeks, I hope to bring forward not only the October monitoring round paper, which will have a capital element to it, but the reallocation of money from the A5, which cannot move forward at the minute, and some of the additional money that we received from Treasury. Given the Member's obvious support for infrastructure investment, I hope that that bodes well for Executive approval of that paper from members of his party. As a result of that investment, we will see further boosts for the construction sector and further improvements to infrastructure in Northern Ireland.

Mr Dallat: I thank the Minister for his answer. As the Minister who holds the purse strings of the Assembly — the Boss Cat, so to speak — can he give any advice or instructions to Departments to ensure that capital projects are shovel-ready, to use another Minister's expression, and we do not have the embarrassment of money having to be rolled over or lost?

Mr Hamilton: The reference to 'Boss Cat' shows the Member's age. I almost looked to Mr Weir for TV trivia. It may have been called 'Boss Cat' previously, although, when it came here, it was called 'Top Cat' or something like that. I always remember 'Top Cat'. I am happy to take either as a label.

The term "shovel-ready" is used frequently, and I am not fond of it. Very few projects, if any, would be appropriately deemed "shovel-ready". Suggesting that they are shovel-ready means that they have gone through procurement and are literally ready to go. As the Member will appreciate, once you go past procurement and start letting the contract, you are going ahead with it; you cannot then pause it, because, if you halt the project, it would get you into all sorts of legal issues and problems. A better term would be "procurement-ready". One thing that I am keen to see happen — I look forward to the Member's support for this — is a more strategic look at our infrastructure as a region to ask which projects are the most important projects that we want to take forward and work those up to a particular level. It may require

investment by the Executive and individual Departments to get those projects to the stage where they are ready to be procured so that if, as we are talking about, the A5 or other capital projects do not go forward or Treasury gives us more capital spend, which is the likely direction of travel over the next couple of years, we can start to hit buttons on those strategically important schemes and let them go forward. There is a requirement for a degree of prioritisation of our capital projects in a way that we have not done over the past number of years.

Investment: Infrastructure

4. **Mr Newton** asked the Minister of Finance and Personnel for his assessment of the economic importance of investing in physical infrastructure, when considering the 2014-15 capital exercise. (AQO 4797/11-15)

14. **Ms Brown** asked the Minister of Finance and Personnel for his assessment of the UK Government decision to prioritise capital spend over resource spend in the June spending review statement. (AQO 4807/11-15)

Mr Hamilton: With your permission, Deputy Speaker, I will answer questions 4 and 14 together.

Capital investment or investment in our physical infrastructure is of significant economic importance. That type of investment improves the region's infrastructure, generates long-term returns on investment and provides employment opportunities in the short to medium term. With regard to the ongoing capital exercise, the Executive will seek to invest appropriately in infrastructure assets, whilst recognising the importance of other capital spend.

The continued skewing of available resources to the capital budget by Her Majesty's Treasury should be viewed positively. The constrained resource position, whilst providing its own challenges, has the effect of forcing Departments, including my own, to seek further efficiencies and savings. In some ways, the Treasury position is the catalyst for a continued savings agenda that will ensure that government resources are put to optimum use. We, of course, benefit from the additional capital provided by way of the Barnett formula, and we will seek to ensure continued investment in our regional infrastructure.

Mr Newton: I thank the Minister for that detailed explanation. When will the outcome of the 2014-15 capital exercise be known?

Mr Hamilton: I thank the Member for his question. I alluded to that in my response to Mr McKay. This exercise is a result of the failure to proceed with the A5 and some additional capital money that we have received from Treasury as a result of a concerted policy by Treasury to skew from resource expenditure to capital expenditure. That has increased our level of capital expenditure, which gives us the pleasant problem of having more money to spend than we originally thought.

My Department wrote to other Departments over the summer and early autumn asking for bids. Departments and Ministers took that as an opportunity to be cheeky, as they frequently do, and bid for everything and anything, like a kid at Christmas wanting everything off the list. Of course, we will not have enough money to give them everything that they want, but we should be able to give them something of what they want. I hope that we get agreement from the Executive in the coming weeks for not just the 2014-15 capital exercise but also the October monitoring round. That will bring some welcome good news not just to the Northern Ireland economy but to the construction sector, which has suffered badly over the past number of years.

Ms Brown: I, too, thank the Minister for his answers. How does the 2015-16 capital settlement compare with the 2014-15 position on capital?

Mr Hamilton: I thank her for that question. It compares very favourably. It is not as high as it was at the start of the downturn and when that started to hit public spending in Northern Ireland badly. Members will remember that we were taking a 40% reduction in capital expenditure in this current Budget period. That came at a time when private sector investment in infrastructure collapsed completely. Public spend on capital now accounts for close to 70% of all capital expenditure in Northern Ireland, which shows the extent to which private house building and commercial property development in particular have collapsed in Northern Ireland.

The Member asked for the comparative position. For 2015-16, capital available to the Northern Ireland Executive will increase to £1·1 billion. That is an increase of 3·3% on our latest 2014-15 position. Significantly, it will be 31·9% higher than the 2014-15 position that was planned for originally in the Budget 2011-

15. The Executive have the discretion to increase that through capital asset sales and other mechanisms. It is, certainly, better news. It is not as good as we would have liked, but it is better news for the next budget year and 2015-16 than it was heading into the current Budget.

2.45 pm

Enterprise, Trade and Investment

Investment Conference

1. **Mr Douglas** asked the Minister of Enterprise, Trade and Investment whether she agrees that last Friday's Northern Ireland Investment Conference was an excellent showcase event, superbly organised by Invest Northern Ireland. (AQT 231/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): This could be a very short answer.

Mr Allister: It is a tough question.

Mrs Foster: It is a pretty tough question. I am sure that it will be followed up by an equally tough question from Mr Allister later.

I was extremely proud of the way in which the investment conference was planned and executed. I was very proud of the fact that we had 121 international companies at the investment conference with 55 potential new investors. Instead of the selling being carried out by Ministers and Invest Northern Ireland — of course, we were doing that in any event — the main piece of the conference was really hearing from investors who are already in Northern Ireland and felt so strongly about their investment and the experience that they have had here that they wanted to advocate on behalf of Northern Ireland as a place to do business. I think that it was a tremendous success. We look forward to the tangible benefits of the investment conference rolling out over the next six to 18 months.

Mr Douglas: I thank the Minister for that very responsive answer. She mentioned six to 18 months. Does she have any idea what sort of investment will come back at this stage? Are there indications that people are genuinely interested in investing in Northern Ireland?

Mrs Foster: The investment conference was a great catalyst for moving potential investors along that decision-making route. Some people at the conference were visiting Northern Ireland for the very first time. Some people had already made visits here and were close to making a decision. Because of that, very soon, investment decisions will be made about Northern Ireland as a place to do business. Others will maybe follow through at a later stage. I would think that, within the next six months, we will see a tangible benefit. That is a change, if I may say so, from the previous investment conference that was held in Northern Ireland, which I attended as the then Environment Minister, in May 2008. At that stage, we were saying that, to look forward, we would need to assess what was happening in 18 months' time. I think that the fact that we had potential investors there — some of whom were further along the road than others — means that we will see tangible benefits in the next six months.

Broadband

2. **Mr Craig** asked the Minister of Enterprise, Trade and Investment to update the House on where the Department stands with the broadband development fund (BD UK) rollout that the Government announced in September last year, given the issues with rural broadband and the fact that broadband is not yet available to 10% of Northern Ireland. (AQT 232/11-15)

I was careful not to go into the area of the question for oral answer.

Mrs Foster: The Member can get a more detailed answer to his question because question 4, which I think that he was probably referring to, has been withdrawn by Mr McCrea. I can, therefore, go into more detail for the Member.

We are moving ahead with the BDUK money. We have been carrying out consultations on what we need to do in Northern Ireland. That has been held back somewhat by the European Union with regard to state aid rules. Because of that, we had to carry out further consultation. We have received responses to that further consultation from 156 individuals and 13 organisations highlighting nearly 700 postcodes where it is felt that broadband is not available. We are taking all of those into consideration. We hope to move forward on the matter very soon.

Mr Craig: In my mind, it does not really matter who wins the tender for the roll-out of the

project as long as they deliver. I admit to being one of those without broadband. Will areas where there is a large concentration of housing without broadband, such as my area, where over 150 houses are affected, be given priority by whomever wins the tender for the scheme? Will the Minister give a commitment that this will not undermine any of the previous schemes that her Department has rolled out in rural areas?

Mrs Foster: As the Member will know, we very much want to avoid having any duplication at all. So, on his latter question, this is very much about adding value to what is in place and reaching harder-to-reach areas, particularly rural areas. I take his point that some areas that he may not consider rural in a Northern Ireland sense still suffer from not having access to broadband. He will be pleased to know that the Annahilt postcodes, which he and, indeed, his colleagues have raised with me on a number of occasions, will be included in the intervention area as we move forward. The Member said that he does not mind who wins the tender as long as this is delivered, and that is certainly the Department's position as well.

Jobs

3. **Mrs D Kelly** asked the Minister of Enterprise, Trade and Investment for further information on the substantial work of Invest NI on setting more challenging targets to move from jobs promoted to jobs created, and when that work might be completed. (AQT 233/11-15)

Mrs Foster: This issue has come before the House on many occasions, so much so that, when we launched the jobs fund, which was set up to try to quickly bring about jobs with some of our more indigenous firms, it had that jobs created target. It has been a transition piece in respect of other selective financial assistance. As I said previously, I hope that that will come forward in the very near future.

Invest Northern Ireland's target is to create 4,000 jobs through the jobs fund in the 2011-15 period. A total of 3,306 jobs have already been created through the jobs fund, so I think that we will see it go way beyond its target. I have certainly said to the chief executive and to Invest Northern Ireland that I expect it to go way beyond its target, because I really believe that the jobs fund, in a very small way sometimes, makes an absolutely fundamental difference to the jobs available right across Northern Ireland.

Mrs D Kelly: Minister, will those definitions have read-across to EU funding in particular,

and will they be adopted by DARD in its assessment of projects applying for rural development funding?

Mrs Foster: I cannot speak for the Agriculture Minister. I know that there is a consultation on the rural development programme at the moment. I very much hope that job creation is one of the elements that she will look at in her rural development programme, because it would really add value to the rural setting in Northern Ireland if we could look at jobs created as well. I have asked InterTradeIreland, for example, to look at jobs created on a North/South basis through its programmes. Of course, InterTradeIreland is not a job creation agency; it is a trade agency. Yet, I have asked it to look at how many jobs it has created through its interventions. It is a very good mechanism to have. Sometimes, it is not the primary reason where we intervene, but it is good to know the number of jobs that have been created.

Exploris

4. **Ms Ruane** asked the Minister of Enterprise, Trade and Investment what personal engagement she has had with the Minister of the Environment and Ards Borough Council, given that in her recent correspondence to my colleague Chris Hazzard, she acknowledged that the Tourist Board recognised Exploris as a major, major tourist attraction and that she has spoken of the need for Ards Borough Council to find a sustainable solution for the project. (AQT 234/11-15)

Mrs Foster: I thank the Member for her question. Indeed, I did say that about Exploris in my answer to her colleague, and, therefore, I am sure that she will be a little surprised to hear that I have not had any correspondence from Ards council about the issue. I might not have said "major, major", but I believe that Exploris provides a tourism offering, particularly in Portaferry, which is quite remote and perhaps not as easy to access as some other areas. Therefore, the situation will have a huge impact on it. The solution is to look to all sources of funding, whether they are public or private. I understand that my colleague the Minister of the Environment will bring an Executive paper, which, unfortunately, I have not had sight of yet. However, we wait to see his Executive paper.

Ms Ruane: Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for that answer. I am a bit surprised that there were not more meetings. However, there is still time for that to happen. Does the Minister believe that,

if the project is such an important project, which I believe it is, only £1.8 million of support from the NITB over the past 26 years seems a very small amount of money, given that period? Will she redouble her efforts to find a solution that her Department is part of?

Mrs Foster: I am of course happy to work with Executive colleagues to be a part of the solution. I do not accept what she says about the £1.8 million; a lot of facilities across Northern Ireland would be very content to have £1.8 million of Northern Ireland Tourist Board funding. In fact, I can think of a few off the top of my head in my constituency that would be happy to have that sort of funding. I will work with ministerial colleagues, and I look forward to the receipt of the Executive paper. However, I will make the point that I think that it is about looking at a holistic answer to the problem. It is a problem, and we have to look everywhere to find solutions. It is not just a question of coming to central government with the hand out. I am sure that she is not suggesting that, and I do not think that that is what Exploris is doing. I have had some very interesting conversations about alternative answers to what is happening in Exploris, and I look forward to continuing those discussions.

Saint Patrick's Trail

5. **Mr Rogers** asked the Minister of Enterprise, Trade and Investment what she is doing to further promote the Saint Patrick Centre and the Saint Patrick's Trail. (AQT 235/11-15)

Mrs Foster: I thank the Member for that question. The Member and, indeed, the Member of Parliament for the area raise that question with me quite frequently. We have a designated officer in the Tourist Board to work with and promote the Saint Patrick's Trail. I happen to think that we could do more to promote the Saint Patrick's Trail, because it is a tremendous asset. It is one of those assets that I do not believe people are aware of, and it comes back to the Northern Ireland Tourist Board and Tourism Ireland to promote it. For example, if people come across in their own car, there is a great opportunity for them to travel from Armagh right the way round to Downpatrick and further to see the birthplace and to celebrate the Christian heritage that we have in Northern Ireland. So, I am very content to say to the Member that we will work with him and his colleagues in the two constituencies at least that are concerned. I say "at least", because I know that North Down has a very keen interest in St Patrick as well.

Mr Dunne: Hear, hear.

Mrs Foster: I did not forget you, Gordon.

Mr Rogers: Thanks, Minister, for your response. Will more funds be made available, particularly for marketing the product?

Mrs Foster: We will continue to work with the Saint Patrick's Trail. When I look at marketing across Northern Ireland and where we are using it internationally, I look to see that it has a geographical spread. That is important, because tourism is a product that goes right across Northern Ireland. That should be reflected in all our marketing produce. I am content that that is the case, but, as I said, we are happy to work with colleagues in all the constituencies concerned to make sure that that is the case going forward.

Visa Applications

6. **Mr Anderson** asked the Minister of Enterprise, Trade and Investment for her views on the possible investment impact of Chancellor George Osborne's announcement that visa applications for Chinese visitors to the United Kingdom are to be relaxed. (AQT 236/11-15)

Mrs Foster: We in Northern Ireland very much welcome the announcement, particularly from a tourism standpoint. We believe that it will increase the number of tourists that will come to the wider UK but also to Northern Ireland. We are building up a firm relationship with our colleagues in China, and the arrangement that the Chancellor announced yesterday will be a positive one for Northern Ireland. We will certainly use it to our advantage from a tourism perspective and from a business perspective.

3.00 pm

Mr Principal Deputy Speaker: That is time up for topical questions. I am sorry that we did not have the chance for a supplementary.

We move on to questions for oral answer, and I call Ms Caitríona Ruane. Sorry, that question has been withdrawn. I will bring Members up to date: questions 1, 4, 8 and 9 have been withdrawn. Question 1 has been transferred to DFP for a written response.

Giro d'Italia

2. **Mr Lyttle** asked the Minister of Enterprise, Trade and Investment what plans she has to invest in tourism promotion in relation to

potential visitors ahead of the Giro d'Italia 2014 event. (AQO 4810/11-15)

Mrs Foster: I travelled to Milan last week to attend the official media launch of the 2014 Giro d'Italia, where I had the opportunity to meet many sporting journalists as well as those from the travel and trade media. There is enormous prestige for Northern Ireland in being selected as the start venue for the event, and our promotion of it is already under way. During the 2013 event, Tourism Ireland put in place a busy programme of promotions to capitalise on the tourism potential for Northern Ireland, with a presence throughout the entire race, distributing brochures and information about holidaying in Northern Ireland. It also hosted a press briefing at the end of the Giro 2013 for 100 key sports and lifestyle journalists from Italy and elsewhere around the globe. Promotion will continue up to and during the event through Tourism Ireland and Northern Ireland Tourist Board promotional campaigns.

Mr Lyttle: I thank the Minister for her answer, and I share her delight in the announcement of the routes for the Giro d'Italia. I am delighted that it will pass through my East Belfast constituency. I have cycled the route, and it takes in some amazing locations. Therefore, congratulations to the Department on its work to secure the Giro for that route.

How does the Minister intend to engage with local small and medium-sized enterprises (SMEs) and cycling companies to ensure that they can maximise their involvement and benefit from this truly international event?

Mrs Foster: That is a good question, because one of the things that we developed before the G8 conference was to have the Tourist Board and Invest Northern Ireland work more holistically. That was the first time that they had joint campaigns and joint marketing. I very much hope that that will be the case for the Giro d'Italia as well.

I met the British consul general while I was in Milan. He is keen to make sure that we bring some Northern Ireland firms to Milan, and I would like to bring some Italian firms here as well. Obviously, we have some very good cycling SMEs and not so SMEs — the Member will know that some of our firms are globally recognised in the field. There is a great opportunity not just from a tourism perspective, which I celebrate, but from a business perspective.

Mr Storey: I concur with the congratulations. Well done to the Minister for all the work that has been done on this. I welcome the fact that the event will pass through Ballymoney and places such as Ballybogy, which will put them on the map and the world stage.

Will the Minister explain or expand on the work that her Department, along with the Northern Ireland Tourist Board and local councils, will do to promote these events so that, as we did with the Olympic torch, we maximise every possible organisation to ensure that Northern Ireland is highlighted in the best possible way, particularly my North Antrim constituency?

Mrs Foster: We will be working in partnership, as we did for the G8. The fact that we worked so closely with Fermanagh District Council during that event is a good template. The Irish Open is also a good template for working with councils and other Departments. That is what we will continue to do. I am sure that the Italians in particular are looking forward to Ballybogy in your constituency, but we look forward to selling Northern Ireland on the world stage. When I visited Milan and was part of the announcement last week, I was proud of the excitement from all the journalists over the fact that the Giro is coming to Northern Ireland. We, along with the councils and agencies, look forward to the event and the build-up to it. I am sure that we will be able to maximise the fact that this huge event is coming to Northern Ireland.

Mr Rogers: I thank the Minister for her answers thus far, although I am obviously disappointed that it is not coming to the Mournes. I invite the Minister or her officials to come to the Mourne Etape on 27 October. Does she have any plans to encourage other grand tours such as the Tour of Spain or the Tour de France to come to this part of the world?

Mrs Foster: The Tour de France is going to Yorkshire next year, but we are first: we are in May, and I take great delight in that. I hope that when — I say "when" — we make the event the success that it will be, we will then attract other major events. I make no secret of the fact that I hope that the Tour de France will come to Northern Ireland in the near future when they see how well we are able to host the Giro d'Italia.

As the Member will know — I have answered his previous topical question on the Mountains of Mourne, a place I love well — I had no input into the choice of route. That is something that some people got a little excited about, but they

should not have. The route was picked by the professionals, the people who were planning the route. They had stringent reasons for picking particular routes because of time trials and what have you, and therefore we had no impact at all on where the routes should go. I wanted to put that on record today, because, otherwise, let us be honest, it would have been coming to County Fermanagh.

Mrs Overend: The Giro d'Italia is a hugely significant event for Northern Ireland, and I commend the Minister and her Executive colleagues for bringing it here. I could mention our Minister, Danny Kennedy, for his part in that as well.

I thank the Minister for her responses to the questions so far. I hope that SMEs from my constituency of Mid Ulster continue to be involved in the event as they were in the original launch. Can the Minister confirm that the suspension of the race director following alleged financial irregularities will not affect the hosting of the event in Northern Ireland next year?

Mrs Foster: I welcome the Member's comments about the Regional Development Minister, because, when I say that I am working with councils and other government agencies, I mean Roads Service as well. It will have a key role to play in this as it did with the Irish Open. It will, of course, have more of a role in this event because it will take place on our public roads and we need the cooperation of Roads Service.

The suspension was of the CEO of the entire RCS Sport organisation, of which the Giro is only part. When I heard the news on Thursday before the launch, I immediately made contact with RCS Sport and spoke to the interim CEO. He assured me that the Giro is over 100 years old; that the suspension had had no impact on another sporting event; that it would have no impact on the Giro d'Italia; and that it will proceed without any issues. I was concerned because public money has been invested in the Giro d'Italia and I wanted to ensure that our funding was secure. I can give the Member the assurance that our money is secure.

Fiscal Devolution

3. **Mr F McCann** asked the Minister of Enterprise, Trade and Investment for her assessment of the recent report published by NICVA, which presents an economic case for further fiscal devolution, in the context of her

Department's economic strategy. (AQO 4811/11-15)

Mrs Foster: I recently received a copy of the Northern Ireland Council for Voluntary Action's report and will meet its representatives to discuss this and other recent NICVA research reports related to the economy on 5 November. As outlined in 'Building a Prosperous and United Community', the UK Government have committed to making a final decision on the devolution of corporation tax to Northern Ireland no later than the autumn statement in 2014. Work is ongoing between the Executive and the UK Government to examine the potential to devolve specific additional fiscal powers. Recommendations for further devolution will be put to the Executive and Government Ministers by autumn 2014.

Mr F McCann: The Minister has answered the supplementary question that I was going to ask.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire chomh maith.

Has the Minister or her Department done any assessment of the report presented by NICVA on the implications of welfare reform, which stated that it had the potential to withdraw £750 million of expenditure from the local economy?

Mrs Foster: I thank the Chair for his question. As I indicated to the Member who asked the previous question, I will meet NICVA not just about the fiscal powers report but its other recent reports. I look forward to that engagement on 5 November.

Mr Dunne: Can the Minister give us a further update on the devolving of corporation tax powers and perhaps the timescale for that?

Mrs Foster: As Members will know, the Executive continue to press for the power to set a lower rate of corporation tax in Northern Ireland. Indeed, when the Prime Minister was here last Friday, he referred to corporation tax from the stage of the Titanic centre. The case is very strong; its merits have been set out in a range of research that is already in the public domain. I remain disappointed that the Prime Minister has delayed his decision until autumn next year, but there it is. It is delayed until after the Scottish referendum. We remain committed to working with Treasury officials in particular in the run-up to that because, of course, a lot of work needs to be carried out before any decision is made in the autumn of next year.

Mr Kinahan: Will the Minister expand on the specific fiscal powers that she mentioned? What are the details of those?

Mrs Foster: NICVA talks about a range of fiscal powers. For our part, the Treasury stated in the economic pact paper that it would explore other tax options that would aid us in our long-term goal of rebalancing the Northern Ireland economy, including such things as R&D tax credits, an enhanced annual investment allowance, training credits and national insurance holidays. However, we should sound a note of caution: those options will have associated difficulties, not least state aid issues. Of course, they will have to be paid for as well. Those are the sorts of things that are being looked at by Her Majesty's Treasury in the economic pact paper.

Hydraulic Fracturing

5. **Mr Elliott** asked the Minister of Enterprise, Trade and Investment for an update on the potential granting of licences for hydraulic fracturing. (AQO 4813/11-15)

Mrs Foster: DETI grants petroleum licences for the exploration, appraisal and production of oil and gas. My Department does not grant licences for hydraulic fracturing. Hydraulic fracturing is a specialised engineering process associated with some types of drilling operations that require permission from a number of authorities, including my Department. As yet, no applications have been received for drilling or hydraulic fracturing in Fermanagh.

Mr Elliott: I thank the Minister for that. Will she give us a brief outline of the processes required to grant a licence for hydraulic fracturing or the process that she has just outlined? Is the landowner's consent required, or can the land be vested?

Mrs Foster: I thank the Member for his question. I understand that Greenpeace released a statement yesterday about landowners and their legal powers. In Northern Ireland, holders of petroleum licences — if the Member is talking about Fermanagh, that would be Tamboran — need to obtain the permission of the landowners beneath whose land they wish to drill. The landowner's permission is asked for, and, if it is granted, that can take place. That permission is required for drilling for deep geothermal energy, energy storage, carbon storage projects and hydraulic fracturing. Of course, the way in which hydraulic fracturing takes place means that it is

not just straight down; it spreads out further. However, the companies still need the permission of Northern Ireland landowners before that can take place.

As I understand it, the company in County Fermanagh expects to apply to drill a deep borehole to retrieve rock core from the Bundoran shale for analysis. It has not yet applied to the Department to drill that hole. It wants to take out some of the shale to look at it, but, as yet, that application has not been made. That is the present situation.

Mr G Robinson: Shale gas in other regions of the world is bringing down energy costs to businesses. Does that threaten businesses in Northern Ireland?

Mrs Foster: My Assembly Private Secretary has just come back from America with some of his colleagues. They were there on a young leadership course, and they looked at hydraulic fracturing across the US.

The US has managed to bring down the price of energy quite dramatically because of shale gas. It is now able to bring manufacturing back from China and other places across the world, and, undoubtedly, we need to take note of that.

3.15 pm

I listened to the Environment Minister yesterday during his Question Time, where he said that the application would not happen on his watch. I think that that was the phrase that he used. I think that he needs to reflect on the fact that this is a novel and controversial issue, and I recognise it as such. Therefore, it will be taken to the Executive and will be a matter for the Executive as a whole to decide on. It will not just be from my part but from his part. Indeed, every other Minister in the Northern Ireland Executive will have to take this matter to the Executive for a decision. I have known that for some considerable time, but it has been really underlined for me by the judgement of Mr Justice Treacy last Friday, where he said that these issues need to be taken to the Executive. Therefore, the decision on hydraulic fracturing, no matter what each individual Minister may feel about the process, needs to be taken by the Northern Ireland Executive.

Mr McKinney: The Minister has touched on the concerns, which, of course, include environmental concerns. What recent discussions has she had with the Irish Government about the independent Environmental Protection Agency (EPA)

engaging scientific research into the potential environmental impacts of such exploration?

Mrs Foster: I very much look forward to the piece of work that the Republic of Ireland's EPA has carried out. I refer the Member and, indeed, the whole House to a very important piece of scientific evidence that came forward from the Royal Society and the Royal Academy of Engineering in the UK. I think that everybody should read that. It makes me reflect on the event that I attended very early this morning in relation to pairing up scientists with MLAs so that people would be in full possession of scientific information. I think that it is very important that, when we make decisions, we have all of the science in front of us. That document is very balanced. It looks at shale gas extraction in the UK and does a whole review of hydraulic fracturing. That is something that Members might not enjoy but will benefit from reading. I hope that Members take the opportunity to have a look at it.

Life Sciences

6. Mr Anderson asked the Minister of Enterprise, Trade and Investment for her assessment of the importance of the life sciences sector to the growth of the economy. (AQO 4814/11-15)

Mrs Foster: The Northern Ireland Executive economic strategy identified life and health sciences as a priority area. From 2009 to 2012, business sales have grown from £475 million to £680 million, and employment has risen from 4,250 people to 5,580 people. Invest Northern Ireland has offered support of £44 million, with the main focus on improving company R&D capability. In response to the Executive's economy and jobs initiative, the Department of Enterprise, Trade and Investment (DETI) and the Department of Health, Social Services and Public Safety established a group to assess the potential opportunities for employment and business development from the healthcare sector. The group recommended the development of a life and health sciences strategy, and this work is now being taken forward.

Mr Anderson: I thank the Minister for her response. Minister, you will, of course, be very aware of the cutting edge work in life sciences that is being done in my constituency by Almac. What are your thoughts on the potential of Almac Discovery's recent investment of £13 million into recent research and development projects?

Mrs Foster: Almac continues to give us good news stories here in Northern Ireland, and I know that it is very firmly rooted in his constituency and does a tremendous job. It now employs 1,600 staff locally and pays over £49 million annually in salaries, so it is a very significant player not only in the mid-Ulster area but right across Northern Ireland.

In total, Invest NI has offered £13.4 million to Almac in the past three years, and most of that has been in research and development. That is a very good and, if I may use the pun, healthy sign for the company because it is investing so much in research and development. It is looking to the future and investing it here in Northern Ireland, and, for me, that shows a vote of confidence in the skills of our people here in Northern Ireland and the ability to develop the products that it so heavily relies on.

Employment

7. Mr Maskey asked the Minister of Enterprise, Trade and Investment for an update on the steps taken to develop an island-wide employment and growth strategy. (AQO 4815/11-15)

Mrs Foster: As noted in my previous responses to your party colleagues, my Department works with agencies in the Republic of Ireland where it is beneficial to the Northern Ireland economy. The economies in both jurisdictions face very different challenges. The Irish economy has almost double our unemployment rate, operates in the euro zone and is subject to a severe fiscal regime imposed by the bailout from the European Union. I therefore have no plans to develop an all-Ireland strategy, but I remain committed to delivering actions detailed within our own Northern Ireland economic strategy and the more recent economy and jobs initiative. I believe that implementation of those activities will deliver growth, prosperity and jobs and will rebalance the local economy in the longer term.

Mr Maskey: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for that response. Given that there is a range of Europe-wide initiatives, for example, to tackle unemployment among young people, and, obviously, there are different arrangements, fiscal and otherwise, in both the jurisdictions on this island, can the Minister not see the sense, or does she not understand, that it is important to work with our colleagues and counterparts in the Irish Government to tackle issues on a cross-border and all-island basis? Obviously, there are some differences, but there are also a

lot of similarities, not least the fact that the young people across this island are finding it increasingly difficult to get jobs.

Mrs Foster: I do not accept that they are finding it increasingly difficult to get jobs. In fact, our unemployment statistics have continued to fall over the past seven months, so it is not true that they are finding it increasingly difficult to find jobs. I want to say to the Member — and I said it in my answer — that I have no difficulty working and, in fact, will proactively work with colleagues in the Republic of Ireland if it is to the benefit of Northern Ireland. I am the Minister of Enterprise, Trade and Investment for Northern Ireland. Therefore, that has to always be my primary reason to do anything, and that will continue to be the way I will do it.

I will work with colleagues in the Republic of Ireland and, of course, with colleagues in the Westminster Government. We were pleased to have the Secretary of State for Business, Innovation and Skills, Vince Cable, visit us about two weeks ago. We had some very good discussions, particularly in relation to access to finance for Northern Ireland companies, because that remains an issue for a lot of our companies, as I am sure he appreciates. We wanted to know — I think I heard Minister Simon Hamilton refer to this — how we can make those national schemes more applicable to Northern Ireland. We will do that through the work of the joint ministerial task force.

Mr Douglas: Can the Minister remind us what the current level of unemployment is in Northern Ireland and how that compares with unemployment levels in the Republic of Ireland?

Mrs Foster: That was one of the points that I was trying to make. Of course there are still challenges in our economy, and I do not take away from that. In fact, even when I was commenting on the huge success that was the investment conference last week, I said that we still needed to have cognisance of those people who struggle to find a job. I do not accept that it is an increasing struggle, but I do think that there are still those who are in difficulty.

The unemployment rate for Northern Ireland is 6.9%, and the Republic of Ireland's current rate of unemployment is 13.7%. I think we need to bear in mind that we have difficulties here in Northern Ireland that we have to deal with. We will seek help from wherever we can get it, but we need to concentrate on the people of

Northern Ireland, because that is who we are elected to represent.

Mr P Ramsey: I thank the Minister for her response. Following on from the information that the Minister has provided to the House, will she acknowledge that, in the north-west area and in my constituency, where the recent figures show that unemployment is at 9%, a much more targeted resource should be placed in that area to ensure that our young people have a better future?

Mrs Foster: I am working with the Minister for Employment and Learning on a strategy at present, which we hope to bring to the Assembly very soon. It is something that we discussed at the last economic subgroup on the economy, because we realise that, despite the fact that our unemployment figures — I accept what he says about his own constituency, but from a Northern Ireland perspective — are at 6.9%, there is a high level of economic inactivity that we really need to grapple with. We are high above the rest of the United Kingdom and need to drill down as to why that is the case. We have been doing a lot of work on that issue, and, as I say, I think that the Minister for Employment and Learning will be bringing that paper to the Executive in the very near future.

Mr Allister: Does the Minister agree that, for the purpose of best serving the interests of the people of Northern Ireland, her focus needs to remain on keeping up with and being part of the signs of a beginning of a resurgence in the much larger United Kingdom economy? Does she agree that one of the tasks is to make sure that we do not fall behind that and get diverted into chasing the moonbeams that Mr Maskey referred to, but rather keep focused on building within that large, world economy that is the United Kingdom?

Mrs Foster: I entirely agree with the Member. Of course, when our Chancellor of the Exchequer is in China talking about the United Kingdom economy, he is talking about Northern Ireland as well as the rest of the UK. That gives us the opportunity to go to China and talk about issues from a UK perspective, because the United Kingdom has such a global footprint.

Often, when I travel to foreign countries, I use the good offices of the British ambassador and British consul general. I use them to good effect. Since the Prime Minister came to office, he has decided very clearly that, instead of a diplomatic role being the lead role for those offices, really, it should be an economic and

trade role. We welcome that, because that means that, when we visit those countries, they are more focused on helping us to find new and inward investment for Northern Ireland. So, I absolutely agree. One of the strongest reasons for being in the United Kingdom is an economic reason. I make no apologies for that. That is where we are better off.

Creative Industries

10. **Mr Lunn** asked the Minister of Enterprise, Trade and Investment for her assessment of the value provided to the economy by the creative industries. (AQO 4818/11-15)

Mrs Foster: My Department, through Invest Northern Ireland, is specifically focused on supporting the development of television and film production, digital media and music, as it is those sub-sectors of the creative industries that offer the greatest potential return for our economy in employment and exports. Since 2007, over 450 new jobs have been created in businesses operating in the television, film and digital sectors. In addition, Invest Northern Ireland supported Northern Ireland Screen during that period, which has helped to leverage over £96 million of direct spend in the Northern Ireland economy on such things as wages and salaries, set production, hotel accommodation and transport costs. In short, that secured a direct spend of over £4 for every £1 invested.

Mr Lunn: I thank the Minister for that answer and, effectively, for answering my supplementary question. I am sure that she would agree that the return of 4:1 on investment by Northern Ireland Screen is to be commended. Does she agree that there is almost unlimited potential in that area for further investment, which should be actively encouraged?

Mrs Foster: I thank the Member for his supplementary question. One of the most powerful testimonies at last Friday's investment conference was by Jay Roewe from HBO. He said that Northern Ireland was the best place to shoot — I think that he meant to shoot a film. It was a very powerful testament as to why people should look at Northern Ireland as a place for the creative industries, digital jobs and production jobs. We are continuing to see companies come to Northern Ireland to make television and film, most notably, at present, 'Dracula', from Universal Studios. Quite a few other television productions are going on as well.

Mr D McIlveen: The Minister will be aware that 'Game of Thrones' brought a lot of fame to Northern Ireland. Has she identified whether any tourist opportunities came from the decision to shoot 'Game of Thrones' here?

Mrs Foster: Absolutely. I had not realised how internationally thought of 'Game of Thrones' was until I was in Brazil talking about tourism opportunities and mentioned the fact that, in June, the Tourist Board, along with Northern Ireland Screen, was bringing the 'Game of Thrones' exhibition to Belfast. All of a sudden, everybody lit up, because they were all very much aware of 'Game of Thrones' on HBO. That exhibition took place in June. We are also developing a tourism trail for 'Game of Thrones' so that people can see where it is all filmed.

As well as 'Game of Thrones', there are many other sets across Northern Ireland that can benefit from tourists. I am thinking particularly, as you would expect me to, of 'Blandings', which is filmed in Crom Castle in County Fermanagh. It has been referred to as Northern Ireland's Highclere, which is the set of 'Downton Abbey'. So, we are very pleased that there are all those tourism opportunities as well as business opportunities from the creative industries.

Mr Principal Deputy Speaker: That ends Question Time. I ask the House to take its ease for a few moments while we change the top Table.

3.30 pm

(Mr Speaker in the Chair)

Private Members' Business

National Crime Agency

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. As two amendments have been selected and are published on the Marshalled List, an additional 15 minutes have been added to the total time. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. The proposer of each 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.

Before we begin, the House should note that, if amendment No 1 is made, amendment No 2 cannot be made, as the wording will have changed to such an extent that it would not be in order to put the Question on it.

Mr D McIlveen: I beg to move

That this Assembly recognises the concerns raised by the Chief Constable, that failure to establish the National Crime Agency (NCA) in Northern Ireland will impact on the PSNI's ability to protect life under article 2 of the Human Rights Act 1998 and to tackle serious crime, such as drug trafficking and human trafficking; and will work to ensure that no further delays are allowed to impact on the work of the NCA being extended to Northern Ireland.

I welcome the opportunity to speak on this issue. Unlike some others, we are not in the business of bringing issues to the House just for the sake of it when no new information has been brought to light. Therefore, when we received the notification from the Chief Constable in his governance statement, we felt that it was necessary to bring the motion to the House. I appreciate the Business Office making time and facilitating us being able to do so.

I want to deal first with the amendments and speak on our feelings about those. We oppose amendment No 1, which was tabled in the names of Mrs Kelly, Mr Maginness, Mr Attwood and Mr McGlone. I have three simple reasons for that, and most have been rehearsed before around this issue. First, Keith Bristow, who is

head of the National Crime Agency, has offered on several occasions to meet regularly with the Northern Ireland Policing Board to update it on the work that the National Crime Agency is involved in in Northern Ireland. That is a special condition that will not be afforded to other devolved parts of the United Kingdom. Therefore, we are receiving special treatment in that case.

Secondly, the National Crime Agency is no less accountable than its predecessor, the Serious Organised Crime Agency (SOCA). Given that the National Crime Agency is being brought in to replace SOCA, and SOCA was no less accountable, it would, therefore, be illogical to suggest that the replacement body would have to be any more accountable than its predecessor was.

Thirdly, and probably most significantly, the National Crime Agency will be used only in circumstances in which the Chief Constable feels that it is necessary. Therefore, if the Chief Constable, who works under the Northern Ireland Policing Board's accountability structures, uses his discretion in bringing the National Crime Agency on board and, for whatever reason, that is found to be an incorrect decision, he can be fully held to account. So, I do not feel that amendment No 1 brings any added benefit to the issues that we have to address.

I am certainly in favour of accepting amendment No 2, which was tabled on behalf of Mr Elliott and Mr Hussey. I am tempted to go party political on this, and maybe I will for just a minute, if you do not mind. Bearing in mind that one of the best police forces in the world, the Royal Ulster Constabulary, had excellent powers of intelligence and was very well known for its ability to infiltrate organised crime in the very darkest days of our Province, it is surprising that the unionist party that was largely responsible for its dismantlement tabled this amendment. However, I will take it in the spirit in which it was tabled. Therefore, we are certainly minded to accept amendment No 2.

I express my deep appreciation for the work that SOCA has done in an effort to deal with those who, for some reason that I suspect is unknown to most of us in the House, seem to get a perverted form of satisfaction from the criminal activity in which they are involved. I believe that the commitment and dedication shown by the men and women of SOCA deserve the highest possible commendation. I hope sincerely that the House's failure to agree the National Crime Agency as a replacement for SOCA has in no way sent out a signal that

its work was not appreciated. I put on record my personal appreciation for the work that that branch did on drug dealing, human trafficking and other forms of organised criminality, and I hope that everybody in the House will do likewise.

Every member of our community owes a great debt of gratitude to those who serve for our protection; that is their ultimate objective. As time has moved on, so, it seems, has criminals' ability to be one step ahead of the law at times. It is paramount that every possible resource that the PSNI can have at its disposal is made available so that it can be one step ahead of the criminals who are involved in this activity.

Every one of the constituents whom we represent has the right to expect their representatives to support the work of an agency that is committed to confronting some of the most ruthless and evil-minded individuals that we have in the Province. Those men and women are the masterminds behind the distribution of drugs to the youth of our country, and they contribute to fear and attacks and deaths, some of which we have seen in our Province in recent days. They are men and women who are the architects of a human-trafficking network that has entangled many innocent victims in a life that can be characterised only as the darkest form of degradation. They are men and women who abuse their skills in the field of cyber technology to cast a dark shadow of fear across a wide section of our population.

The National Crime Agency has been designed and set up to target and infiltrate those people and to assist the police in our local communities in taking them off the streets. Therefore, I believe that it is regrettable and, in some cases, deplorable that agreement was not found to bring that agency into the Province as of 7 October, when it came into the rest of the United Kingdom. I think that we have to ask about the motivation behind that. The bottom line is that there is no difference, in practical terms, between the National Crime Agency and its predecessor, SOCA.

We have been given special circumstances by the head of the National Crime Agency that will mean that the Policing Board is fully informed of the activities in which the NCA is involved. What has that done in reality? Let me ask this question: is any agency involved in national security going to step back and allow criminality that will most likely affect other parts of the United Kingdom to take place in Northern Ireland?

It is well known that, regardless of whether the legislation is in place, the National Crime Agency will still work with the PSNI on the sharing of information. How is that more accountable than what was put in front of the Policing Board and the Executive to move forward the issue? At the Policing Board's last meeting, and this is most significant, when questioned about his comments, the Chief Constable made it very clear that the key power that is being taken away from the PSNI in fighting crime is the ability to seize assets.

I wonder what the motivation is of those who oppose the formation of the National Crime Agency in Northern Ireland. What is the attraction for those people in a situation whereby the PSNI no longer has the power to seize the assets of criminals, particularly in parts of south Armagh, where it is well known that serious amounts of assets have been seized? What is their true motivation? We really need to get to the bottom of that. There is very little that we can see around what the National Crime Agency is going to be doing in this country. Very little has been diminished for those who are opposing its establishment. The only thing that has been taken away is the ability of the PSNI to seize assets, because there is no legislation for it to do so.

Therefore, we have to be very serious about what the Chief Constable said. He has made it clear that his ability to protect life has now been undermined by the decision of some in the House who are not prepared to allow the National Crime Agency to operate to its full extent in Northern Ireland.

I want to know why that is, and I look forward to hearing an explanation from those who will be speaking.

Mrs D Kelly: I beg to move amendment No 1:

Leave out all after "Assembly" and insert:

"notes the concerns raised by the Chief Constable, that failure to establish the National Crime Agency (NCA) in Northern Ireland will impact on the PSNI's relationship with some other serious and organised crime agencies; further notes the statement made on behalf of the PSNI at the launch of the Policing Board annual report in January 2013 that the NCA must operate in an accountable manner through the Policing Board; regrets that the Home Secretary has failed to bring forward proposals that would allow the NCA to operate as such and calls on the Minister of Justice and the Home Secretary to urgently introduce statutory amendments that would guarantee

that the NCA and its operations in Northern Ireland are fully accountable to the Northern Ireland Policing Board."

The SDLP has always been straight on policing. It has always held firm to the principles of the Patten report, accountability and oversight. We stood against many other parties, opposite and to my right, to draw down and settle for the right set of circumstances for Patten. We have not set our face against having a National Crime Agency per se. The Minister knows that we are working with his Department and are seeking a meeting with the Home Secretary about our concerns. Our concerns are the concerns of many, and not just those of some of the broader criminal justice family, such as the Committee on the Administration of Justice (CAJ), which has said that the proposals for the National Crime Agency:

"in effect insert another police service into Northern Ireland, accountable to the Home Secretary and largely outside of the reach of the local accountability structures committed to following the Patten Report, in particular the Policing Board."

We have a bottom line, and it is that the NCA must be accountable to the Policing Board. Nothing less will allay the concerns of the SDLP.

We know the pain —

Mr Allister: Will the Member give way?

Mrs D Kelly: I will in a moment, but there are a couple of points that I want to make first.

There are three key principles that I think are largely shared across the PSNI and many other bodies that want to ensure that there is fully accountable policing. We do not want the Chief Constable to be accompanied to a meeting of the Policing Board by the NCA director to give his report. We want the Chief Constable to have full visibility over all NCA operations. We want him to have the power of veto, and we want to have vicarious accountability through the mechanisms of the Policing Board.

I give way to Mr Allister.

Mr Allister: The Member talks about a bottom line. Is the bottom line not that the SDLP has to make up its mind whether it is going to dance on the head of a pin about accountability and find that more significant than holding criminals to account? The consequence of the SDLP's action is to let criminals off the hook and to let

them keep their assets. Lay aside the platitudes. Is now not the moment for reality? Is it not time that the SDLP got itself off this hook and came down firmly on the side of dealing with criminals and their assets, rather than this make-believe about accountability?

3.45 pm

Mrs D Kelly: Mr Allister and, indeed, Mr McIlveen, are out of step with international thinking. There is a debate raging in the USA and in the UK following the release of the Snowden files and that level of discovery. Hillary Clinton and, indeed, Yvette Cooper, the shadow Home Secretary, have admitted that the scrutiny and accountability mechanisms for intelligence and security services in the USA and in the UK are not keeping pace with the technologies now employed by agencies.

To protect citizens' rights, there is a clear need for accountability mechanisms to keep pace with developments elsewhere. Nowhere is that more important than here in the North of Ireland, where, as we all know, things went wrong in the past and agents ran amok, and where, indeed, people have been returned to jail without having been presented with the evidence against them. I have a constituent who has been denied a parole hearing. Mr Martin Corey has been returned to jail on the basis of intelligence advice, but that has not been provided to him or his legal representatives.

We do not stand for that type of policing. The SDLP took a lot of the hard hits and the hard decisions when others were standing outside the tent, shouting and screaming. The SDLP made the right call over those years and will continue to make the right call on the NCA.

My colleague Mark Durkan put it very succinctly when he used this analogy in a debate in Westminster. He said:

"There is no point in us saying 'Yes, we've sorted out full accountable policing and none of the old things can happen,' only for people to find all sorts of other things going on, and we then say, 'Yes, but that was nothing to do with the accountable devolved policing. That was to do with these other policing arrangements we helped to legislate for.' We are then like Clouseau in one of the 'Pink Panther' movies where he sees a man with a dog and asks, 'Does your dog bite?' The man says, 'No.' Clouseau pets the dog and the dog nearly takes his arm off. Clouseau then says, 'I thought you told me

your dog doesn't bite,' and the man says, 'That's not my dog.' We cannot say, 'We've sorted out policing, and we have full accountability and a full and open complaints process, but meanwhile anything goes in relation to how this Parliament here at Westminster legislates for other aspects of policing.'"

We have the duty to get it right now and into the future.

In that regard, we are not alone. In an article that the former head of the Child Exploitation and Online Protection Centre (CEOP), Mr Jim Gamble, did for the 'Belfast Telegraph', he said that the new NCA must be fully accountable to the Policing Board.

These are people who speak with a level of authority. They went through the pain of Patten. Regardless of what the Chief Constable has said in recent weeks, the PSNI, at the launch of the NIPB human rights annual report, said:

"There is no doubt that the expertise of the NCA is necessary to keep people safe. But operational control must fall to the Chief Constable. NCA's operation in Northern Ireland must fit with the existing accountability structures of the Policing Board and the Ombudsman so that we can continue to maintain and build public confidence in policing."

Mr Humphrey: Will the Member give way?

Mrs D Kelly: I will, when I have finished.

This is what the PSNI said, Mr Speaker. It said:

"We cherish the accountability mechanisms that have been built up for policing over the last decade. And while we acknowledge that accountability arrangements are for politicians to agree; the police service has a desire that local accountability for policing is not diluted by the introduction of the NCA."

So, our voice is not a lone voice crying in some forgotten wilderness of the Assembly. It is one that is supported by the good authority of the PSNI and the likes of Jim Gamble. It is also reflected on the wider international stage in relation to how a citizen's rights are protected through oversight and accountability.

The SDLP has worked hard and will continue to work hard to get this right. We are not against the NCA of itself.

I give way to Mr Humphrey.

Mr Humphrey: Thank you very much. I asked the Chief Constable about the issue of accountability when he appeared in front of the Committee for Justice on 19 September this year. He said:

"I understand fully the issues of accountability, which are critical for me. We have had a significant change with the devolution of policing and justice, which includes control through the Justice Minister and the Policing Board".

Does the Member not agree with me and those who sit on these Benches that the Police Service of Northern Ireland is one of the most accountable police services not just in this kingdom but across western Europe? The accountability measures that you are talking about are in place, and you are dancing on the head of a pin. Further to that, what exactly do you mean when you say to this House that you will hold a veto?

Mr Speaker: Order. I must warn all Members that interventions should be very brief.

Mrs D Kelly: I will deal with the last point first. It was not about our party holding a veto; it was about the Chief Constable holding a power of veto over NCA operations. I want to make that clear. Secondly, yes; we do have the most accountable police service in the western world, thanks largely to the hard work of my predecessors in the SDLP to get it right and call it right. I am not in any way embarrassed to claim that particular ground. *[Interruption.]*

Mr Speaker: Order. Let us not have debate across the Chamber. The Member has the Floor. Allow the Member to finish.

Mrs D Kelly: This is the second time that such a debate has taken place in the House. We had an opportunity to sign a petition of concern in respect of the main motion, but we want to get the message across that we want to see the NCA operate. We want that resource to be available to the PSNI when it is fighting organised crime, but we want it done on the right principles and the right basis. I again call on the Home Secretary to meet my party and face up to our concerns. Just because police services across the water accepted something less does not mean that we have to follow suit. I commend amendment No 1 to the House.

Mr Hussey: I beg to move amendment No 2:

Leave out all after the second "trafficking;" and insert:

"and calls on Her Majesty's Government to implement the legislative requirements to enable the NCA to operate fully in Northern Ireland."

I am pleased to speak on the issue of the National Crime Agency and to propose the Ulster Unionist amendment. Before I go on, I would like to agree with Mr McIlveen's comments about the bravery and courage of the Royal Ulster Constabulary, an organisation in which I had the honour to serve. However, his memory does not seem to be very good. When his former leader was carried out of this Building, he stood on the steps outside and told the RUC not to come crying to him when their houses were on fire. Therefore, the Member has a bit of a cheek to make politics out of the Royal Ulster Constabulary.

Our amendment is simple. It asks the Westminster Government to act on our behalf should we be unable to reach agreement on the operation of the National Crime Agency in Northern Ireland. So far, we have proven unable to do that, with Sinn Féin and the SDLP continuing in their opposition to an agency that exists to fight serious and organised crime. The fact that the NCA has gone live in the rest of the United Kingdom but not in Northern Ireland means that we are already too late in some respects, but the situation can be salvaged.

I welcome the fact that the SDLP appears to be still trying to engage and work constructively through the issues that it may have with accountability. The joke was not very good, but the issues are still there. However, Sinn Féin's blatant anti-British approach to security issues shows a real immaturity to govern. It is probably a lost cause in this particular debate. In short, it remains to be seen whether a way forward can be found.

In the past, many people have spoken about the importance of the NCA's role in areas such as human trafficking, cybercrime and child exploitation, so I want to move on and discuss in more detail the opposition to the NCA. It is mostly centred on the accountability of the NCA when it is operating in Northern Ireland. As a member of the Policing Board, I fully understand and respect the specific accountability measures for policing here. I also believe that the NCA should respect the devolution arrangements that are in place, not only here but in Scotland and Wales. On that premise, I am at one with those on the other side of the House. However, I differ in that I

believe that those accountability concerns have been suitably addressed. It is the case that the NCA will respect the primacy of the Police Service of Northern Ireland. The NCA's director general will not have the powers of a constable in Northern Ireland. Control remains with the Chief Constable of the Police Service of Northern Ireland.

It is also a statutory obligation for the director general to attend the Policing Board at least once a year, and, as a member of the Policing Board, I certainly welcome the scrutiny function that we have been afforded in that regard. Keith Bristow has also indicated a willingness to meet the Justice Committee if asked. I am sure that the representatives of all parties, particularly Sinn Féin and the SDLP, will ensure that he is asked. The director general's annual plan would also need the consent of our Justice Minister where it related to Northern Ireland. Further to that, and unlike in England and Wales, the director general will not be able to direct the Chief Constable of the Police Service of Northern Ireland to undertake any particular action. As I said earlier, control will remain with the Chief Constable of the Police Service of Northern Ireland.

Those are significant amendments to reflect the specific policing and accountability arrangements that exist in Northern Ireland. I hope that Members will see that there has been a real effort to address concerns. I believe that the NCA, as proposed, should be acceptable to all. However, I would express an element of caution that we do not dilute the NCA to such an extent that it is rendered ineffective. I am sure that the Justice Minister will bear that in mind.

At the outset, I mentioned the amendment that has been tabled in my name and that of my colleague Tom Elliott. I want to return to it now. It calls on:

"Her Majesty's Government to implement the legislative requirements to enable the NCA to operate fully in Northern Ireland."

Of course, the NCA could and should have been fully operational in Northern Ireland as a result of the Crime and Courts Act, which has passed through the legislative process at Westminster. That Act abolished the Serious and Organised Crime Agency and established the National Crime Agency. However, as we know, a legislative consent motion could not be agreed to allow Westminster to proceed with some of the relevant clauses on Northern Ireland. Agreement at a later date than originally envisaged between the parties in the

Assembly is the next preferable option, and I hope that the SDLP will see sense. However, if that agreement is not forthcoming, the Ulster Unionist Party believes that, as a matter of security, the Westminster Government should implement whatever legislative requirements are necessary to circumvent the unwillingness of some parties in the House and allow the PSNI all the tools it needs in its fight against serious and organised crime.

This whole area has been a test of the devolution of policing and justice, and that test has failed thus far. We are in a situation in which the UK agency that deals with the most serious criminals is not in operation here. The National Crime Agency is a body that has been set up to tackle the exploitation of children, robustly pursue the most serious criminals and have international links in a raft of countries. The current situation is not something that I or anyone else in the House should be proud of. It does little to inspire confidence in how the Assembly is delivering for the people of Northern Ireland. I call on the House to support our amendment.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. One fundamental issue lies at the heart of the debate: police accountability to the local oversight mechanisms of the Policing Board and the Police Ombudsman's office. If the NCA as envisaged were to set up here today, that accountability would be compromised. I will return to that later in my speech, but, before I do, I want to deal with the Chief Constable's claims that a failure to establish the NCA here will undermine his ability to protect life under article 2 of the European Convention on Human Rights and tackle serious crime. I interrogated the Chief Constable on that issue at the last Policing Board meeting less than two weeks ago —

Mr Allister: [*Inaudible.*] interrogate you.

Mr Sheehan: I beg your pardon?

Mr Speaker: Order. Allow the Member to finish.

Mr Spratt: Will the Member give way?

Mr Sheehan: Go ahead.

Mr Spratt: Did you interrogate the Chief Constable or did you question him?

Mr Sheehan: Interrogate. The Chief Constable made that claim, but, in the course of that

interrogation, he was not able to substantiate it. He can make all sorts of claims and assertions, but he has to back them up with evidence.

4.00 pm

The Chief Constable is very well paid; he earns almost £200,000 a year — more than anybody in the House. The reason why he gets so well paid is because he has some very serious responsibilities. If he sees a possible threat to life, it is his job to tackle it. If he foresees something coming down the tracks at him where there is going to be a gap, it is his responsibility to plug that gap. There is no point saying, "Oh, it is the politicians' fault". That is why he gets so well paid. It is his job to protect life. He cannot just blame all the rest of us. If there are issues of resourcing, the Chief Constable should go along to the Justice Minister or to the British Home Secretary and ask for the resources that would have gone to the NCA for its operation in the North here to be reallocated to the PSNI instead. It is quite simple.

Mr Humphrey: I thank the Member for giving way. As you heard me refer to earlier, when the Chief Constable came in front of the Justice Committee, he said in reply to a question:

"We see a growing threat to our young people's well-being here because of drugs, people trafficking, cybercrime and a range of areas that we were not facing just a few years ago."

Given the fact —

Mr Speaker: Order. Once again, I warn the entire House: interventions here or anywhere else should be brief, so the convention of interventions is that they are brief.

Mr Humphrey: I am coming to the question, Mr Speaker. Given that there are new crimes that were not there a number of years ago, and given that the resources that he talks about are now limited because of the decision of his party and the SDLP in the past, why will your party not support giving extra resources to the police to deal with the crime and criminality, which is affecting young people in particular in societies such as north Belfast and west Belfast?

Mr Speaker: The Member has a minute added on to his time.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. I suppose I could ask the Member

why he would not stand with the rest of us and condemn the thuggish and violent attack on Belfast's first citizen. He was given 15 or 20 opportunities — *[Interruption.]*

Mr Speaker: Order.

Mr Sheehan: — on Radio Ulster, and he could not take one of them. Therefore, he does not speak with any authority here on law and order issues.

There has been a lot of scaremongering by the parties opposite. It has been stated in the media that if the NCA does not set up shop here, there will be limited access to NCA intelligence and to CEOP material. That is totally untrue and a cynical manipulation of public fears. I also questioned the Chief Constable on that at the last Policing Board meeting. I asked him whether there would be any restrictions on information sharing between any of the law enforcement agencies on these islands or further afield. The answer was a categoric no from Matt Baggott and ACC Harris. So, please stop the cynical manipulation of people's fears out there. There will not be any restrictions on information sharing.

Mr D McIlveen: Will the Member give way?

Mr Sheehan: No; I have already given way enough.

At the outset, I said that I would return to the issue of accountability. The facts are clear. If the NCA sets up here in the same way as across the water, we will have two-tier policing: one tier, the PSNI, will be accountable to the local oversight mechanisms; and the other, the NCA, will not be accountable. What are the implications of that? Let me quote Jim Gamble:

"So to accountability; policing ... and partnership working with national and transnational law enforcement agencies is too important for the issues to be lost in threatening rhetoric. Suggesting that engagement with the NCA is all or nothing misses the fundamental issue: without local lines of accountability tied down in legislation the huge progress we have made in the past decade could be put at risk."

He goes on to say:

"I am sure you will have your own opinion and view of history but the lesson is clear: create a policing organisation that operates to a different standard of accountability and no matter what your logic, significant

numbers of people will not trust or support it, and that goes for those inside and outside the police."

Mr Dickson: There is no doubt that the absence of a fully functioning National Crime Agency in Northern Ireland will have a negative effect and impact on our ability to deal with serious crime, no matter what others may say.

In reference to its predecessor SOCA, I had the privilege of hosting an event for them in Parliament Buildings so that they could explain the workings of that organisation to those who wished to come and listen.

Anyone who doubts that just needs to look at the facts from last year: people trafficked into Northern Ireland from across the globe for sexual exploitation and domestic servitude, extortion, moneylending, robbery, contraband, burglary from paramilitaries and nearly 4,500 drug seizures. Those problems are not unique to Northern Ireland. They are international issues that demand an international response. The NCA offers that response, working, as the Home Office says, to connect:

"the efforts of local policing and neighbourhood action to national agencies and action overseas to coordinate the fight against some of the UK's most harmful criminals."

We should not be under any illusion that those harmful criminals also operate in this jurisdiction and that our Police Service is isolated and has one hand tied behind its back in attempting to deal with those matters.

I made this case strongly in the House when we discussed the matter on 4 February. The arguments have been discussed thoroughly in this House and behind the scenes since then. The question, it now being October and the NCA going live last week, is how we move this debate forward to find a solution that is satisfactory to allow an LCM to pass.

The Minister has already secured important and significant concessions on how the NCA would operate in Northern Ireland, taking into account our local issues and sensitivities. He has been working extremely hard to address concerns about accountability. Those discussions have been going on for months. While the time was available, that was fair enough. However, we are no longer talking about some hypothetical situation about what may happen if we do not have an LCM in place before the NCA begins operation. Well, we are now in that situation, where we have no means available to us in

Northern Ireland to go after the assets gained through criminal behaviour that may be taking place as we debate this motion. This is now and this is real, and we need to get the political agreement to block gaps that exist.

Mrs D Kelly: I thank the Member for giving way. I am sure that he will agree with the PSNI when it states in its preamble to the Policing Board's human rights report:

"The fundamental building blocks for community confidence and the delivery of effective policing are human rights and accountability."

So will the Alliance Party join us in ensuring that that accountability mechanism is reached?

Mr Speaker: The Member has an added minute.

Mr Dickson: Thank you. The question that we are dealing with today is whether it is possible to deal with everyone's concerns and whether everybody will be entirely happy with every aspect of how the NCA operates. That is what is being debated here and was discussed behind the scenes for several months. That is what remains to be seen following today's debate.

We have to weigh up and strike a balance between not getting every last dot of what we want and not being able to tackle serious and organised criminality. These issues need to be resolved as a matter of urgency.

We cannot support either amendment on the grounds that neither recognises what is required or possible under the devolution settlement. The SDLP on the one hand calls on the Minister of Justice to bring forward amendments to legislation, which he cannot do. What he can do is work with the Home Secretary to seek such amendments but that will require a firm indication from this Assembly and the Assembly parties that they will support some measures through a legislative consent motion. Again, we come back to the need to urgently reach political agreement here among ourselves.

The Ulster Unionist Party amendment, incredibly, calls on Her Majesty's Government to do something that they cannot do without an LCM being passed by the Assembly.

We have more to gain than to lose by having the NCA working here in the devolved arena. Some concerns have been resolved and others

continue to need to be dealt with. The Minister and his officials have worked hard and innovatively to address concerns around accountability. The time for that debate is fast drawing to a close. Parties now need to work together to finalise a package of measures that would allow us all to move forward and support an LCM.

Mr Craig: I welcome the ability to rise here to debate the issue of the National Crime Agency. Others were right when they raised the issue of this being debated previously. When it was debated previously, we were not sitting in a vacuum because SOCA was still in place. The one thing that has changed fundamentally in the debate is that others have now prevaricated for so long on the issue that we find ourselves without the National Crime Agency and without SOCA. What are the consequences? There are always consequences of losing any organisation and its ability to help and assist in some areas.

The one area that is missing dramatically from the jigsaw of tackling serious and organised crime in our society is assets recovery. I find myself asking why anyone has allowed themselves to get into the position where that tool in the armoury of the police force of Northern Ireland is no longer there. What are we trying to say to the criminal fraternity? Are we saying, "If you want to do business, Northern Ireland is a great place to do it because, quite frankly, it is the one place where they will never get at your assets"? I know that we want to tackle the whole issue of housing and some of the negative equity that is out there, but I do not think that this is a good way to do that. Those are not the sort of people we want to invite into Northern Ireland. If anyone is in any doubt about whether they are here, I can tell them that they are here. Several cases are now being processed from which assets should be recovered, but, today, we are in a position where that cannot happen.

I look forward to my colleagues opposite supporting legislation coming through the House to allow the PSNI to take on that task. Why have I got doubts in my mind about whether they will ever do that? I can see section 75, an equality Act and a million other things being put in the way of allowing that to happen. All that just says that Northern Ireland is an open house for the serious criminal. We are sending out the wrong message. That is where everybody is getting it wrong about this.

I have some sympathy over the whole issue of accountability; others do not seem to get that accountability stops with the Chief Constable.

Whether it was SOCA or will be the National Crime Agency, it has to stop with the Chief Constable. The one thing that will not occur in any jurisdiction in the UK is the National Crime Agency actively carrying out any task in that region without the knowledge and agreement of that region's chief constable. The Minister had talks with the Home Office about that very issue. I do not know why others cannot understand that, for anyone to assist or work with a police force in an area or jurisdiction, they must work with them, not against them. If we had two forces working against each other in Northern Ireland, we would find out very quickly that that does not work, it is counterproductive and that the only people who gain from it are the criminals.

The reality of the situation for the National Crime Agency is that it will work hand in glove with the Chief Constable and the PSNI when it comes to dealing with any criminal activity. That very organisation gave us reassurances at the Policing Board that that would be the case. What criminal activity is it tackling? It is tackling the sex trade, cybercrime, smuggling, human trafficking and terrorism, whether home-grown or international. As the only part of the United Kingdom with a land border with another country, we are inviting the criminal fraternity into Northern Ireland.

Mr Speaker: The Member's time has almost gone.

Mr Craig: We should not do that. I, therefore, support my party's motion and amendment No 2.

4.15 pm

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an díospóireacht seo agus beimid ag tabhairt tacaíocht don leasú. I welcome this debate. We will support the SDLP amendment.

Sinn Féin has fought very hard to bring about a more accountable and effective civic police service. It is disappointing to hear some in the Assembly use the emotive issues of crime, human trafficking and child exploitation to score political points about the British National Crime Agency. For anyone to use the Floor of the Assembly to ferment public panic about sex crime and child abuse is an abhorrence. The PSNI has established new public protection units that operate in unison with other statutory bodies and take a multiagency approach. The Assembly also introduced new, more stringent notifications for serious sex offenders in recent

legislation that the Minister of Justice was involved in delivering. Alongside that, we have entities such as the Safeguarding Board for the North, and the Minister of Health, along with other Ministers, is involved in that.

Of course, we have had the recent very serious controversy about children in care homes while under the supervision of the Department of Health. That has again revealed — if we needed reminding — the need for eternal vigilance and scrutiny and the failings in some parts of the local institutions. We have raised this matter at the Policing Board, but the PSNI should have been left in no doubt about its responsibilities in child protection, tackling crime and dealing decisively with human trafficking. We need to see results in addressing those serious crimes, and Sinn Féin will be scrutinising that very carefully at the Policing Board. A good starting point would be to set targets and to write them into the policing plan, as stated in the Barnardo's report. We assure the House that we will fight to ensure that such targets are there.

In all that, there has been no mention of the NCA. That is because safeguarding local people is a local responsibility, and local institutions, including the local police service, need to step up to the challenge and discharge their statutory duties.

The online exploitation of children and young people is detected through an international network that includes the cooperation of industry and the role of the North American-based National Criminal Intelligence Resource Center. That type of crime requires international information sharing. No one in the Assembly is claiming that the PSNI ceased or will cease to obtain that information under the new arrangements. To say that would be to mislead the Assembly. It has been claimed in the Assembly that the arrangements to deal with online child exploitation and protection no longer operate here, but that is not the case. Actually, the facilities that CEOP provided to the PSNI before the creation of the NCA are exactly the same as those that are provided now. CEOP carries out early analysis and risk assessment, which is then passed to the PSNI for executive action. If the PSNI is not acting, it is failing in its job. If the Minister of Justice is not ensuring that the PSNI is acting, he is failing in his job. So, it is incorrect and very misleading to say that work will not happen in that area without having the NCA in the North.

I and the Assembly should be more concerned about the nature of information sharing across the island. We still do not have a fully

integrated, searchable, electronic all-Ireland sex offenders' register, despite calls from my party and others for it to be introduced. The intergovernmental agreement legislating for information sharing between the Garda Síochána and the PSNI is now 11 years old and is, therefore, very much out of date. For anyone who is genuinely concerned about child exploitation and human trafficking on this island of Ireland, that would be a good place to start. Indeed, I note suggestions that the NCA itself is considering opening a sub-office in Dublin. So, partnership is required not only east-west but North/South. Anyone who is genuinely concerned about child exploitation, human trafficking or other manifestations of international organised crime would recognise that. Unfortunately, the motion does not.

The public deserve to see an informed, intelligent debate in the Assembly. I invite the Minister to bring forward to the Assembly details of the number of individuals who have been convicted before the courts here for involvement in international child exploitation and the number who have been convicted of international human trafficking. It is obvious that those crimes are global in nature —

Mr Speaker: The Member's time is almost gone.

Ms Ruane: — but what is the scale of the impact here? The former head of the Child Exploitation and Online Protection Centre has given evidence in Westminster, and we have heard about that.

Mr Speaker: The Member's time is up.

Mr Humphrey: I support the motion and pay tribute to the SOCA staff for the role that they played in Northern Ireland in the fight against crime and criminality along with the Royal Ulster Constabulary and, more recently, the Police Service of Northern Ireland.

As we move to the formation of a National Crime Agency in the United Kingdom, it is absolutely crucial that Northern Ireland be included in that. We heard today from the deputy leader of the SDLP that it has an issue with accountability. To be fair, we have heard that before. I welcome the fact that that party has been having conversations with the Minister and is seeking a meeting with the Home Secretary in the national Government. That should happen, and, as far as is possible, those assurances should be given to the SDLP, because it is crucial that the National Crime Agency be extended and become fully

operational in Northern Ireland. It is important that accountability is not seen as some fig leaf or a stalling or blocking tactic to the NCA being established here. In the context of accountability, we have a Justice Minister in a local devolved Administration, a Policing Board, a Justice Committee and this House. With all those structures and institutions in place, have we no faith and confidence in ourselves that we can hold the NCA to account?

Mr D McIlveen: I thank the Member very much for giving way. The Member for South Down opposite has just made an analogy in which CEOP would continue to share information, but it obviously does so under legislation. However, bearing in mind that the NCA will also share information but not under any legislation, does it not stand to sense that Sinn Féin's position on this has made the NCA less accountable than had there been legislation in place?

Mr Speaker: I am almost coming to a point at which I will have to intervene on Members who ask for an intervention and, when a Member gives them the Floor, eat into that Member's time. I do not want to do that, but Members are leaving me with very little choice.

I ask the Member to continue. He has an added minute.

Mr Humphrey: I agree entirely with my colleague from North Antrim.

Organised crime and criminality such as cybercrime, drug dealing, human trafficking, the sex trade and fuel laundering is clearly very lucrative. The National Crime Agency is crucial and essential in dealing with crime and criminality, and delaying its extension to Northern Ireland will cost lives and money and will be to the advancement and betterment of only the criminals and the criminality that they are involved in. Matt Baggott has clearly indicated that a financial cost would result from the NCA not being fully extended to Northern Ireland. That would be costs in resources and an opportunity cost because of the resource from the rest of the United Kingdom that cannot be deployed here. That is simply not good enough, and it leaves our people exposed and not protected in certain areas. Young people in Northern Ireland are further exposed to crime, not just local crime but international crime and the new crime that we talked about earlier, and they have less protection than their peers in the rest of the UK. Human trafficking is a huge problem facing not just Northern Ireland but the rest of the United Kingdom. It is

important that international crime such as human trafficking and drug dealing is not dumped over the border into Northern Ireland if there are protections in the Irish Republic that do not prevail here. We must not become the soft underbelly of crime in the UK.

I am concerned that we will move forward without the joined-upness and the collaborative approach of the NCA, which is essential for Northern Ireland. That will leave our young people and our communities, which have been ravaged by crime and criminality over the past 40 years — much of it organised through paramilitary organisations, and that is where we differ from the rest of the UK — further exposed, because we will not have those protections in place.

As I said earlier, crime and criminality is a huge and growing industry in Northern Ireland, and many people are very wealthy because of it. Every resource and tool must be used by the state and the police, which must be absolutely accountable to government, to eradicate crime and criminality as far as possible.

For us to do anything other or less than that is highly irresponsible. It is not good government. It exposes the Assembly to extreme ridicule and, quite frankly, if we do not move forward, Members on the other side of the House will simply have sent a clear signal to the people of Northern Ireland that crime does pay, crime will pay, and we are not tough on criminals, on the causes of crime —

Mr Speaker: Will the Member close his remarks?

Mr Humphrey: — and we will not deal with criminals.

Mr G Kelly: Go raibh maith agat, a Cheann Comhairle. At this time in the debate, I suppose that the difficulty is that a lot of the stuff has already been said and it may be a little repetitive.

I am up to speak against the motion tabled by the DUP and the amendment from the UUP. The motion begins:

"That this Assembly recognises the concerns raised by the Chief Constable, that failure to establish the National Crime Agency (NCA) in"

the North of Ireland. The NCA is operating in the North of Ireland, so I do not know how

competent the motion is. It goes to state that such a failure:

"will impact on the PSNI's ability to protect life under Article 2 of the Human Rights Act 1998".

As Pat Sheehan has pointed out, that duty lies with the Chief Constable; it always has done and should continue to lie with him. It seems to me that the UUP amendment is, at best, not devolutionist and is possibly not competent. It asks the British Government to completely ignore the Assembly and bring in laws above our heads. I do not know what else that is, but it is certainly not devolutionist.

Both parties, I think, are hankering back to the old RUC. We know what that lesson was: unaccountability. We know where it went, and, of course, in a way, they have pointed out what is at the base of the discussion today, which is that unaccountability has been seen. The experience in the past is that that will lead to corruption. They did, in the end, sign up to Patten. They signed up to the Good Friday Agreement, in the end, to St Andrews and, indeed, to Hillsborough and to the devolution of policing and justice. In the end, the core issue, is, in a way, quite simple: it is about accountability, accountability to the Policing Board and the ombudsman.

The myth perpetuated is that the pursuit of organised crime has, in some way, ceased. Of course, it clearly has not. Is the NCA refusing to cooperate with the PSNI, the Garda Síochána or any European police service? No, it is not. Is it refusing to give information? No, it is not. Is it refusing to accept information? In all of those occasions, no it is not. On child exploitation, on drugs, on human trafficking, cross-border smuggling or any other crime in the long list of illegal activities under the banner of serious and organised crime, there is cooperation. Those on the Benches across the way would say that there is not. Well, I hope that they are wrong, and I believe that they are wrong.

In Keith Bristow's letter to the Policing Board recently — I think that it was on 24 September — he makes it very clear that he wants further assistance. He wants to rely on the PSNI and to deal with the Garda Síochána, and he wants to build on the positive existing relationships. So, he certainly thinks that they need to be built on, despite the fact, which you may understand, that he wants more ability to use his power. However, our experience — this is nothing to do with Keith Bristow or any other person who may take up that post — is that, if you do not

have accountability, and we fought hard for it, you will have serious difficulties as we go forward.

I suppose that the question is this: can accountability be sorted? Of course, it can; I think that everybody agrees on that. I do not want to exaggerate, but, in a way, it would be the stroke of a pen. The British Home Secretary could have sorted this out a long time ago and still has the ability to sort it out, in which case we would not be debating the issue. Why should officers not be accountable? Nobody on the Benches over there has explained that. Why do unionists not want him to be accountable? A lot of questions have been asked of republicans and nationalists, but why you do not want him to be accountable is another question. I spoke of our experience in the past —

Mr Humphrey: Will the Member give way?

Mr G Kelly: I will not.

We are not going to go back to the days when there was a lack of accountability, with all that that caused. In fact, we are still dealing with the legacy of that unaccountability today and will be doing so into the future. Sinn Féin is having ongoing talks with the Justice Minister, as are other parties. We believe that this can be fixed, and we want it to be fixed as soon as possible. I argue that all parties in the Assembly should be assisting the Justice Minister to get the type of accountability mechanisms already agreed — the same as for the PSNI. It is clear from what has been said across the Chamber that those accountability mechanisms do not exist. As for assets recovery —

Mr Speaker: The Member's time is almost gone.

Mr G Kelly: Surely the Minister will talk about a bespoke method of assets recovery that the PSNI can use here? That is what we should aim for.

Mr Speaker: The Member's time has gone.

4.30 pm

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I support my party's amendment. I understand and have listened to the concerns about how the potential failure to establish the National Crime Agency in Northern Ireland could impact on the PSNI's ability to do its job properly. I also hear the concerns about the impact on the PSNI's resources. It could be

clearly argued that those resources have been drastically wasted this year on flag protests, parades and so on that should not be happening anyway. However, those concerns are not reason enough to acquiesce to the implementation of a flawed Bill that would undermine public confidence in policing here through a lack of local accountability and scrutiny.

The most direct impact from the failure to establish the NCA in the North is on the PSNI's relationship with some other serious and organised crime agencies. The NCA will operate in Northern Ireland on matters that are not devolved, such as immigration, customs-related crime, people trafficking and fuel laundering. It will also be able to provide advice and support to the PSNI in relation to devolved matters —

Mr Wells: Will the Member give way?

Mr McGlone: Just a minute. However, until proper accountability mechanisms are in place, the role of the NCA here will continue to threaten public confidence in the mode of civic policing that the Policing Board and the current Chief Constable have been pursuing. I give way to the Member.

Mr Wells: I detect a softening of the SDLP's position on this, and I welcome that. I hope that your discussions with the Home Office bear fruit, but the problem with the Member's argument is that it still leaves drug barons, human traffickers, crime —

Mr Speaker: I detect that the Member will be brief.

Mr Wells: I am. It leaves people like "Slab" Murphy sitting on vast amounts of money and assets in Northern Ireland as a result of those crimes. As a result of what he is suggesting, police will not be able to seize one penny of those assets.

Mr Speaker: The Member has an added minute.

Mr McGlone: I thank the Member for detecting what he perceives to be a softening. Because I say something one way does not mean to say that my position has softened. I might have a soft approach to these matters, but my position is definitely not soft.

I have not heard one argument from the other side that makes the case that this should be done in an unaccountable and irresponsible

way compared with local policing authorities. I have not heard one good example of how or why that should be done or even one case made that says that the NCA should not be held to account, should not be transparent and should not be held properly responsible through locally accountable methods and mechanisms.

The concerns that we and others had about the NCA when the Assembly took the decision in February not to proceed with a legislative consent motion on the Crime and Courts Bill remain the same. Indeed, those concerns are shared by the PSNI. As it stated on 14 May:

"we are acutely aware that the confidence and consent of the whole community are essential to the delivery of policing. We recognise that agreed accountability plays a central role in achieving this."

The Chief Constable has suggested an alternative accountability mechanism, but it is dependent on the British Government consenting to complete transparency to the PSNI of the NCA's intelligence, investigations and operational activity.

Mr Craig: Will the Member give way?

Mr McGlone: I am sorry; I cannot. I will run out of time.

That, I suggest, is no more likely than complete transparency of MI5's intelligence, investigations and operational activities.

We do not believe that there is sufficient local accountability or oversight enshrined in the legislation at present to secure full public confidence in the agency. It is clear that the NCA was always intended to take on a more widespread and visible role than any agency before. It has repeatedly been referred to as a UK version of the FBI. It is that enhanced role that demands robust scrutiny, transparency and accountability mechanisms to be put in place. The Crime and Courts Bill did not provide those mechanisms. That is why, in our amendment, we call on the Minister of Justice and the Home Secretary to urgently introduce statutory amendments to guarantee that the NCA and its operations in Northern Ireland are fully accountable to the Policing Board.

The SDLP has strongly, robustly and, on all occasions, consistently supported the fight against organised crime, but we do not support the creation of a new layer of policing that will not be accountable to anyone other than the British Home Secretary. That is not simply

about the here and now; it is also about policing into the future, which our party has had a huge stake in. Local accountability and scrutiny of policing was and remains a vital part of securing and maintaining public confidence in the Assembly and the wider democratic accountability chain. The risk of the NCA operating without those same checks and balances in place here should be evident to all.

Mr McCallister: Probably the key question in the entire debate is this: what is in the public interest? It is overwhelmingly in the public interest to have the National Crime Agency operating in this part of the country. Let us look at some of the issues. Do we have a problem with organised crime? Look at some of the reports. Potential victims of human trafficking have been rescued. There have been 4,500 drugs seizures, with a value of £10.2 million. There have been nearly 2,800 arrests for drugs offences, and that is up by 10% on the previous year. Twenty-two fuel laundering plants have been dismantled, and 820,000 litres of illicit fuel have been seized, as has £1.3 million in criminal assets. We have a problem with criminal activity and organised crime in Northern Ireland, and we need a solution. We need to have the confidence to move forward and bring the NCA here quickly.

Although it pains me to say it, the Minister is right on the issue. I hope that, in his response to the debate, he will say at what stage are the negotiations about organising the accountability mechanisms to meet some of the concerns of the SDLP and Sinn Féin. I find it bizarre that Sinn Féin says that there may be a sub-office of the NCA in Dublin but we would not want an office here in Belfast or somewhere in Northern Ireland. That example highlights that the level of British-Irish cooperation has moved on in the past 15 years. There are possibly other parties here that have not moved as far in the past 15 years. I have not heard many Members arguing against having accountability measures. I do not think that any of us want to go down the road of there being no accountability or structure. Mr McGlone made the point about the NCA being accountable to only a British Home Secretary. The British Home Secretary is a Member of the House of Commons, and his party leader is a Member of the House of Commons as well. There are accountability measures in that. There are accountability measures here. I remind Members that the Minister of Justice enjoys his position because nearly everyone here voted for him on two occasions. I did not, and neither did Mr Elliott.

The issue should be sorted out round the Executive table instead of having the debate in here. We have a motion tabled by one of the leading partners in our coalition Government with amendments from smaller parties in the coalition Government being responded to by the smallest party in the coalition Government with not-quite-agreement on what we are doing. We need to find out where the blockages are. Everyone here, I think, is in agreement on a measure of accountability. Sinn Féin needs to have the confidence that we have all moved on significantly. This society and policing have changed dramatically from the 1990s. Sinn Féin needs to have the confidence to say, "Get some of the accountability measures in place, and get on with bringing this agency here". Do not hide behind the view that because it is an idea from the Government in Westminster we cannot bring it here. We need it here. It is in the public interest and in the interests of all of the citizens who send us here to serve that we get that agency here and working. That is the important point that we have to always remember: what is in the public interest? Let us act accordingly with that, and I look forward to the Minister robustly stating the work that he has carried out in getting the negotiations to this level. If colleagues need reassurance and have to go and meet the Home Secretary —

Mr Speaker: The Member's time is almost gone.

Mr McCallister: — then go and meet the Home Secretary, but get it sorted out, and quickly, and get the NCA working here, fighting crime and carrying out good work.

Mr Speaker: The Member's time is up.

Mr Allister: Whatever the academic niceties that might attach to the debate about accountability, this matter reduces at a practical level to a clear choice for the House and its Members: do we wish to facilitate criminality by removing from the armoury of those in the business of resisting and defeating criminality weapons such as assets recovery, which come as a consequence of the NCA, or are we so hung up on the niceties of accountability that we are prepared to sacrifice the pursuit of organised crime and the pursuit of its assets so that some in their mind might tick some accountability box?

It is no surprise to me that those who are cronies of people such as "Slab" Murphy naturally take a stance to obstruct and to thwart the National Crime Agency, but it is a disappointment to me that those on the

nationalist side of the community who have stood on the side of law and order make a choice that it is more important to dance on the head of that pin than it is to fight organised crime. I have to say to them that they have a choice to make. They have to decide which side of the argument they really want to be left on. If they have got themselves on a hook about the matter, it is time to get off that hook. I really do not understand some of their accountability arguments. They say that the Chief Constable is not accountable about this because the National Crime Agency is not accountable to the Policing Board. However, as has been pointed out in the debate, if the Chief Constable calls in the National Crime Agency, then he — the Chief Constable — is accountable to the Policing Board for explaining and standing over that decision. There you have the accountability by the right chain of command that should flow. The Chief Constable is accountable to the Policing Board for actions that he takes, such as relying on and calling in the National Crime Agency. So, I really think that the SDLP is dancing on the head of a pin in this regard.

Meanwhile, who is rejoicing in this situation? Who is exploiting this situation? Who is making their criminal empire greater out of this situation? It is those who happily carry on, knowing that the criminal fraternity that they oversee is free from the reach of the NCA.

That is what Members need to grapple with — not with the niceties of some contrived, constructed argument about accountability, but with the realities of the situation. That is the point that I wish some in the House would come to terms with.

4.45 pm

Of course, I must also point out that we would not be in this hateful dilemma, we would not be lagging behind the rest of the United Kingdom and we would not be in a situation in which the National Crime Agency cannot operate in Northern Ireland but for the folly of devolving policing and justice to the House. It is in consequence of that, and the Sinn Féin veto that came with it, that the friends of "Slab" Murphy can block the operation of the NCA. Therefore, the responsibility goes a little wider than those who are engaged in that exercise today.

Mr Ford (The Minister of Justice): I welcome the motion and the debate we have had today, which I believe has addressed some very serious points. On 7 October, the National

Crime Agency replaced the Serious Organised Crime Agency, which operated here in Northern Ireland since 2007. I want to start by paying tribute to the work that SOCA did. I saw that at first hand as chair of the Organised Crime Task Force and, indeed, in meeting the staff of SOCA.

I have stressed all along that the absence of a fully functioning National Crime Agency here within our structures will hamper our approach to tackling serious and organised criminals. Let me emphasise that point. The absence of a fully functioning NCA in Northern Ireland will blunt our effort against serious and organised criminals. Not only will that be to their profit, but it will be to the detriment of our society and the safety of our citizens. That detriment includes through serious offences such as human trafficking, armed robbery, drugs smuggling and child exploitation. We are not talking about minor matters; we are talking about extremely serious offences perpetrated against potentially vulnerable individuals, with the proceeds of that crime lining the pockets of unscrupulous criminals.

Caitríona Ruane said that she was disappointed by political points being made about serious crime. I am afraid that I am making serious points about serious crime. I am not exaggerating the difficulties we will have without the NCA being fully operational, but nor am I making light of those difficulties. I want to be clear, as the Chief Constable of the PSNI has been clear, that today there is a gap in our law enforcement effort. Until last week, SOCA could pursue all civil recovery here. The NCA is limited to non-devolved cases. Even in the cases it can undertake, the NCA cannot pursue assets outside our jurisdiction. Furthermore, NCA officers will not have operational powers to assist the police with investigations in the devolved arena.

We do not have a statutory role in NCA planning arrangements, so our influence on the priorities of the NCA will be limited. I believe that there is a danger that we send some kind of message that we in this jurisdiction simply do not want the NCA, which hardly helps the kind of cooperative working that some Members have talked about seeking.

So, although the NCA will have a role here with non-devolved matters, we are effectively asking our law enforcement agencies to operate with one arm tied behind their back. The current situation, with some powers continuing where they are non-devolved and others going, has created something of a maze for law enforcement agencies. Pat Sheehan said that

if the NCA came as proposed, we would have some kind of two-tier policing. The reality is that we have that two-tier policing, with the NCA operating in the non-devolved area, as Gerry Kelly actually pointed out, in an unusual contradiction between two Sinn Féin Members who spoke.

My clear goal is to now pursue the agreement to get an extension of the powers of the NCA as far as possible within our structures, so that the Justice Committee, the Executive and, ultimately, the Assembly can agree a way forward. I believe that that agreement is essential, and, indeed, that is what would be required by statute to make changes. Without the Assembly's consent, we cannot move forward, so, as a matter of law, I cannot support amendment No 2, from the Ulster Unionist Party, which calls for the UK Government to implement the legislative requirements to enable the NCA to operate fully in Northern Ireland. That would be a complete breach of the devolution settlement. It is simply not possible.

The procedure in the Crime and Courts Act 2013 is for Assembly consent followed by a Westminster order by the Home Secretary. That is the only way in which we will make progress, and that is the progress that I am seeking to make.

When we last debated the issue, it was clear that there was strong support from some parties for the NCA's functions being extended into the devolved sphere and concern from others about accountability. Indeed, we have heard much about accountability today. Although we secured concessions about the operation of the NCA here, I and my officials have been seeking to continue to address concerns. We had a number of what I hope the parties concerned would agree have been constructive and progressive exchanges. We also engaged with the Home Office and, contrary to the suggestion in amendment No 1, I believe that Home Office officials have been supportive and helpful in seeking to examine the accountability mechanisms. The discussions with parties have now reached the point where we need to move on. I believe that that could be done quickly, if parties looked at the extent of the safeguards on offer balanced against the risks left by the limits on the NCA's role.

Let me explain my objectives and what my proposals to move forward are. First, and I am confident that Members will agree on this because it has been expressed around the House today, the PSNI should have primacy in Northern Ireland. That is not negotiable. It is

one of the points that I made to the Home Secretary, at a very early stage, and which she accepted. In fairness to the Home Secretary and the director general, I do not believe that there is any question of being asked to negotiate on that. The importance of that principle, however, needs to be reflected in the statutory arrangements. To secure it, I proposed that the police will task the activities of the NCA. The PSNI will be responsible for tasking the NCA. Indeed, my requirement is that there will need to be an agreement from the Chief Constable for any NCA operations. That is a point that was raised by Jonathan Craig, although I am not sure that I heard him exactly right. It is, in fact, the opposite of the position in England and Wales, where the director general of the NCA has the power to task chief constables. In Northern Ireland, the position would be that the PSNI have primacy, with the power of tasking residing with the Chief Constable of the PSNI over officers of the NCA. That is a very significant and substantial difference from what is happening elsewhere.

The second principle is that the NCA should fit within our general accountability structures. Under the proposals I developed, that would be achieved in a number of different ways. First, by accountability to the Policing Board. For example, the director general of the NCA would be required in statute to attend the Policing Board at least once a year. Indeed, the director general agreed to do so as often as is reasonably required. Secondly, the Policing Board would be consulted on the director general's annual plan. Furthermore, it is my intention that he would have to take account of the Policing Board's policing plan in developing his own plan. I believe that those assurances address the accountability points made by the Members who tabled amendment No 1. I trust that the ongoing engagement, of which Dolores Kelly spoke, will result in her and her colleagues and Sinn Féin Members being able to see the benefits of what we have proposed and to reach agreement. Indeed, I welcome the general willingness expressed in the Assembly this afternoon by Mrs Kelly and Mr Kelly — Dolores and Gerry — to engage, although not necessarily in exactly the same way.

What about the issue of police complaints? That is straightforward. As with the police, officers of the NCA would be accountable to the Police Ombudsman for Northern Ireland. Not only would that accountability extend to their operations but to their conduct of civil recovery. Gerry Kelly, who is no longer in the Chamber, made, in a very brief point at the end of his speech, an argument for a local civil recovery body. I have argued against that. Even if we

could get agreement, it would take significant time to implement, time that we do not have. It would be a drain on resources and the gap in the interim would, I believe, create major difficulties.

Let me repeat some of those key points. First, I believe that we need the NCA to assist our crime-fighting effort against organised criminals. It must fit within our particular devolved policing arrangements. So, police primacy is absolutely essential. Local accountability through the Policing Board and to the Police Ombudsman is essential.

I will deal with one or two other specific points made by Members. I will, I think, have to disappoint John McCallister, who asked me to detail the stage that negotiations between me and my officials, on the one hand, and Sinn Féin and SDLP representatives, separately, on the other, have reached. I am not sure that discussing the details of that kind of negotiation in a public forum is necessarily conducive to reaching agreement. However, I assure Mr McCallister, in his position on the opposition Benches, that I am seeking to engage with all parties in the Executive to carry forward the proposal constructively. I believe that that has seen significant progress in recent days, and I welcome the assurances that have come, as I said, from SDLP and Sinn Féin Members about their continuing willingness to engage on that.

I also think that we need to be very careful that we recognise the reality of what we can do and what we cannot do. I will repeat this point. Ross Hussey expressed his concern that the Minister might be about to dilute the NCA to the point of ineffectiveness, but I assure him and other Members that I am seeking to make the NCA effective and accountable, not one or the other. I believe that it is possible to do that, and I hope that the House will see its way to agreeing that at some stage in the near future.

We have had a number of constructive discussions between different parties. However, I believe that we are now at the point, given that the NCA is fully operational, where we need to conclude those discussions urgently. I have listened to a number of concerns from the parties and have sought to respond to them. I have been through a number of different rounds of discussions with the Home Office, and I remain willing to continue to take further points, if parties wish to make them to me, to ensure that we can get the best possible arrangements for Northern Ireland to continue to respond to the points that have been made. If we do not carry those things forward to reach agreement, I believe that we

will be at the point where we will be undermining our efforts in fighting serious and organised crime in Northern Ireland.

I welcome that we have had this debate. Despite the fact that there has been a certain amount of finger pointing across the Chamber, there is a lot of agreement about ensuring that we have the best possible methods of fighting crime with the fullest possible accountability to recognise our specific architecture on policing matters here. That is a significant step forward for what might otherwise have been a very divisive debate.

I welcome the debate that we have had, and I support the motion and the interest that the Assembly has shown. I believe that we will get an operational NCA, with willingness and agreement from all parties, if we continue, for a further short period, the discussions that are happening.

In conclusion, I have expressed my significant reservations about what amendment No 2 would do for the devolution settlement. Although I agree with the broad sense of amendment No 1, I do not believe that it adds anything to the motion. I support the motion.

Mr Elliott: I welcome the opportunity to make a winding-up speech on amendment No 2, which my colleague Ross Hussey outlined at the beginning of the debate. I will make reference first to Mr McIlveen's proposal in the motion. We support the principle of the motion and do not have any difficulty with that. He made a political point about this party and the RUC, and I think that Mr Hussey addressed that. The inference of that was that those in glass houses should not throw stones. To be fair to him, I do not know how much conviction he was making the point with anyway, but we are in a position where we need the National Crime Agency fully implemented in Northern Ireland. There is no question about that, and the Minister outlined that position.

I want to state the Ulster Unionist Party's position. Our amendment to bring forward legislation from the UK Government can be done. My understanding is that the UK Government have supremacy, so I do not see the difficulty with it being done. I understand the point that the Minister and Mr Dickson made, in that it might not be in the spirit of the devolution process here. However, I have to say that, when the devolution of policing and justice was coming to Northern Ireland, the Ulster Unionist Party warned of such implications and difficulties.

Mr Ford: Will the Member give way?

Mr Elliott: I will give way if you are quick.

Mr Ford: I appreciate the Member giving way. The reality is that the UK Parliament can legislate for any part of the UK, but any such legislation without the legislative consent of this House would be a total breach of all the conventions surrounding devolution.

Mr Speaker: The Member has an added minute.

Mr Elliott: I accept the Minister's point, but I think that he is broadly accepting that the UK Government can implement it. I know that, in the past, they have implemented legislation on some matters of difficulty. When the two main parties in the Chamber could not agree, the Westminster Government had to bring forward legislation. Therefore, there is a history of that happening.

5.00 pm

This is also an issue of national crime. It is not just about crime in Northern Ireland. It is about national crime, and it affects the whole nation. When I talk about national crime, I mean, of course, crime relating to the United Kingdom.

I would like the parties on the opposite side, which have continually opposed this, to soften their stance. Like Mr Wells, who made an intervention, when I read the first part of the SDLP's amendment, I thought that there was a softening of its position. Unfortunately, the SDLP rolls back to its traditional roots in the second part of its amendment.

I listened to some of the other Members' contributions. I think that Mr McCallister was complimentary of me. I am not entirely sure, but he seemed to be. In broad terms, he supports the position of our party and the Minister that the NCA should be implemented fully in Northern Ireland.

I listened to Mr Sheehan. The republicans used to have a call of "Brits out." I think that his call is now "No Brits in." His contribution was very disappointing. I feel that he does not want to recognise the importance of the National Crime Agency and the requirement for it to deal with drug trafficking, people trafficking, fuel smuggling and all those activities that were outlined by Mr McIlveen and Mr Craig, who told us about the sale of illegal goods. Everyone in the Chamber and every member of the public

should accept that those are issues that need to be dealt with in the strongest possible way.

The Ulster Unionist Party wants its amendment to be made. We will support our amendment. I appreciate the DUP's support for our amendment. In general, we support its proposal as well. I hope that others will see the logic of our amendment. I hope that the SDLP will eventually come around to a reasonable way of thinking — that may not happen today, but I think that the SDLP's stance has softened to a degree — and allow the National Crime Agency to come to Northern Ireland in its entirety.

Mr Attwood: I agree with the sentiments expressed, including by Mr Humphrey and Mr McIlveen, that we need to put more resources into dealing with crime and organised crime. However, if we are to deal with the issue of the NCA, we have to deal with the multiple issues involved in putting resources into crime and organised crime. The Minister will know that, in my previous job, when we discovered the biggest ever illegal waste dump in these islands, waste crime was not on SOCA's radar at all. The Minister will confirm that, at that time, the Organised Crime Task Force, of which he is chair, had no work stream to deal with waste crime on the island of Ireland. If we are serious about dealing with crime and organised crime, let us look to ourselves as well as to the NCA.

Mr Humphrey: Will the Member give way?

Mr Attwood: I will let the Member in.

Let us also remember what the assistant chief constable said at the Policing Board in March. He asked what happens when the PSNI wants to conduct an operation involving a trafficking gang, and officers:

"need their colleagues from tactical support to conduct a search, but those tactical support resources are dedicated to public order policing elsewhere in Northern Ireland".

If the DUP wants to challenge us about the NCA, and it is right to do so, it is right for us to challenge the DUP to take to heart the words of the assistant chief constable to the Policing Board in March that the police's capacity to deal with trafficking could be compromised because they are dealing with public disorder.

Mr Humphrey: Will the Member give way?

Mr Attwood: I will let you in later.

Mr McIlveen made a very curious point, which Hansard will confirm. He asked why you would want a successor body to have more accountability than the previous one.

That was his argument to defeat our argument that there needs to be accountability around the NCA, when there was none around SOCA. To that, there are two replies. The first is that the SDLP opposed the SOCA legislation in the House of Commons partly because of the lack of accountability and partly because it was exempt from freedom of information legislation. We want both points addressed when it comes to the NCA. The second reply is that we have to learn the lesson of our history, which we can now share, and it is that our democracy is stronger when accountability is deeper. That is the nature of better democracy, and it serves the interests of us all. It is a point that Mr Allister, when he came down from the mountain and delivered his latest tablet of stone, seems to have ignored. How did he ignore it? He referred to Policing Board accountability as "niceties". Niceties, Mr Allister? These are not niceties; they are the essence that gives citizens the confidence to give information to the police.

Mr Allister: Will the Member give way?

Mr Attwood: I will in a second.

That is why we continue to negotiate with the Home Secretary and David Ford to ensure that, to begin with, the 14 areas of accountability and better process around the NCA — outlined in this document, which was given to me by the Minister through one of his staff — are guaranteed and, where necessary, put into law. That is not dancing on the head of a pin; it is about accountability that leads to citizens and communities having the confidence to give information to the police and other agencies, which is the essence of successfully tackling organised crime.

Mr Allister: Which does the Member think is the greater nicety: organised criminals getting away with their assets unhindered or some sort of super-accountability, over and above the Chief Constable accounting to the Policing Board as to why he relied on the NCA in any given case?

Mr Speaker: The Member has an additional minute.

Mr Attwood: Thank you, Mr Speaker.

It is not super-accountability to have proper accountability, and proper accountability is the way to ensure that the institutions of state have the confidence of the citizens of the state. Through that confidence, we defeat organised crime. The people in south Armagh or in other parts of the North who did not give information to the police about illegal dumping from the South into the North did not do so because, on the one hand, they had the shadow of the organised crime gangs on their backs and, on the other, they did not have confidence as to how the information would be handled.

The issue of the NCA is so important for this simple reason: the high-water mark for police accountability in Northern Ireland ended in 2007. It ended in 2007 in part because of the creation of SOCA, which was brought in to replace the Assets Recovery Agency, which was the most successful body of its sort in Britain and Northern Ireland, and in part because of primacy for national security passing to MI5. The NCA is a super-body. It has super-powers and a super-role. It can have super-capacity to deal with a range of issues.

Mr Speaker: The Member's time is almost gone.

Mr Attwood: Because of that, we have to ensure that the NCA is subject to the full rigour of accountability and that it is stretched in that respect.

Mr Speaker: The Member's time has gone.

Mr Attwood: On that, we will hold the line.

Mr Wells: There is a clear dichotomy in the debate between two somewhat entrenched sets of arguments. We hoped that there had been some sort of movement, but obviously there has not.

One view was articulated by Mr McIlveen, Mr Craig and many others and amplified by the Minister, which clearly set out the way in which the legislation and practice had been stretched to the nth degree to try to bring a level of accountability that would get moderate nationalism on board in support of this new body, the NCA. We are told that Keith Bristow has agreed to meet the Policing Board at least once a year — that could be written into statute — and he has given a commitment that he will come before the Policing Board, as is reasonably required of him, to answer questions from the board about the activities of the NCA. We have also been told that the new body will be no less accountable than SOCA.

The Minister also made the absolutely crucial point that, in the rest of the United Kingdom, the NCA can instruct the local Chief Constable to take certain actions. Only in Northern Ireland — only in this part of the United Kingdom — is the role reversed and it is the Chief Constable who instructs the NCA. That is an absolutely crucial difference, which seems to have been missed by the SDLP.

I am not remotely surprised that a party that has been up to its neck in organised crime in this part of the United Kingdom for the past 40 years has an incentive to oppose the NCA. We know the stories of the "Slab" Murphys of this world, with hundreds of thousands of pounds of illicit money buried in straw bales, diesel laundering —

Mr Speaker: Order.

Mr Allister: You are telling the truth, Jim.

Mr Speaker: Order. I remind the Member about his terminology and language. I am trying to help him, but I warn the Member.

Mr Wells: It is noticeable, Mr Speaker, that not even Sinn Féin dived to Mr Murphy's —

Mr Speaker: Order. The Member will know the standard of debate that I expect in the Chamber.

Mr Wells: It was worth a try, Mr Speaker.

We have also been told that the Policing Board will be fully informed and that there will continue to be sharing of information between the NCA and the PSNI. All of those are genuine efforts. Then we heard that individual NCA staff would be accountable to the Police Ombudsman. If that is not a genuine attempt by the Minister and the Chief Constable to meet the opposition from moderate nationalism halfway, what is?

To be honest, one of the issues that I have found frustrating this afternoon is the fact that the word "accountable" has been used so often — sometimes in Irish, many times in English — but at no stage have we had an actual definitive indication of what the SDLP means by accountability, beyond what has been offered. I welcome the fact, and I think that it is progress, that —

Mr Attwood: Will the Member give way?

Mr Wells: Certainly.

Mr Attwood: I cannot breach confidentiality, but I waved a document that outlines 15 areas on which there might be more accountability or answers to some critical questions. I do not want to crowd into the Minister's space, but, of those 15, my reckoning is that seven or eight have been agreed or agreed in principle by the Home Secretary. The other six or seven have not.

Mr Wells: That is progress. It is good to hear that those negotiations —

Mr Humphrey: I am grateful to the Member for giving way. During Mr Attwood's contribution, he threw down a challenge to our party but would not give way to allow us to rise to it. I will try to do that now. I commend the Member for the actions he took as Minister in relation to dumping and for what he did in bringing in SOCA. The reality now, though, is that the actions that your party is currently taking, along with Sinn Féin, will mean that the equivalent of SOCA could not be used to do exactly what it did to help deal with the issue of criminality that was so effectively dealt with when you were Minister.

Mr Attwood: Will the Member give way?

Mr Humphrey: It is not my place to give way.

Mr Wells: It is actually my place to give way, and I will.

Mr Attwood: I will help the Member with the answer to that question. The problem was that SOCA had not done anything about waste crime and did not even have the biggest waste dump in Northern Ireland on its radar.
[Interruption.]

Mr Speaker: Order.

Mr Attwood: What does that say about SOCA?

Mr Wells: I am sorry to interrupt the conversation between Mr Humphrey and Mr Attwood, but I have the Floor.

Mrs Kelly, if you think that quoting the CAJ will get any support amongst unionism, you really are losing the plot. The CAJ is seen as a totally discredited organisation by most unionists, so please do not give us lectures from that group. You stated that we were out of line with other police forces, but I think that Mr Humphrey, in his usual brilliant manner, totally confounded that argument by pointing out just how accountable policing in Northern Ireland already

is. It is almost strangling in an ocean of accountability mechanisms, be it the Policing Board, the Justice Committee, the Police Ombudsman, local policing partnerships etc. It goes on and on. There can be no other police service in the world that is as accountable as the PSNI. Therefore to say that we have not already stretched ourselves on that is ridiculous.

Mr Ross Hussey was very supportive of the DUP motion. He also made the point that the NCA annual plan must be agreed by the Minister of Justice. The Minister of Justice is, of course, accountable to this Chamber, and he is here regularly, being questioned, harangued, criticised and, very occasionally, praised. We will have to stamp that out. *[Laughter.]* Certainly, he is accountable. We have the Justice Committee, on which Sinn Féin and the SDLP have strong representation. They can raise issues of concern in that Committee. What more can we do?

5.15 pm

Pat Sheehan talked about interrogation. Of course, he has vast experience of police interrogation and is, therefore, suitably qualified to speak about that. He said that the NCA would bring two-tier policing into Northern Ireland — he called it something like "the North", but I think he meant Northern Ireland — and that the PSNI should be accountable.

I find myself really worried when I have to agree with every word that Mr Stewart Dickson says. This is a very rare occasion, but I have to say — it grieves me to say it — that he got it absolutely right. Please do not quote me on that in the future. He gave us the graphic depiction of asking our police service to fight organised crime with one hand tied behind its back. That has to be a very accurate analogy for where we are going if we do not support the motion.

Jonathan Craig made the good point that SOCA has gone. We pay tribute to the work of SOCA, which did an excellent job. SOCA has gone, and we are now in this limbo situation where one agency to fight serious crime has been wound up, the NCA is in position and we in Northern Ireland do not have its protection. As Mr Craig rightly pointed out, that is saying that there is an open door to organised crime in this part of the United Kingdom. The major disincentive for organised criminals is to have their assets seized. How many times have we seen situations in Northern Ireland where a drug dealer who has been unemployed for a decade owns four houses, a Ferrari and a villa

in Spain but has no way of accounting for where that money came from? The Assets Recovery Agency and then SOCA could seize those assets and say, "Tell us where you got them from. Justify your lifestyle". At the moment, we do not have that, and the criminals must be rubbing their hands in Northern Ireland and saying that this is the place in which to organise.

Ms Caitríona Ruane raised a series of red herrings about the Safeguarding Board for Northern Ireland and the targets that should be set to deal with sex offences and cross-border trafficking. That is all very well, but, when you remove the one strong element that is at the disposal of every other police force in the United Kingdom to deal with those issues, you leave the police effectively neutered.

William Humphrey welcomed the conversations between the Home Secretary and the SDLP. We all wish those talks well, and we want them to succeed. However, I want a commitment from the SDLP on this issue: if those talks succeed or succeed to a high level, will the SDLP come back to this House and support the establishment of the NCA in Northern Ireland, even if the less reputable part of nationalism refuses to do so?

Mrs D Kelly: Will the Member give way?

Mr Wells: Yes.

Mrs D Kelly: The Member knows full well the SDLP's record on policing reform. He knows that we stepped ahead of all the other nationalist representatives in agreeing to the Patten reforms and joined the Policing Board five years — five whole years — before Sinn Féin.

Mr Wells: I welcome that, and I understand from Mr Attwood that there are 15 points. If you get 11 or 12 of those — you do not often get everything that you want in negotiations — or you get a high degree of agreement on what you want, I hope that you will have the courage of your political convictions to come to the House and say, "We have got as much as we are going to get, and we will support the NCA". If you do that, there is no way that Sinn Féin can block it, because there will not be a petition of concern. No one else in the House would be mad enough to give Sinn Féin its thirtieth signature, and progress will be made. You will have to act soon because time is running out. The one thing that no one has said this afternoon is that Northern Ireland is not awash

with organised crime or that Northern Ireland does not have a problem.

Mr Speaker: The Member's time is almost gone.

Mr Wells: Therefore, if we all agree that there is a problem, we have to give the police every tool available to stop it.

Mr Speaker: Before I put the Question on amendment No 1, I remind Members that, if it is made, I will not put the Question on amendment No 2.

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 38; Noes 49.

AYES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr G Kelly and Mr McKinney

NOES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kinahan, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr McCausland, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negated.

Question put, That amendment No 2 be made.

The Assembly divided:

Ayes 42; Noes 45.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kinahan, Mr McCausland, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mrs Dobson and Mr Nesbitt

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Ford, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Dickson and Mr McCarthy

Question accordingly negated.

Main Question put.

The Assembly divided:

Ayes 49; Noes 38.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kinahan, Ms Lo, Mr Lunn, Mr

McCallister, Mr McCarthy, Mr McCausland, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McQuillan and Mr G Robinson

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr G Kelly and Mr McKinney

Main Question accordingly agreed to.

Resolved:

That this Assembly recognises the concerns raised by the Chief Constable, that failure to establish the National Crime Agency (NCA) in Northern Ireland will impact on the PSNI's ability to protect life under article 2 of the Human Rights Act 1998 and to tackle serious crime, such as drug trafficking and human trafficking; and will work to ensure that no further delays are allowed to impact on the work of the NCA being extended to Northern Ireland.

Motion made:

That the Assembly do now adjourn. — [Mr Speaker.]

Adjournment

Policing: Larne

Mr Speaker: The proposer of the topic will have 15 minutes in which to speak. All other Members who wish to speak will have approximately seven minutes.

Mr Beggs: I thank the Business Committee for affording me the opportunity to discuss a topical and vital issue that affects the people of the borough of Larne and further afield: response policing in Larne. The news that emergency response police officers were to be relocated from Larne to Ballymena emerged during the summer. I say "emerged" because I first became aware of the information through social media. Reports subsequently appeared in the local press as further discussion of the rumours occurred.

As early as August, I sought out and met the PSNI area commander for Larne and Ballymena, Chief Inspector John Magill. He confirmed that, under an internal rationalisation programme called Service First, the Larne police response unit would be relocated to Ballymena in the autumn. It was to happen as fast as that. I expressed concern at the proposal, as well as the planned time frame, which would prevent proper discussion of the issue and not allow appropriate planning were the changes to happen. I also highlighted the issue to my colleague Ross Hussey, a member of the Policing Board.

There have been further meetings. At the end of August, Chief Inspector Magill met the Larne policing and community safety partnership (PCSP). Since then, letters of concern have been addressed to the Chief Constable and others. My colleague Councillor Mark McKinty, chairman of the Larne PCSP, wrote to the Chief Constable on 22 July, and again in September. Larne Borough Council did likewise, and wrote to the Minister of Justice. However, I understand that, to date, there has been no response to those concerns, just acknowledgements and holding letters.

At this point, I was going to thank the Minister of Justice for his attendance and express the hope that his summing up would bring some light, clarity and reassurance to my constituents.

However, as we can see, he is not in attendance. I believe the reason is that response policing in Larne is an operational matter. The mantra of "That would be an operational matter" seems to trump everything. It is precisely that lack of engagement by and the inflexibility of the hierarchy in the PSNI and Department of Justice that has prompted me to raise this issue in the Assembly to ensure that there is adequate and wider discussion of the matter.

Also, and this is crucial, my Ulster Unionist Party colleagues and representatives from Larne policing and community safety partnership have been contacted by unprecedented numbers of serving police officers who are expressing their concerns, off the record, that the removal of these response police officers from Larne will reduce the effectiveness of policing there.

The proposal will remove 20 response police officers from Larne. In the future, one seventh of their response policing time will be spent sitting in a car travelling between Larne and Ballymena. How can that be good for policing or for response policing? Local knowledge will be diluted as officers share duties and briefings over a wider area, and that, in my opinion, will leave the community in Larne more vulnerable to criminals. How will the people of Larne receive a timely emergency response during each shift changeover? The travel time between Larne and Ballymena is around 35 minutes, and if the officer is then required to travel on, perhaps to Islandmagee or down the coast, it could take another 25 minutes on top of that. In my mind, that would be unacceptable. In addition, Larne is a major port. What timely response from Ballymena will be possible to a port incident?

What we do know is that the PSNI, as an organisation, is being subjected to significant financial pressure. I say this in passing, but Members who were in this House three and a half years ago will recall that, at the time of the devolution of policing and justice powers, which my party opposed at the time as we had concerns that we highlighted, we were told that there would be a financial package to secure future funding for policing. What has happened to that guarantee, that dividend? It seems to me and many of my constituents that we have seen nothing but cutbacks in policing over the past three years, with rural police stations, such as Glenarm, closing and further centralisation of policing planned. That financial pressure has led to an internal review of operations and a management-consultant-led review, under the Deputy Chief Constable, called Service First.

From a Larne perspective, this does not represent "service first".

The following proposal comes from the Service First strategy. It has not been put into practice, but I understand that it is meant to be enacted at any time. The emergency 999 response officers covering the borough of Larne will parade for duty and be dispatched from Ballymena and not Larne Police Station. If those 20 police officers move to this new centralised response unit, the very close relationship between the 10 neighbourhood officers and their sergeant and inspector, who parade in Larne, will no longer exist. It will cut the current police service based in the town of Larne, and which is fully briefed on local issues, by two thirds.

Budgetary pressures are a major factor behind the rethinking of current policing provision. However, it is essential that any proposed changes are fully thought through and do not endanger public safety or public confidence in policing. To put this into a wider context, response police officers were redeployed from Carrickfergus to Newtownabbey PSNI station some time ago. Again, at critical shift changeover times, officers will not even be available in Carrickfergus to come to assistance in Larne, which may well leave Newtownabbey as the closest alternative location. If a shift overlap is being provided by doubling up on policing time, surely that would be done at considerable cost? That would reduce any theoretical savings that are being projected.

Where is the transparency in this proposal? There has been silence from the Chief Constable and, indeed, the Minister. The net effect of all this will leave a stretch of the heavily populated east Antrim coastal strip without an emergency police response unit. Of course, we will still have our neighbourhood beat officers, but emergency responders will have to travel from Ballymena, which is 22 miles away.

6.00 pm

Some Members might think that Ballymena is well connected to Carrickfergus and Larne. However, I assure them that despite the proposed and, frankly, daft amalgamation with the new mid- and east-Antrim council unit, the transport connections between Ballymena and east Antrim are not good at all. The A26 road over Shanes Hill is notoriously prone to closure in winter weather. I remind Members that, in March this year, the road was closed for several days. At present, Larne and Carrickfergus are located in different policing districts. Why can

Larne and Carrickfergus response police not be located together in the east Antrim strip? They could work closely and perhaps garner savings that might be required.

I must also question how the scheduled review of local government has been factored into the proposal. It appears that the police are restructuring ahead of RPA and are failing to take account of it. Carrickfergus, Larne and Ballymena are to come together in a new mid- and east-Antrim council. At present, Carrickfergus response police officers are based in Newtownabbey, which is D district. However, in the future, Carrickfergus will join with Larne and Ballymena, which are in H district. Will Carrickfergus police officers be based in Ballymena in the future, or will we have police officers coming from two different districts into the new council area and being managed from two separate areas? If that is the case, it removes much of what was designed in the new policing structures to increase accountability to local people.

There are very real concerns in the community about the future shape of policing in our district. Although I appreciate that the PSNI response police officers would still spend much of their shift patrolling the Larne area, much of their day would be spent travelling back and forward to Ballymena. During that time, they would not be physically present to assist the people of Larne or to provide reassurance by their physical presence in the town or surrounding area.

A key objective of the current policing plan for Larne is keeping police officers in the Larne area command unit visible and keeping the community informed about local policing issues. One of the key means to achieve that is:

"Continued linking of Neighbourhood Policing through Response Policing officers attached to Larne Area Command Unit".

It seems very obvious that moving response police officers from Larne to Ballymena is a breach of the Larne district policing plan. It is a breach of the faith of the local community. The Service First plan might be an accountant's dream, but I fear that it could be a police officer's nightmare. As I said earlier, serving police officers are expressing deep concerns.

At present, the recorded crime rates in Larne are relatively low, and public confidence in and support for the Police Service is relatively high. That has always been the case in east Antrim, but public confidence is at stake. We should not take that hard-earned public confidence and support for granted.

I have been advised of an increasing number of incidents where individuals have taken the law into their own hands. Sometimes, victims are too fearful to even report to the police. Those statistics do not even exist. Last Tuesday and Friday, for instance, homes were attacked in the Antiville area. There were reports of concerns about an individual's inappropriate behaviour prior to that. It seems that a second home may well have been attacked by mistake, as it had a similar address. Let me make it clear: taking the law into your own hands is wrong. It creates more victims, and it is creating more criminals. Not only can innocent victims be created, but a guilty party might move on to other communities without their guilt or innocence being determined by our justice system.

I am concerned that the removal of response police officers from Larne will result in reducing the effectiveness of local policing. A vacuum could be created in which paramilitary groups try to establish an increased local role for themselves in the community. We must all respect and rely on the Police Service of Northern Ireland, the Public Prosecution Service and our Courts and Tribunals Service. To do otherwise would result in the law of the jungle.

For all the reasons that I have listed, I as an MLA for East Antrim find it unacceptable that Larne response officers are to be removed to Ballymena, some 22 miles away. I accept that there is the operational independence of the Chief Constable, but there are equally important concepts such as public interest, duty of care and public safety. Another buzzword when discussing policing in recent years is accountability. Has the Policing Board been fully briefed? Has it been able to question the Chief Constable and senior officers on Service First? Has this plan been fully thought out? What alternatives have been considered? The failure to respond to numerous letters from Larne Borough Council and the Larne policing and community safety partnership show that there has been a lack of engagement.

In conclusion, I bring this matter to the attention of the Assembly because my constituents in Larne want to have an effective, professional, local police service in their area. It is totally unacceptable that the second largest sea port in Northern Ireland should be left only with a neighbourhood police officer team of 10. The team does work efficiently and effectively, but, if the separation occurs, they would be left without that closer working relationship with the response police officers. I hope that someone in the PSNI, the Department of Justice or the

Policing Board is listening and will reconsider this plan, even at this late stage.

Mr Hilditch: I welcome the opportunity to take part briefly in this Adjournment debate, and I thank Mr Beggs for securing it. Indeed, I am due at a meeting shortly in the constituency relating to policing in an area that straddles H and D divisions and encompasses some of the same issues that are involved in this evening's debate. I was going to apologise for the fact that I might have to leave early because I do not wish to lessen my own response times, but I do not think that there are a lot of Members to speak, so we might be OK.

Policing performance has become a major issue in our communities, and it is no different in Larne. Indeed, I believe that the town is getting a raw deal under the proposals, and it is evident that public confidence could wane and that the people working at the coalface of policing could struggle to deliver and achieve. It is not only the ordinary folk in the community who are making it known to us even now but people in the service who are expressing their concerns about the potential situation. Those with responsibility must listen and give leadership on policing, and when it is clear that something is not working, it needs some attention. To that end, I am not sure what we will achieve today in this Chamber as many of the issues and questions have been raised here in the past only for us to be told that these matters are operational and that the Policing Board is the vehicle in which to raise them. There appears to be a wall of reluctance to admit that something will not work and that it perhaps needs fixing. There is a simple reluctance sometimes even to listen.

It is the victims of crime who suffer from the frustration, even now, of poor response times. Larne is no different. It is the same as most of the other areas across the Province, and those people must be listened to. We will have the opportunity at constituency level to relate some of their experiences and give examples locally as we all get to meet the new commander in Larne. Indeed, it was unfortunate that I and other colleagues had to cancel our meeting due to a Committee meeting at the Assembly being rescheduled. So, hopefully, we will get that chance soon and that meeting will take place in the next few days and details of some of our constituents' fears can be used to highlight up the line the variances in response times in the Larne area. The Chief Constable and the senior management team of the PSNI need to take on board the concerns that relate to the potential response times for Larne.

As I said, many of the issues are consistent with other areas, and that is no wonder when you look at the geographical spread of H division, stretching from Islandmagee in the south through Larne, the hill towns, Ballymena, the glens and onwards towards the Causeway area. It is a perfect case study, and it is no coincidence that changes that have taken place recently have raised concerns among constituents. The introduction of limited opening hours and closures of police stations right along the east coast of County Antrim have not left the public in a confident frame of mind on policing. Although the promise of getting more officers out from behind desks and on to the ground is in theory a good idea, at times it has not been seen to do the job. To be honest, it has done nothing to improve the situation. You would want to see some improvement on current response times, but even that has not really happened.

I appreciate the work and efforts of the community officers, but it is when the public demands or needs a service that complaints emerge and constituents indicate their dissatisfaction. I have a list of incidents raised by constituents. There was a particularly worrying one recently, when a person who had been visited previously and whose details were in the hands of dissident republicans found it difficult, even at this stage, to get a response from the police, and she became quite worried about the developing situation. I do understand that the police have to take their time in assessing situations before they move in, but hopefully a balance can be struck in that area. I understand that the PSNI has to be forewarned of a situation before it goes in, but we need to bear in mind the needs of the victims as well.

Great emphasis is placed nowadays on district and area policing plans, the need for local consultation, local input and local accountability in matters such as response policing. However, in my experience, rather than enhancing that position, the new local policing and community safety partnerships have a lesser input, with many issues being deemed operational, as Mr Beggs said, and beyond discussion and accountability. The PCSPs, of course, replaced the district policing partnerships, which jointly worked with the PSNI. I think there are maybe two or three former chairmen of the old DPPs in the Chamber this evening. They were involved in a step-by-step process, with areas of concern, such as response policing, being given priority if and when required. Maybe there should be a further look at the role of PCSPs and their involvement in scrutiny and local consultation, and how that could be

enhanced, instead of using the operational brush to sweep matters beyond their reach.

Finally, I return to the source of concern that has been expressed to me. It is not just constituents who are anticipating a poor service or, potentially, a bad experience; it comes from those who are working tirelessly in H division to provide the quality service to the public.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. I support this discussion on the response teams in Larne. I have been very prominent on that matter for months, since it first came to my attention that the response team based in Larne was getting moved. One thing that has not been mentioned tonight is that not only is the response team getting moved to Ballymena but we will be covered in east Antrim by Ballymena and Coleraine. So if Ballymena is not available, Coleraine will come in, which is further away again. It is between 40 and 50 miles away.

I wrote to the Chief Constable asking for a meeting on that matter, and I got referred to the head of H district, Brian Kee. We had a very cordial meeting in Ballymena, but one of the things that he said, which relates to something that Mr Beggs said, was that now we will have response teams sitting in lay-bys, something like the Ambulance Service. I said that I hope we do not go down the road of the programme that the Ambulance Service introduced a few years ago of siting its vehicles where they could get to an emergency quicker, which did not prove to be successful. Then, the gentleman retracted what he said, but that is what they are doing. He said that they have to reconstruct their plans because of a lack of funding. He blamed the lack of funding, in some ways, on the flags issue, the parading issue and all the money that has been spent there. In that sense, there is a lot of ground here for talking. I believe that we need a united voice here and to sit down and talk to everybody about that matter.

6.15 pm

I support policing, but I do not support bad policing. This is bad policing, because it is bad management. It is leaving the area vulnerable. Look at the glens, for example. We saw what happened last year in Glenarm, when 20 or 25 hooded men took over — I mean took over — the whole centre of Glenarm village. They walked about quite freely, damaging a car and attacking its occupants. That was done over a period of half an hour or more, without any response at all, even though the police were

called. At the minute in Larne, hooded men are using stun guns to put their victims down. This is happening in daylight. They then attack them with iron bars, bats, sticks and all. Where is the CCTV in the middle of Larne? Nobody has been charged, and nobody has been identified through CCTV.

Just three weeks ago, the police visited the house of two young men to tell them that there was a viable threat to their lives. A week prior to that, their houses had been smashed up, again by hooded men. This is an ongoing thing in Larne. I have a list of 20 to 30 guns that have been stolen in Larne. Not one of them has been returned, not one of them has been found, and I cannot get an answer to that. I do not know whether those are service-issued weapons, but the list is there. The police have identified them and told me that those were the ones that were stolen. However, none has been returned. Those are the kinds of things that are going on in Larne.

One Member said that the crime rate in Larne is low. In a way, I agree with that, but I also do not agree with it. It may be low — I agree with your point — but people are scared of coming forward with information. They are coming to me. I have information the length of my arm, and I have given it to the police. I have given them names, I have given them locations, and I have given them incidents and everything. They even have a taped conversation of an alleged crime, but they told me that they cannot touch it unless they have definite information. So, tell me how the confidential phone number works. This is part of the problem. The issue is building confidence in the community. While they are moving the services out, all those young policemen are coming through and automatically want to go into response teams. Those young men should be put into community policing. That is where they will learn their trade. It is like serving your time. So, they should be put in as community policemen.

There seems to be a situation growing where there are two types of policemen: community and response. There is only one type, and there should not be that demarcation line. Larne is too big to move these services out, but it is big enough to have a response team. I agree with the Member that that response team could be merged with the team in Carrickfergus. I do not know whether that is the answer, but I agree that there should be something like that. Moving it to Ballymena, however, and then relying on the team from Coleraine to come in on the back of the Ballymena team if it is elsewhere is not good policing. We talk about

policing, and the main issue is to put confidence back into the community so that people can lift the phone, make a call and report a crime or whatever. That is confidence, but, at the present time, it is not working in Larne. Believe me, I am in Larne quite often, and I can tell you that more and more people come to me with these problems. Not that long ago, six men walked into a premises and came back out with hoods on. They got into a car, committed a crime, came back again and got out. Again, that all happened during the day. The police know about that. Last year or the year before, the police escorted a crowd — a mob — from Craigy Hill right down at about 11.45 pm and said that it was legal, because their human rights meant that they could not stop them.

Mr Speaker: The Member's time is almost gone.

Mr McMullan: Police chiefs in England could not understand that happening.

I thank the Member for tabling the topic. The response team should not be moved out of Larne, and I agree with possible amalgamation with Carrick. I hope that Members take it on board that there needs to be a united voice from every Member of every party in the constituency that we are all singing from the same hymn sheet on policing in East Antrim.

Mr Dickson: I start by thanking my colleague from East Antrim Mr Beggs for bringing the debate to the House. It is an important debate, and it is one that many of us in the Chamber have had before, whether away back when Whitehead police station was being closed or when the changes to arrangements in Carrickfergus were being made and the ultimate decision was taken to move policing to Newtownabbey and leave neighbourhood policing in Carrickfergus. We see a repetition of that emerging in Larne, but I think that the Larne situation is more serious. Although I have critical concerns about the changes between Carrickfergus and Newtownabbey, they at least appear to be reasonably well managed on the ground. There is not a great deal of public concern about those changes, although I still have my concerns and fears. However, because of the much wider geographical stretch between Larne, Ballymena and the boundaries for H district, it can and will have a much more significant impact.

This is the second time today that I have said this, but it is not for us in the Assembly to micromanage any organisation. It is right and proper, however, that we express our concerns

about the way in which operational decisions are taken, and it is right that we put those concerns to the relevant authorities. In this case, those are the Policing Board and the Chief Constable and his management team on the ground. It is for them to take on board the observations that we make, and, ultimately, it is for the public, through the policing and community safety partnerships, to make their views known as well.

Mr Beggs was right when he said that this is emerging. There has been no great detailed information delivered by the PSNI on the changes. Indeed, a number of changes have been taking place. I do not know whether other Members will concur, but we find out about many of the changes that take place, whether it is the change at chief inspector level or the change in Ballymena and Larne, rather than be given direct, up-front information about them.

When it comes to tasking arrangements between Ballymena and Larne, there should be no gap. It is also important that we understand the changes that the police are making. I have no doubts that if they were here or we were in a meeting with them, we would understand why they are making some of those changes. However, it is important that they do not do anything that increases the fear of crime, because that leads to misinformation in the community. We, too, have a responsibility as political leaders not to undermine confidence in policing by creating unnecessary fear. The best way in which that can be dealt with is by the police talking to us and by us talking to the police. In fact, Mr McMullan made a very important point, which was simply this: if this Adjournment debate is to mean anything at all, the Members representing East Antrim in the Assembly should get together and meet the appropriate policing authorities to thrash the issue out in order for us to get answers. I am sure that the police would be able to convince us of the thinking behind some of their actions, and equally we would be in a position to express our concerns to them. I am not throwing out a challenge, but I am suggesting that the Members for East Antrim get together and have that meeting with the senior police team responsible for each district.

That brings me on to the whole relationship between D district and H district. Sir Hugh Orde, when he was Chief Constable, made many good decisions, but he rather jumped the gun when he decided that he was going to reorganise the police to match what was then the perceived layout of local government in Northern Ireland. Rightly or wrongly, he did that. That is how we ended up with seven

districts plus Belfast. We now need to hear the thinking of the Chief Constable and the Policing Board on how they intend to relate to the new local government boundaries. All the Members here have made it clear that any reasonable person would say that, if you are policing from the city boundary between Newtownabbey and the glens of Antrim and inland as far as Ballymena, there has to be a very different policing model and placement of staff and resources from what we have, with two boundaries between D district and H district. I call on the Policing Board and the senior management team of the PSNI to come to us urgently to explain how they intend to deliver a modern, efficient policing service between the boundaries of the old D and H districts — between the boundaries of Carrickfergus, Larne and Ballymena, so that they can deliver a modern and efficient policing service that reduces fear of crime, has its vehicles in the right place and uses the appropriate technologies. I really cannot see the necessity for all police officers to go to Ballymena to be briefed or tasked with the jobs that they do. Much of that could be done using existing stations or the appropriate computer and other networks that they have.

We also need to bear it in mind that Larne is a port town. There is a very small port police service inside the boundary fence of the port of Larne. Nevertheless, the port is where the town of Larne connects with the wider world through ports in Scotland. To that end, it is also important that policing in the town reflects the potential risks that there are with being a port town.

I will leave the debate with one thought. Everybody has referred to the time that it could and does take a police car to travel from one part of the district to another if these changes are made in full. One of my colleagues, a Larne councillor, told me last week to compare the 20-odd minutes that it may take a police car with the six minutes that it takes for the inshore lifeboat to be tasked in Larne to save lives.

Mr Hussey: I am sure that some of my colleagues are wondering why somebody from west Tyrone is sitting here for an Adjournment debate that relates to the town of Larne. When my colleague Roy Beggs mentioned that the debate was taking place tonight, I felt that I had to be here as a member of the Policing Board and as someone who has worked in the area. In a previous life, when I had a real job, I worked as a manager for Pearl Assurance and was responsible for an area from Londonderry to Larne, so I know the area very well. In fact, when the seven oaks became one oak, I was

passing the Ballygally Castle Hotel — I had never seen so much water in all my life — so I know what it is like to travel in that area. For me, it does not make sense to move the response team from Larne to Ballymena. I have travelled that road many times, and I do not know how anyone could do it in any reasonable time. The road is not good. A police officer attempting to travel it at speed will be taking their life in their hands.

Larne is a large town. It has a port, and that is my major concern. We talked about various issues in the earlier debate on the National Crime Agency. A port is one of the places about which you would have major concerns. For that reason alone, Larne should be considered for the retention of its police force.

I was disappointed to hear my colleague say that the chair of the PCSP, Councillor McKinty, had received no response from senior police officers or the Chief Constable. I intend to copy the Hansard report of the debate to the Chief Constable. I can assure Members that I will do all in my power to make sure that the Chief Constable is aware of the concerns of the residents and elected representatives of Larne.

6.30 pm

As you know, my background also includes quite a long time as a part-time police officer. I know what it is to be a community police officer. I know what it is to know your neighbours and to work well with your neighbours. I have seen the problems of restricted policing in my area, where rural police stations are being closed. However, by no stretch of the imagination could you describe Larne police station as rural. There is no logic in moving 20 officers to Ballymena; it does not make sense. If we went further, perhaps sending officers from Coleraine to Larne, I would not want to be the person at the other end of the phone, waiting for a response.

Reference was made to last year's foul weather, when the snow came in and no one got out. How, in the name of all that is wonderful, could you expect a police officer to get from Ballymena down the glens or from Ballymena to Larne in those circumstances? It just cannot happen. Therefore, I am fully supportive of what other Members have said. Computerisation is a wonderful thing, but it will not replace the police officer on the beat and it will not inspire community confidence. I am very concerned about some of the comments that have been made this evening. Larne is a principal port of Northern Ireland. Yes, we have Belfast, but Larne brings in an awful lot of

business and traffic. With that, perhaps, problems sometimes come. If we do not look at those problems or say that it is really not that big an issue, we could miss the main event.

I am happy to support the Members who are here tonight. I thank my colleague for bringing the issue to the Assembly. As I said, my promise, as a member of the Policing Board, is that, with your permission, Mr Speaker, I will send a copy of the relevant Hansard to the Chief Constable. I will follow that up, because I believe that you should have the support of Policing Board members on the issue.

Adjourned at 6.31 pm.



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