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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

Monday 2 December 2013

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

Members observed two minutes' silence.

Matter of the Day

Helicopter Crash: Glasgow

Mr Speaker: Mr Gregory Campbell has been given leave to make a statement, which fulfils the criteria set out in Standing Order 24, on the Glasgow helicopter disaster. If other Members wish to be called, they should rise continually in their place. All Members who are called will have up to three minutes to speak on the subject. Members will know that there will be no points of order and that no other issue will be discussed as we deal with this item of business.

Mr Campbell: A human tragedy unfolded in Glasgow at the weekend. I know, from speaking to one or two people from Northern Ireland who were in the area at the time, that it was a tragedy of immense proportions. All of us have watched, listened to and read about the suffering that resulted from the helicopter accident, with nine people dying and scores more being injured, several of whom are intensive care as we speak. Scotland was preparing to celebrate its national day, St Andrew's Day. It now appears that, for some years to come, the day will be a day of mourning rather than a day of celebration. As far as we are aware, the helicopter has an excellent safety record, and, of course, we now await the outcome of the investigation.

The intent today is to stand in solidarity with the people of Glasgow; to offer our condolences to the family and friends of those who have died; to offer good wishes to those who are injured and who will hopefully improve under hospital care; and to indicate to the entire people of the nation that all of us, in England, Scotland, Wales and Northern Ireland, stand with a people who are mourning today as a result of a very tragic human accident.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Is tragóid uafásach ar fad í seo. Táimid ag smaoinreamh ar na daoine agus ar na clanna go léir.

This is a terrible tragedy. We are thinking about the families of the people who have suffered and who continue to suffer. We have seen tremendous local examples of heroism, and I put on record my party's support for the innovation and leadership shown by those people. We heard some of them on the radio this morning. They did things such as forming a human chain. Fortunately, one woman had a flashlight, which, in the darkness when the dust came down, helped to save lives. Our thoughts are also with one father who has still not found his son; certainly, he had not done so in the last report that I heard. Our thoughts are with those people.

This reminds me of two different occasions when I was working in Latin America, in Mexico and El Salvador. I was there just after the earthquakes. Buildings had fallen in, and it was awful to see families wait for three days and nights. I remember that one little baby was brought out of the rubble. He had been breastfeeding from his mother, and that is how he survived. I will never forget the euphoria when that happened.

The people of Ireland are thinking about our comrades in Scotland. We know that this is a really difficult time for them, and our thoughts are with them at this terrible time.

Dr McDonnell: On behalf of the SDLP, I show solidarity, express my deep sadness and offer my condolences to all those adversely affected by the helicopter crash in Glasgow, which has claimed the lives of nine people. At any rate, nine people are currently recorded as having died. They include civilian pilot David Traill, police officer Tony Collins, a woman police officer and at least five civilians. Also, numerous people have been seriously injured.

This is a terrible tragedy for Glasgow, and our thoughts and prayers must be with the families and friends of those who have lost their lives. For me, it is unimaginable what their loved ones must be going through right now. My thoughts and full sympathy are with each of them.

Having watched the harrowing scenes on television, I praise the unbelievable work of the emergency services that are involved in what must have been a complex rescue and recovery operation. Those heroic workers may very well say that they were just doing their job, but their work in helping people in those circumstances and in saving further lives was truly remarkable.

There has always been a close bond between the people of Ireland and Scotland, and, indeed, between the people of Belfast and Glasgow. There has always been emigration to Scotland and Glasgow from many parts of Northern Ireland. Indeed, one of my colleagues Colum Eastwood was in Glasgow on Friday night and spoke of the great sadness and shock that existed on what has been called a "dark day for Glasgow".

My commiserations are with all those who have suffered deep loss, their families and friends and, indeed, the wider community in Glasgow. The united and dignified way in which the people of the city pulled together in the face of such a massive tragedy is a reflection of the strong spirit of the Scottish people. We in the SDLP will send a letter of condolence to the Scottish First Minister, Alex Salmond, offering our condolences, and we wish all those involved a speedy recovery.

Mr Swann: On behalf of the Ulster Unionist Party, I express our thoughts and sympathy to the family and friends of the nine individuals, crew and family, who lost their lives over the weekend. An incident such as this at a time such as this reminds us all of the fragility of life, how quickly it can be taken away and how loved ones can be removed from a caring family circle, especially just in the mouth of Christmas, when families will feel that loss immensely.

Like other Members, I pay tribute to the emergency services and to the general public, who did a sterling job in bringing those people from the rubble and wreckage. There is talk of a human chain and the use of torches. Specialist equipment was also brought in, including fibre-optic cameras, specialist sound equipment and carbon dioxide detectors. Those were all on hand and were made full use of.

Although we remember and congratulate the specialists and the emergency services in the work that they did in rescuing people, our thoughts also turn to the emergency services in hospitals that dealt with those who were seriously injured at that time. I believe that a

number of people are still in intensive care, mostly with head and upper body injuries. Therefore, we commend those people to our thoughts and prayers.

All parties in Scotland joined in thinking of the loved ones and families at this time, and I am glad that all parties in this place have joined their colleagues in the Scottish Parliament. Thank you.

Mr Ford: There is no doubt that Glasgow is still a city in shock, and rescue operations are under way at the site. As we pass on our sympathy and condolences to the bereaved and those who were injured, we should also remember those who are still engaged in very difficult and dangerous work on the ground.

This morning, I spoke to Kenny MacAskill, the Cabinet Secretary for Justice in Edinburgh. He assured me that, as we expect public services across the UK to do, Police Scotland is doing an excellent job alongside its colleagues from the Fire and Rescue Service and the Ambulance Service. If additional resources are required, I know that they will be made available by the PSNI or by forces in England and Wales. There are clearly issues around backup for air support.

I also spoke to Alistair Carmichael, the Secretary of State for Scotland, who, just before we spoke, had been in the control room. He spoke of the work being done by the emergency services and the city council and of the trauma being suffered by those who do that work. For those who lost colleagues in the helicopter, it is not just an anonymous incident. They are dealing with people with whom they worked daily, and they recognise the aftermath. As we add our sympathy to the bereaved and the injured, we should also remember the long-term effects on those who are engaged in that traumatic work.

There was heroism on the street from the rescue services and passers-by. There is also long-term work being done by those who are in the control room and those who continue to work in the hospitals. We should keep them all in our thoughts and prayers.

Mr McCallister: I am grateful to Mr Campbell for tabling the matter of the day. Whether it was through Twitter or the mainstream news, like all colleagues, it was with shock and horror that I learned about these events. The very horror that something like that could happen in one of the largest cities in the country is appalling. The devastation that it leads to and the split second in which lives are changed

forever gives us all a real wake-up call as to how quickly lives can be changed in such dramatic circumstances.

On behalf of NI21, I offer my sympathies to all the families of the bereaved and to those who are still battling in intensive care and hospitals. I want to commend the police and the emergency services — the Fire and Rescue Service and the Ambulance Service — for the work that they have done. I also commend the wider public, who literally did whatever they could to assist in any way. It was a huge undertaking for people, and it was very challenging. As Mr Ford rightly reminded us, the horrors will live on with people for many years to come, as will the difficulties for all those who were involved, whether they are in the emergency services or members of the general public who were helping. The sheer horror of the scene of that crash will stay with them for many years.

We need to keep all the families of all the people involved and all the people of Scotland very much in our thoughts and prayers today, tomorrow, next week, next month and for many months to come. They will need our support as they come to terms with their loss and the grief and change in circumstances that was visited on them, literally in the blink of an eye. We will keep thinking about the families.

Mr McNarry: I am grateful to Mr Campbell for the opportunity to unite the House on such a harrowing subject after such a harrowing event. UKIP adds its support to the words that have been expressed by everyone today. It is appropriate for the Assembly to show our sorrow in solidarity with the Scottish people, the people of Glasgow and, in particular, the bereaved.

12.15 pm

It is important that those who are waiting for news of their loved ones know that we are thinking of them in this part of the United Kingdom — Northern Ireland. It is right also to acknowledge the efforts of the public and the police, fire and ambulance services in responding to this tragedy in the manner in which they did. Obviously, our thoughts and prayers are with them all today and for a lasting period.

Mr Eastwood: I add my condolences to those people who have lost loved ones and send a message of support to the people of Scotland, especially those who are still waiting on news of their loved ones.

I was in Glasgow on Friday night. I was with a doctor who got a phone call, and that is how we found out. He and many other doctors, nurses and other hospital staff rushed to their posts, as did the emergency services, and they need to be commended.

There is a real sense of shock and sadness in Glasgow, but there is also a sense of resilience, which is a sense that people in this part of the world know very well. There was also a panic that set in, and I think people have to understand this, as well: a panic right across Glasgow, with people worrying about where their loved ones were. It was a very busy Friday night, and many people were out enjoying themselves in the city centre. There was also a sense of panic in places in Northern Ireland, because many loved ones from here are in Glasgow. In fact, I know somebody who regularly plays music in that very pub.

I echo the words of support for the people of Glasgow. They will get through this very difficult time, and they will get through it together.

Assembly Business

Committee Membership

Mr Speaker: As with similar motions, this will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That Ms Megan Fearon replace Ms Maeve McLaughlin as a member of the Committee for Enterprise, Trade and Investment; that Ms Michaela Boyle replace Ms Megan Fearon as a member of the Committee for Finance and Personnel; and that Ms Maeve McLaughlin replace Ms Michaela Boyle as a member of the Committee for Education. — [Ms Ruane.]

Ministerial Statements

Rate Collection and Recovery

Mr Hamilton (The Minister of Finance and Personnel): I will make a statement to update Members on the work that my Department is taking forward to carry out a strategic assessment of rate collection and recovery.

You will all be aware that one of my key priorities is to encourage reform of the public sector. I want our public services to be more innovative and more productive, and to give consistently good outcomes. Those ambitions in themselves are important, but I also want reformed public services that are better able to stimulate and maintain economic growth.

One of the key ways that businesses maintain a competitive advantage is by being innovative in the development of products and services. I am firmly of the belief that such innovation should not be constrained to the private sector.

The public rightly expects its Government to deliver high-quality services. It expects us to make the most of every pound of taxpayers' money we spend. In an era of increasing demand on public services and a constrained financial outlook, it will simply not be possible for the public sector to continue in the manner that it currently does. We have to be smarter in the delivery of our services, and we have to find new and innovative ways to serve the people of Northern Ireland. We also have to meet the needs of an increasingly demanding population.

I am keen that the Department of Finance and Personnel, as part of the strategic centre of the Stormont Administration, should seek to play the fullest of roles as an enabler and a catalyst for reform and innovation across the entirety of the public sector. But I have also made it clear that I cannot preach public sector reform for everyone else without practicing it in my own Department.

The way we collect and recover rates is an area where we are looking to be innovative to improve how we engage with the public and how we deliver our services. Rates are an extremely important source of revenue for the Northern Ireland Executive. Land and Property Services (LPS) was responsible for collecting over £1.1 billion in revenue last year. This revenue helps fund vital public services such as health, education, housing, roads and emergency services. It also provides a significant stream of income to all district councils in Northern Ireland.

As Members will be well aware, the last few years have been an extremely challenging period for individuals and businesses alike. We became well used to bad news about shop closures and the impact that the economic downturn had, and is continuing to have, on local traders in our towns and cities. I see it in my constituency, and I see it in other constituencies that I have visited in my capacity as Finance Minister.

It is not simply the economic downturn that is causing such difficulties. The retail industry is undergoing a fundamental shift in the way that people shop for goods and services. Online stores and big retail outlets are taking an increasing share of consumer spending. While there are many encouraging signs that the economy is entering recovery, with falling unemployment, rising employment, increasing business activity and an improving housing market, times remain tough for many individuals. Only recently, the Northern Ireland Court Service released figures on the startling increase in possession orders. They reported a 20% increase in orders granted in the July to September quarter this year compared with the same quarter last year. Debt advice organisations are reporting increased numbers of applications for advice. There is no doubt that many ratepayers are finding it increasingly difficult to meet their financial obligations.

Such an economic backdrop makes the job of collecting rates an increasingly challenging one. More ratepayers struggling to pay increases the administrative burden of collecting rates. LPS has seen increasing numbers of bankruptcy and liquidations, which leads to debt being written off. More people seeking arrangements to pay, or seeking to pay by instalment, increases the collection timeline. Within that context, LPS has pursued a number of actions to reduce rate arrears. Those include offering payment arrangements, where appropriate; offering, where conditions are met, benefits, reliefs and allowances; pursuing court processes, obtaining court decrees, referral of debt to the Enforcement of Judgments Office and initiation of bankruptcy proceedings, where appropriate; using Land Registry information and data-sharing agreements with other public bodies; and utilising tracing services to locate debtors.

Despite this difficult economic environment, LPS has stabilised the amount of rating debt and has increased the cash collected by over £125 million since 2008-09. The Public Accounts Committee hearing of October 2012 acknowledged the improvement journey that LPS rate collection has been on but recognised

the need for further and continuous improvement. The Committee also recommended the need for a review of rate collection processes to ensure that they remain effective.

I am conscious of the volume of change that LPS has dealt with since its formation in 2007. In that time, LPS has implemented 42 rating reforms, when counterparts in Great Britain have had a stable council tax system for over 20 years, with relatively little change. LPS has learned many lessons from this period of change, and heading into the 2015-16 period, where more significant change lies ahead, I am keen for them to prepare for that challenge. I am also keen to make clear that when I talk about public sector reform, I am not just talking about reform in other Departments. I am prepared — indeed, I am enthusiastic — to ensure that my Department leads by example.

Today, I would like to announce that, as part of my reform agenda, my Department is carrying out a strategic assessment of rate collection and recovery, with the assistance of external advice and expertise from Ernst and Young, who have experience in engaging with leading collection agencies in the public and private sectors. It will be a short, focused review, which will be completed by the end of this year. The main objective of the review is to establish the effectiveness of current rate collection and recovery processes by delivering a set of prioritised opportunities for improvement. It is particularly important that Land and Property Services prepares for the challenges that we know lie ahead.

From 2015 onwards, LPS will see a number of strategic projects impact on the rate collection and recovery process. The implementation of new council structures will require reorganisation of LPS data and systems to accommodate the new 11-council model. Councils will require additional support from LPS in penny product calculation for their new council areas. That will need to be managed without impacting on the effectiveness of rate collection.

A non-domestic revaluation will also be implemented in 2015-16. That will redistribute the rate burden based on more up-to-date valuation assessments. This is a major project that requires significant preparation from LPS and will generate increased volumes of follow-up work, as ratepayers will naturally seek to query and contest their valuations. That, too, will impact on the billing and collection process.

We are also preparing in earnest for the rate rebate replacement scheme, which will see significant change in the administration of rate rebates in Northern Ireland. LPS will be taking on a much greater workload in administering the new scheme. The transition to a rate replacement scheme must be managed effectively to avoid a negative impact on existing collection and recovery processes.

To ensure that LPS is fully prepared for the challenges ahead, the strategic assessment of rate collection will focus on the following key objectives: an appraisal of LPS rating performance over the past few years, highlighting significant milestones, successes and obstacles and how those might inform future performance; an assessment of the effectiveness of current processes, with clear recommendations identifying opportunities for improvement; and an appraisal of how recommendations will impact on LPS strategy and readiness for the programme of change ahead.

I hope that Members will appreciate the efforts we are taking to prepare LPS for the changes ahead through this work. With your support, I believe that LPS has the potential to be a leading collection agency. I want to benchmark what LPS does against the best in Britain, because I want LPS to become the best. A reformed public sector that provides people with first-rate public services needs a cutting-edge rate collection agency. This review and its outcomes can assist us in achieving the aim of having an innovative and reform-orientated public sector, as well as underpinning our efforts to deliver world-class public services to the people of Northern Ireland. I commend the statement to the House.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. I also welcome the fact that the assessment will be short and sharp, and that it will be concluded by the end of the year because, given the amount of work that is in the pipeline for LPS, it is important that such an assessment does not hang over the organisation. Obviously, the Committee has concerns about debt write-off and the level of rating debt. Some £47 million was written off between 2009 and 2012. That has increased year on year, so it is a problem that, unfortunately, is not going away, and I hope that the Minister is successful in his efforts.

Can the Minister give an assurance to LPS workers that this is not a major reform, but

simply a change to ensure that we get the right strategy and focus in place? Does the Minister believe that, given the performance over the past three to four years, the targets that LPS is setting are challenging enough for the organisation?

Mr Hamilton: I thank the Chair for his question. Yes, I can confirm that it is a short, sharp review of LPS. It has commenced and will be completed by 20 December, which is the end date for this six-week review. I can assure him, the House and, most importantly, the staff of LPS that this is not a fundamental review of LPS as an entity, or its structures. I hope that the review will, ultimately, manifest itself through changes to processes, because I think that the fair criticism of LPS has been more about processes not necessarily working best for the customer than about the way in which it is constructed being wrong and inappropriate for the job that it has to do.

In fact, I think the way that LPS has been constructed, particularly with the merger of four different departments, makes its structure absolutely fit for purpose. However, that does not mean that there are not changes that could be brought forward that would make it even better. The objective of this review is to take a system, which I think compares favourably with other collection agencies, be they local authorities in England, Wales and Scotland or utility companies or entities like HMRC, and ensure that it continues to compare favourably. I think that it will compare favourably, but that does not mean that there is not scope for improvement. That is the focus of this review.

Debt write-off concerns us all, although it is a manifestation of the economic problems that we have, which we could rehearse ad infinitum. It is also worth noting that the amount of rate debt that we wrote off in Northern Ireland historically was much lower than in authorities across England and Wales. The fact that we have increased that write-off to get a better and more accurate picture of the debt reflects some changes that have taken place over the past number of years to put us more in line with standard practice.

12.30 pm

The Chair will know that a lot of that debt that has been written-off is the result of bankruptcies and insolvencies, and LPS simply cannot recover it. Last year, it was 50% of the total debt write-off; this year, to date, that figure has increased to close to 60%. So, it sort of shows us something of the problems that we are

facing. I think it is right that, where we cannot recover the debt, we write it off, but it is a worrying reflection of where we are economically.

Mr Weir: I thank the Minister for his statement. What specific plans are in place to deal with the issue of rates convergence that will arise from the review of public administration (RPA)?

Mr Hamilton: I thank the Member for his question. The impact of the review of public administration is one of the three challenges that LPS faces in 2015-16, and I was careful about the need to do this review now. If we were to leave this review, which would have been necessary at any stage, until later, we would have been getting into the very heavy lifting around RPA, revaluation and rates rebate replacement. So, we needed to do it now.

We are making good progress on coming up with a transitional relief scheme to deal with the issue of rates convergence that is arising from the review of public administration. The Member and the House will know that there are a few council areas that will merge with little or no impact for the ratepayer, but there are quite a few where there will be a significant difference in the current rates levels between one council area and another.

The Executive agreed earlier this year to provide funding of up to £30 million for a scheme. Officials from my Department continue to work through the DOE-led finance working group and its rates convergence subgroup. They both report to the regional transition operational board for RPA to try to come up with a scheme that ensures that, where a council that has fairly low rates is being merged with one that has much higher rates, people do not see the impact on their rates bill in the first few years of RPA becoming a reality.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. I thank the Minister for his statement. The current level of debt, at £153.5 million, is a huge loss of resource to public services. Not to dwell too much on the negative, I notice that there has been an increase in cash collection by over £125 million since 2008-09. How is that made up? Is it from new customers or as a result of better debt retrieval? Are there any lessons that can be learned from the methodologies involved in increasing that figure?

Mr Hamilton: I thank the Member for his question. There is a lot of focus and attention,

understandably and naturally, on the debt figure for rates. At £160 million, which has risen in the past number of years, it is an incredibly worrying position. The Member mentioned £153 million, but it is £160 million when you include the rating of empty homes debt, which has been realised over the past couple of years. The level of debt is very high. Again, it is affected by some of the issues in the economy over those years, and any rate collection agency or council tax agency — indeed, any collection agency of any kind — has experienced similar problems over the past number of years.

If so many people are having difficulties, going bust and becoming insolvent, you would expect that figure to rise. It has risen to a very worrying level, but the Member is right to highlight the fact that, since 2008-09, we have increased the rates that we have collected by £125 million. That has been done through a variety of measures, including, at times, taking a much more sympathetic approach towards those who have fallen into difficulties but are still in a position to pay some of their rates back. So, a significant number of payment arrangements have been put in place over the past number of years. At some stage in this year to date alone, 63,500 people have had a payment arrangement. At the minute, there are about 23,500 active ones, and those payment arrangements have brought in over £45 million this year alone. That shows that, where you show a little latitude and work with people who want to pay their rates and are in a position to do so, you can get more in. Therefore, by showing some sympathy and a willingness to work with people and also by aggressively pursuing those who do not want to pay, have tried not to pay, or have, perhaps, understandably, fallen into difficulties and have tried not to pay their rates debt, we have been able to increase the amount of money that we have brought in.

There is a lot of focus on the £160 million of debt. It is right to focus on that. However, in reality, it sometimes masks some of the very positive efforts that have been taken to recoup that money for all of us to spend on improving the services that we are meant to deliver to the people who elect us to Stormont.

Mr Cree: I, too, thank the Minister for his statement. He referred to the review of councils and the importance of the penny product rate. Recently, one of the difficulties has been getting new properties and developments onto the valuation list. Will the Minister's review take care of that problem?

Mr Hamilton: I thank the Member for his question. The review will not look specifically at valuation issues. However, that is something that we may come to through a similar piece of work in the future. I am happy to provide the Member with more detailed figures. Again, in its work in reviewing that, the Public Accounts Committee accepted that LPS was making significant progress in a range of areas. However, that was one area that was highlighted as a particular problem.

We have continued to focus particularly on getting newbuilds onto the valuation list. The number of days and weeks that it takes to get them on the list has started to drop, as has the backlog of requests for valuations. Although it is still at a very high level, that number is falling. I do not have instant recall of the figures, but it is an improving position. I am happy to share the precise figures with the Member, so that he can be better informed on that. It is an area that has received a lot of attention and focus. It is showing positive results. If I am not satisfied that it is moving quickly enough in the right direction, I will be happy to undertake a similar piece of work for valuations as well.

Mrs Cochrane: I thank the Minister for his statement, in which he referred to some of the options for pursuing arrears. I have examples of businesses in my constituency that have arrears purely due to errors that were made by LPS for previous years. Those businesses have asked to settle that liability separately from the current financial year and deal with it through a different payment plan. Unfortunately, the computer says no. Will the Minister look at that issue to try to assist those small businesses? Does he have any plans to deal differently with arrears that are purely down to LPS errors?

Mr Hamilton: I, like my predecessor, am very willing to hear from all Members. In fact, my Department gets a considerable volume of correspondence from Members of the House and elsewhere about particular issues that arise in constituency work. I am always very happy and keen to work through those issues with the Member and, above all else, most importantly, the customer. It is an area that concerns me. Again, as I said in my response to Mr Cree, LPS has improved over the past number of years; it has been mindful of the criticism that it has faced in respect of its customer service, and its customer service has improved. However, there is always scope for improvement.

On the particular issue that the Member raises, which is, if I have picked her up correctly, the

issue of taking previous years' debt into the existing year's bill and the difficulty that that poses for some people. They want to clear this year's debt and, then, deal separately and differently with previous years' debt. One of the reasons why previous years' debt is tackled first is that, if we do not secure that debt and get it within six years, it falls off the edge and cannot be collected. We do not want people to gain through the system either. However, I am mindful of and understand the very point that the Member makes. In fact, the review will look carefully at whether we can, through the systems that we have, through better use of the computer and getting it to say yes, actually separate those out and allow people to deal with it. At the end of the day, as far as I am concerned — whether it is this year's debt or historical debt — I want it to be paid because it is legitimate debt.

If errors are being made, I ask the Member and, indeed, all Members to come forward as quickly as possible to me or directly to LPS. We will endeavour to make our best efforts to ensure that those errors are corrected and that people get accurate rates bills.

Mr Girvan: I thank the Minister for his statement. I want to go back to the point that Mr Bradley and Mrs Cochrane made. If debt is accrued because a bill is not sent out on time, businesses can find it difficult to pay two years' rates inside one year. The Department seems to be reluctant to allow businesses to carry the debt forward and to pay the current year's debt along with a small amount of the previous year's arrears over a longer period. What action is LPS taking to recover that and other debts?

Mr Hamilton: I thank the Member for his question. There should not be any lack of willingness on the Department's part to enter into payment arrangements. In fact, the numbers reflect that we are prepared to do so. At the moment, some 23,500 payment arrangements are going on. So, particularly where we understand that companies, businesses and individuals are having difficulty in the current economic climate, we are prepared to enter into reasonable payment arrangements. We cannot allow those debts to be paid off at some unspecified stage in the future; the arrangement has to be very clear and defined, and its terms have to be met.

It is important that, when LPS takes the time to engage and agree a payment arrangement, those with whom it enters into the agreement stick to its terms. I have seen a number of cases where people have perhaps entered into

an agreement in good faith but have not stuck to it. I am also aware of cases where I am not sure that they have entered into payment arrangements in good faith. We cannot expect LPS to sit back and to habitually allow the terms of payment arrangements to be breached without taking some other form of action. That is when, sometimes, we move from payment arrangements to pursuing the debt through a legal process.

We have, unfortunately, seen an increase in the number of legal processes that have gone through. Last year, there were about 46,000, and this year there had been close to 30,000 by the end of October, which represents a year-on-year increase of 10%. It is not something that we like to do or want to do, but it is something that, unfortunately, we sometimes have to do. So, it is about a combination of trying to work with people through payment arrangements while always having the option of going through a legal process to secure the debt via the court. LPS will always hold that option to itself, because, at the end of the day, it is legitimate debt that is pursued to get money into Executive accounts so that it can be invested for the betterment of health, education, housing and other public services.

Mr Dallat: I thank the Minister for his statement. My question is probably influenced by the coming of Christmas and goodwill and peace to everyone. The Minister recognises that the Public Accounts Committee (PAC) has acknowledged a significant improvement in how rates are collected. Does that mean that the tetchy relationship that we had with his predecessor is now at an end and that he will work in partnership with the Public Accounts Committee from now on for the greater good of the people whom we serve?

Mr Hamilton: I think that my predecessor would consider “tetchy” to be an insult. *[Interruption.]* I think that he would consider himself to have been far worse than tetchy from time to time.

I know that the Member and, indeed, the Chairperson of the PAC hope to meet me if not before Christmas, very early in the new year. I hope to have a very productive discussion with them about the very good work that the PAC can do and has done, and about where I see it helping to ensure that not only do we get best value for money, which is critical, but how we can use the skills, ability, focus and attention that the PAC’s experience brings to get better outcomes.

I appreciate the work that the PAC did on rate collection. Many of the recommendations that came forward in that report have informed both this announcement and the work that is going on at the moment. As an example of where we can work together and do things positively, if I think that things are not being done positively, I will speak up about it. That is something that I learned from my predecessor. I hope that we can have a productive and fruitful relationship, working together to ensure that those important principles of value for money and better outcomes for our people are always achieved.

12.45 pm

Mr I McCrea: The Minister’s statement was on the strategic assessment of rate collection. Turning the use of rates another way, I ask the Minister to give an assessment of how Land and Property Services rates are collected, and how that compares?

Mr Hamilton: Like issues around debt and the percentage of rates that we collect, it is one of the areas in which I want to see us working very closely as part of the review. What percentage of rates are we collecting? The latest figure is around 96.5%. That has improved significantly over the past number of years, from 94% in 2008-09. For every 1% increase that we make, that is roughly an extra £10 million that we get in to spend on public services, so you can see that it is important that we get the percentage as close to 100% as we possibly can.

It is difficult to take a direct read-across from what a local authority in England, Wales or Scotland is doing and compare it with here, because we have very different systems, but there are benchmarks against which you can grade LPS, and I want to see those form part of the report.

The data that we have on the cost of collection, which is not current but not that old — it comes from 2009-2010 and 2010-11 — shows that we compare reasonably favourably with Great Britain. In 2009-2010, the cost of collecting for LPS was £27.74 million. In the next year, it was £28.2 million. The GB benchmark was £29.56 million for 2009-2010, with £27.46 million for the following year. Those are only two years of figures, so it is hard to extrapolate from those a trend, but they do show our costs slightly rising and GB’s slightly falling. If that continues, it is something that will worry me, although, to go back to the points that I made in the statement, the 42 rating reforms that we have put through and the three major ones that we are facing in 2015 all put a burden on the

administrative cost of collecting rates as well. However, it is an area in which we have to continue to bear down on the costs, because if the trend of increasing cost continues, it will cause a problem that we will need to take action against.

Mr Givan: I thank the Minister for his response. Given his previous role as a councillor — a role that I shared — he will recognise the benefits of councils being helpful. I know that Lisburn council carried out an exercise to identify vacant properties, not least through refuse collectors. When they were collecting bins, they checked their database and found out that property owners had not been paying rates. Sometimes it was not their own fault — they had requested to pay them — but on other occasions there was an avoidance of paying rates. In taking forward the review, can we ensure that there is joined-up working with local authorities, which often can provide useful information?

Mr Hamilton: Absolutely. I want to see that continue, not just in that area of work but in others, because LPS, on behalf of central government, and individual councils have mutual interests. At the end of the day, the more money that we collect, the more money that we have to spend on serving our people.

The Member is right about empty domestic properties. A lot of work was undertaken a number of years ago in advance of the rating of empty homes coming in to ensure that we had as accurate a valuation list as possible. Another area in which work is ongoing is in LPS working with councils to ensure that business properties that are supposedly vacant are in fact vacant. It is a similar type of work but in a slightly different sector. I am open to all types of work with local government, whether on an individual, council-by-council basis or with the totality of local government, to ensure that we can work towards having as accurate a valuation list as possible, because, at the end of the day, that serves all of our interests.

Mr Allister: The Minister mentioned the £160 million of rating debt. Can he tell the House how much rating debt is being written off annually? In consequence of writing it off, who makes up the shortfall? Is it the paying ratepayer, or is there an assumption about bad debt built into the rating system? Can he assure us that the revaluation will be ready and implemented in just 16 months' time?

Mr Hamilton: Typically of the Member, there are quite a few questions there. I will

endeavour to answer all of them, or certainly as many as I can. The issue of £160 million of debt comes up once again. It is absolutely right that there is a lot of focus and attention on what is an incredibly high figure, one that has risen over the past number of years. I can stand here and Members can say, "Well, look, we are in difficult economic circumstances. We know that many businesses have gone to the wall and many continue to struggle. We know that it is difficult and that cost-of-living increases put pressure on individuals", as if that somehow excuses the fact that debt has risen to £160 million.

Although I understand those reasons, it is not acceptable just to pass over £160 million of debt because of that. However, a significant portion of that debt figure, probably over half, is not recoverable debt in the traditional sense. It is taken up by payment arrangements, as I mentioned previously. Some is tied up in ongoing insolvencies and bankruptcies, so the accurate figure of what is recoverable debt within that £160 million needs to be hollowed out. It is something that I am keen to see presented much more accurately than is done currently.

Debt write-off has grown from £10.2 million in 2009-2010 to £29.1 million in 2012-13. That is a significant increase and reflects the times that we are in. In terms of who pays for that, it does not affect local government until it is written off, and then it is adjusted in penny product.

I appreciate the Member asking about rate revaluation, because it is another opportunity to mention it and emphasise that I think there is a belief writ large that revaluation will be the panacea that will sort out everybody's rates bill, and everybody's rates bill will go down. The Member will appreciate that it is a fairer redistribution of rates burdens across non-domestic ratepayers. So, some people will see their bills go up, others will see their bills go down and the vast majority will see their bills remain more or less the same.

He asked whether it will be ready. I accept that we face an incredibly challenging timeframe. Given the circumstances of the economy, and the fact that there has been less movement than you would like ordinarily in terms of property letting and rents to get a more accurate picture of what a property is renting at, that presents huge challenges for LPS. However, every effort and resource is being put in to ensure that we get as accurate a picture and as fair a distribution of the rates burden as we possibly can — and, of course, that it is done on time. That is of critical importance.

Undoubtedly, it is a challenge. England and Wales have delayed theirs by a further two years. Given that it is a decade since we did a non-domestic revaluation, I do not think that I could have got away with delaying it any further.

North/South Ministerial Council: Aquaculture and Marine

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Cheann Comhairle. With your permission, I wish to make a statement in compliance with section 52 of the 1998 Act regarding the twenty-third meeting of the North/South Ministerial Council (NSMC) in aquaculture and marine sectoral format. The meeting was held in Derry on Wednesday 23 October 2013.

The Executive were represented by me and junior Minister Jonathan Bell. The Dublin Government were represented by Pat Rabbitte TD, Minister for Communications, Energy and Natural Resources, and Fergus O'Dowd TD, Minister of State at the Department of Communications, Energy and Natural Resources. I chaired the meeting. This statement has been agreed with junior Minister Bell, and I am making it on behalf of us both.

Ministers received a detailed progress report on the activities of the Loughs Agency. We welcomed the agency's participation in the City of Culture, and in particular its proactive role in partnering with Tate Britain to supply local oysters at Turner Prize events in the city.

Ministers congratulated the Loughs Agency on receiving a tourism award at the chamber of commerce business awards; its role in the flavours of the Foyle seafood festival, which attracted 18,000 visitors; its role in the Carlingford oyster festival, which attracted 10,000 visitors; and its successful role in hosting the sea angling competition in the World Police and Fire Games.

Ministers welcomed progress on a range of EU-funded marine tourism initiatives that the agency brought forward. Those include securing £208,400 in INTERREG funding to develop the area around Malin Head, the most northerly point in Ireland, to facilitate visitors to that iconic site; and, in partnership with Limavady Borough Council, securing £486,500 in INTERREG funding to develop the visitor experience at Benone.

The Council discussed the key issue of conservation. It was advised that the rivers Faughan and Roe were maintaining relatively stable populations of Atlantic salmon and meeting their management targets and conservation limits. In addition, the agency reported that there had been an incremental improvement in the populations in the Rivers Finn and Mourne since 2010-11.

Ministers received a detailed and highly informative presentation on the monitoring of oyster stocks in Lough Foyle and noted the practical use of that information and how it is applied in management decisions made by the Loughs Agency in the Foyle catchment.

We approved the Loughs Agency business plan 2013 and recommended a budget provision for 2013 of £4.25 million. Key priorities include the conservation and protection of fisheries in the Foyle and Carlingford areas; licensing and development of aquaculture; and the development of marine tourism and angling.

We also received an update on the Loughs Agency annual report and draft financial statement 2012, which, following certification, will be laid before the Assembly and the Oireachtas.

The Council acknowledged the progress on the development of the Loughs Agency corporate plan 2014-16 and the business plan 2014-16. It was agreed that the Loughs Agency will apply further efficiency savings to the 2014-16 budget.

The Council also agreed the key priorities for the corporate planning period. Those included carrying out a strategic review and economic appraisal of agency premises and accommodation needs and a strategic review of the Loughs Agency's enforcement and development roles. The corporate and business plans will be brought to a future Council meeting for approval.

The meeting concluded with Ministers noting the date of the next aquaculture and marine sectoral meeting in February 2014.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement this afternoon. Will she expand on the Loughs Agency's involvement in City of Culture events and, indeed, any other major tourism events over the past while?

Mrs O'Neill: Absolutely. The agency has been very successful over the past wee while. As I outlined in my statement, it has also been a tremendous year for Derry as the City of Culture. The Loughs Agency played a very significant role in that, working in partnership with other agencies to provide, among many other things, quite a lot of tourism events. A lot of people think that the Loughs Agency is purely a policing and enforcement body, but the events that it has showcased throughout this year proves that that is certainly not the case; it is much more than that.

The Turner Prize is being held in Derry, and this is the first time that the award ceremony has ever been held outside England. The Loughs Agency was able to partner with Tate Britain to supply local oysters, and I was delighted to be at a reception on board an Irish naval vessel, LÉ Aisling, on Lough Foyle where we got to sample the oysters. That was a fantastic event, and it was great to see the Loughs Agency partnering up with Tate Britain to be able to do that.

The Foyle pontoon project received an award for the best tourism initiative at the city's chamber of commerce business awards. We also had the Clipper Round the World Yacht Race, which is hoping to come back again in 2014 and 2016; the World Police and Fire Games; and the twelfth World Youth Fly Fishing Championship, which helped to showcase the brilliant angling amenities that exist right across the island of Ireland. So there has been a fantastic array of events, and it is great to see the Loughs Agency partnering up with other organisations. The agency's policing and enforcement role is obviously a key element of what it does, but it is able to deliver on a whole lot more.

Mr Swann: I thank the Minister. Minister, you referred to salmon conservation. Were there any further discussions about the complete removal of nets, or the provision of any compensation for the removal of nets, to increase salmon numbers?

Mrs O'Neill: Salmon conservation is a key area for the NSMC and the Loughs Agency. Salmon conservation was discussed but not the issue of compensation or anything like that. At the meeting, the Loughs Agency set out the work done on the ground by its dedicated protection and conservation staff. They are out there enforcing and ensuring compliance with the suite of regulations on the protection of salmon and sea trout.

We are also gathering a lot of scientific evidence. As I said in the statement, we got some feedback on the different rivers that are relevant to the Loughs Agency. The discussion was really about conservation and all the things that we need to do. There was no discussion about nets, because that cannot happen in any of the Loughs Agency's rivers at this time.

Mr Dallat: I thank the Minister for her statement and, in particular, the announcement of funding for Malin Head and Benone. She will, of course, be aware that the critical element in developing cross-border tourism there is

missing, and that is the Foyle ferry service. I acknowledge that the Minister does not have direct responsibility for that, but will she ensure that the issue does not move off the agenda and that both Governments recognise that they have a responsibility to ensure that Greencastle and Magilligan have a ferry service, like the one in Strangford, in order to get maximum benefit from that funding?

1.00 pm

Mrs O'Neill: Absolutely. I totally agree with the Member. The two projects that I outlined are major investments to help us to unlock the tourism potential of that whole area. Anything that helps to enhance that potential, including the ferry, is welcome. As you recognised, that is not within the remit of the Loughs Agency, but I fully support the service being available. It will help us to unlock that massive tourism potential. I am happy to raise that issue with the relevant people.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. The Minister made reference to sampling oysters on board a ship on Lough Foyle. No doubt that is one of the perks of the job. Will she elaborate on the development of oyster stocks in the Foyle?

Mrs O'Neill: Absolutely. As I said, it was a great opportunity to be on board the LÉ Aisling with the Irish Navy. The fact that the Loughs Agency was able to partner with it really added to the whole atmosphere around the Turner Prize. We are doing a lot of research into oyster stocks. An initial finding is that 29 tons of oysters were recorded in the landings data received in October by the agency for the first two weeks of the oyster season, which runs from 19 September to 31 March. At this stage, it is not possible to accurately gauge the end result, but 29 tons were recorded up to October. The development of the oyster stock in Lough Foyle is a vital priority for the Loughs Agency. The agency reported an increase in the population from the data gathered in the 2012 stock assessment. That is positive. The agency assisted in the improvement of landings of the oyster fishery, and it reports a reduction in disease-related mortality in Lough Foyle. That is also positive.

At the meeting, we had a presentation from the agency on the monitoring of oyster stocks in Lough Foyle. That highlighted some of those recent improvements and trends in the population dynamics in Lough Foyle for 2013. A lot of excellent work is going on in the Loughs Agency to protect the oyster stock and make

sure that it is sustainable in future for the industry. A lot of the work that the agency has been doing on Marine Stewardship Council certification for the Lough Foyle native oyster fishery has been taken forward in 2013. A lot of positive work is going on.

Mr Allister: The Minister previously told the House about the alarming level of poaching and, indeed, assaults on agency staff, particularly at the Foyle basin. Can she update the House on the present level of illegal activity in connection with fishing in that part of the country?

Mrs O'Neill: I am happy to update the House. On previous occasions when I have spoken to the House in this regard, it was because of the number of attacks on Loughs Agency staff. I am pleased to report that, in 2013, there have been no major attacks on Loughs Agency staff. We all very much welcome that. I appreciate that Loughs Agency staff are often involved in potentially dangerous areas of work, given that they are enforcing regulations. They are, obviously, putting themselves at risk, but I am delighted to say that, this year, we have not recorded any major incidents. I put on record my thanks to Loughs Agency staff for their efforts in what I recognise are very difficult situations.

Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development): I apologise to the Minister for missing the start of her statement. I assure her that I have read it. The Committee is aware that one of the major issues for the Loughs Agency in carrying out its business is the lack of a management agreement for seabed leasing. Will the Minister elaborate on how far advanced the negotiations on that management agreement are? She also mentioned further efficiency savings. Will she elaborate on that?

Mrs O'Neill: I assure you that I have given the Loughs Agency my full support in its attempts to finalise the management agreement. I have written to Simon Coveney TD, Minister for Agriculture, Food and the Marine, and I have discussed the issue with him in person. At a previous NSMC meeting, we had a discussion about moving that forward. I was advised by Minister Pat Rabbitte that officials in his Department would liaise with Simon Coveney's Department. We hope to see some movement towards the end of the year to get that resolved. Obviously, we do not want it to slip any further.

The Loughs Agency, like any other agency, is trying to find efficiency savings in the best way

possible. It has been able to do that in a very practical manner. The reports are now a matter of public record, but I am very happy to send details to the Chair of the Committee of how it has gone about finding those 3% efficiency savings.

Mr Rogers: I apologise for missing the start of the statement; I have read it as well. I thank the Minister for the statement. What steps are being taken to ensure that the issues that we had in Carlingford lough and in Foyle last year with our oyster stock are being dealt with effectively to ensure that our oyster fishermen can rebuild and develop their industry?

Mrs O'Neill: The Member will probably be aware that, in November, I met a number of oyster growers who had suffered loss as a result of the herpes virus outbreak in Carlingford over the summer. It was a very useful and very positive engagement with them. We totally share the same principle of wanting to help that aquaculture sector to grow, and I was delighted to hear from them that they are very optimistic about their future. The conversation centred around what we can do together, how I can support them through the Department and what we need to be doing. A lot of the areas that are lacking are around research, so we need to look at other countries, particularly France, for example, which has been able to deal with this issue. I think that Hull in England also experienced this disease. We need to look at best practice and good examples to see how we can learn from that.

We agreed to take forward a number of issues with the oyster growers, particularly around a research session. We will have researchers come in and let the oyster growers tell them what they require as opposed to the other way around. The oyster fishermen were very pleased about that. We are also looking towards grant aid under the European Fisheries Fund, and we will work together in the time ahead.

One of the issues that I raised at the NSMC was the need to transfer the science that we have gathered, particularly around Lough Foyle, to Carlingford also. We had a discussion around how we might best do that. So, there is plenty going on there, and I think that there are a number of issues that we need to take forward. There are a number of simpler things to iron out that the oyster fishermen raised, and I am content to take those forward.

Mrs Dobson: I thank the Minister for her statement and her responses thus far. Her

statement is lacking on the practical efficiency savings that the agency is undertaking. That is mentioned in point 13. Can she provide more detail on that? How successful have these been in recent years, and what are her views on the measures that the agency should apply when looking to future budgets?

Mrs O'Neill: As I said, we recently agreed the efficiencies. The corporate plan sets them out very clearly, and it is now on public record. You can have a look at a detailed breakdown of the 3% efficiency savings. The agency, like any other body, has to find those savings. It has done so quite successfully each year over the past number of years. It is on public record. I do not have the details, but I said to the Chair of the Committee that I will forward that to the Committee. I am sure that the Member can pick that up through the Committee.

Executive Committee Business

Road Races (Amendment) Bill: Consideration Stage

Mr Speaker: I call the Minister for Regional Development, Mr Kennedy, to move the Consideration Stage of the Road Races (Amendment) Bill.

Moved. — [Mr Kennedy (The Minister for Regional Development).]

Mr Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate on the provisional grouping of amendments selected list. There is one group of amendments. The debate will be on amendment Nos 1 to 4, which propose certain requirements where a contingency day falls on a Sunday. Once the debate of the group is completed, any further amendments in the group will be moved formally, and the Question on each will be put without further debate. The Question on clause stand part will be taken at the appropriate time. If that is clear, we shall proceed.

Clause 1 (Specification of contingency days in orders under Road Races (Northern Ireland) Order 1986)

Mr Speaker: We now come to the group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 4. These amendments relate to the requirements where a contingency day is a Sunday.

Mr Allister: I beg to move amendment No 1: In page 1, line 7, at beginning insert “Subject to paragraph (1BA),”.

The following amendments stood on the Marshalled List:

No 2: In page 1, line 11, at end insert

“(1BA) A contingency day may not be—

(a) the whole of a Sunday; or

(b) any part of a Sunday beginning before 1.30pm or ending after 6pm.”— [Mr Allister.]

No 3: In page 1, line 11, at end insert

“(1BB) An order may not specify the whole or part of a Sunday as a contingency day unless the Department is satisfied that the terms of the order are such as to minimise as far as reasonably practicable any disruption to the activities of the local community on that day.”— [Mr Spratt.]

No 4: In page 1, line 20, at end insert

“(1CA) Where a contingency day is a Sunday, a direction under paragraph (1C) requires the approval of the First Minister and deputy First Minister acting jointly.”— [Mr Spratt.]

Mr Allister: Amendment No 1 is, quite clearly, a paving amendment in respect of amendment No 2, to which I will also speak. I will perhaps make some comments on the other amendments, which stand in the names of other Members.

The purpose of amendment Nos 1 and 2 is to address, in as rational and reasonable way as possible, the tension that will exist in respect of any prospect of racing on Sunday as a contingency day. The tension that will exist will be between the ambition and enthusiasm of the road racers and their supporters to maximise the hours that they might race to make up for what they have lost in respect of the Saturday, in the event of Sunday being a contingency day, local residents, whoever they may be, who have other things that they wish to do and, in particular, those who are churchgoers living on any of these circuits.

The main focus of the debate last week, and I suspect today likewise, was on the North West 200 circuit, which is a highly populated circuit. It is populated not just by many residents but by churches on the actual route. This legislation applies across the board and to any circuit, be it on a heavily populated residential route, church route, or not. Therefore, it is right that, since there will be that same tension, to varying degrees because there will be churchgoers on all the routes — the issue is not whether there are churches on all the routes, it is whether there are churchgoers on all the routes, and of course there are — it is matter of resolving the tension between the extension of racing into Sunday and meeting the fundamental rights of the churchgoing community.

At this stage, I will pause to remind the House, because I think the Bill, in its processes to date, has not adequately addressed the human rights issues lying at the heart of this, that I wrote to the Minister raising issues under articles 9 and

11, and I cannot say that I thought the answer really addressed the issues. No doubt, if the Bill proceeds in its present fashion, the Attorney General, at the end of the process, will have to take a view on its compatibility with human rights legislation. I remind the House of article 9 of the convention, which says:

“Everyone has the right to freedom of thought, conscience and religion”.

It goes on to say that this includes the right to:

“manifest one’s religion or beliefs, in worship, teaching, practice and observance.”

It is very clear that the right to go to church is a human right.

Article 9 then goes on to underscore the circumstances where that right can be trumped, so to speak. It says:

“Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

Those are the only qualifying conditions that can be placed on the fundamental human right to exercise religion. With respect, I suggest that the right to supplant freedom to worship with the leisure activity of closing public roads so that people can enjoy road racing is not something that meets any of the categories set out in article 9. Likewise, in article 11 we have similar matters at stake when it comes to freedom of expression, which ties into article 9.

I think there is a fundamental human rights issue for the resident who lives on any of these routes and who wishes to exercise their human right to manifest their religion by going to their place of worship. That is the tension that the Bill has failed to address thus far.

1.15 pm

That tension arises elsewhere in the world. There is nowhere more noted for its road racing than the Isle of Man. The starting point on the Isle of Man is that you do not have Sunday racing, but you can have it in a contingency situation where the weather has been such that the races must be run. However, the law on the Isle of Man is exactly what I am proposing: a

contingency day cannot be before 1.30 pm on a Sunday or after 6.00 pm. The proposition in amendment No 2 is an exact reflection of what has been tried and tested for many years in the Isle of Man, which we could say is the capital of road racing. If it is good enough for the Isle of Man, I would have thought that it would be good enough for Northern Ireland. That contingency is in place to deal in a rational and reasonable way with the tension that exists so that you can accommodate the respective rights of the churchgoer with those of someone who wants to use the public roads for road racing, which prevents the churchgoer from going to church.

I made this comment last week, and I will repeat it. There is all the difference in the world between organising a racing event on private property or on property that is not a public road where people have the choice of whether to go and on what day, and organising it on a public road, where you immediately get to the point of saying, “In fact, the public roads will not be available to the public today; they will be available exclusively for road racing”. That is when you trump and supplant the rights of the person who uses those roads to exercise their freedom of worship and for churchgoing. That is a legitimate and protected right, which is why I am concerned that the Bill does not adequately address that tension in a way that provides a satisfactory resolution. I want to create certainty for the local residents, for the road race organisers and participants and for those who attend. The way to create that certainty is as it has been done on the Isle of Man by saying that, if the racing is compelled to be on a Sunday, a portion of Sunday will be exempted from racing taking place to protect the interests of others on public roads. That is the essence of the amendments that I am proposing: to protect the local residents and, equally, to protect the organisers.

Mr Wilson: I thank the Member for giving way. I suspect that there is a fair amount of sympathy for many of the Member’s points, but an amendment that is a blanket cover for part of a Sunday, whether that is before 1.30 pm or after 6.00 pm, will cover circumstances where the clash that he talks about might not exist. I do not know enough about all the circuits to say whether there are particular circuits where that would not be the case. Does he accept that, if there is such blanket coverage, racing that could perhaps take place before 1.30 pm or after 6.00 pm would not be allowed because the amendment that he is proposing covers all roads, regardless of whether there is a clash between churchgoing and road racing?

Mr Allister: The Bill covers all roads that are utilised for road racing, so in making an amendment, it is pretty difficult to avoid equally taking that blanket approach. However, the point that I will make again, which I made earlier, is that all circuits might not have churches on them. Many might, and some might not, but all circuits will have churchgoers living on them who use those roads to get to church. The time of 1.30 pm seems to be a proven and acceptable cut-off point in the Isle of Man. It seems to me that, given that many church services in Northern Ireland start somewhere between 11.00 am and 12.00 noon, 1.30 pm seems a reasonable time to have a cut-off point.

This Bill will have a further stage. If the amendments find favour with the House, someone who wants to fine-tune them can do so at Further Consideration Stage. If someone feels that it is overkill for a particular circuit, there will be an opportunity to address that issue. What I am putting to the House is fundamentally the principle that we need to do something to address the tension between the competing uses of the roads on a Sunday.

I also think that this proposal is a protection for the race organisers. We heard in the House — I have no reason to doubt it — that, in the case of the North West 200, people such as Mervyn Whyte, who fronts Coleraine and District Motor Club, have no inclination or desire to promote Sunday racing and will take alternatives if they can. I accept that, but they are not the only players. Huge, unspoken of players in that operation are the sponsors. Huge, unspoken of players in it are the large road racing teams, who may not have the same respect for the sensitivities of local residents and whose prime motivation is to get the racing done, and done as soon as possible.

Indeed, given the juxtaposition of the North West week and the beginning of the Isle of Man Manx fortnight of racing, many of the large teams exit immediately the racing is over at the North West to head for the ferry to the Isle of Man. I have seen it myself. As soon as the roads open, some of the large teams head down the road, with their huge vehicles and with great fervour, to get to the Isle of Man. If racing is delayed to a Sunday, the compulsion and desire of those participants will be to get the racing over as early on a Sunday as they can so that they can still get to the Isle of Man for the start of practice on the Monday.

Whereas Coleraine and District Motor Club and others might be more than willing to accommodate people by ensuring that the

racing takes place only in the afternoon, there will be pressures from sponsors and the large road racing teams to get it started sooner, never mind the interests of the residents. That is why I suggest that the amendments are a protection for the organisers. They will be able to say, "The law is very clear. It is like the Isle of Man. No matter how much we might want to, we cannot start before 1.30 pm". It takes the pressure off the organisers, and, in that, it is a good thing.

It also gives much-needed certainty to local residents. Most residents in the vicinity whom I know are very appreciative of the North West and what it brings to the area for that week: the huge numbers, the help to the economy and all of that. It is still an inconvenience for many, but they put up with that because they recognise the greater good. Those people could be told, "In that week, you might be planning on going to church on Sunday morning, or you might be planning to do something quite the reverse of going to church on Sunday morning. However, we cannot give you any certainty that you will be able to, because there could well be racing on Sunday morning". We are talking about hundreds and hundreds of houses on this circuit. Think of the sad situation of a bereavement. The natural order may suggest that the funeral take place on a Saturday, but it cannot because the racing is on. The family accepts that and adjust their plans to Sunday only to discover that the roads are also closed on Sunday.

Mr Wilson: Will the Member give way?

Mr Allister: In a moment.

Giving that family the certainty that the roads will not be closed, at least before 1.30 pm, indicates to them that they can organise a funeral, for example, for 12.00 noon. It will not be supplanted or overwhelmed by a sudden decision to close the roads. It is practical, humane issues like that that cause me to say that, not only in the interest of churchgoers but in the general interest of residents, we need to bring certainty to those arrangements, and the way to bring certainty to those arrangements is to have a cut-off and a finish time, as they do elsewhere.

Mr Wilson: I have listened intently to the argument that the Member has made around the whole issue of certainty. Does he not accept that, if we are looking for certainty, we would not have this Bill at all because the very essence of it is that, to a degree, it removes certainty, insofar as, if there is bad weather,

there is the option of moving from a race day to a non-race day to carry out the races. So the argument the Member has made for a Sunday is the same for a Saturday, Friday or Thursday or whatever, depending on the contingency.

Mr Allister: Of course. Flexibility is introduced. At present, we have Tuesday, Thursday and Saturday affected. The flexibility of all this could range from Monday to Sunday, with racing and practising at different times. Yes, of course there is a lack of certainty. However, the point I am making is that people who live on these circuits — and we are dealing specifically with the north-west — are familiar with the fact that there will be a practice night early in the week, a practice day later in the week and a race day at the weekend. They build their lives around that and cope in a very accommodating way. However, there is a particular issue when the contingency day is a Sunday, because it cuts across a fundamental human right that they have to exercise freedom of worship. If, for example, they are adherents of one of the four churches inside the circuit, and there is Sunday morning racing, none of those churches will be able to open. They simply will not be there. If they are adherents of a church outside the circuit — and many are — but to get to their place of worship they have to travel along the roads of the circuit, they are equally affected. So it is not just about the adherents of the four churches. It is about any churchgoer, anywhere on the route, and his rights.

The fundamental question for this House is: are we happy to trump the rights of churchgoers by the rights of racegoers or are we prepared to find a medium that can accommodate the fundamental rights of the churchgoer and the resident with the desire to have road racing?

Mr McNarry: Will the Member give way?

Mr Allister: Yes.

Mr McNarry: The Member, as usual, makes a very compelling argument and case to the House. Is there something in his argument that he might want to address in, shall we say, the credibility of the spirit of the implementation of the legislation? That has been a very compelling argument put to the Committee in the presentations that we have heard. It seems to me that although there is an onus of responsibility that rests with the race organisers, there also seems to be a genuine spirit in addressing the very reasonable requests that the Member represents on behalf of residents.

Mr Allister: I accept, and I think that I have accepted, that organisers that I know are not straining at the leash to organise Sunday racing on the north coast. Whether they do elsewhere, I cannot say. I go back to the point that, unless the legislation brings certainty, there will be pressure to meet compulsion from the sponsor and from the large racing team that says "If we do not get racing this weekend, we will not be here next year".

That is the pressure that manifests itself on the organisers; that is the pressure that chips away at the flexibility, the compassion and the interest in meeting the needs of the local residents; that is the pressure that comes up with the proposition that we must have racing started by 11.00 am, 10.00 am or 12 noon or whatever; and that is the pressure that eats away at the rights of those who are, in consequence, affected.

1.30 pm

I say to the House that it is better by far to bring certainty for everyone's protection, so that everyone knows where they stand. In a week when there might be a need for contingency and flexibility, they will know that there is a window that starts at 1.30 pm and finishes at 6.00 pm and, because there are other rights to be accommodated, racing cannot start at 11.00 am or whatever. That removes the pressure from those sources to start it earlier and gives an adequacy. One would hope that there would be some racing on the Saturday, as well as the opportunity, if required, to complete it. However, if all of Sunday is an open day, the pressure and the temptation will be to keep quite a lot of the racing back as the next day might just be a better day. Whereas, if you confine it to the period that respects the rights of others, in my respectful submission, you will induce a far better rapport with and outcome for residents and everyone else.

Mr B McCrea: Will the Member give way?

Mr Allister: Yes.

Mr B McCrea: The Member makes a very compelling case about the human rights aspects of the legislation. Given his experience in the matter, is it essential to have a window, as he suggested, between 1.30 pm and 6.00 pm, or would the rights of the individuals be sorted if they could go to church at least at some stage during the day? Do you think that the human rights aspects are such that an individual must be allowed to attend a church of their choosing at a time of their choosing or is

the mere provision of it at some time on a Sunday sufficient? What I am really asking is whether the Member feels that, if we were to accept that you cannot start racing until 1.30 pm, we could leave it open-ended without impairing people's human rights?

Mr Allister: Of course, the difficulty is that churches, not unexpectedly, have a pattern. They have a time when they meet. Most churches that I know of on the north coast meet at 11.00 am or 11.30 am, and lots of them meet again at 6.00 pm, 6.30 pm or 7.00 pm. It is hard to imagine that you could realistically bring the time forward from 1.30 pm. You cannot expect religious services to be altered or organised at the drop of a hat. You have to have some respect for their set times.

The racing on a Saturday has to finish by 6.00 pm. That is the law in respect of Saturday. I would have thought that, if that is the law for Saturday, it could equally be the law for Sunday. On those summer evenings, in particular, the north coast is a very busy place. Many people will want to move about and do what they do and not be hemmed in until 8.00 pm, 9.00 pm or 10.00 pm. I would have thought that, just as they are not hemmed in on a Saturday to 8.00 pm, 9.00 pm or 10.00 pm, they should not be hemmed in on a Sunday. I think that 6.00 pm is a reasonable cut-off time. If the amendment finds favour with the House but there are those who wish to refine it at the next stage, it is a matter for them to take that up and persuade the House in that regard.

Fundamentally, I think that we need to have some certainty for all these routes. I suppose that that is my biggest problem with amendment No 3. In other circumstances, and maybe the Speaker will tell us in due course, it is not incompatible with amendment No 2 and maybe both could be made. I am not sure about that; we will hear in due course. My biggest problem with amendment No 3 is that it is so woolly. It states:

"An order may not specify the whole or part of a Sunday as a contingency day unless the Department is satisfied that the terms of the order are such as to minimise as far as reasonably practicable any disruption to the activities of the local community on that day."

What does that mean? Why are its proponents being so mealy-mouthed about what it means? Is it meant to mean all things to all men and end up meaning nothing? Is it meant to be out of deference to churchgoers? Is it meant to be out of deference to someone else? What exactly

does it mean to talk about minimising as far as reasonably practicable any disruption to the activities of the local community on that day?

Mr Wilson: Will the Member give way?

Mr Allister: Yes.

Mr Wilson: Wording such as "reasonable" is not unusual in legislation as a test. I will use some examples that the Member has used during his speech. Someone may object to a road race occurring on a Sunday not because the church is on the course, which would clearly be reasonable disruption, but because the route to their church crosses the course at some point. In a situation like that, the decision-maker would have to ask, "Is it reasonable for someone to say that the race cannot go on because they have to cross part of that road to get to church? Could they leave earlier? Could they take another route? Could they stay at someone's house or stay after church if it is on their way home?" Those are the kinds of issues that a consideration of reasonable disruption can be allowed to look at. That is much better than some kind of blanket decision that means that, if there is any objection at all, you do not facilitate racing. Those are the kinds of issues that can be looked at.

Mr Allister: I hear what the Member says, but I still struggle to understand how the Minister, put in that position, would be expected to understand and know what would be reasonably practicable with any disruption. Is the onus on the objector to acquaint the Minister, in the few hours that he has at a weekend, with what the objections are, or is the Minister entitled to say, "No one has contacted me to object. Therefore, I presume that there is no disruption to be protected against"? It seems to me to be a charter to do whatever you want, whereas what you really need to resolve the tension that will exist over Sunday racing is to apply the certainty that amendment No 2 would bring and, within that, to work propositions such as we have heard.

Mr B McCrea: Will the Member give way?

Mr Allister: Yes.

Mr B McCrea: I am interested in the point that the Member made about the term "reasonably practicable". If a decision were made, is it possible that there could be a call for a judicial review? If so, on what basis would that review take place? Who makes the decision on "as far as reasonably practicable"? I am also interested in the Member's insight into the use

of the words “any disruption”. That seems extremely wide in its locus. It seems that this entire piece of legislation is subject to interpretation and would probably be challenged at some stage in the courts.

Mr Allister: The Minister’s decision would be judicially reviewable. The problem is that, if the Minister does not make a decision until a Saturday about racing on a Sunday, the opportunity is pretty sparse. The reality is that, even if you got an emergency application, it is unlikely to be heard before Monday and, therefore, the racing would be over. The court would be deciding retrospectively whether the Minister acted lawfully or unlawfully. With regard to the practicalities of affording a remedy, it is more theoretical than actual. It seems to me that that wording is so obtuse that it brings no certainty to anything and puts the Minister in an invidious position where he has all sorts of judgement calls to make, depending upon what he is hearing.

Of course, to date, the ear of the Minister and of officials has been very expertly bent by the vested interests of the road racing fraternity. Even for these amendments, a commentary has been circulated by one of the vested interests, yet the churches involved have not yet been able to meet the race organisers and met the Minister only after he had persuaded the Committee about accelerated passage. So, it seems to me that the poor relations in all this are the residents, particularly those with a churchgoing interest who might be exercised by the matter. It seems to me that their voice is going to be very hard to hear within the terms of this amendment and, in consequence, their interests and the wider interests are far better served by introducing certainty, just as they do in the Isle of Man. It seems to work very well there.

What scares us about introducing a similar element of certainty to the matter? To do so would mean that everyone would know where they stand, and the decision would not be dependent on the whim of whoever the Minister is or anything of that nature. It would be there in statute, in black and white, and everyone would know the rules.

Mr Spratt: I thank the Member for giving way. His amendment raises an issue regarding putting a time on it. This is where the flexibility comes into the whole thing. He acknowledged, rightfully, that it is not just about the North West 200, which most of the debate is around. I acknowledge that as well with regard to the churches. As for the race organisers, my understanding from a discussion on Friday with

the churches is that, for the Ulster Grand Prix, for instance, more flexibility and time is needed because all the road signage needs to be removed as soon as the course is closed and replaced before the roads are reopened. A very short time is left to carry that out.

Flexibility in respect of the Department and of amendment No 3 comes in there to allow things that are practicable, regarding the legislation, to be done by the Department, organisers and everybody else.

Mr Allister: I understand what the Member is saying, and I am aware that there are special scheduled provisions relating to the Dundrod circuit in the Road Races (Northern Ireland) Order 1986, for example, so it is not impossible that, in accepting amendment No 2 and in refining it at Further Consideration Stage, there could be some reflection of those particular needs, if those are particular needs.

I suppose I am saying that, at Consideration Stage, we have to decide whether we are going to afford to those most likely to be most affected by this some degree of comfort and certainty. If we are, I suggest that amendment No 2 is the way to go. If the Minister and others wish to refine that in the incoming week, that is the opportunity that they would have, but that would be the benchmark whereby we would start to say, “We need to bring certainty. Here is the window, and here is the window within which everyone knows they have to operate”. Quite frankly, under amendment No 3, I do not think anyone would be any the wiser about what is likely to happen or how they are meant to be fixed.

Mr McNarry: Will the Member give way?

Mr Allister: Yes.

1.45 pm

Mr McNarry: It is good to talk this through in the manner in which we are doing. As a member of the Committee, I am pretty clear in my own mind that those who came before the Committee to give evidence or to make their positions clear did so in a manner that was open to them and to everyone. I think that that is how the Committee system works. However, doubts are being raised now, and Committees sometimes do not have the opportunities to deal with doubts, unless such doubts are presented to them.

I want to ask the Member about the doubts. It seems to me that, if the House passes legislation, it is a question of how that

legislation would stand up should someone raise a challenge. The House needs to know as much about the competence of any legislation as it does about the competence of amendments. So, does the Member have information that has not been relayed to the Committee, at any stage so far, that would suggest that, without a shadow of doubt, there will be challenges to this legislation based on the case he is putting forward? That seems to me to be very important.

Mr Allister: I do not know the answer to that, nor do I know who the Committee heard from. I have no idea who the Committee heard from. From what the Member said, it sounds as though it might have heard from the racing interests, but I am unaware of it ever having heard from the church interests. I am unaware of there having been a general invitation to those particular interests to come and make their case to the Committee. The Committee seemed very swiftly to nod to accelerated passage and move on to the matter. These are, perhaps, the sorts of issues that, in a normal Committee Stage, would have been fully explored but cannot now be explored because of accelerated passage.

Will there be challenges? I have no idea, but I would not be surprised. With many hundreds, if not thousands, of people living on that route, should they feel that their fundamental rights have been infringed in some way, someone somewhere may make a challenge. It is not for me to second-guess or gainsay that, but the challenge to the House is to pass good legislation that affords the certainty and comfort that people are looking for.

Mr McNarry: Thank you for giving way again; it is just on the point of the challenge. If the legislation is passed and is challenged, is the challenge to the Minister on the presumption of a decision that he may or may not take or have the power to take?

Mr Allister: I suppose that it could be all of those. Who knows? If the Bill passes as is, the Attorney General would first have to express a view on its competence, having regard to article 9, and I am sure that he will address that matter independently. Whether someone else may seek the legal route of challenge, and whether they wait until their rights are infringed in some way or they perceive them to have been infringed, who knows? I am saying to the House that, given that you have this difficulty — this tension on these issues — it is better by far to address it in a proven way by which it has been addressed elsewhere and to introduce the

certainty that would militate against challenge because everyone knows where they stand.

That is why I think that amendments Nos 1 and 2 are the right way go. Amendment No 3 is very woolly, to put it at its mildest. As for amendment No 4; well, it will be no surprise if I tell the House that, if you looking for expedition, the last place you should repose any authority or power is in OFMDFM. I think that it would be tough enough for one Minister to get a decision, never mind three. So, amendment No 4 bemuses me in that regard.

That is the essence of what I want to say. I am putting to the House what I think is a rational and reasonable proposal. I trust that the House can receive it in that frame of mind and can weigh it, balance it and decide whether there might be merit in applying some certainty for the protection of everyone in that situation so that all know where they stand. They certainly will under amendment No 2, but they will have less clarity under amendment No 3.

Mr Speaker: Order. As we come to Question Time at 2.00 pm, I suggest that the House takes it ease until that time. I understand that the next Member to speak in the debate, Mr Spratt, will need more than 10 minutes.

The debate stood suspended.

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

2.00 pm

Oral Answers to Questions

Education

Pupils: Baseline Assessment

1. **Mr McGlone** asked the Minister of Education what plans his Department has to introduce baseline assessment for all pupils. (AQO 5130/11-15)

Mr O'Dowd (The Minister of Education): The current arrangements allow teachers to use a range of assessment techniques that suit the nature of the work being assessed and the purpose of the assessment, including assessment for baseline purposes. Although not a statutory requirement, it is good practice for transition information to be passed to parents from their preschool settings. CCEA introduced a transition form to assist that, although many settings have developed their own. Many preschool and year 1 teachers also meet in August/September to discuss children's progress.

Teachers are required to assess and report to parents on the cross-curricular skills in the first years of every pupil's primary education. While that does not have to be done with reference to the levels of progression until year 3, year 1 teachers may use CCEA's non-statutory development stages in learning as a baseline tool in conjunction with the information gained from the preschool and parents. The development stages also show the progression into level 1 of the levels of progression. That is intended to provide the first element of a coherent framework within which the progress of an individual pupil and/or a cohort can be monitored.

Teachers are also required to assess and report to parents on pupils' progress in areas of learning and other skills such as thinking skills, personal capabilities etc. That assessment should be carried out in accordance with the school's own assessment policy, giving it the flexibility to suit the needs, interests and abilities of its pupils.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his response. Does the Minister not believe

that baseline assessment is essential when a child enters primary 1 to identify what additional support is needed, if any, and to ensure that the child is taught at the most appropriate level?

Mr O'Dowd: Gabhaim buíochas leis an Chomhalta as a cheist. I thank the Member for his question. Best practice is that baseline assessment information should be shared either between the nursery school and the primary school or, at a later stage of the child's life, between the primary school and the post-primary school. I have no plans to legislate to make it essential, but best practice dictates that it should be the case, and many of our schools carry out that work. As I said in my answer to your original question, CCEA provides forms for it to be transferred, and many settings use their own forms to do so. So I think best practice is used in the vast majority of our schools. For those schools that do not use it, I think it would be in their interest as well as that of the pupils to use it.

Mr Storey: I thank the Minister for his answer, but I am not sure whether it was a yes or a no. Given what the Minister has said about the importance of teachers and the vital role that they play in the assessment process currently in our schools, will the Minister listen to what teachers say, rather than what happened in the past with computer-based assessments (CBA), when the Minister and the Department failed to listen and we had the disastrous situation with CBA? Will he give an assurance that context will also be taken into consideration with regard to the baseline process?

Mr O'Dowd: Computer-based assessment has clearly had its problems with delivery on the ground, but the principle of computer-based assessment has been broadly welcomed by teachers. Of course the Department will continue to listen to teachers, their experiences in the classroom and their professional opinion on moving these matters forward. I believe that the technical problems that existed in computer-based assessment can be resolved. We also have to look at the procurement issues around computer-based assessment and ensure that any system is allowed to bed in and teachers have the opportunity to use it for a significant number of years, to the benefit of the children and the teachers. All those lessons will continue to be learned, and I can assure the Member that I listen to teachers as I progress through policy development.

Mr Cree: I was also listening to the Minister to hear whether it was a yes or no, and I am still not quite sure either. Minister, can you at least

give us an indication of a timescale or a likely introduction date for baseline assessment for all pupils?

Mr O'Dowd: It is interesting that Members want a yes or no answer about assessment between nursery and primary school. The Member's party in particular has often said to me in the House, "Leave it up to the professional judgement of teachers". If it has to be statutory, I have to bring legislation before the House. We will have to set out in legislation how that assessment takes place. Is the Member then saying that I should not leave it to the professionalism of teachers? We have to make up our minds on these matters; you cannot have it both ways. Hence, I believe that the current system is capable of delivering the requirements to the benefit of the child. I do not believe that we need legislation at this time. The matter will be kept under review, but I think that, without doubt, the vast majority of our settings have a process that benefits young people and there is no requirement for legislation at this time.

Schools: Attendance

2. **Mr D McIlveen** asked the Minister of Education for an update on his Department's management of school attendance policies. (AQO 5131/11-15)

Mr O'Dowd: Regular school attendance is crucial in raising standards in education and ensuring that every child has full access to the curriculum and, most importantly, reaches their full potential. The day-to-day management of pupil attendance is, of course, a matter for schools. Every school should have a clear strategy for managing and promoting pupil attendance. They must include a summary and evaluation of this in their school development plan. The Education and Training Inspectorate monitors this as part of the school inspection process.

My Department has provided guidance to schools in circular 2013/13, entitled "Attendance guidance and absence recording by schools". It came into effect at the beginning of the 2013-14 school year and provides schools with good practice guidance and strategies to manage pupil attendance and includes an attendance policy template.

Mr D McIlveen: I thank the Minister for his answer. The Minister will be aware that it has been highlighted that school attendance is a particular challenge at the moment among Protestant males. What resources is his

Department putting specifically into dealing with that issue?

Mr O'Dowd: The issue of educational attainment among working-class Protestant males was highlighted particularly through the Purvis report and other evidence. My Department has in place policies that support all sections of our community with educational underattainment, although there is also a responsibility on community leaders, political representatives and those with influence in communities to emphasise the importance and benefits of education. Of course, the Member will be aware that, if you tell a child at the age of 11 that they have failed, the child will automatically think that it is not the education system's fault but their own fault and, therefore, will disengage from education. I suggest that the Member reviews his party's policies on education if he truly wishes to raise educational attainment among Protestant working-class males.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister expand in outlining to the House on what role families and communities, alongside a school, can play in improving school attendance?

Mr O'Dowd: Clearly, a significant responsibility rests with parents, the family and the community circle. For all children, there are simple things, such as regular bedtimes, regular times for getting up in the morning and ensuring that children have adequate time to prepare themselves for school in the morning and nutritional food is available for the child in the morning to assist the child in getting out to school. There is also encouraging the child in the importance and benefits of education and assisting the child to enjoy the educational experience.

I accept that, in a number of cases, parents themselves may well have had a poor educational experience through their fault or the fault of others in the system. However, there is a duty on all parents and guardians to ensure that their children attend school. Any issues that the child faces can be discussed with the school principal, the board of governors and, indeed, education welfare officers, who are there to assist parents and families when a child's attendance drops below a certain level. A number of mechanisms are in place, but family support, as in many other aspects of life, is crucial.

Mr P Ramsey: Given that attendance is not compulsory in preschool settings, what efforts

are being made to develop positive attitudes among parents with regard to the attendance of their children?

Mr O'Dowd: Preschool education is not a statutory element of our education system. It has grown since it was introduced in 1997. Given the one-time concern about the number of preschool places available and the competition among some parents to obtain preschool places, it is only right and proper that, if you obtain a preschool place, your child attends. Considering that that stage of our education system is not a statutory requirement, there would be no point in bringing forward statutory provision on attendance. However, I think that it is a most valuable part of a child's education because it helps them to develop social and communication skills and assists in their preparation for primary school. Therefore, when parents achieve a preschool place, it is vital that their child attends regularly.

Mr Swann: Has the Minister had conversations with any of his ministerial colleagues either across the water or throughout the EU about how they tackle poor school attendance?

Mr O'Dowd: I have not had specific conversations about that with any of those Ministers. However, I have regular conversations about the education system in general, in particular with my Welsh counterpart and, indeed, my counterpart in Dublin, Ruairi Quinn. All aspects of education are covered. We are trying to achieve an education system that is attractive to our young people and delivers results both for the individual and our economy.

Schools: Surplus Places

3. **Mr McCarthy** asked the Minister of Education what role he believes integrated education can play in addressing the number of surplus places in the school system. (AQO 5132/11-15)

Mr O'Dowd: All sectors have a role to play in providing a network of viable and sustainable schools to meet the preferences of parents. Given demographics over the past number of years and the projections going forward, managing the removal of surplus places is a natural consequence of ensuring that we have a system that is capable of effectively meeting the needs of our society in going forward. As there is a finite number of pupils for whom education provision is required, any growth in one sector will inevitably impact on the others. Surplus or unfilled places are defined as the

difference between the approved enrolment and the actual enrolment of a school. The overall level of unfilled places will reduce only through an increase in the pupil population, a reduction in a school's approved enrolment number or a reduction in the number of schools.

Mr McCarthy: I thank the Minister for his response. Given the potential for integrated schools to provide for much more sustainable education in the future, was the Minister disappointed that there was so little consideration of integrated schools in the plans produced by the education and library boards?

Mr O'Dowd: All the post-primary area plans are being sifted by a steering group that includes the integrated sector. I am on record as saying that, where shared education or integrated education opportunities arise, they should be followed by the relevant authorities. I appreciate the Member's support for integrated education — I am not questioning that — but I do not believe that integrated education is the sole answer to surplus places. When you open an integrated school, an Irish-medium school, a maintained school or a controlled school, you take pupils away from one or other of the sectors or a mixture of the other sectors, perhaps the integrated sector, and you are still left with surplus places. Integrated education stands in its own right and should be promoted and facilitated in its own right, not simply as a way to reduce surplus school places.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister give us his assessment of surplus places in our system and tell us what plans, if any, he has to remedy the situation?

Mr O'Dowd: One of the driving forces behind area planning is the fact that we have significant surplus places in our schools estate. If we are to create a sustainable schools estate into the future, we have to deal with that in a planned way. Over a number of years, we have seen schools closing and being allowed to die on the vine, as it were, because of demographic changes or because confidence in the school, wherever it may be, has changed and the managing authorities have not been responsive to that. I believe that, through area planning, we can take a responsive role much earlier in the process either to secure the sustainability of a school into the future or to take action to close the school if necessary, while protecting the educational outcomes of the young people attending that school. I believe that we can reduce surplus places through area planning and by looking at how we budget and finance

schools and how we encourage sharing in the schools estate.

2.15 pm

Mr Byrne: In the absence of the Education and Skills Authority (ESA), will the Minister state who should take the lead at a local level in trying to promote a shared educational pathway as a possible solution to addressing the threat to some local primary schools?

Mr O'Dowd: Ideally, the lead should come from parents, pupils, teachers and boards of governors of schools. That should be responded to by the managing authority, whether that be the Council for Catholic Maintained Schools (CCMS) or one of the boards. They should respond positively where there is a demand for a shared education programme.

Mr Agnew: How is the demand for integrated schools ascertained in areas where integrated schools are not available?

Mr O'Dowd: The demand for integrated schools, as with any other school, is measured by parental preferences in responses to school places etc. It is also measured through community projects or programmes of work. In a rural area, an integrated school can be established for 12 pupils and, in an urban area, one can be established for 15 pupils if no other schools are available in the vicinity. So, the process is there and it has been simplified over the years to assist parents in promoting and bringing forward plans for integrated education.

Social Deprivation: Free School Meals

4. **Mr Anderson** asked the Minister of Education for an update on the investigation into alternatives to, or criteria supplementary to, free school meals as an indicator of social deprivation. (AQO 5133/11-15)

Mr O'Dowd: My Department is not involved in an investigation into alternatives to free school meals as an indicator of social deprivation. My Department takes the view that entitlement to free school meals is an effective indicator of social disadvantage. Free school meals entitlement has a number of characteristics that make it the most reliable indicator for identifying social deprivation. It relates to the individual pupil, so it is more robust than a spatial measure that assumes that everyone in an area is alike. It is updated yearly, so is current. It is

clearly gathered at school level and is available to us as part of the census return. It is highly correlated with multiple deprivation measures and the income deprivation affecting children index.

Where appropriate, the Department utilises spatial methods of deprivation. For example, the multiple deprivation measure and information on those resident in neighbourhood renewal areas are used in a number of its programmes, such as extended schools and Sure Start. The view of the independent panel that conducted the review of the common funding scheme was that free school meals entitlement provides an indication of the relative concentration of potentially disadvantaged pupils in a given school in a way that no other indicator currently does.

Mr Anderson: I thank the Minister for that response. Will he comment on the response from the Children's Law Centre to his proposals to reform the common funding formula? It states that the use of free school meals as a primary indicator to allocate funding fails to capture the needs of all vulnerable children; nor will it address low educational outcomes for some groups of children, particularly children with special educational needs.

Mr O'Dowd: I totally reject its finding. When anyone looks at my record on special educational needs, no one from a fair basis can suggest that I have discriminated against children with special educational needs in any way. No one can bring forward a sound argument that the changes to the common funding formula that I suggested, which make no changes whatsoever to funding for special educational needs, will disadvantage children with special educational needs. I reject its commentary.

Ms Maeve McLaughlin: Go raibh maith agat. Why is poverty and social disadvantage still a determining factor in our school and education system?

Mr O'Dowd: It is still a factor because we have not taken any actions to robustly correct it. Those who criticise free school meals entitlement and directing more finance towards large groups of children on free school meals and who are socially disadvantaged have ignored that fact for decades. I am amazed when I hear all those people talking about the rights of children, socially disadvantaged children and special educational needs children, because they have ignored that fact for years. It is reported in the all-party Public

Accounts Committee report, the independent Sir Bob Salisbury's report and other statistical information that we have that a child on free school meals is half as likely to do well in education as any other child.

I am not ignoring it, and I do not believe that, as a society, we can continue to ignore it. We have to tackle it. The consultation responses on this are currently being analysed. It is worth noting that the majority support the principle of tackling educational underattainment using identification measures. There are certainly differences of opinion about how we should do that. However, if, as a result of the consultation process, we can come together with a formula that tackles all of those issues, I am prepared to accept that formula. However, those who have ignored this for years cannot now come forward and lecture me on ignoring or infringing on the rights of any child.

Mr Kinahan: I thank the Minister for his answer, although I do not think that the consultation included a question that specifically asked you to come up with your own ideas. Has the Minister investigated the policy of using data from super output areas, rather than individual households, as criteria for assessing eligibility to free school meals? If so, what was the result of that investigation?

Mr O'Dowd: One of the principles of a consultation is, surely, having an alternative. Surely, that is the central principle of a consultation. If you ask in a consultation, "Do you agree with me or not?", that is a ballot, not a consultation. They are different, and there is certainly a duty on all of the political parties and those who strongly condemn me for using free school meals entitlement and tackling this issue to come up with an alternative. As I stated in the House before, I spent the weekend reading the political parties' consultation responses, and no alternative was provided by any of them.

On super output areas, as I said in my original response to Mr Anderson, there is a direct correlation between high concentrations of free school meals entitlement and areas of deprivation. You will not find an area of relative wealth or middle income where you have a high concentration of free school meals entitlement. You will not find an area of social deprivation where you will not find a high level of free school meals. Both of them correlate with each other, because the children, particularly those going to primary schools, travel relatively short distances to school.

We will examine all elements as to how we fund these issues. Members keep avoiding the very

important fact that a child in receipt of free school meals has 50% less chance of achieving in education than a child who is not in receipt of free school meals. Someone needs to answer that question for me when they are criticising free school meals entitlement as an indicator of social deprivation. If it is not an indicator of social deprivation, it is an indicator of something. It is an indicator that that child is not succeeding in education, and we need to do something about it.

Mr Rogers: International research, Minister, shows that there is a strong link between educational achievement and the occupation, education and economic status of the children's parents. Do you have any thoughts on including those factors in future measures of education disadvantage?

Mr O'Dowd: I would argue that that is exactly what I am doing. The financial position of the parents states whether a child will receive free school meals. That will mean that the parent is either unemployed or is in a low-income bracket, which probably will mean in a low-skills post. That will also indicate the educational background of the parent. I suggest that using free schools meals entitlement is doing exactly what the international research suggests I should do. It is also carrying out exactly what the Public Accounts Committee, in June of this year, and to which all of the parties in the Chamber signed up, suggested that I should do. Again, Sir Bob Salisbury's report said that I should do that. I did not wake up one morning and decide that it was a good idea to use free school meals entitlement as an indicator of social deprivation. I did not simply think, "I wonder whether there is any correlation between that and the outcome of a child's education". It is based on sound international and local research.

No one else has come forward with an alternative indicator that measures in the way that free school meals entitlement does. The fact is that some parties in this House do not want to give, and are stridently opposed to giving, more funding to schools with a higher concentration of social deprivation, regardless of how it is measured. That is the simple fact of the matter. As I have stated previously, in 2006, when the direct rule Minister forwarded a very small amount of money towards social deprivation, the DUP objected to it. This is not about what we call the indicator; it is about actually giving more money to schools in areas where there are higher concentrations of social deprivation. That is what the debate is about.

Literacy and Numeracy

5. **Mr Ó hOisín** asked the Minister of Education how his Department has responded to the recent Public Accounts Committee report on improving literacy and numeracy achievement in schools. (AQO 5134/11-15)

Mr O'Dowd: My Department's response to the Public Accounts Committee (PAC) report on improving literacy and numeracy achievement in schools is in the memorandum that the Minister of Finance and Personnel presented to the Assembly on 23 August 2013.

I have accepted all of the 16 recommendations that were outlined in the report, and I have provided a detailed response to each of them in the memorandum.

In particular, the PAC report also stated that the large gap in attainment between pupils who receive free school meals and those who do not cannot continue. As a result, it strongly recommended that DE undertakes a full review of the current common funding scheme to target funding to where it is most needed. That is what I have done.

Since coming to office, I have continued to implement policies to raise standards and to tackle educational underachievement in schools, and to address the gap between pupils who are entitled to free schools meals and those who are not.

Those policies include the school improvement policy, Every School a Good School; the literacy and numeracy strategy, Count, Read: Succeed; the Learning to Learn framework; and the special educational needs (SEN) and inclusion review, to name but a few.

I have also provided funding for a range of additional interventions with a focus on improving standards in literacy and numeracy across all sectors.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Does the Minister agree with the PAC that more must be done to mitigate the effects of poverty?

Mr O'Dowd: I do agree, and when we are aware of the fact that 80% of a child's learning and learning experiences take place outside the classroom, we cannot ignore the family background at home and the social circumstances in which the child might find itself. We have to take that on board.

It is a challenge for some schools, for our education system and for me as Minister. The first paragraph in the Programme for Government clearly states that it will:

“grow the economy and tackle disadvantage.”

I intend to do that, and I believe that this policy carries out that function.

How many reports does the Assembly have to receive on this matter time and time again? Even its own report from the Public Accounts Committee, which is one of the most highly respected Committees in the Building, first, tells you that you should review the common funding formula with a view to directing more funds towards social deprivation and free school meals, and, secondly, indicates that children on free school meals have less of a chance in mainstream education. Do I just ignore that because it is an uncomfortable conversation and may cause ripples and consternation, given that it is controversial? I heard an expert say recently that these proposals should be dismissed because they are controversial. We are politicians; we are political leaders. If we were to avoid everything that is controversial, we would achieve nothing in this society. None of the arguments presented thus far has deflected me from the point of view that we have to tackle this issue. How we tackle it is open for discussion, but I am not avoiding tackling the issue.

Mr Dallat: I listened to the Minister very carefully, and I am sure that he will agree that literacy and numeracy are the most emotive issues that we can discuss. Can he tell us, after 15 years of the Assembly and several Public Accounts Committee reports all making the same recommendations, why we still have several thousand children leaving school each year not able to read or write?

Mr O'Dowd: I am glad that the Member has suggested that it is over a 15-year period. I am aware of only one specific PAC report that refers to tackling the issue, which I am doing. However, if you are telling me that the PAC has been recommending this for 15 years, I will tell you why nothing significant has changed. Levels of literacy and numeracy are continuing to rise but not fast enough for my satisfaction, and the gap remains. I will tell you one of the reasons why: we have not been determined enough to do anything about it. We have avoided funding it. We cannot expect schools that are dealing with high levels of social deprivation to carry out that task on the same

basis as those that are not dealing with high levels of social deprivation. We do not ask any of our other public services to do it, and it is beyond me why we are asking our school system to do it.

Mr Deputy Speaker: That is the end of our listed questions. We will now move to 15 minutes of topical questions.

Education and Library Boards: Staff Pay

1. **Mr Lynch** asked the Minister of Education whether there has been any progress on the complete payment of incremental pay to education and library board staff. (AQT 441/11-15)

Mr O'Dowd: As you are aware, a two-year pay freeze for public sector workers was agreed in the 2010-11 financial year, except for those earning less than £21,000 a year, who would receive an increase of at least £250 in the two years. All the Department's arm's-length bodies (ALBs) paid eligible staff the £250 payment for 2010-11 and 2011-12. I decided that there would be a further £5 million to cover the costs of the £250 payment to all eligible education staff in the voluntary school sector and the grant-maintained integrated school sector in both the 2010-11 and 2011-12 financial years. Non-teaching staff in those sectors have not yet received the payment for either year. All the necessary approvals as required under the Executive's pay policy are now in place. Schools have been asked to supply details of all eligible staff, and over 90% of schools have responded.

2.30 pm

The agreement for other incremental payments, which usually comes through in April, did not come through until July. I have given all approvals in my Department, but this is a public sector pay issue that has to go through the approvals of the Executive as well. We have taken measures to ensure that, in future years, this will be dealt with much more quickly, but I accept and understand the frustration of those staff who have yet to receive their payments. However, I assure the House and those staff that my Department is doing everything in its power to ensure that that money is paid out as soon as possible.

Mr Lynch: Gabhaim buíochas leis an Aire as an fhreagra sin. I accept the Minister's

assurance, but can he assure us that no such delays will happen next year?

Mr O'Dowd: We have taken a number of measures around annual pay increases and increments and split them. We have had agreement from DFP to move that forward in the manner in which we are now doing. I believe that that will decrease delays in future years, ensure that we do not run into this problem again and ensure that workers receive in proper time the payments that they are due.

Education Minister: Ontario Trip

2. **Mr Hazzard** asked the Minister of Education for an update on his recent trip to Ontario, Canada. (AQT 442/11-15)

Mr O'Dowd: I travelled to Canada and America at the start of October. I particularly wanted to visit Ontario, as it has been through a programme of radical change over the past 10 years for tackling educational underachievement across the board, particularly for those from socially deprived backgrounds. The debate and discussions that I had with the Minister, senior officials, trade unionists, teachers and parents on the ground was very enlightening.

The debate that Ontario had 10 years ago is the debate that we are now having about whether to direct more funds towards social deprivation. It directed more funds, and its education gap is closing much more rapidly than ours. Ontario is seeing the education outcomes for all young people in its society, and it proudly boasts that it has one of the leading education systems in the world. It was a very useful and informative visit, and it shows that insular thinking, which we are sometimes guilty of in this part of the world, hinders us making progress on many issues.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. I am fully aware that not all lessons are transferable to this part of the world, but I wonder whether he can outline some of the pertinent examples and lessons that he brought home that we might apply to our own system.

Mr O'Dowd: The most obvious lesson to be learned is that, if you wish to tackle educational underachievement among those from socially deprived backgrounds, you have to fund it. You cannot wish it away, nor can you hope that the same funding system will work for those from more affluent communities and those from less affluent communities. You have to take

dedicated action to resolve the issue, and Canada has achieved that.

Canada also gathers mammoth amounts of information about individual pupils. Its school censuses are very detailed about the background of a child, the background of the parents and the ethnicity of a child. It can follow children through their school career by having very detailed data and can put in place targeted systems to assist the child on its journey. I do not think that our society is ready for that just yet, but I believe that the major lesson to be learned is that, if you have the evidence to resolve an issue, you should use that evidence to resolve the issue.

Teacher Training

3. **Mr Attwood** asked the Minister of Education whether he is satisfied that his input to and, arguably, ownership of the Employment and Learning Minister's stage 2 review of teacher training is being fully acknowledged and is comprehensive, given his responsibility for the nature and content of teacher training, including the number trained. (AQT 443/11-15)

Mr O'Dowd: I have no doubt that the Member is only too acutely aware that I have no ownership of the review and that the Minister for Employment and Learning has responsibility for the review that he is carrying out. I can assure the Member that I will make input into that review in the areas where I have responsibility. I have taken part in trying to give surety to our further education colleges. I have set numbers for the next two years for teacher numbers and teacher training, which was not the practice previously. However, this is solely a matter for the Employment and Learning Minister.

Mr Attwood: I thank the Minister for his answer. The Employment and Learning Minister said during oral answers to questions in the Chamber on 8 October that, when it comes to teacher training:

"The current situation is not sustainable."

He added that, whether you are talking about the system generally or about St Mary's:

"it is not financially sustainable today". — [Official Report, Vol 88, No 4, p22, col 2].

Are you concerned that the Employment and Learning Minister is rushing his fences and getting ahead of himself when it comes to this

review, given your clear responsibilities in respect of teacher training?

Mr O'Dowd: As I rise to my feet, I can read the Member's press release to the 'Andytown News' and other west Belfast newspapers. I am not responsible in any way for the Minister for Employment and Learning's review or how the Minister for Employment and Learning answers questions in the Assembly. I suggest that the Member puts his name into the lottery for the next session of topical questions with the Employment and Learning Minister and asks him those questions then.

Ballymena: Area Planning

4. **Mr Swann** asked the Minister of Education for an update on area planning in Ballymena. (AQT 444/11-15)

Mr O'Dowd: I can give you an update on Ballee. Consultation on the development proposal for that school ended today. My officials will receive the information from the board and collate all the information that we have gathered on Ballee. At a future stage, I will make a decision on the future of that school. I do not have the information on the other school in front of me, but I am happy to share that with the Member in written form.

Mr Swann: I thank the Minister for his answer. I think that he knew where I was going to go in the supplementary. I declare an interest as a governor of two schools in the town of Ballymena. The proposed closure of Ballee is ongoing. Does he not think that it pre-empts area planning if the school is closed before a full area planning scheme can be put in place? Would he also like to comment on the Better Way proposal that was put forward by the governors of Ballee Community High School when we met him twice?

Mr O'Dowd: The Member will appreciate that the consultation is now closed. It would be unfair of me — indeed, I would be in breach of my statutory duties — to give any views on whether or not the development proposal was timely. That will form part of my deliberations before I make any decision on that matter.

I have to say that I was impressed with the views expressed and the plans brought forward by the board of governors. I have had two meetings with representatives of the board of governors. As in many other circumstances that I deal with, I have to make a decision on whether those interventions have taken place in time and whether they will be able to ensure

that current and future pupils will be able to achieve excellent education in that facility. Those are the deliberations that I will have to think about in the weeks ahead.

Transport: Home-to-school

5. **Ms Boyle** asked the Minister of Education why the review of transport that he announced this morning is necessary. (AQT 445/11-15)

Mr O'Dowd: It is a considerable number of years since we had a review of transport. The last one dates back to 1996. In the early part of the current mandate, the Assembly voted that I conduct a review of home-to-school transport in all of its elements. Today, I have set forth a review to be undertaken by Sian Thornthwaite, Margaret Martin and Tony McGonagle, who are all highly experienced in the field of education and transport issues. They will report back to me by August 2014.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Will he outline to the House the terms of reference for the review?

Mr O'Dowd: The terms of reference are quite significant in length, and I do not have them all in front of me. However, the review will look at all aspects of home-to-school transport and the financial viability of our current practice in that. Other areas that have been raised with me recently include transport provision for post-16 pupils, and it is said that choices are maybe limited by that provision. I also want to look at how we support some of the most vulnerable young people in our society in their special educational needs and at cross-border transport provision. No doubt, the terms of reference will be shared with the Education Committee. If they have not been, they will be. I am also happy to share them with other Members of the Assembly.

Holy Trinity College, Cookstown

6. **Mr McGlone** asked the Minister of Education for an update on the proposals for a newbuild at Holy Trinity College, Cookstown. (AQT 446/11-15)

Mr O'Dowd: Holy Trinity was one of the newbuilds that I announced in January 2013. To bring that build to fruition, we require confirmation from CCMS about area planning in that area. We need to know how it proposes to build up enrolment of that school to 1,300 pupils. I believe that CCMS has been engaging

with my Department and has provided figures as to how it proposes to make that a reality. That will allow us to make progress. We will then move on to detailed design, procurement etc, which will take a number of years to complete.

Mr McGlone: Mo bhuíochas leat agus leis an Aire. Just following on from what the Minister said, has his Department not agreed pupil capacity with CCMS for the newbuild?

Mr O'Dowd: Gabhaim buíochas leis an Chomhalta. It is not a case of me having to agree. I have agreed in principle that I want to see a 1,300-pupil school at Holy Trinity College. CCMS says that it agrees and wants to see a 1,300-pupil school in that area. I believe that — I stand to be corrected; you will appreciate that I do not have all the details in front of me — CCMS is preparing plans as to how that will be achieved in the period ahead. I am not concerned about the matter. Holy Trinity College has the green light; I know that because I gave it to it. That build will take place in the next number of years. It is a core, central school in that constituency and will continue to be so only in a new building.

Cross-border Learning Community

7. **Mr Flanagan** asked the Minister of Education for an assurance that CCMS is free to approach either the Donegal vocational education committee or local schools to explore a cross-border learning community for that area, given that, last week, along with MLAs from other political parties, he met the chief executive and deputy chief executive of CCMS to discuss the future of Brollagh and was informed that they have procedural difficulties in approaching schools or managing authorities in the South to explore possible partnerships. (AQT 447/11-15)

Mr O'Dowd: I am not aware of any power that I have to stop them carrying out such exploratory work and engaging with schools across the border. If they require my permission to do so, I assure you that I will give it. I am not aware of a power to stop them. If it is a case of me having to go through protocols and inform Minister Quinn or, indeed, the Department of Education and Science in Dublin, I am more than happy to do so. My main interest in this is to ensure that we have a viable, sustainable educational facility or facilities in that area.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Work that has been done in the local area demonstrates that more than the

required number of 24 subjects can be delivered at GCSE level if there is a partnership with schools in Ballyshannon and Bundoran. However, given the reluctance of CCMS to bring forward or look at this matter, is the Minister inclined to discuss this at some future stage with the Minister of Education in the South, Ruairi Quinn?

Mr O'Dowd: I am happy to raise the matter with Minister Quinn, either at one of our formal meetings or in an informal discussion. I have a meeting with the area planning steering group this week and that might present an opportunity for me to raise the matter, or CCMS may well raise the matter with me at that.

2.45 pm

Enterprise, Trade and Investment

Tourist Board: Review

1. **Mr Gardiner** asked the Minister of Enterprise, Trade and Investment to outline the rationale for the review of the Northern Ireland Tourist Board. (AQO 5145/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): Arm's-length bodies are reviewed periodically. The review of the Northern Ireland Tourist Board and wider tourism structures follows my recent review of the Consumer Council and the independent review of economic policy report in 2009, which reviewed the functions of Invest Northern Ireland. With the success of ni2012 and, indeed, continued success in 2013, now is an opportune time to undertake the review to ensure that we have the optimum structures in place to deliver the tourism targets that are set out in the Programme for Government and the economic strategy.

John Hunter, a retired civil servant, has agreed to undertake the review. The review will also look at the opportunity presented by RPA to maximise the impact of local tourism structures.

Mr Gardiner: I thank the Minister for her response. I am glad that the Minister agrees with the Ulster Unionist Party that Northern Ireland is a unique tourist destination. Will the Minister tell us how she plans to address the 9% drop in the number of visitors coming to Northern Ireland for the first time?

Mrs Foster: That may be an Ulster Unionist policy, but it is very clear that that party may be agreeing with me on the fact that Northern Ireland has a unique proposition.

I have looked at the figures for tourists coming to Northern Ireland that came out recently. I was very pleased to see another increase in the number of tourists coming to Northern Ireland, particularly those from GB, which is our biggest market. It is very good to see that the numbers are up for those visitors by 18%. I recognise that there has been a drop in the number of visitors from the Republic of Ireland of some 14%. However, overall, the figures are up by 6% for visitors from outside Northern Ireland. The number of visitor nights spent in Northern Ireland increased by 5% in the first six months of 2013.

Statistics are there, and people can take different stories out of those. However, I am very encouraged by the headline statistic that the figures are, yet again, going in the right direction.

Mr Douglas: I thank the Minister for her answers so far. Does the Minister agree with me that the recent C S Lewis Festival in east Belfast was hugely successful? That was supported by the Northern Ireland Tourist Board. That is the sort of event that we should encourage the Northern Ireland Tourist Board to be involved with in future.

Mrs Foster: Absolutely. I commend the Member for the work that he put into the C S Lewis Festival. I was privileged to attend one of the events. I would have liked to have attended more but, unfortunately, I was outside the jurisdiction for most of the festival on a trade mission to Dubai. I was delighted to see the first C S Lewis Festival get off the ground.

Obviously, C S Lewis was one of our literary stars. In the past, he has not received the attention that he deserves. At the event that I was able to attend, I think that I said that I really believe that, like the Beckett Festival in Enniskillen, we can make those literary festivals annual events on the calendar for people to come to areas of Northern Ireland and really get to know about the individuals involved. In parentheses, I was really pleased that, at last, C S Lewis has been honoured with a memorial stone in Westminster Abbey. That was a very fitting thing to happen.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for her

responses. Will the Minister provide us with some detail on what discussions she has had with Executive colleagues about the future of the Northern Ireland Tourist Board?

Mrs Foster: I have not had any discussions with Executive colleagues because the review has just begun. As I indicated, John Hunter is undertaking that review, and he will speak to whoever he needs to and come back with his views on the Northern Ireland Tourist Board. Where there is a need for change, he will point that out. Where there is no need for change, I am sure that he will point that out as well. Tourism sits within my portfolio. Therefore, I have taken the decision that there needs to be a review.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answers. In her substantive answer, she mentioned the drop in visitors from the South. Would the Minister like to take this opportunity to call on those who are out on the streets engaging in parades and protests to come off the streets? That is having a negative impact on visitor numbers from the rest of Ireland.

Mrs Foster: The Member would do well to read an article by Ivan Little in today's 'Belfast Telegraph', which states that Saturday was a triumph for hope over hype. I think that there was a lot of hype in the lead up to last Saturday. Undoubtedly, there will be some people, even in this Chamber, who may be disappointed that the event passed over peacefully. I have to say that it is disappointing that there are those who try to make political points while the rest of us are interviewed. If the Member wants, I will give way.

Emigration

2. **Mr McElduff** asked the Minister of Enterprise, Trade and Investment to outline her strategy to tackle the current high levels of emigration. (AQO 5146/11-15)

Mrs Foster: The Northern Ireland economic strategy sets out the Executive's collective approach to growing the local economy and creating prosperity and employment. By growing the economy and creating skilled, high-paying employment opportunities, we will encourage our talented people to remain in Northern Ireland and, hopefully, attract back those who may have emigrated in recent years.

Latest available data shows that the number of employee jobs increased by more than 5,000 in the year to June 2013, with over 3,000 of that

increase coming in the last quarter. By the end of September, Invest NI had promoted over 17,200 jobs in the Programme for Government period. That is significantly ahead of schedule with respect to the delivery of our Programme for Government jobs target. Indeed, of the 6,600 jobs promoted through the jobs fund, 3,525 new jobs have already been created.

Mr McElduff: Go raibh maith agat, arís, a LeasCheann Comhairle. Given that thousands of our best educated young people are in the likes of Australia out of economic necessity not choice, and given that many are saying that there are no job opportunities to entice them home, is there any determination on the part of the Minister and her Department to direct graduate job schemes and potential inward investment to those areas of highest emigration and unemployment, including West Tyrone?

Mrs Foster: First, the Member makes a statement that there is nothing to come home to, when he knows that, particularly in his constituency, we have made a number of significant job announcements in the past short time. Terex, Telestack and Frylite have all come forward with jobs, and he should be welcoming those job opportunities and saying that there are job opportunities in his constituency for people to come back to. It is not just about the perception of those young people who leave for whatever reason. Sometimes, they leave for economic reasons, and, other times, they leave to gain experience in different countries, and I think that is a good thing for Northern Ireland, as long as we have the jobs available for them to come back to. We have those jobs available in West Tyrone, and he should be going forward and making sure that those young people know about those job opportunities.

Mr I McCrea: Can the Minister provide a breakdown of the number of people who are leaving Northern Ireland and those who are coming in? Can she give an assessment of the figure that people give off about when they say that nobody is doing anything?

Mrs Foster: Over the past 15 years, the trend has been for net immigration to Northern Ireland, with, on average, around 22,000 people each year coming to settle here. In 2011-12, immigration to Northern Ireland was 23,000, so that is people coming to live in Northern Ireland. Last year, 25,000 people emigrated from Northern Ireland. So, there was a 2,000 net plus for us last year, whereas, over the past 15 years, it has tended to be in and around the fact that there are more people coming into

Northern Ireland than leaving Northern Ireland. As you can see, there are quite a lot of people going out of Northern Ireland, but there are also quite a lot of people coming into Northern Ireland. So, ordinarily, it levels itself out throughout the year.

Mr Eastwood: Are there any specific initiatives to target those people who have left, tell them about all the opportunities that you mentioned and attract them back?

Mrs Foster: One of the ways that we do that now is through the Northern Irish Connections piece. When we go out to the different regions, we always make sure that we touch base with those people who have an interest in Northern Ireland, are from Northern Ireland or generally want to help Northern Ireland to grow. I have been very pleased to make a number of contacts through that Northern Irish Connections piece. A lot of times, it has been with some young people in the different regions, such as South Africa, America or, indeed, Dubai just very recently. We want those people to talk positively about Northern Ireland and the job opportunities that there are here at home, and we want to try to get those people to come home after they have gained experience in a different market, because the experience that they gain can be a real game-changer for us in Northern Ireland when they bring it back to us.

Bankruptcy: Down/Newry and Mourne

3. **Mr Rogers** asked the Minister of Enterprise, Trade and Investment how many sole traders and limited companies have entered bankruptcy or liquidation in the Down/Newry and Mourne council areas, in the past five years. (AQO 5147/11-15)

Mrs Foster: The Department does not keep statistics of insolvencies broken down by council areas. The total number of sole traders and limited companies in the South Down constituency that have entered bankruptcy or compulsory liquidation in the past five years is 296. That figure does not include companies that have entered into a creditors' voluntary liquidation or an administration.

Mr Rogers: I thank the Minister for her answer thus far. What steps has the Minister taken to improve access to credit, particularly for small and medium-sized businesses?

Mrs Foster: There is a range of access-to-credit programmes available, from the very

small business loans from £1,000 up to £50,000 to the growth loan fund, which has been very successful. It has been rolled out by WhiteRock Capital Partners on our behalf. They have made just under 60 loans across Northern Ireland. I think that Invest Northern Ireland has created six access-to-finance programmes. That is a recognition that the banks have not been working with small and medium-sized businesses in the way in which we would have liked them to. The way in which we have intervened most recently is through the agrifood loan scheme, through which we hope to help those people who want to play an integrated part in our agrifood sector. We can help them to make the initial investment, first, in the poultry sector, to allow them to get the house up so that they can develop for the poultry sector and help to grow the industry. So, we have taken a lot of interventions on access to finance.

South Antrim: Jobs

4. **Mr Girvan** asked the Minister of Enterprise, Trade and Investment what potential job creation opportunities have been identified for South Antrim in the past 18 months. (AQO 5148/11-15)

Mrs Foster: In the past 18 months, my Department and Invest Northern Ireland have been working with the full range of businesses across the South Antrim constituency to encourage business growth and to increase employment opportunities. In total, Invest Northern Ireland made 447 offers to locally and foreign-owned companies in the constituency between April 2012 and September of this year. Invest NI has provided £9.7 million of assistance, which will contribute to £34.5 million of investment and promote almost 336 new jobs in South Antrim. In addition, over 30 offers of support, worth a total of £4 million, will see £11 million invested in research and development by companies in South Antrim. There have been 119 new business starts in the constituency over the same period, which have created over 100 new jobs, and there are 47 jobs fund projects at various stages of development, with the potential to create over 200 new jobs in total.

Mr Girvan: I thank the Minister for that response and, in doing so, welcome those jobs that have been promoted and those that have been created. Invest NI has a very large land bank in South Antrim, consisting primarily of the Global Point site. What is the intention in respect of that land bank?

Mrs Foster: The Member is right. We hold a lot of land in the South Antrim constituency. In seven locations, we have 394 acres, of which 106 acres remain available to support economic development projects brought forward by qualifying business. He mentions the Global Point business park. Of course, while full planning approval for the business park was achieved in 2008, a number of the planning conditions have resulted in protracted engagement with stakeholders by Invest NI to ensure a satisfactory resolution. I certainly would like to see a resolution to Global Point as soon as possible.

Mr Kinahan: I thank the Minister for her answer and congratulate her on the jobs and the work that has gone on. Is there a friendly way of working with Invest NI to make sure that, where it feels it cannot help somebody, people are looking at how else they can be helped to help the businesses that are there, because one or two fall by the way and find that they get a very firm no rather than a yes, maybe.

3.00 pm

Mrs Foster: I am disappointed to hear that. I would hope that, if Invest NI was not able to help a business, particularly a small business, it would signpost it to other areas of help, such as the local Enterprise NI, which has been very helpful to small businesses in my constituency. I am sure that the Member recognises the work that Enterprise NI does right across Northern Ireland. In fact, it runs the regional Start programme for Invest Northern Ireland. However, if the Member has any specific issue, I am quite happy to look at it for him.

Mr Deputy Speaker: I remind Members that that was a particular constituency question.

Mr G Kelly: Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answers up to now, and I thank the Chair for warning me of where not to go. However, I want to expand this a little by asking the Minister how she will ensure that people across the North will get fair and equitable employment.

Mr Deputy Speaker: I think that the question was very particular on this occasion, so we will move on.

Downpatrick: New Hotel

5. **Mr Wells** asked the Minister of Enterprise, Trade and Investment what support her

Department can provide for a new hotel in Downpatrick. (AQO 5149/11-15)

Mrs Foster: New hotel developments may benefit from capital support from Invest Northern Ireland if the promoter can demonstrate that the project is market driven and capable of attracting visitors from outside Northern Ireland and that it will not displace business from similar projects. New hotel projects offering at least 30 rooms may be considered for support.

Mr Wells: As the Minister may be aware, the former Abbey Lodge Hotel in Downpatrick was demolished six years ago. As a councillor and an MLA, I strongly welcomed the approval of a planning application for a new hotel. Since then, nothing has happened. Will the Minister continue to keep this matter under review to see what can be done? I think that it is a dreadful situation that a town the size of Downpatrick does not have a modern hotel of any description.

Mrs Foster: The Member is right, and, indeed, there were some discussions in 2009 and 2010 between the Invest NI tourism team and those who were seeking to develop a new hotel on the former Abbey Lodge Hotel site. However that did not reach a positive conclusion, and there has been no further contact since December 2010. Of course, if there are new plans, or if they have been revisited, we stand ready to look at those and will, of course, be as helpful as we can in all the circumstances.

Mrs McKeivitt: I am sure that the Minister knows how important the tourism sector is to the good people of south Down, particularly as we see it as a good economic recovery opportunity. I welcome the efforts locally for a new hotel in Downpatrick. What has the Minister done to improve the competitiveness of hotels, given that, in the Republic, the VAT rate is only 9%?

Mrs Foster: Yes, indeed they do, and that is one of the big issues for the Northern Ireland Hotels Federation. It is one of its five Ts that the federation talks about now. Of course, VAT is a Westminster issue. I have said to them that I will assist them in any way that I can, because it is very difficult for hotels and accommodation providers and, indeed, for those who provide food and drink. When they are along the border, they are competing with those just across the border who have a very different and attractive VAT rate.

So, we will work with the representative bodies in the tourism sector, along with the Tourist Board and Tourism Ireland, to try to make companies as competitive as we possibly can. That may well be through training to make sure that we have all the appropriate skills so that we can get an edge in that piece of work.

However, it is also through the jobs fund, which we have used. The tourism development scheme and the money that is available from Invest Northern Ireland for hotels is capital money, but we have also used the jobs fund to help hotels across Northern Ireland to take on new staff and to grow. So, the jobs fund is available to the hotel sector as well.

Ms Maeve McLaughlin: I listened to the Minister's comments about the jobs fund. Does the Minister have specific proposals on how she will activate the opportunity to increase the return to the local economy from the local hotel industry?

Mrs Foster: As I indicated, the jobs fund has been very useful for that. In her own city, £70,000 was offered to City of Derry Hotel Ltd for a very well-thought-out £500,000 expansion.

I have had the pleasure of visiting the expansion that took place there. It is about trying to make us more competitive and using our finances in a way that does not fall foul of European state aid rules. That is always a challenge for us when we look at new ways to help an industry. We will continue to work with the Hotels Federation and, indeed, all the other representative bodies in all the campaigns that they run.

Trade Figures

6. **Ms McGahan** asked the Minister of Enterprise, Trade and Investment for her assessment of figures showing that over 23,000 businesses have ceased trading between 2007 and 2011. (AQO 5150/11-15)

Mrs Foster: Looking at business closures in isolation does not give the full picture. Although over 23,000 businesses ceased trading, almost 24,000 began trading during the same period. When Northern Ireland is compared with the rest of the UK, it has the lowest business death rate of all 12 regions. However, it is an inevitable part of being an outward-looking economy that less competitive businesses will close down. That is why Invest NI focuses its support on local firms that are highly competitive and export-focused.

Ms McGahan: Go raibh maith agat. I thank the Minister for her response. Given the extent of business closures and the current economic challenges, does she agree that the capacity for economic recovery would be enhanced if we had the necessary tools to grow the economy?

Mrs Foster: That is why we keep pushing for corporation tax powers to come to Northern Ireland. We look forward to a decision by our Prime Minister after the Scottish referendum takes place next year. If we are able to secure corporation tax powers, that will certainly give us a competitive edge, particularly against the Republic of Ireland, which has a low level of corporation tax. If we have that tool in our box, it will make a real difference.

Mr Wilson: The Minister will be aware that a recent report has shown that, apart from difficult trading conditions, many businesses have been caused to cease trading because of the activities of banks, particularly RBS. Will she indicate to the House what steps she intends to take to ensure that any actions of Ulster Bank in putting people into liquidation so that its assets will be looked at either by the Treasury or the Department for Business, Innovation and Skills in their investigations of the scandalous activities of RBS?

Mrs Foster: Clearly, the findings of the independent lending review report on RBS and, indeed, the Tomlinson report on banks' treatment of businesses are very distressing to those concerned. The key finding from Tomlinson's report — that there are circumstances in which banks unnecessarily engineer a default to move businesses out of local management and into their turnaround divisions, thereby generating revenues through fees, increased margins and devalued assets — is a very serious matter for us here. As I understand it — I stand to be corrected — the Tomlinson report only covered RBS globally, and I would be very interested to see what the situation is with Ulster Bank. I welcome the fact that the bank has appointed a leading firm to look into these matters. The Member can rest assured that the Finance Minister and I will raise the issue with the bank in the very near future. We will also take the matter to the next joint ministerial task force on banking and access to finance, because it is a hugely serious issue. I know that the Member has met — as, indeed, have I — individuals and companies that have made allegations such as those in the Tomlinson report. We need to bottom out those issues and try to deal with what we have been left with. If it is the case that the practice went on in Northern Ireland, it

is, as I said on the radio last week, an absolute scandal.

Investment: Targets

7. **Lord Morrow** asked the Minister of Enterprise, Trade and Investment for her assessment of her Department meeting the target for new investment over the next two years. (AQO 5151/11-15)

Mrs Foster: One of the Programme for Government's key commitments is to achieve £1 billion of investment in the economy by March 2015. I am very pleased to say that, despite the uncertain economic conditions, we have achieved over £900 million of investment so far. I expect to exceed the original target substantially by the end of the current Programme for Government period.

Lord Morrow: I thank the Minister for her very encouraging answer. On reflection, does she feel that she underestimated in this instance?

Mrs Foster: I suppose I should have expected that that would be the question. The original Programme for Government target was set at the height of the recession. It took account of the potential negative impact of factors such as the potential changes to regional aid, on which we have been successful. We should not forget that we have been successful in retaining regional aid for Northern Ireland. I believe that the target was the right one at the time, and, indeed, some considered it to be a stretching target when we set it. I am delighted to see that we are so close to meeting it so early on. Be assured that this will not slow down our search for investment in Northern Ireland. Indeed, I want us to exceed the target and exceed it well.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Has the new investment created and stimulated economic recovery, and has it created jobs equally across the North?

Mrs Foster: The £900 million has been invested right across Northern Ireland; it has not just been invested in one part of Northern Ireland. I have had the privilege of attending many events right across Northern Ireland, announcing investment for communities. That will continue to be the case going into next year.

Mr A Maginness: I welcome the Minister's success in bringing inward investment to Northern Ireland. I hope that the £1 billion

target will be well exceeded. However, the problem for North Belfast man —

Mr Deputy Speaker: Will the Member come to his question?

Mr A Maginness: I am trying to put it into context. The problem for North Belfast man is that he does not see the benefit of investment in the North Belfast constituency —

Mr Deputy Speaker: Could we have a question, please?

Mr A Maginness: I ask the Minister this: is there any way of targeting that very welcome investment?

Mrs Foster: We have been through this time and time again. I listen to people from North and West Belfast complaining about jobs and investment going to another part of the city and I ask myself, "How far is it to travel to another part of the city?" I am really bemused by the idea that one part of the city getting investment is, in some way, bad news for another part of the city. It should be good news for the whole of Northern Ireland that we have been able to bring in investment over this past period of time.

There have been great advances right across Northern Ireland in job availability, whether through the jobs fund or through foreign direct investment. Sometimes I hear Members opposite saying that we have not had enough foreign direct investment, but that totally moves away from the fact that a lot of jobs are being created through the jobs fund. A lot of businesses are starting up in their constituencies that need as much assistance from their elected representatives as those that come about through foreign direct investment. We should be pleased and delighted about the jobs that are coming in, wherever they come from and whether they are with locally owned companies or foreign-owned companies.

Exports

8. **Mr Moutray** asked the Minister of Enterprise, Trade and Investment to outline the current level of exports, including the actions her Department has taken to grow export levels. (AQO 5152/11-15)

Mrs Foster: Northern Ireland exports in 2012-13 totalled £5.7 billion. I am pleased to report that, in the first six months of this year, exports were up by 3% over the same period in 2012 to £2.98 billion. Invest Northern Ireland provides

a range of solutions to assist local manufacturing and services businesses to export. Since April, it has arranged 31 trade missions, with a further 32 planned over the next six months. The 2014-15 visit programme will include around 70 events, a number of which I plan to lead.

Mr Deputy Speaker: That ends the period for listed oral questions. We now move on to topical questions. Miss Michelle McIlveen's name has been withdrawn.

3.15 pm

Energy Prices: Green Taxes

2. **Mr Wilson** asked the Minister of Enterprise, Trade and Investment what contact she has had with Ministers in England to discuss changes to green taxes that could help to reduce electricity and energy bills. (AQT 452/11-15)

I congratulate the Minister on her efforts to ensure that Northern Ireland was not included in the carbon tax, which probably saved about 15% on energy bills.

Mrs Foster: I thank the Member for his comments. I also thank him for the work that he carried out when he was Minister of Finance and Personnel. The Prime Minister has been very clear that he wants to look again at green taxes. I read in the paper that he was referring to something else green, but I had better not say that word in the House or I might be ruled as unparliamentary. There is a need to look at the issues again in the context of where we find ourselves. We listened carefully to what the Chancellor had to say yesterday about the reduction of bills. As far as I understand it, that just affects Great Britain and does not automatically flow over into Northern Ireland. I wait for his autumn statement to see the detail of all that, and, once that is there, we will of course be in touch with the relevant Ministers.

Mr Wilson: Last week, a report indicated that 42% of people in Northern Ireland live in fuel poverty. Does the Minister agree that one of the factors contributing to that is the policy of relying increasingly on renewable energy? Will she indicate to us, if we are to meet the target of 40% by 2020, what the estimated increase will be in the average energy bill for each household in Northern Ireland?

Mrs Foster: As the Member knows, the targets were set in the Programme for Government,

which every Minister signed up to when it came out. They were set at 40% for Northern Ireland. The reason they were set in that way is that we believe that we need a mix of sources of energy. There are reasons for that, one of which is security of supply. We also need to be sustainable in everything that we do, and we need to have good value for money. It is in the context of good value for money, given what we have been through, that it is sensible to look at our strategic energy framework again. Of course, when the Prime Minister and the Minister at DECC have looked at energy prices, we will then have a look at ours to see if there is anything that we can do in response. However, we will have to wait until the autumn statement, which is out on Thursday.

Economic Recovery

3. **Ms McCorley** asked the Minister of Enterprise, Trade and Investment what steps she will take to ensure that economic recovery will be fair and equitable, with ordinary families not suffering undue hardship, given that a recent PwC report said that although the economy is heading towards recovery, it is possible that the average household could lose £550 a year because of projected interest rate increases. (AQT 453/11-15)

Mrs Foster: I do not set the interest rates; the Bank of England sets the interest rates, and the governor has been very clear that he will not look at those until the national unemployment rate goes below 7%. The national unemployment rate at present is 7.6%, and our rate is 7.3%. I do, however, welcome the Ernst and Young and PwC reports that came out about two weeks ago, each of which showed that Northern Ireland is going into growth mode again at a faster level than they had first thought. I welcome that, and I hope that Members from right across the House will join us in trying to grow Northern Ireland.

Mr Deputy Speaker: I call Stewart Dickson.

Mr Dickson: Thank you, Minister. Minister, would you agree with me that campaigns such as —

Mr Deputy Speaker: Sorry, I forgot to call Rosie McCorley for her supplementary question.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. I thank the Minister for her answer. I refer again to the PwC report

and the previous report on fiscal powers. What they tell me is that it is time we secured the necessary tools to grow our economy so that it is fair and equitable and meets the needs of our people. Will the Minister tell me how her Department intends to address the issues raised in both those reports?

Mrs Foster: It is very interesting that, when people talk about getting fiscal powers to the Assembly, it is as if it is some gift that is coming down to us from Westminster. They all cost money. Who will pay for the fiscal powers? I remember that, when we were having the discussion about corporation tax powers, which we very much want to see coming to Northern Ireland, there were elements in society that said that it was too much money and we could not afford to have corporation tax powers given to the Assembly. I do not know what other powers the Member is speaking about, but they come with a price tag and people need to realise that.

Mr Deputy Speaker: I now call Stewart Dickson.

Small and Medium-sized Enterprises: Campaigns

4. **Mr Dickson** asked the Minister of Enterprise, Trade and Investment whether she agrees that campaigns such as Small Business Saturday, Backin' Belfast and others across Northern Ireland are vital to support our high streets, small businesses, industrial estates and, indeed, our village and corner shops. (AQT 454/11-15)

Mrs Foster: I very much welcome Small Business Saturday, which is this Saturday, 7 December. I have been involved in supporting small businesses in my constituency, and I am sure that Members across the House do the same. It is important that we support small businesses to allow them to grow. It has been a difficult time, particularly for retailers, and I hope that they get the support that they need over the Christmas period. Backin' Belfast was a very successful initiative that we undertook early this year. I hope that it has benefited retailers in Belfast, and we look forward to working with small businesses right across Northern Ireland.

Mr Dickson: Thank you, Minister, for your answer. I am sure that you will share my dismay at hearing someone on the radio this morning — a person who is, I understand, about to join Belfast City Council — dismiss the

role of the high street and say that high street shopping was dead.

Mrs Foster: I do not accept that in one way. Yes, we have the internet, but I have seen so many retailers embrace the internet in a very clever way to allow people to view and even purchase things on the internet but also to draw them into their shops. I think that it is referred to as “bricks and clicks”. The high street stays important, but retailers have moved with the times. So, I do not accept that view, and I look forward to the Small Business Saturday motion at the end of today's business.

Titanic Belfast

5. **Mr Wells** asked the Minister of Enterprise, Trade and Investment for an assessment of Titanic Belfast in its first year of opening and to state whether she has any views on potential targets for the second year of this major tourist attraction. (AQT 455/11-15)

Mrs Foster: I thank the Member for his question. Between opening on 31 March 2012 and the end of September this year, Titanic Belfast welcomed almost 1.3 million visitors. That is a tremendous figure. On 5 August this year, the facility welcomed its one millionth visitor, who was from County Kildare. I was delighted that it was an out-of-state visitor who had come to Belfast. I am confident that, in its second year, Titanic Belfast will welcome well over half a million people.

Mr Wells: Obviously, those numbers are extremely encouraging. Is she confident that there was not a novelty value in the first year? There was huge interest as the building initially came on stream. How will we be able to maintain that success in succeeding years?

Mrs Foster: It is important to look at the source of our visitors when you consider novelty value. I have been asked that question before, because it had such a tremendous year in 2012. If we look at the source of markets up to August 2013, we see that 29% of visitors were from the home market of Northern Ireland, 27% were from the Republic of Ireland, 17% were from Great Britain, and 27% were from the rest of the world. That is a good breakdown because it shows that there is growth potential in all those markets. We were not flooded in the first year by local people or people coming from a particular market. They are all strongly performing sectors, and there is scope to sell Titanic Belfast to the rest of the world and get people to come to Belfast.

Invest NI: Targets

6. **Mr G Kelly** asked the Minister of Enterprise, Trade and Investment what target-setting mechanisms she intends to introduce to measure outcomes in Invest NI, given the recent Public Accounts Committee report 'Invest NI: A Performance Review', which identified long-standing issues around setting targets. (AQT 456/11-15)

Mrs Foster: I refer the Member to the independent review of economic policy of 2009, which clearly said that I should not set subregional targets for Northern Ireland because it would be a disincentive to those who wanted to come and invest here. I refer him to the part of the Public Accounts Committee report that said that selective financial assistance had been used right across Northern Ireland — not in one part of Northern Ireland, but right across Northern Ireland. I would be obliged if he looked at that.

Mr G Kelly: Gabhaim buíochas leis an Aire as a freagra. I thank the Minister for part of her answer. Does she agree that the best way to test Invest NI's performance is to measure outcomes in the form of actual jobs created and how long those will last, as opposed to reporting on investor targets?

Mrs Foster: We should look at output, and, in that respect, we should look at the money given in selective financial assistance and the percentage of that that went outside greater Belfast. I am sure that the Member will be glad to look at those figures.

Harland and Wolff

7. **Mr Dunne** asked the Minister of Enterprise, Trade and Investment whether she sees real job opportunities developing at Harland and Wolff following the arrival of the large oil rig from Brazil and whether she agrees that it is fair to say that the yard is open for business, competitive and skilled-up for work. (AQT 457/11-15)

Mrs Foster: I thank the Member for his question. Indeed, I noticed the rig as I came over the M3 this morning; it is a very impressive piece of work. As I understand it, Harland and Wolff is to recruit 600 skilled tradesmen to work on the rig, which is the biggest ever oil rig to be refurbished in Belfast. I am told that, of those 600, at least 200 will be from Northern Ireland. There will also be 200 from Scotland and the north-east of England, and the rest will be from

Poland and Lithuania, countries that have continued a tradition of shipyard working. So, there will definitely be an economic benefit to Belfast. As I understand it, the jobs are short-term, but they will provide an opportunity for people to become skilled in that area. The renewable energy area will then be able to take those skills and use them in other places.

Mr Dunne: I thank the Minister for her answer. Does she see there being further developments at Harland and Wolff for perhaps a wind turbine project, the renewable industry generally and, obviously, for upskilling?

Mrs Foster: DONG Energy is, of course, in Belfast harbour at present in a very large logistics hub. It is doing some very impressive work there in the renewable field, particularly on substations, which then go into the English Channel. So, a lot of work is going on in Belfast harbour. From meeting the Harbour Commissioners recently, I know that they have plans for further expansion in the renewable energy area. We welcome that because there are good skilled job opportunities available in that area. We will work with Harland and Wolff and, indeed, Belfast harbour to ensure that we can support them whenever we can.

Broadband: Rural Areas

8. **Mr McElduff** asked the Minister of Enterprise, Trade and Investment whether she agrees that more could and should be done by her Department to ensure that everyone, not least those people in rural areas, has equal access to quality broadband. (AQT 458/11-15)

Mrs Foster: Yes. That is why, when it comes to broadband, Northern Ireland is the best connected in the whole of the United Kingdom. The Member knows that that is my position, and I am sure that it is his position as well.

Mr McElduff: I acknowledge that there has been significant investment, but does the Minister accept that businesses in rural locations that continue to experience problems with their broadband are effectively being disadvantaged because it affects their competitiveness?

Mrs Foster: Which is why the broadband fund, which is out to tender at present, will, I hope, be operational early next year.

Tourism: Councils

9. **Mr Newton** asked the Minister of Enterprise, Trade and Investment to confirm that, under the

review of public administration, and in line with her review of the Tourist Board, there will be an increased council/local approach to tourism. (AQT 459/11-15)

I congratulate the Minister on her work on tourism across the board. Some of the figures that she outlined are very impressive.

Mrs Foster: I very much hope that that is the case. There are nine destinations across Northern Ireland that will compete with each other for visitors and people coming to stay. I hope that councils will take a leadership role in those destination areas and work with the industry more closely than they have done to date.

Mr Deputy Speaker: That concludes Question Time for today. I invite Members to take their ease for a few moments while we change the top Table.

3.30 pm

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

Executive Committee Business

Road Races (Amendment) Bill: Consideration Stage

Clause 1 (Specification of contingency days in orders under Road Races (Northern Ireland) Order 1986)

Debate resumed on amendment Nos 1 to 4, which amendments were:

No 1: In page 1, line 7, at beginning insert "Subject to paragraph (1BA)."— *[Mr Allister.]*

No 2: In page 1, line 11, at end insert

"(1BA) A contingency day may not be—

(a) the whole of a Sunday; or

(b) any part of a Sunday beginning before 1.30pm or ending after 6pm."— [Mr Allister.]

No 3: In page 1, line 11, at end insert

"(1BB) An order may not specify the whole or part of a Sunday as a contingency day unless the Department is satisfied that the terms of the order are such as to minimise as far as reasonably practicable any disruption to the activities of the local community on that day."— [Mr Spratt.]

No 4: In page 1, line 20, at end insert

"(1CA) Where a contingency day is a Sunday, a direction under paragraph (1C) requires the approval of the First Minister and deputy First Minister acting jointly."— [Mr Spratt.]

Mr Spratt: I speak from a party perspective rather than as Chair of the Regional Development Committee. I welcome the opportunity to take part in the debate. I speak to amendment No 3 in my name and that of my two colleagues Mr Easton and Mrs Hale. I will not move amendment No 4 this afternoon.

I will pick up on one or two points that were made by Mr Allister at an earlier stage and put

some context around the issue of the weather for two races — the North West 200 in May and the Ulster Grand Prix in August — over the past number of years. I will also put in context the Committee issues. The matter was fairly well discussed in the public domain and in Committee from just after last year's North West 200. Mervyn Whyte, in particular, has been very cooperative in making himself available to the Committee and the Department to answer questions.

The Committee approved the granting of accelerated passage to the Bill. A consultation took place in which there were some 860 participants. It was widely known that the issue was on the radar. A number of people approached the Committee. As Mr Allister said, some of those were from the racing fraternity. As the Member well knows, the consultation process, as with any other, was advertised in the public domain in papers etc. It is up to individuals and groups to make their feelings known through that consultation process to the Department.

Members can read the Hansard report from the day that the Minister came to the Committee. Mr Allister said that the churches came late to the debate. Conversations took place on a number of occasions with churches and other groups in the north-west area. When the amendment came to the Executive, my understanding is that the First Minister indicated that the issue of Sunday racing would need to be considered in greater detail. Amendment No 3 is put forward in that very spirit to allow consultation and discussions to take place between the organisers and the Department about a contingency day happening on a Sunday.

If we look at last year's North West 200, the weather forecast was very accurate from midway through that week. I think Mr Allister accepts that. Basically, they were saying that the Saturday was going to be a day of treacherous weather, which it turned out to be. I think that some of those races would probably have taken place on the Thursday evening, which already has a number of races taking place, or, indeed, possibly on the Friday, if that had been the contingency day that week.

Mr Allister threw one other issue into his contribution. He said that, if, for instance a funeral were taking place, problems would be created for the family if they had already decided that it was taking place on the Sunday and not the Saturday. I do not know about the North West, but I am aware that similar circumstances existed about two years ago at

the Ulster Grand Prix. Maybe the Minister can clarify this. Tragically, a family had a bereavement on that course, and the organisers facilitated it, as they normally would facilitate any emergency situation for any of these things.

Mr Dallat: Will the Member give way?

Mr Spratt: I am happy to give way.

Mr Dallat: I thank the Member for mentioning that. Will the Member agree that Roads Service in particular is on record for the outstanding work that it does to ensure that funerals take place on time, even in circumstances that are due to inclement weather? Will the Member accept that, down through the years, funerals have taken place on race days with the agreement of the bereaved families? Finally, does the Member find it a little bit distasteful that bereavement has been introduced into this debate?

Mr Spratt: Yes, I accept what the Member said, and I think that it is somewhat sad that that has been brought into the debate. I feel that, now that it has been brought into it, it deserves to be answered by pointing out the situation that developed at the Ulster Grand Prix. I was going to go on to talk about a sudden illness occurring around the course. I have already declared an interest as someone who attends the North West 200. Where I was staying in the Blackrock area — I am not sure whether it was part of Portrush or Portstewart at that point — ambulances were facilitated on the Thursday evening to get to a seriously ill person in a house. I have to say that I have always found that, over the years, organisers are absolutely brilliant in that way.

With amendment No 3, we are putting some careful balance into the discussions that already take place with the Department on what is reasonable and practicable. Mr Allister acknowledged that maybe some of the timings at the North West 200 would not be compatible with other race meetings. During Mr Allister's contribution, I raised the fact that the Ulster Grand Prix requires Roads Service, for health and safety reasons, to remove a very substantial amount, if not all, of the road signage furniture that is around that racetrack. The organisers insist that it is removed. I hope the Minister can confirm that. Roads Service facilitates that removal immediately after the course is closed. Indeed, to avoid any unnecessary claims on the Department if there were no signage there, that signage should be immediately put in place prior to the reopening

of the stretch of road where the Ulster Grand Prix race takes place. It is important to say those things to set the context for what we are trying to do.

The likelihood of Sunday racing taking place is probably very slim. I had a conversation with Mervyn Whyte last Thursday or Friday, and colleagues raised the issue that it takes some 800 people to be around the North West 200 course on race days. I know that one of the concerns of the organisers of the North West 200 is that not all those people may be available on Sunday because many are obviously churchgoers and will be exercising their right to attend their place of worship, which Mr Allister clearly indicated is a human right, and one that I think has to be agreed with. Our amendment gives flexibility, in that the organisers and the Department would have a conversation and reach agreement in the likelihood of an application for a Sunday contingency day being made, given the very clear and professional way that it appears that weather can be indicated by the Met Office to the organisers of such events.

Mr B McCrea: Will the Member give way?

Mr Spratt: I am happy to give way to the Member.

Mr B McCrea: The point of bringing forward this legislation is that we have had to cancel the races in two out of the past three years, and that puts their future under threat. In those situations, it would have been likely that we would have wanted to have availed ourselves of the Sunday contingency day. I ask the Chair of the Committee if we might consider other issues that might cause a delay. I am sure that he will be aware that there was a bomb scare in the stands caused by unscrupulous and scurrilous people to try to disrupt the event. We are at the mercy of not just the weather but other events. The whole idea is that we are trying to get an acceptable compromise whereby, if you like, the show must go on while respecting the right of those people who want to go to their church or other business. I think that there is at least some likelihood that we need provision for that.

Mr Spratt: That is exactly what the amendment seeks to achieve. It has already been accepted by Mr Allister that a Sunday racing contingency day could be applied for, given that all road closing orders have to go through the Committee by 31 March each year for all of the road closures at various events across the Province. On the point that the Member makes about the bomb scare incident, I ask how you

can plan for those incidents. They are wrong, disruptive and have no place in society any more, but it is for the Police Service of Northern Ireland to deal with such things. The organisers have a responsibility for the safety of spectators, competitors and those involved, particularly in the pits area where there is, as you know, a very big concentration of people.

That, thankfully, one-off situation so far was absolutely scandalous and was condemned by all right-thinking people. I know that the Member would condemn that sort of behaviour also. Let us hope that it never happens again.

To go back to the other point that Mr McCrea made, the weather has been predicted accurately. The cancellations have had a serious effect, particularly given that both events — the North West 200 and the Ulster Grand Prix — are basically week-long events, because the Killinchy 150 runs in tandem with the Ulster Grand Prix. That is basically a week-long event as well.

3.45 pm

We have already covered, and I do not intend to rehearse, the value to the economy. That has already been put on the record, and it is not disputed today. Our proposed amendment does not specify a time, because specifying a time — and perhaps the Minister will clarify this in his remarks when he speaks — has a knock-on effect, not just for the North West 200, but for other events that may well take place in other parts of the Province where there may be no issue. I think that that is one of the drawbacks of the particular amendment proposed by Mr Allister.

Mr Allister: Will the Member give way?

Mr Spratt: I am happy to give way to the Member.

Mr Allister: I seek to follow the Member carefully. If I understand him correctly in respect of amendment No 3, taking the North West 200 as an example, is he saying that he does not anticipate there being circumstances where there would be racing on a Sunday morning, say before 1.30 pm? If that is what he is saying, then what is to be lost by giving the certainty that amendment No 2 would give, bearing in mind that both amendments are compatible and both could be passed? Or is he saying that he anticipates circumstances at the North West where there could be racing during normal church time?

Mr Spratt: No, I did not say that, and I hope that the Member is not trying to put words in my mouth. What I said was that, with the North West 200, the indications are that, if the circumstances arose where a contingency day was required on the Sunday, the organisers would have clear consultation with the Department on the churchgoing fraternity and indeed any other interests in that area. As the Member rightly pointed out earlier, people put up with quite a bit during that week, but he and they acknowledge the benefit to the community from the race. One other issue that has been raised —

Mr Wilson: Will the Member give way?

Mr Spratt: I am happy to give way.

Mr Wilson: Although it may be that, on a course where there are four churches, you would not countenance racing before 1.30 pm on a Sunday, the Bill is not about the North West 200. The Bill is about road closures, and therefore to accept what has been proposed in amendment No 2 would apply, not just to the North West 200 route, but to all routes. Is that not the point of having one that allows for a greater degree of flexibility and where discretion can be used where there is no disruption on a particular course or for a particular event?

Mr Spratt: I thank my honourable friend for that intervention. That was the point that I was trying to get over. Maybe he got it over much better than I did. That is it exactly. It is not about the North West 200. In most other cases, particularly in the other area that has been mentioned — I do not think that there is a church on the course of the Ulster Grand Prix, but as Mr Allister —

Mr B McCrea: Will the Member give way?

Mr Spratt: Sorry. Just let me finish this point.

As Mr Allister has already said, it is not just about the churches. It is about the human rights of people who want to attend their place of worship. That is true and that should be accommodated, and I think that that will be accommodated by the Department, and by the Minister, in particular, if such a situation arises. It is right that that should be done to allow people to go to their chosen place of worship, wherever that may be, although perhaps not to the four churches concerned. That is accepted.

Mr B McCrea: I appreciate the Chairman's giving way. Just to be clear: taking the North West to one side, are you saying that, in

principle, you have no problem with road racing taking place early on a Sunday morning when other people may wish to go to church? Will you just clarify for me that, in general, you think that road racing on a Sunday morning is acceptable?

Mr Spratt: That is not what I said. Again, I hope that the honourable Member is not trying to put words into my mouth. In my view, I have been very clear in what I said about facilitating those who would attend their place of worship. That is exactly what the organisers of the North West do, for instance. However, this is not just about the North West. It is about the spectrum of other races — they may not be two-wheel events but, in some cases, four-wheel events — that have international status. As the Member will know, a lot of hard work and facilitating goes on in those areas.

I see that he is eager to get onto his feet again. I will give way, very briefly, one more time.

Mr Principal Deputy Speaker: In case the House misunderstands, I will clarify that Mr Spratt has made it clear that he is speaking in a personal capacity.

Mr B McCrea: Thank you, Mr Principal Deputy Speaker; I appreciate that. I also appreciate the Member's generosity in giving way. I did try to be brief in asking the previous question.

There is a question here. I am absolutely not trying to put words into the Member's mouth. He has made quite clear his reservations about running such races on a Sunday morning, and I think that Hansard will show that. However, I have reached a conclusion: I do not think that it is a good idea to run road races before 1.30 pm on a Sunday. That fits in with the Isle of Man's legislation and with what, I think, would be desired by a significant number of the population of Northern Ireland.

I ask Mr Spratt, given his personal position on the matter, if it would not be advisable to be clear and, for the purposes of removing doubt, put it in statute that it can happen only between 1.30 pm and 6.00 pm on a Sunday. That seems quite clear to me. If there are specific issues that you wish to exempt — because of Dundrod or something else — you could do that by way of amendment at Further Consideration Stage.

Mr Spratt: I hear what the Member says. However, it is not just about Dundrod or the North West. It is about the entire spectrum of road-closing orders that the Department has to

deal with before 31 March each year when it goes through the Committee. I understand what the Member is saying about Sunday morning and the time. However, in my view, the inflexibility of putting a time on it creates the problem. There needs to be consultation, through the Department, with the local community and the race organisers. As far as I am aware, that consultation always takes place. It is very clear that the organisers of events such as the North West 200 want to continue their very good cooperation and liaison with the public.

Mr Ó hOisín: Will the Member give way?

Mr Spratt: I am happy to give way to the Member.

Mr Ó hOisín: Does the Member recognise that a number of events that currently take place on a Sunday, such as hill climbs and rallies, would be adversely affected by this legislation?

Mr Spratt: Yes, that is my understanding. Perhaps the Minister will clarify that in his remarks.

Mr Allister: Will the Member give way?

Mr Spratt: I think that I have been quite generous in giving way, but I will give way one more time.

Mr Allister: Surely it is erroneous to suggest that those who apply for Sunday racing under the Road Races (Northern Ireland) Order 1986 and get it, such as the organisers of hill climbs, are affected by this legislation at all. This legislation applies only to contingency days. Those are not contingency days. Those are approved days under the 1986 Order, so that is a red herring.

Mr Spratt: I do not think that it is a red herring. Of course, the Member is very good at throwing red herrings into various debates when he gets the opportunity. The bottom line is that the hill climb could be on a Saturday and the contingency day could be on a Sunday. That is my understanding. Setting time limits would create major problems for some events in places where there are no churches. Some events take place in reasonably remote areas. I understand what the Member is trying to do by throwing scare tactics into the debate to suit his own argument. I hope that the Minister will clarify the issue, but when this has been discussed at various stages, my and certainly the Committee's understanding has been that,

by setting a time limit, you leave the whole situation totally inflexible.

As for the North West 200, I welcome the fact that, despite the problems of the past couple of years, to which Mr McCrea referred, just this week the organisers of the race have been able to encourage and bring a number of new international teams to it. That shows that teams still want to come to what I understand is the best racetrack in the world. My friend Gordon Dunne, who puts on a crash helmet from time to time — I thought he was going to put it on during the debate the other day — is better able to tell me. As a man of speed, and one who follows speed on a regular basis, he will be able to confirm that the North West 200 is possibly one of the best racetracks in the world. I have heard it described that way.

There is benefit in the flexibility provided for in the amendment standing in my name and that of others. Concerns about flexibility will be addressed because the amendment will allow the Department to continue to decide on that. Local people can be assured by the fact that the amendment is in place and that it is not just going to be just a willy-nilly "Let's have it on a Sunday" thing. That was already acknowledged by Mr Allister when he commented in the previous debate that:

"This is not a 'Never on a Sunday' issue". — [Official Report, Vol 89, No 8, p18, col 1].

Therefore, he already accepts the fact that Sunday could be a contingency day, and his amendments clearly indicate that racing could take place on a Sunday, if the circumstances were to arise.

I hope that the Minister will indicate his acceptance or otherwise of amendment No 3, which stands in my name. I do not put any pressure on him as Chair of the Committee, because I know that the Minister would not take that on board. However, people can be reassured because legislation already provides for Sunday racing. At any point, Sunday racing could be applied for, but that has not been the case. In all probability, if the organisers of any of those events were to go down that route, it would be a very last resort. On leaving the North West 200 on a Saturday evening, I see people already heading for the boats to go elsewhere, as Mr Allister indicated in his remarks.

I do not wish to say very much more, but I commend amendment No 3 to the House when it comes to setting a contingency day.

If the Department is satisfied that all the criteria are met and that everything reasonably practicable is done — reasonably practicable is a term that is used in legislation regularly — it should give reassurance to the churches, to folks from other communities and to the wider public in any of those areas that all other avenues will be exhausted before such a contingency is put in place. I have no doubt that the Minister and representatives of the Department will probably say that about the matter when they come to the Committee.

4.00 pm

I commend the amendments that stand in my name and those of my colleagues to the House. I hope that Members right around the Chamber will accept them in the spirit of giving reasonable flexibility and protection to the community.

Mr Lynch: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Labhraím inniu mar LeasChathaoirleach an Choiste Forbartha Réigiúnaí. I will speak as the Deputy Chair of the Committee for Regional Development.

The Committee and the House have agreed that there should be no Committee Stage. Therefore, the Committee's position on the Road Races (Amendment) Bill remains as it was during the debates in the House last week on accelerated passage and Second Stage. We think that it is a pragmatic approach to a problem that has been experienced throughout the North in recent years, particularly with the North West 200 and Dundrod 150 races.

The Committee has and continues to acknowledge the positive economic impact that road races, whether on two wheels or four, have on investment, tourism and sport. Last week, the Chair of the Committee pointed out that it is estimated that, for every £1 of public money spent, there is a return of £30.21. That is a significant investment, which the Committee welcomes and encourages.

The Bill does not introduce the concept of Sunday racing. As outlined by the Chair, that potential already exists. That is evidenced in the number of rally stages, for example, that are held on Sundays each year. Yes, it is important that people's personal opinions are heard and respected. The Committee received briefings from organisations that are involved in organising those races. We take comfort from the assurances that we received from the Minister and the race organisers that all efforts will be taken to ensure that there is continued

dialogue and that all arrangements are appropriate for residents, churches and businesses in the affected areas.

The Committee for Regional Development continues to support the principle of the Bill. From a party political position — my colleague will speak further on that — we will support amendment No 3.

Mr Dallat: I support amendment No 3 and decline to support the other amendments. I am very conscious that every word that I say might be misinterpreted. If anyone in the House believes that I would do anything to infringe anyone's human rights, they have got it really badly wrong. Furthermore, I am absolutely certain that the organisers of the North West 200, which has dominated this debate, would not do that either. Furthermore, on the notion that they might be tempted — that was the word Mr Allister used — those organisers make life and death decisions; they do not indulge in temptation, irrespective of what it is about.

I am sorry that Mr Allister, who represents that area, could not be an outrider for a very important event. The cynic might say that, given that he has gone around in circles all his life and gone nowhere, he is eminently qualified, but there you have it. I will take my advice from the motorbike fanatics, and I use that term in a positive way. I am glad that we have Gordon Dunne and Sammy Wilson, who has deserted us just at the moment. They are people who understand motorcycle racing, and I would be influenced by those people and by the people whom I mentioned last week.

A little knowledge is a dangerous thing. Although you can observe the nerve centre of the North West 200 from a sun lounger or reclining seat at your holiday home, that is different from someone sitting on a Yamaha 650 with the throttle full open. Those are the people that we should take advice from.

A couple of weeks ago, we had Remembrance Day services across Northern Ireland all happening at 11.00 am. Was there a complaint from anybody? Did any other Church go out of its way to object? No, it did not, because it is a fact of life. I do not believe that the people in the triangle area would be any less tolerant than other people. If we were to go down the road that Mr Allister wants to go down, the first casualty would be the Circuit of Ireland. Can you imagine the international damage that would be done to an event of that magnitude if the word had to go out that the Circuit of Ireland could not take place in Northern Ireland because of a difficulty around Sunday worship.

Mr Deputy Speaker, it was suggested that the Minister — and he can speak for himself — coerced the Committee. I am sure that the Chairman will agree with me that we thought that we coerced the Minister to exercise common sense in this particular issue. When I first saw the amendments, I was quite miffed and was pleased this morning to learn that amendment No 4 was not to be moved. I said to myself, “My God, what experience do the First Minister and deputy First Minister have in road racing?” With your indulgence, a few weeks ago, the First Minister told us that he had a scooter, but he fell off it and it disintegrated. My research tells me that the deputy First Minister has absolutely no experience, unless, of course, he was a dispatch rider in a previous life, but that is out of the way now, thank goodness, and it is an issue that we do not have to worry about.

Mr Allister specified times of 1.30 pm to 6.00 pm. I have a feeling that the races in the North West 200 — if that is what we are talking about — could be completed from 2.00 pm to 5.00 pm, so why disadvantage something that is already OK?

Tourism in the north-west and far beyond it is hinged on a small number of events: the North West 200, the Milk Cup, certain golfing tournaments and a few others. During that time, the owners of hotels, guest houses and bed-and-breakfast accommodation get the additional money that they need to reinvest and put millions of pounds back into their enterprises. I can think of nothing worse than jeopardising the north-west in this way. The impact of it would not be confined to the triangle area. It would impact right across the North, and I include Donegal in that, which benefits enormously from the huge number of international visitors who come here and take advantage of the fact that they want to see beyond just the triangle area.

Enough has been said, and enormous effort has gone in to clarify any notion that might be put about that this is some kind of attack on Sunday observance; far from it. I have confidence that the people whom I represent in that area will, in a Christian way, show tolerance towards the event organisers, who cannot take risks at all. When Mervyn Whyte makes a decision to cancel a race, it is devastating. However, surely he is entitled to the right to have some kind of flexibility to complete the event on a Sunday when the need occurs. Perhaps it will happen in my lifetime or it might never happen, but there is too much at stake to make any kind of petty political advantage out of this. I think that that would be

disgraceful; it would not be appreciated by anyone.

In conclusion, I am pleased that the Committee is united on this and that it has shown leadership in ensuring that the quagmire of petty party politics does not contaminate an event that is free from that kind of nonsense and that has been for many, many years. The North West 200 is an international event; it welcomes people from far across the world. There is no issue over the flags that fly at the pits. There is none of that nonsense, because those people are well beyond that. So, I will simply say that, as one Member, I lend my support to the Bill.

Mr Kinahan: I am not on the Regional Development Committee and I am probably one of the worst riders to have ever been on a motorcycle. I am more of a danger to myself than to anyone else. I congratulate the Minister on bringing the Bill forward so that we do not see a repeat of what happened with the weather in two out of the past three years. I congratulate him on bringing forward the contingencies that he is trying to put in place today so that 90,000 people — I think that we have information on that number — do not suffer from the North West 200 being cancelled again. I hope that many other road races gain from the same flexibility that the Bill is trying to put in place.

I think that there is a danger in overcomplicating a matter that should be relatively simple. We should be trying to make sure that we put legislation in place that remains simple, leaves the flexibility and allows everybody to work together to get something that suits everybody. As the Member who just spoke said, I cannot believe that those on the church side are going to be creating too great a fuss, unless something appalling goes wrong. They will work together, and they will come up with a solution.

We as a party will be opposing amendment Nos 1 and 2 and supporting amendment No 3. I think that the onus is on everybody to make sure that everything fits and works. I listened to Mr Allister's comments about human rights and the need to respect them. I think that we fully take all that on board, but we do not need to close all the roads. Surely we can sit down and work out the diversions and work through everything together so that we can come up with a solution that works for everybody.

If we applied the legislation to races that have already taken place, it would be pertinent in 11 races that had to work into a Sunday. The

Circuit of Ireland did so seven times, and the Durris rally — I am sorry; I cannot read my own writing — Easter international rally and Rally Ireland have had to work into a Sunday. In one case, the race had to slip into the morning of the Sunday because of what was happening during the day. Do we really want to stop races being able to happen that early in the morning? If you specify times, you make it more difficult. So, let us make sure that we all keep the intention of trying to get everything to work. I very much appreciate that amendment No 3 is trying to do that.

As a point of interest, in Dundrod, they work with all the churches, and none has found any difficulty with any racing before 1.30 pm. I think that we should keep that in mind. Do we really need such strong regulations as those that amendment Nos 1 and 2 are putting in place?

4.15 pm

When it comes to amendment No 3, I have already said that it does exactly we want. It helps us get to a point at which everyone is talking to each other and trying to find a way forward. We have to be careful to make sure that we leave that flexibility in place. Were we to tie ourselves to just the afternoon on a Sunday, and the weather then changes or some other event happens, we might find ourselves cancelling for a second time, with everything that goes with that. My plea is that we get the Bill into place with just amendment No 3 being made. We support it and look forward to seeing it work for everybody.

Mr McCarthy: Unlike Mr Kinahan, I am a member of the Regional Development Committee, but have been so only for a short period. I was not fortunate enough have the pleasure of listening to the Minister, his Department and others who made presentations to the Committee. Therefore, I have little knowledge of the subject at the moment. However, the Alliance Party fully supports and totally acknowledges the right of all people to free passage to and from their place of worship. They also have the right to spend Sunday as they wish.

It is our opinion that the Road Races (Amendment) Bill allows for flexibility on that issue. As such, we support the Bill and reject amendment Nos 1 and 2. I understand that amendment No 3 is to minimise all disruption to the local community. We can support that, and I am fully behind the Chairperson, the Deputy Chairperson and other members of the Committee who have spoken. I support

amendment No 3 but reject amendment Nos 1 and 2.

Mr Easton: I will speak to amendment No 3. This been a reasonably healthy debate so far and demonstrates a clear understanding by MLAs of the need to create a degree of flexibility in the road closure arrangements in order to try to avoid a recurrence of the abandonment of events in circumstances such as the adverse weather conditions of the Ulster Grand Prix in 2008 and the North West 200 in 2011 and 2013. I believe that, if passed, amendment No 3 allows for the Department to continue to assess the practicalities and workability of each promoter's proposition individually and impose whatever conditions that the Department considers appropriate to ensure that disruption to the local community is kept to a minimum. It would ensure that Sundays are a last resort for racing and that religious freedoms are protected, as are the rights of people.

It is important to re-emphasise that none of the seven road race promoters has ever indicated to us any intent to switch its main race days from a Saturday to a Sunday other than in a contingency situation. Amendment No 3 gives the proper flexibilities and protections for churches and race organisers.

On amendment No 2, we know that, as the law stands, racing can occur on a Sunday, and we want to make that racing on a Sunday is a last resort. The amendments do not protect churches fully, as some churches do hold services on Sunday afternoons, and I do not believe that that has been considered.

Mr Allister: Will the Member give way?

Mr Easton: No, I will not give way. Key to the whole Bill are flexibility and common sense. I emphasise the words "flexibility" and "common sense". Amendment No 3 protects the needs of churches and their services, protects the needs of residents and protects the rights of the race organisers to race. That is why I believe that that amendment is the proper and appropriate way forward.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Beidh mé breá sásta bheith ag labhairt agus ag plé an ábhair thábhachtaigh seo inniu. I am pleased to speak to this stage of the Road Races (Amendment) Bill. In supporting amendment No 3, I also wish to support — as I have in the past — road racing in its various forms across the board. I also particularly support the local residents and

businesses in the Portrush/Portstewart/Coleraine triangle.

The purpose of the Bill was to introduce a degree of flexibility that would allow organisers of race meetings to reschedule to another day if, for whatever reason, a cancellation was required. It would not be prudent to introduce severe caveats into the legislation that would unduly continue to restrict that flexibility.

The purpose of a number of the amendments is, on the face of it, to accommodate the good church-attending folk on the North West 200 circuit. However, to introduce a blanket ban or restriction on Sunday racing would be a mistake. If — it is a big “if” and only as a last resort — a Sunday is to be considered, full cognisance of the wishes of local people should and will be taken into account, including about times. I talked with Mervyn Whyte, the clerk of the course and of the Coleraine Motor Club, as recently as this morning. He assured me that it would be only in the very remotest instance that a Sunday would be considered for racing and that all local wishes would be respected. Indeed, in 2010, during my tenure as mayor of Limavady, Mervyn and his team organised the Shackleton festival of motorsport, which ran on a Sunday, accommodated all local concerned parties, including churches, and was a huge success. Mervyn also told me that, whilst a time restriction might marginally affect the race programme of the North West 200, it would be disastrous for events such as the Circuit of Ireland and other hill climbs and rallies. Thus, the second amendment would not be prudent or wise as it would negatively affect those events.

The fourth amendment, which would have required the signing off on racing by the First Minister and deputy First Minister, was a bit cumbersome and impractical. I welcome its removal. The third amendment, which has been considered by the Regional Development Committee, allows, probably, the most flexibility and, therefore, receives my support. I wish the road racing fraternity every success and uninterrupted racing in 2014. Go raibh maith agat, a Phríomh-LeasCheann Comhairle.

Mrs Hale: I welcome the opportunity to speak on the amendments to the Road Races (Amendment) Bill. There are four main areas that I believe we should continue to remain focused on when considering the amendments.

The first is tourism. Challenging tourism targets for 2014 have been set in the Programme for Government: to increase visitor numbers to 4.2 million and grow tourism revenue to £676 million by December 2014. The North West

200, the Ulster Grand Prix and the Circuit of Ireland all contribute massively to those targets. The North West 200 attracts over 100,000 spectators each year and ensures that small hotels and B&Bs get a vibrant return on business year on year that becomes a stable part of their annual income. Similar spectator figures are attributed to the Circuit of Ireland each year. In my constituency, the Ulster Grand Prix likewise attracts thousands of spectators each year and places income into many SME businesses annually. Those three events alone can contribute over 10% of the 4.2 million visitors target. It is estimated that the North West 200 alone contributes £7 million to the Northern Ireland economy — £4 million locally. That is equivalent to 150 extra jobs in the service industry.

Secondly, there is sponsorship. I am sure that many in the House know how difficult it is, even for illustrious sporting events, to access key sponsorship. The abandonment of the North West 200 and the Ulster Grand Prix in recent years has made sponsorship deals difficult to find. That can make it tough to attract the best competitors to Northern Ireland. Thirdly, there are the spectators. Spectators' investment, sponsorship and tourism promote Northern Ireland on a worldwide stage in a very positive light. Finally, there is participant safety. The main reason for having a contingency day is to help to make tough decisions easier for those such as Mervyn Whyte. To be faced with juggling sponsorship deals, pressure from spectators and the delivery of a world spectacle against a backdrop of racing safety is no easy task. I believe that the Bill will help to ease some of that burden.

Whilst I acknowledge Mr Allister's amendment, I am concerned that the potential of trying to fit a whole day's racing into a three- or four-hour slot may not always be viable or, indeed, safe for participants, marshals or spectators. It does nothing to help to find a balance between the priorities that I have already mentioned. That is why the DUP wanted to bring an amendment to the House today. Whilst we recognise the rights of racegoers, we are fundamentally pledged to represent and support those who wish to attend their place of worship without any prejudice or unforeseen delay. The DUP amendment ensures that:

“An order may not specify the whole or part of a Sunday as a contingency day unless the Department is satisfied that the terms of the order are such as to minimise as far as reasonably practicable any disruption to the activities of the local community on that day.”

I believe in the strongest terms that that will ensure that all Sunday activities in the community will be taken on board by the Department to ensure that the decision will limit any disruption to those attending their place of worship. I am sure that this amendment will work to ensure that everyone in Northern Ireland has an equally important part to play when considering any decision that relates to a contingency day. Sunday mornings and evenings are a live issue for the North West 200. This legislation, of course, covers other road races. Indeed, it is fair to say that, in other areas, Sunday worship is not negatively impacted and, therefore, the morning is needless. Amendment Nos 1 and 2 do not cover those.

The people elected us to make accountable decisions. These amendments underpin accountable government and accountable decisions. I support amendment No 3.

Mr Byrne: I take part in this debate largely as a pillion passenger of Mr Dallat, who is in charge of the motorbike. *[Laughter.]* The motion is about dealing with the running of road racing on Sundays, where the organisers need to run a race or sections of a race event on a Sunday in the event of bad weather or other unfortunate circumstances. Sunday racing takes place all over Europe, particularly for motorcycling. The European Grand Prix motorcycle racing series takes place across Europe during the racing season mainly on Sundays. The closure of public roads is the issue here, given the context of the amendments.

We all remember the late Joey Dunlop, who was killed at a Sunday racing event in the summer of 2000 in eastern Europe. Many people from Northern Ireland who are involved in motorcycle racing take part in racing on Sundays across the continent. Amendment No 3 seems sensible and appropriate, given the difficult decisions that sometimes need to be taken because of the size and scale of the North West 200. The organising committee deserves our support, and this amending legislation is needed to bring some certainty to the future running of such a big event. Mr Mervyn Whyte, the chief organiser and clerk of the North West 200, is to be applauded for all his efforts over the years, particularly in recent years, to deal with very difficult circumstances. I support amendment No 3. Let us get this legislation into practice.

Mr B McCrea: There seems to be some misapprehension in the House that those who speak against the legislation are, somehow,

against the running of the North West 200, but nothing could be further from the truth. In my formative days, I grew up in Juniper Hill and watched the races for years going round the place. I also know Mervyn Whyte personally, and I have been at the races when they were cancelled, so I know how disappointing it is when all that hard work goes to waste.

I support the principle of the Bill in trying to make it possible, if something comes up, to run on into the Sunday. I understand all the economic arguments and all the issues around how important it is to Northern Ireland. I confess that I was one of the people who, when I saw the Bill originally, said that it was a simple Bill in principle and that I would support it. However, I pay credit to Mr Allister, speaking from the Back Benches, for pointing out that there are implications for people if we run a race on a Sunday. One of the Members on the opposite Benches mentioned that the First Minister also identified that as a particular issue.

One of the challenges for this legislature is that the legislation that we produce has to be competent. I am sure that the Attorney General will want to look at the legislation at the end of its process. He will need to take into account whether it is human rights-compliant. The argument has been and will be made, and it is a legal point. I listened to the argument put by my colleague Mr Allister. He highlighted the balancing of the rights of individuals to attend church against the interests of rescheduling one of Northern Ireland's most successful sporting events. That is a balance of rights that needs to be considered. We are not doing people any favours if we introduce legislation that will not survive a legal challenge or the Attorney General's scrutiny.

That highlights some of the perils of unnecessarily pushing legislation through by accelerated passage.

4.30 pm

Today's debate has been constructive and good points have been made. I pay tribute to Mr Spratt for acknowledging certain issues. I confess that I had not seen some of those issues coming. That is why good Committee scrutiny is important, because you do come up with things and you wonder, "What if?" I do not know what happens if there is another terrorist attack or if there are multiple fatalities on the track, heaven forbid. Would we cancel it?

Mr Spratt: I thank the Member for giving way. He has acknowledged some of the points that have already been discussed. In the case of multiple fatalities — God forbid; I hope it never happens — I suggest that the event would be totally cancelled and no further racing would take place. That has happened in the past. With all due respect, Mr McCrea, that is another red herring that you are throwing into the debate.

Mr B McCrea: As we have both acknowledged, some of these points have come up. However, it is the very unpredictable nature of what might happen that worries us.

Mr Wilson: Will the Member give way?

Mr B McCrea: Of course, if you let me finish this point. It is the very unpredictable nature of what might happen that worries us. What are the contingencies? I was at the North West 200 two years ago when it was not just the bad weather that stopped it, but an oil spill. A combination of events came together. That is the unexpected that we have to deal with. I give way to Mr Wilson.

Mr Wilson: I know that the Member probably thinks that he is making a very important argument. I do not want to burst his bubble, but if he actually read the legislation, he would see that an event such as he has described could not be catered for by this legislation because the application for the contingency day has to be made 24 hours previously. Unfortunately, if an event happened at the race, that could not be catered for by allowing an extra day because 24 hours' notice would not have been given.

Mr B McCrea: I am grateful for the clarification from Mr Wilson, so often the sage of this House in pointing out where others have got it wrong. I was merely pointing out that there are contingencies we cannot anticipate that we have to deal with. I was struck by the Isle of Man's Road Races Act 1982, which, no doubt, the former Minister will have read. It states:

"The Department shall give such public notice of the provisions of any road race order as it considers appropriate in order to bring the effect of the order to the attention of the public."

I am not sure that the 24 hours, 12 hours — whatever period it is — is not unnecessarily curtailing what would be the appropriate answer. My argument in all of this is about how we find a balance between what we want to achieve, which is a successful tourist event that

maximises the opportunity to bring wealth and jobs into our part of the world, and the legitimate rights of people who may want to go to church or engage in some other activity?

There were some who are not here at the moment who tried to say that this was an attack by people who said that you should not go to church. That is not the case, but if you ask people around Portrush, Portstewart and Coleraine, some of them will definitely want to go to church on a Sunday morning or Sunday evening, and they will be severely put upon if they cannot get there, regardless of human rights legislation or anything else. We have some responsibility to consider how we can minimise the effect on those people.

Mr Spratt: Will the Member give way?

Mr I McCrea: Will the Member give way?

Mr B McCrea: Sorry, I am not sure who was first. I will give way to the Chair first, and then to Mr McCrea.

Mr Spratt: The Member raises the issue of folks going to church. I think that has been well and truly discussed in the debate, but I am sure the Member will acknowledge that there are people of other religions who perhaps worship on a Saturday and who may well want to go to their place of worship on a Saturday, when the entire day is taken up with racing.

Mr B McCrea: If Mr McCrea wishes to —

Mr I McCrea: I am happy for you to respond to that.

Mr B McCrea: So, the issue, as Mr Allister pointed out in a response to another Member, is that this is to do with contingency days — where you get the appropriate authorisation in the appropriate way for a Sunday race that is entirely within the law. My conjecture on this point is that, if you read the Isle of Man Road Races Act 1982 — Mr Allister obviously took some of his wording from that, which is good practice — you see that it states:

"between the hours of 1.30 p.m. and 6 p.m. in the event of the postponement".

The TT says that that is the most appropriate way. When I started to look at this legislation and go through it, I asked how we would deal with competing rights. I am sympathetic to both points of view. I heard words coming from Members opposite that it would be in only the

most extreme of circumstances that people would consider running a road race on the Sunday morning, and also, probably, on the Sunday evening, because as was rightly pointed out, if you stop the road racing at 6.00 pm on a Saturday, you should probably be talking about 6.00 pm on a Sunday. If it is only in extremis, if you are really reluctant to do it, the balance of probability must be that you should legislate with clarity that this will not be allowed to happen. It is entirely possible, from my experience of the North West, that you could run whatever races you needed to run between 1.30 pm and 6.00 pm. That is a sensible compromise. Just because Mr Allister brought it forward does not make it wrong. It is not that he and I are on the same wing, as you know. We may be on the same Bench, but we are not on the same wing of political thought, but he does have a point, and it is not a disgrace or saying anything wrong to acknowledge that.

I know that there are Members who think and care passionately about this. I just happen to think that there is legislation that does what we want it to do; it comes from the Isle of Man and we should look at it.

I am looking forward to hearing from the Minister, because he has been strangely silent on these matters but is sitting there patiently waiting to give us some information.

Mr Kennedy (The Minister for Regional Development): I am waiting my turn.

Mr B McCrea: He is waiting his turn. Well, that is very good. I read the minute of the ministerial briefing on the issue, and the Minister said, I think, that officials had not been able to engage with the Manx Government in detail at the time but there had been a meeting scheduled for, I think, 23 October, when these matters would be looked at in detail.

I know Mr Kennedy to be a man who cares deeply about church and these matters.

Mr Dallat: Will the Member give way?

Mr B McCrea: I will in just a minute, Mr Dallat. I know that he cares deeply about these matters, so I am really interested to hear what consultation he has had and what way he approaches these matters. If anybody was going to take care of the competing issues, I can think of no better person, so I really am looking forward to hearing what he has to say on the matter. However, it might have been more reassuring for me had he brought forward

the amendments. Although we are on the record of having done so in the past, the danger of accepting accelerated passage is that the unexpected comes up to get you. It would have been better had we had proper community consultation to do the job justice.

Mr Dallat: Although I appreciate Mr McCrea's probable adolescence in the Juniper Hill caravan site with his bucket and spade in the same way that I respect Mr Allister in his holiday home overlooking this event, surely Mr McCrea would agree that the events on the Isle of Man are not nearly as comprehensive or complex as the events that this Bill attempts to address.

Mr B McCrea: Although I respect Mr Dallat greatly, particularly when he is in the Chair, I have to take a little bit of exception to that point. There is quite a body of evidence about the Isle of Man TT, which takes place over two weeks, that is surely worthy of at least having a look at. If they reached the conclusion that holding a race between 1.30 pm and 6.00 pm on a Sunday is the appropriate way forward, surely that is worth considering.

When Mr Dallat was speaking, he was at pains to ensure that he was not in any way attacking those who wish to go to church, and I accept that. What I am suggesting is that Mr Dallat should look carefully at the existing legislation and at the arguments put forward that this is an acceptable compromise that meets both constituencies halfway. It allows the majority of people who want to go to church on a Sunday morning or Sunday evening to do so, while, at the same time, giving sufficient certainty to the race organisers should there be a need to postpone.

It is not often that it happens in the Chamber, but there are times when people put forward compelling arguments. Mr Allister put forward the argument that there is pressure on event organisers to try to do things to suit the sponsors, the teams and all the other stakeholders. That is not a bad thing; it is just people trying to come together. We, therefore, need to try to give the organisers some certainty about what is going on, and that is why I have some difficulty with amendment No 3. The language might be acceptable if it were being used in a no-day-named motion or some other motion that we were discussing, but we are talking about legislation that will go on the statute book.

The amendment states:

“to minimise as far as reasonably practicable”.

Those are confusing, soft, woolly words that are open to interpretation.

Mr Spratt: Will the Member give way?

Mr B McCrea: I will give way to you in just a moment, Mr Spratt.

Those words are open to interpretation, and that is not helpful. What we want is clarity and something that removes doubt. We should be saying to people, “These are the rules that everyone can work to with absolute certainty”.

Mr Spratt: I thank the Member for giving way. Does he agree with me that the words “reasonably practicable” have been used in legislation for many years and will probably be used in legislation for many years to come to allow a degree of flexibility in whatever the particular circumstances may be?

Mr B McCrea: Mr Spratt makes a point. Were this, shall we say, generic legislation for the longer term, one may allow case law or other things to be challenged or people to come forward to say, “This is what the interpretation is”. Frankly, I would prefer it if the Assembly provided clarity and said exactly what it wants.

In response to one of my questions, Mr Allister highlighted the fact that, because of the immediacy of the decision-making for the event, it is not possible to get normal legal redress because you cannot get some sort of legal opinion before the event. That is why, in this case, I think that we should say what we mean and mean what we say. We should be absolutely clear and build on the appropriate legislation that is extant in the Isle of Man. I do not think that that compromises any of the principles being put forward by Members in the Chamber, and I think that it is a sensible way in which to go forward.

I would like more time to have a proper consultation with the churches and other people who have a point of view on this. As other Members pointed out, this is not just about the churches. The event places a significant imposition on all the citizens who live in the triangle, so we owe it to them to try to do this in the best possible way.

I want to make a point about the contingency day having to be made 24 hours beforehand. The Isle of Man Road Races Act 1982 does not

state that it has to be made 24 hours or 12 hours beforehand. It states:

“as it considers appropriate in order to bring the effect of the order to the attention of the public.”

We live in a fast-moving world. We should allow people to make the appropriate decisions.

I see Mr Wilson gesticulating to me. I presume that that is an indication that you would like to say something.

4.45 pm

Mr Wilson: I wish that the Member would stop being schizophrenic in the Chamber and make his mind up. He said that people needed time to seek legal redress. Immediately after that, he said that we should not even be given 24 hours’ notice. What does he want: time for people to have legal redress, or no notice at all? If he is going to make an argument, at least let us have some cogency in it.

Mr B McCrea: I am glad that we have decided to have some cogency in the argument, because what is sauce for the goose is sauce for the gander. You have it the wrong way round in this argument as well. I am telling you quite clearly that the amendment that I will be supporting and the amendment that, on reflection, people will say is the right one, is amendment No 2. We will, with clarity, say that Sunday is definitely a contingency day but only between the hours of 1.30 pm and 6.00 pm. That is the period that will be organised in statute. If and when it becomes necessary to do that, you will make an announcement. You will not need to put 24 hours or 12 hours or whatever time in. That may not be possible. It depends on when the event takes place. If you do it this way, you have a piece of coherent, cohesive and sensible legislation. That is what I am arguing for.

We talk about fine words and about moving things forward. Of course everybody is in support of running the North West 200 or any of the other major events as best as is practically possible. You want to do it right for everybody, but there are rights for every citizen in our society that we should not ride roughshod over.

Members raised interesting points. The Dundrod races were brought up. It is entirely possible to be specific in legislation about how you would deal with them. You can amend this at Further Consideration Stage. The legislation as currently presented to us here is not the right

legislation, and it will end up being challenged either by the Attorney General or in the courts. We will have to revisit it. People in our country will say, "You are not being fair to us. I am quite happy to do my bit, but I draw the line at not being able to go to my church or whatever". We need to explain to those people that their views are being taken into consideration and that we will do it in the proper way. I urge Members, even now, to think about this. Mr Allister's amendments are not that far away from what we all want to achieve, but they are the safer legal position. I urge Members to support amendment Nos 1 and 2 and to reject amendment No 3.

Mr Dunne: I welcome the opportunity, as a non-member of the Committee but as someone with a keen interest in motorsport, to speak on the Bill today. I believe that flexibility will be key for event organisers under the new Bill. However, flexibility must also work to the benefit of the locals who may be affected by road closures. It is vital that guarantees are put in place to ensure that churchgoers and others are given the assurances that they need and deserve.

I know that many churches around many of the circuits, especially the North West 200, embrace the race festival week and work with the organisers. In fact, a lot of them open their doors and have special services on the Sunday for racegoers and those who are still there. A lot of them charge spectators to use their facilities and for car parking. They also provide refreshments, so they gain some income for their church. It is important that the relationships that are developed are maintained and that clear guidelines are put in place to satisfy the local community's needs and requirements.

Any event that closes public roads does not happen without the cooperation of the local community. That has especially been the case for a lot of rallies recently. Rallies tend to be run in areas of low population density, and they are challenged more and more. They are challenged because people object, and where there are clear objections to any of the events it is unlikely that they will happen. I know of a number of rallies that had to cancel stages after people objected. I am going off the track slightly, but it is relevant to mention cases in which funerals are planned. In such cases, the stage of the rally is cancelled, the organisers move on, and the people who are affected are given the courtesy that they deserve to carry out the funeral with the appropriate respect. The organisers are very switched on to the needs of the community. They are part of the

community, and they need cooperation to run any event. That will be the case, and that is key to the future of the North West 200, as it is to any other event. From talking to its organisers, I know that they are fully aware of that.

It is important to put on record that the North West 200 for 2014 is planned for 10 May to 17 May. The main day of racing, all being well, and God willing, will be Saturday 17 May. The plans for next year are to have practice on the Tuesday and the Thursday, with races possibly on the Thursday. Friday will be there as an option. Saturday will be the main day of racing. The plan is still to run the schedule as planned over the previous years. Sunday will be a contingency day, and I think the point has been well made that it is only a contingency day. It will not be there as part of the programme. It will be used only as a last resort. It is important to make clear that the organisers are very keen not to run the event on a Sunday, unless as a last resort. It is important that we nail that. The clerk of the course, Mervyn Whyte, has said to me personally that it would be the Sunday afternoon before a wheel would turn, if that were to happen. Personally, I would prefer the race —

Mr Allister: Will the Member give way?

Mr Dunne: No, I will not be giving way.

Personally, I would prefer the race not to run on Sunday, but, at present, the race could run on Sunday. I think that that has been made clear. It could run on Sunday at present, but, of course, that would be subject to road closing orders, which would have to be negotiated. That would probably be difficult.

As we have said, the organisers are planning to meet the churches involved. I understand that they are doing that this week. They have already met the three race chaplains, one of whom I know personally and who is the minister of the Presbyterian church in Portrush. He is a very keen biker named John Kirkpatrick, and I am sure that a number of Members know him. He has been involved in the negotiations.

It is important to us that the organisers act responsibly, and I am confident that they will act responsibly. The point was made in our group earlier today that it is important that the organisers do run the event according to the plan that they have for this year. It is important that they do not leave the decisions to the last minute and think that Sunday will be an easy option. That will not be the case, and it is important that this legislation be used to ensure

that Sunday racing is only a contingency and a last resort. As I said, Sunday racing could happen and, of course, would be subject to a road closing order. It is important that we do all in our power to manage such racing, if ever it is to happen. Full negotiations will take place with the churches involved and with all those around the circuit. It is important that those continue. Running races on a Sunday will, as I said, be a last resort.

The difficulty is — this is important — that it takes 800 people to be out on a course to run that race safely. Practically all those people are volunteers. They are not getting paid for what they are doing. If they have been there for most of the week, as most of them will have been, they will be glad to be going home on the Sunday. A lot of rallies that are run here are now run on a Friday and a Saturday. People want to get home on the Sunday, especially if they are travelling back to the mainland, in order to get back to work on the Monday.

I think that the important issue is that the race will not be run on the Sunday, unless as a last resort.

If it does happen, it will be only after clear negotiation with all those involved. The Minister will have the last say on it. He will obviously be consulted about the road closing order, and it will have to be done within 24 hours.

It is important that we do all in our power to support events such as the North West 200 and the Ulster Grand Prix. As has been said, Mervyn Whyte, the clerk of the course, announced last week that he has drawn new names to the North West 200. To bring new names to Northern Ireland at this particular time is a great success. Fair play to him for doing that. He travels the world to bring people to Northern Ireland, and that is what we are about. We should be supporting him in selling this country across the world.

Motorcycle racing is a very competitive sport. It is wheel-to-wheel racing, and they do not give one another an inch on the track — it is a bit like in here, where we do not give one another an inch. However, unlike here, there are clear winners, and we should do all we can to support them.

We must recognise the work of the organisers. They are out there to manage the risk; that is important as well. They have done a lot to try to manage the risk and reduce it for the competitors. In previous years, they would have run races in very wet conditions. When the rain comes down, the risk factor increases

remarkably. I must say that the organisers, who are obviously under serious pressure from the teams and sponsors to run the event during wet days, have not done so, and all credit to them for doing that. Safety has come first — not the cost but the real risk, which is to the lives of the competitors. As a keen fan, it is most frustrating to sit all day up at the North West 200 circuit waiting for racing to start, as we did this year. However, I think that the right decision was made.

I hope that the right decision will be made here today and that we go for amendment No 3.

Mr G Robinson: I speak to amendment No 3. As a Member for the area in which the prestigious North West 200 takes place, I have been very aware of the devastating impact that the bad weather has had in recent years with regard to the racing programme and attracting visitors to Northern Ireland, as well as to our own racing fraternity. I appreciate that we are talking about not only the North West 200 but other road closure orders in Northern Ireland.

Regrettably, two out of the past three years have seen one of Northern Ireland's largest sporting events all but cancelled due to the inclement weather. The Road Races (Amendment) Bill is necessary to bring greater scope to organisers. It will ensure greater flexibility in successfully running the races for the organisers and will benefit our tourism industry throughout Northern Ireland.

There is one area of concern that amendment No 3 addresses. Considering that the current legislation does not prohibit Sunday racing, amendment No 3 defines the times during which it can take place and will help to protect churchgoers, residents and others who may be affected.

Mr Allister: Will the Member give way?

Mr G Robinson: No.

The amendment will minimise the times for road racing, particularly on Sundays. I want to see greater flexibility for road racing throughout Northern Ireland, but it must not be at any price. Amendment No 3 acknowledges that. Current legislation needs this clarification to aid all sporting events that need a road closure order.

It is worthy of note that many competitors in local road races leave immediately after racing finishes at events on the Saturday due to racing commitments at circuits in England and, indeed, on the continent. Therefore, Sunday racing

would be severely curtailed. I stress that I do see the addition of contingency days as being important, but in the communications that I have received, there is great difficulty with one of the days being a Sunday. I believe that amendment No 3 recognises that concern.

I want to make it clear that I certainly do not advocate Sunday road racing. I believe that amendment No 3 limits that, in comparison with existing legislation. There is also the fact that racing on Thursday and Friday is the primary aim of the Bill, depending on weather conditions.

I must also pay tribute to the hard-working organisers, such as Mervyn Whyte in my constituency, who I am convinced will do everything that he can to minimise the potential for Sunday road racing.

I support amendment No 3, which I see as workable and equitable.

5.00 pm

Mr Wilson: I felt compelled to speak in this debate for two reasons, the first being that I think that I am the only authentic biker to have the opportunity to say anything about this issue. Other Members have talked about how wonderful the sport is and how much it contributes to the economy, but I actually participate, although I am not a racer. Mind you, a few police constables have taken issue with that when they were giving me points. Secondly, I wanted to take part in the debate because, as I listened to some of the arguments, particularly the illogical arguments put forward by Mr McCrea, I felt that we could not conclude the debate without looking at what the legislation is about and the protections available in the amendment standing in the name of a number of my party colleagues.

I want to make two things clear from the very start. This is not about the introduction of Sunday racing. Mr Dunne made that point clear. This would be an exception and one that would be bound by a lot of qualifications and conditions that the Minister would have the ability to impose on any racing. Secondly, although it would be difficult to get a road closure order, people could apply for a full road race on a Sunday at the moment. However, as Mr Dunne again pointed out, it may be difficult for the Minister to grant permission for that.

Everybody is coming at this with the same purpose. I know that Mr Allister did not suggest it, but I think that he understands that any amendment contrary to the one that he has

proposed is not proposed because those of us on this Bench wish to oppose something simply because it is proposed by him. I think that he knows that we are not so immature when it comes to legislation. Mr McCrea suggested that, of course, but then Mr McCrea's arguments were so weak that he had to think of some reason to justify his position. However, this is not about where the amendment comes from and making a contrary amendment. We are all coming from the same place and wanting to achieve the same objective.

The objective is, first, to ensure that, when conditions arise that result in races not being fulfilled and tens of thousands of people who attend those races being disappointed, there will be a way in which we can ensure that the races happen. At the same time, we must understand that, when we close roads, we disrupt the lives of people who live along those roads. Whether it is on a Sunday or any other day, they are disrupted. Regardless of the benefits that road races may bring to a local economy, people will still feel that the normal pattern of their life and things that they want to do have been altered, and they will not like it. We must try to balance those two things.

Mr Allister's amendment takes a very black and white view that the way of protecting is to say that, if someone applies for a road race or to have a contingency where the road race might be held on a Sunday, you have specific hours in which that cannot happen. Our amendment — the amendment standing in the names of my party colleagues — recognises that this Bill is about more than one race. It is about a whole range of races, where there are lots of different circumstances and where perhaps disruption on a Sunday would not be as significant as disruption on another day of the week. For that reason, the Bill has to reflect the wide variety of circumstances that must be taken into consideration. Hence the difference in the two amendments.

Let me go through some of the concerns that have been expressed. First, there is concern that our amendment does not give people the same protection as Mr Allister's absolutist approach. Let us look at the process. This is more for the education of people like Mr McCrea, who, I think, made his speech and then decided that he should read the Bill, or maybe wrote his speech and did not even read the Bill. The process involves a lot of consultation. When people decide that they want to hold a race, they will know what roads need to be closed and they will make an application. There will be consultation, and they will have to show that they have spoken to

people. After all that, the Minister will make an order. The order is made well before — two or three months — the event takes place. At that time, if the organisers apply for a contingency day, those who are affected will know that it is not just Wednesday, Friday and Saturday, or whatever days. The organisers might also have applied for a contingency for other days, including Sunday, and people will be able give their views on that. The Minister will have those views available to him when the order is being made.

Mr Allister: Will the Member give way?

Mr Wilson: I will, yes.

Mr Allister: The Member lectured Mr McCrea about not reading the Bill, but has the Member read his own amendment? The DUP amendment is Sunday-specific. It does not relate to any other contingency day. There will not be the input, outside of Sunday as a contingency day, that the Member speaks about.

Mr Wilson: There will be in so far as, if there is a contingency day other than Sunday and someone has applied for a Friday, for example, people will be able to give their views about that contingency day at the stage when the application is made. The Minister will still have the ability to take those views into consideration even when the order is being made. If someone makes it quite clear that a Friday is absolutely out of order, I would imagine that the Minister, when the order is being made, could simply say that the order will not include Friday as a contingency day. There is that first step.

There are two parts to this process. First, there is the consultation on the making of the order. Secondly, once the contingency arises, there is the application to the Minister for the contingency day, and the Minister has to make a direction. The Minister's direction will presumably be informed by the information that has been gleaned during the consultation period, so it is wrong to suggest, as Mr McCrea did, that there is no input from the public. There is input at the very start, well ahead of the event.

I come to his point about people who would feel disadvantaged by not having time to apply for a judicial review. They would have time at that stage, of course. If the order granted the contingency day for a Sunday and people felt that that was so disruptive to them that it should not be included, they have ample time to take the issue to court. The order will be made at

least two months before the race takes place. As far as timing, the opportunity for redress and, therefore, human rights compliance are concerned, there is an opportunity, first, for people to be consulted, secondly, to know the shape of the order and, thirdly, for time to challenge the order.

Of course, the difficulty comes where, if they had not challenged it up to that time and the contingency has to be used, there could be a minimum of 24 hours for the Minister to be notified that the day has to be used and for him or her to make the direction on the particular application. However, Mr McCrea is so enthusiastic now that he does not even want 24 hours notice to have to be given. At least, in his convoluted arguments, that was one of the things that arose.

Mr B McCrea: Will the Member give way?

Mr Wilson: Yes, and if he wants to correct what he said earlier, I am more than happy to hear his correction. However, what I heard, and what Hansard will record, is that he said that people will not have enough time to appeal a decision and, in his next breath, he asked why we have to have 24 hours notice because something might happen, all of a sudden, and we might just need to change the day of the race.

Mr B McCrea: I just stood up because I had a certain amount of sympathy for Mr Wilson. He is obviously floundering and waffling around the whole thing here. About six times, he has tried to engage me in debate, but I am quite happy that, when we look in Hansard at the different points that he made, we will see that they are indeed contradictory. If you want to have a debate, Mr Wilson — through you, Mr Principal Deputy Speaker — I am quite happy to do so, but do not try to do the old blether, the old bluff and the old Sammy thing. Deal with the facts. What we want is certainty. That is the issue. Your amendment does not provide certainty. That is why I oppose it, and that is where you are wrong.

Mr Wilson: Not only can he not read, I do not think that he can even hear. Let me just go through the process again. This is like the slow end of the class. Someone wants to organise a road race. They decide what the route is going to be, and they have to consult the people along that route. They then have to apply for an order to be made. They have to show what consultation has taken place and give quite a lot of detail. If you look at the 1986 Order, you will see that there is a whole page detailing

what information they have to give, including indemnities; the suspending of rights of way; prohibiting, regulating and restricting traffic; and details about the way in which they will ensure there are no injuries or damage to property. There is a whole range of stuff that they have to do, which is specified in the 1986 Order. That has to be done a long time in advance. The difference is that they will now be able to apply for contingency days, and we will be certain what days they wish to use as contingency days if necessary, because they have to give that information months in advance. So, there is certainty. There is also certainty about the route that will be used for those times. If an application is made, it is up to the Minister to make a decision about whether that contingency day will be granted and what conditions or directions might be attached to it, informed, of course, by all the information that has been gathered.

The question is this: if it is a Sunday, do we say that the contingency day can only be used from 1.30 pm to 6.00 pm? That may be applicable in the case of the North West 200. I suspect that, if there are four churches along the route, no Minister will give a direction that races should be held while those four churches are holding services, either in the morning or the evening. I imagine that the Minister would be well aware of the objections because, at the original consultation on the order, he would have been told that. I imagine that the race organisers, to try to get support for the race, would have given certain assurances to the people who might be affected that they would not seek to race at those times anyway.

Mr Campbell: I thank the Member for giving way. I followed his train of thought and argument precisely. He said that he suspects that a Minister would not give leave if races were to occur at a time when church services were to be held along the route. Does the Member agree that we need to hear very specifically from the Minister that that is not a possibility and that it simply will not occur?

Mr Wilson: I cannot speak for the Minister, but I think that it would be a very foolish Minister who would say that, if there are churches along the route and there are services, those services cannot be held. The Minister can answer for himself. What I am saying is that, given the process that has been laid down in the Order, there is ample opportunity, first, for the race organisers to discuss the issue with those who are affected; secondly, for the race organisers to put a case to the Minister and to make the arguments for the contingency days; and,

thirdly, for the Minister to know what the issues are.

5.15 pm

Mr McCallister: Will the Member give way?

Mr Wilson: I will give way in a moment or two.

There is ample opportunity for all those arguments to be heard. Of course, if our amendment were made, the Minister would have to show that, having been aware of all that information, having heard what arose in the consultation and, perhaps, even having had direct representation from those affected, he had taken all reasonable and practical steps to avoid any disruption to the community. So, there will be an instruction in the legislation for him to pay attention to what he has heard. That does the two things that I believe the House wants: it gives the flexibility, but it also gives the protection. That is why I believe that amendment No 3, which is in the name of my colleagues, is superior to amendment No 2, which simply takes the same situation and applies it, regardless of the circumstances that might prevail.

Somebody raised the issue about what would happen if there was something on a Sunday afternoon. That is very important. Amendment No 2 does not cover that, because there is no requirement for the Minister to take steps to ensure that every reasonable and practical step has been taken to avoid community disruption for events that occur between the hours of 1.30 pm and 6.00 pm. To that extent, the coverage and the protection that are given in amendment No 3 are even wider than those included in amendment No 2. I promised to give way to Mr — Mr McCallister.

Mr McCallister: Mr Wilson is even struggling with the names of his colleagues. He has put an awful lot of trust in the Minister. His party leader heaped lavish praise on Mr Kennedy at the party conference, perhaps more praise than he heaped on Mr Wilson in recent times. However, to almost coin the First Minister's phrase, you could end up with a different Minister on a different day deciding something different. That is why you should put it in the Bill.

Mr Wilson: I am not. Mr Kennedy is my friend and colleague — *[Interruption.]* I am not going to say anything detrimental about him. Other Members would happily say detrimental things about my friend. However, although he is my friend and my colleague, I am not putting my

trust in him — *[Interruption.]* It has to be for the very argument that the Member has made: that the legislation provides a safeguard. I have tried to outline the safeguards. From the very day that someone decides that there will be a race, through the consultation, the making of the Order, the making of the application for the contingency day and the Minister's direction for the contingency day, the legislation will determine the information that has to be given, the consultation that has to be undertaken and the considerations that have to be made. It does not matter who the Minister is. That is the important thing.

Much as it might be well placed in this particular case, I am not throwing my faith on the Minister. I said that I would give way to Mr Allister.

Mr Allister: Thank you very much. The Member pointed out that amendment No 2 does not give any protection for the afternoon, whereas amendment No 3 would. Does the answer not therefore lie in having the best of both worlds? We could have amendment No 2, which gives certainty for preventing racing during church times, and we could also have amendment No 3, which gives such protection as arises under it to the rest of the day. Can we not have the best of both worlds with amendment Nos 2 and 3?

Mr Wilson: We would not have the best of both worlds. The one thing that the Member did not mention in his intervention is that, although we want certainty, we also want flexibility. There will be occasions and certain races when you might not need to put a restriction of 7.00 am to 1.30 pm or after 6.00 pm, but if you put the restriction in the legislation, when the contingency day is asked for, the Minister will have to say, "There are no objections to you having a contingency day on a Sunday. There are no objections to you using the morning or the evening, but, unfortunately, the legislation says that I cannot give it to you". That is where the inflexibility creeps in. Hence, the reason for saying that it should be left open while making sure that the objections that individuals might have, quite rightly, and which I would support, about certain hours on a Sunday have to be given due consideration by the Minister.

Mr Allister: Will the Member give way?

Mr Wilson: Yes.

Mr Allister: The Member refers to inflexibility. It does not seem to be a problem in the Isle of Man, where these exact provisions apply. Can the Member think of any established road race

route where there are not churchgoers? The issue is not whether there are churches on the route; it is whether there are churchgoers and their rights. Can the Member think of a single route of any race where there are not churchgoers?

Mr Wilson: First of all, not having a knowledge of all the racecourses or of the detail along those courses, I cannot give an answer to that. However, the one thing that I can say is that we are not talking just about road races here; we are talking about the Circuit of Ireland, for example. There are occasions when the Circuit of Ireland uses roads very early in the morning. Indeed, I can remember when I was very young going and watching some of the early stages of the Circuit of Ireland along roads, and they took place very early in the morning. So, I will throw the question back to the Member: take us through all the road race routes and tell us where the churches are along them. I would guess that his knowledge on that is as encyclopaedic as mine.

Mr Ó hOisín: I thank the Member for giving way. It raises a very interesting point, in that the rationale for amendment No 2 is that it does not clash with people who are attending their church services, be they on a Sunday morning or evening. However, as it stands, and particularly in the case of the North West, a number of places of worship in the triangle area have their services on the Saturday evening at 6.00 pm, and they are being inconvenienced. Is there room for a challenge there if amendment No 2 were adopted?

Mr Wilson: I imagine that there would be if amendment No 2 were adopted. Do not forget that, hopefully, this will happen once in a blue moon. We cannot be absolutely sure, but it is not going to be a yearly occurrence. However, my colleagues and I aim to ensure that, where people are impacted by a road race and where it does occur, there is the ability for a judgement to be made about whether the race should be run on that day and what restrictions and hours should be placed on the race on that particular day. To me, it is much better to leave that to be judged by the circumstances that pertain in each of the particular localities where the race has been applied for.

I have one last point that I want to make, and that concerns the pressure from the sponsors. Mr Allister and Mr McCrea raised this point. Do not forget that, in applying this "reasonable" test and doing what is practically the best thing to minimise disruption, the Minister will have the ability to ascertain why an applicant wishes to

have races held at a particular time. I imagine that the argument that the sponsors would be very happy to have it held at a certain time, even though, in the Minister's view, that maximises disruption to the community, would not be a compelling argument to be made. Therefore, I think that amendment No 3 covers those kinds of issues and allows the Minister to make judgements on that basis.

I think that there is unanimity of feeling that it is best to keep amendment No 4 off the table and leave this to the Minister for Regional Development. Regardless of whether that is on the basis of the knowledge that the First and deputy First Minister have of road racing, the speed with which the Department works, or whatever other arguments Members wish to employ, let us not make the situation cumbersome. The important thing is this: let us make sure that we have got legislation that considers all the issues that need to be considered and can then be applied reasonably by the Minister to give the ability to run events, and that, at the same time, gives the adequate protections that those who are affected by the disruption from such events might wish to have.

Mr Kennedy: At the outset, I thank all those who have contributed to this very lively but interesting debate on the important issue of providing greater flexibility for road races in Northern Ireland. I want to impress on all Members the fact that they must not lose sight of the reasons that the Bill was introduced and why it was granted accelerated passage. It is a Bill to provide greater flexibility, pure and simple. Some people have sought to complicate that. However, that is the intention, and that is the reason that we are seeking to progress the Bill.

Members may recall that during my closing speech at Second Stage, I referred to the wide discretion that the Road Races (Northern Ireland) Order 1986 afforded my Department. I also urged Members to be cautious about the effect of any proposed amendments that would restrict that discretion or, indeed, impose an inability to address any local situation through applying a perceived one-size-fits-all solution. Again, I ask Members to bear that in mind.

At the outset, it is right and proper that I make Members aware that it is the view of the legislative draftsman who drafted the Bill and of the first legislative counsel that the proposed amendments are unnecessary owing to the provisions in the 1986 Order. Furthermore, they advised that amendment No 4 would not work in practice. I very much welcome the indications from Mr Spratt initially, and from Mr

Wilson latterly, that that amendment is not being moved.

(Mr Speaker in the Chair)

I intend to address each amendment in turn. Mr Allister's amendment Nos 1 and 2 on the Marshalled List should be taken together. I note and welcome Mr Allister's softening of approach from his former total opposition to the possibility of contingency day road races being held on Sunday to his acknowledgement that they could take place on Sunday afternoons.

I am aware of concern among road race promoters over those amendments. The issues identified reflect my concerns. They would impose a single solution across all events regarding timing, and that would not be appropriate. Promoters point out that it is unlikely that all the churches on, or in the vicinity of, all road race courses on which promoters may seek to invoke a Sunday contingency would hold services at the same time. Consequently, it may be better to permit road racing earlier at some locations. My Department has already received confirmation about one established race that, in the event of a contingency day proposal, the preference is for an earlier start — at 1.00 pm — because that would suit better with the morning service times for a local church.

5.30 pm

Mr Allister's proposed amendments raise other practical and operational concerns. They limit the entire time available to close the road, clear it of traffic and complete the immediate pre-race course preparations — referred to earlier by, I think, Mr Spratt — most of which cannot be started until the road is closed and then to complete the race programme and reopen the roads to the public within four and a half hours. This timescale would be, in some areas, challenging for race organisers.

Members should also be aware that, in the interests of safety, many locations would require the removal of my Department's normal road signage immediately after the road closure has commenced, and that it would have to be reinstated prior to the roads being reopened.

I earlier highlighted the fact that the road racing legislation does not just deal with motorcycle races on roads. That seems to be a crucial factor that some Members have missed, particularly Mr McCrea. It provides for all motor races on roads, including car rallies, hill climbs and karting events. My attention has been

drawn to the fact that car rallies, particularly, and hill climbs have a history of early morning starts. If any of the organisers wished to avail themselves of a Sunday contingency, a better option for them and for churchgoers might be to get some of the stages or the timed runs completed in early morning, before churchgoing times. Many of those events also take place in fairly remote areas, where the impact on residents and general public is often minimal. I believe, as does the sport, that the proposed amendment would prevent such early starts, although that might not be the option of least inconvenience to the general public.

I turn to the issue of amendment No 3, which was proposed by Mr Spratt and others. The aim of that amendment reflects what already takes place in practice by virtue of the powers that my Department already possesses under the Road Races (Northern Ireland) Order 1986. In many ways, it is, therefore, a purely cosmetic amendment. However, I have listened to the voices from all parts of the House — with, I think, the exception of the Back Bench containing Mr Allister and his new-found adherent Mr McCrea. I am inclined, then, to endorse amendment No 3.

It is worth saying that before any road closing order is made, my Department must satisfy itself that various arrangements and safeguards are in place. Under article 3 of the 1986 Order, my Department may issue a road closing order to close roads:

“for or in connection with motor races during the whole or any part of any days so specified”

— in the order. That enables my Department to include:

“such provisions as the Department considers appropriate for securing the proper conduct of the motor race and for purposes incidental thereto.”

So there is considerable scope in the current legislation to afford the protections that are, in my view, so sought and so necessary.

The Department uses this wide discretion to ensure that appropriate insurance is in place; to acquire an event plan, including safety matters that have been addressed; to consider and authorise traffic management arrangements and the provision of alternative routes; and to ensure that PSNI and local residents have been properly consulted and that appropriate notice is given to the public. Those powers are in the 1986 Order. We are not changing that as a

result of the Bill that is before the House. We are simply trying to create a little flexibility.

These powers enable my Department to treat each application as it should be, which is as a unique application with a unique set of circumstances, rather than enforcing a common set of requirements that do not meet the needs of organisers, competitors or, indeed, spectators.

I have already indicated that amendment No 4, which is not to be moved, had been assessed by the legislative counsel as one that would not work in practice. I believe that that is proper advice, and I welcome the fact that it will not be moved.

The Bill proposes that where a race promoter seeks to use a Sunday as a contingency day to salvage their otherwise cancelled race, they must make application to my Department not later than 24 hours before either the beginning of the contingency day or the specified race day — whichever is the earlier. The effect of this is that where a race promoter seeks to move a Saturday race to a Sunday, they must make application to the Department by midnight on the Thursday night. In those circumstances, a race promoter might, rightly, expect to receive an early response on the Friday to enable their management team to swing into operation. That is why the Bill provides for that process to be carried out electronically. Of course, an official from my Department would be on standby to make the appropriate arrangements.

Again, I have to say that the suggestion — I know that that suggestion is now off the table — that the First and deputy First Minister would give approval would not work for purely practical reasons. My understanding is that both Ministers are now in Japan having travelled there on a 14-hour flight. It seems that the east of this world is the place to be. The Prime Minister is in China. The First Minister and deputy First Minister are in Japan, where, indeed, I understand, the Taoiseach is as well. We are back here.

I also have to say that, in road racing legislation going back over some 100 years here, the approval of a Prime Minister, First Minister or deputy First Minister has never been required in respect of a motor race being held on a public road.

Finally, I draw Members' attention to the situation of a race promoter making an application to hold a motor race on public roads on a Sunday. That is a race in which the promoter is not seeking to use a Sunday as a

contingency day. The consideration of that application and its approval or non-approval would rest with my Department. I reiterate my earlier point that my Department would rely on its existing wide discretion and the powers that it has under the 1986 Order to consider the application. Under those powers, it would already be obliged to satisfy itself that an order would minimise, as far as reasonably practicable, any disruption to the local community on that day. It would also ensure that disruption in respect of churchgoers would be kept to a minimum and that appropriate notice is given to the general public.

Given the position that has been outlined, it should be possible for this important Bill to pass Consideration Stage without amendment. I realise that Members raised a number of issues. Because accelerated passage has been used, it is important that I address those comments.

The debate was, of course, opened by Mr Allister. Again, I remind Mr Allister and others that the Road Races (Northern Ireland) Order 1986 places no restriction on the hours by which racing on roads may finish. I think that he was under the impression that everything had to be wrapped up by 6.00 pm. That is not the case. It is entirely dependent on the application that is brought forward by whoever is sponsoring the race. The times at which roads may be closed are dictated by the road closing order that is specific to each event.

Generally speaking, when the Department is satisfied with what has been proposed and requested by race organisers, it will grant the relevant road closing order. Some races may finish by 6.00 pm on a Saturday, but that is because the promoter sought to bring racing to a conclusion by that time or because, taking into account local concerns, the Department placed such a restriction on the order.

However, other road closing orders, for example for car rallies, may go well beyond the 6.00 pm time that was mentioned by Mr Allister and may continue into the early hours of the next day, even when the next day is a Sunday. Therefore, if a late-night rally stage were timetabled for Friday until the early hours of Saturday, say 1.00 am, which has happened in recent years, but was moved to a Saturday/Sunday contingency, that would, effectively, be prevented by Mr Allister's amendments.

Mr Allister made a point about the Isle of Man, but there are important differences. Members will be aware that the Isle of Man TT races span

two weeks. Section 1 of the Isle of Man's Road Races Act 1982 enables racing to take place on the intervening Sunday between the hours of 1.30 pm and 6.00 pm. That enables races that are postponed the previous week to take place on that afternoon, but it does not apply to other races that are held on the island. It is a provision for a single race, unlike that which is contained in Mr Allister's amendment.

Mr Allister proposed that Members accept his amendments now and perhaps seek to amend them at Further Consideration Stage. I am not inclined to do that, because even Mr Allister has accepted that there are flaws in his amendments. It would be wrong to accept an amendment on the basis of what it might become. It is playing politics to seek to persuade others to accept an amendment that, it is conceded, might need amending itself. I say that with respect to the Member who made that proposal.

There is a need for a meaningful discussion and for reasonable arrangements to be put in place in the event of a Sunday contingency. That is important, and it has been raised by various Members throughout the debate. I am grateful that it has been raised and for the opportunity to provide clarity. Article 3(2) of the 1986 order provides that my Department shall not make a road closing order unless it receives and grants an application by 31 March annually. This Bill does not propose to change that. A road closing order specific to that event must then be made. However, once the promoters have had their applications for race events granted — I remind Members that they must be granted by 31 March — my officials will require them immediately to look at how a contingency day might impact on the local population, including schools, businesses and, of course, where appropriate, churchgoers. Before a road closing order would be made to facilitate the event, which would normally be three to four weeks before the event, evidence would be required by my officials to ensure that meaningful discussions had taken place, that reasonable arrangements had been effected and that the likely inconvenience is kept to an absolute minimum. I have to say that it is scaremongering to suggest that any decision on a contingency day is taken on hearing arguments between a weather forecast and a day definitively sought in race week. Members, I hope, will listen to that clear assertion.

Mr Spratt informed the House about the public consultation that is carried out. Indeed, he raised instances where circumstances had dictated events and when race organisers had been sympathetic and worked to facilitate

events such as funerals or emergency matters that were brought to their attention.

I think it was Mr McCrea who envisaged a real catastrophe occurring. It is impossible to legislate for that. When issues happen on the day, even bomb scares — unfortunately there are sick people out there who have sought to disrupt road races in the past — it is very difficult to legislate for that, and no sensible attempt could be made to do it, least of all through this legislation.

5.45 pm

Mr Spratt made the point that the economic benefits to the north-west and to Northern Ireland generally are important and should be facilitated. Mr Seán Lynch, with his party, is adopting a pragmatic approach to the change. He saw the economic benefit and said that his party would support amendment No 3. Mr Dallat supported amendment No 3 as well and, very properly, raised the potential damage that the other amendments might do to an event such as the Circuit of Ireland. He clearly understood the impact that such amendments would have and confirmed how important it was to the economic life of the north-west region.

Mr Kinahan summed matters up very well, in that he said that we want simple legislation that is easily understood. That is what we are seeking to do. His was a very good contribution, in that he understood the need for more flexibility and a sensible, common-sense approach that any Minister will seek to apply to those circumstances.

Mr McCarthy made a short contribution. He fully supported the Bill and the need for flexibility.

Mr Easton supported amendment No 3 and sought common sense and flexibility.

Mr Ó hOisín welcomed the increased flexibility and acknowledged that organisers are sensitive to all those things, whether it is the organisers of the North West 200 or of the other road races that take place.

Mrs Hale, the sole female contributor, welcomed the Bill, the aspects of tourism and facilitating spectators, participants and organisers. Her support is noted.

Mr Byrne is Mr Dallat's pillion passenger, but nevertheless he gave support to the Bill.

We come to Mr McCrea's contribution. He started by telling us that, years ago, he had

been at the races. If that was years ago, it was not today. He was not near the races today, I am afraid. He complained about accelerated passage and lauded his Back-Bench colleague, Mr Allister, for the speech that he heard him deliver. I am sorry that he does not appear to have contributed to the debate last week, when accelerated passage and the reasons for it were debated and it was supported by the House. I hope that he has listened closely to the drawbacks in amendment Nos 1 and 2 proposed by Mr Allister and that he will seriously reflect on those before he gives his support so blindly or so willingly. However, that would perhaps be unreasonable to expect.

Mr Dunne encouraged and exhorted us to work well and for the organisers and everyone to work together. That is entirely sensible. Cooperation is indeed required for the local population, however they are affected, and for the organisers. He saw the contingency day as a last resort. That is the consistent view of race organisers who I spoke to. Mr Robinson, as a Member from East Londonderry, gave support to the proposed changes.

We finally came to Mr Sammy Wilson, he of motorbike and penalty points fame and who, perhaps, sees himself as the most authentic biker in the House — I have to be careful how that is read.

The sole purpose of the Bill is to provide greater flexibility. It is not anything more sinister and is not intended to be. The onus will be to ensure minimum disruption should anything happen. Some Members thought that it was a matter of simply trusting me, but I have to be realistic: some day there may be a pharaoh in Egypt who knoweth not Joseph. It is incumbent on whoever is Minister for Regional Development to take account of and listen closely to any concerns. I have no doubt that, even before that stage, race organisers will be aware of their responsibilities, too. This is not a leap of faith in any sense, but it has the capacity to give greater flexibility. That is the main purpose of the Bill.

I hope that the Bill can now move forward and pass through expeditiously but will also carry the maximum amount of broad support as possible. I am pleased to be taking this legislation through the House. It is important that it progresses in its most workable format, and I ask all to support the Bill and make this legislation a success for road racing, spectators, residents, retailers, churchgoers, schools and for any other interest groups.

Mr Allister: When, in any debate, a Minister, in particular, resorts to playing the man rather than the ball, as he did with Mr McCrea, it is usually a pretty clear indication of a sense of losing the argument.

In this debate, the House has to face an issue. We heard many words, platitudes, that which is suitable for press releases, telling us about deep concern for the rights and interests of churchgoers. We will see how that manifests itself in a vote. This House has a clear path laid before it in amendment No 2, whereby it can put those words into action and demonstrate that it does have a deep-seated, abiding concern for the rights of churchgoers to exercise their freedom of religion on a Sunday. The choice is clear, because amendment No 2 builds a hedge around churchgoing times and protects them. Amendment No 3 is all things to all men, whatever you want it to be. It cannot even bring itself to mention the specific rights of churchgoers.

I am familiar with Members in the House, and I have often heard them talk about —

Mr Wilson: Will the Member give way?

Mr Allister: Yes.

Mr Wilson: Maybe I missed it, but could the Member tell me where the specific rights of churchgoers are mentioned in his amendment?

Mr Allister: By simple deduction that if you are preventing racing before 1.30 pm and after 6 pm, and if you had listened to my speech introducing the amendment, it would be beyond doubt that the prime protective is for churchgoers. That is what it is.

I was going to say that I am familiar with some Members who, in former times, would have told us that Sunday is special. Yet, today, from the DUP Benches, we had a contributor, Mrs Hale, tell us that you could not support the 1.30 pm to 6.00 pm proposal because it would not be possible to fit a whole day's racing into an afternoon. It seems now that there is not very much of Sunday that is special to some. Indeed, we have heard nothing in this debate from some to whom it is supposed to be special. A telling, stony silence. Mr Campbell gave us the benefit of an intervention. He is the MP for the area that is most affected, and his intervention to Mr Wilson was about his hope that the Minister would give an assurance that nothing would happen during church service times. It was rather appropriately pointed out to

him that, if that is the attitude and the ambition, it should be put in the Bill. That is the interest.

Mr Campbell: 3.00 pm.

Mr Allister: Sorry, 3.00 pm? I would have thought that the Member would know his constituency better than I know it, but none of the four churches has a 3.00 pm service. I took the trouble to check the times of the church services, and none of them has an afternoon service at that time of the year.

Mr Wilson: Will the Member give way?

Mr Allister: Yes, I will give way.

Mr Wilson: Before the Member gets too sanctimonious about Sunday being special, does his amendment imply that Sunday is not special between the hours of 1.30 pm and 6.00 pm?

Mr Allister: No, it does not. My amendment implies that there is no appetite in the House to protect Sunday, and it therefore reflects the desire to protect it as much as it can be by building the protections around church times. I stress to the House that this amendment is about protecting the rights — yes, the rights — of churchgoers. Some in this debate —

Mr McCrea: Will the Member give way?

Mr Allister: Yes.

Mr McCrea: The Member was attacking my colleague Mr Campbell for not knowing the times of other churches' services. Will the Member give his view on the impact on churchgoers living along the course if they were looking to go to a 3.00 pm service, which my colleague referred to, at any church other than the four churches that are affected?

Mr Allister: I obviously carried out enquiries about that, and as far as I could ascertain from those I met, there are not any afternoon services at that time of the year. If the Member is so concerned about protecting churchgoers, he will be voting for amendment No 2. If that is his concern, this is his opportunity to do something to protect churchgoers.

I heard it said in this debate that my amendment is too north-west centric and too centred on all those concerns. Yes, that probably was the catalyst for the amendment, just as what happened weather-wise with the North West 200 was the catalyst for the Bill.

However, I respectfully suggest that there are churchgoers on all the circuits, and they are as entitled to the protection as the churchgoers of the north-west. There might be a greater concentration because of the greater urban setting of the North West 200, where hundreds, if not thousands, of people live on the route. However, if there are churchgoers on other routes, such as Dundrod etc, the fact that there is not a place of worship on that route is neither here nor there. It is about protecting their rights. Have we really reached the point in this Province where we cannot protect churchgoers' rights?

Tomorrow in the House of Commons, the Democratic Unionist Party has an Opposition day debate on the persecution of Christians. That is very good, but let us also think about the approach that would say to Christians in this community that their rights to worship on a Sunday can be and may have to be trumped by the rights of racegoers on those various circuits. If that is not the attitude, vote for that which would protect them. That is the challenge in the debate.

6.00 pm

Some pretty nonsensical things were said by the Sinn Féin Member for East Londonderry. He told us that this would affect existing races that run on a Sunday. It would not. It could not. Their organisers apply under the 1986 order for permission to race on a Sunday as their primary day, and they get it. They will not be using Sundays as contingency days. They will not be affected. Mr Dallat told us that the first casualty of this would be the Circuit of Ireland. It will not. If the Circuit of Ireland races on a Sunday, it is because it applies to race in the early hours, or whatever, of a Sunday under the 1986 order. It is not relying on contingency days either. So much scare tactics have been used in the debate. *[Laughter.]* Folk to my left laugh about scare tactics.

Mr Campbell: Because you use them often enough.

Mr Speaker: Order.

Mr Allister: If you are a churchgoer on the North West 200 circuit — a constituent of Mr Campbell's — who religiously goes to church, where is the scare tactic in saying that, without an amendment that says that the specified hours shall exclude churchgoing hours, you cannot be guaranteed the right to go to church? People talk about guarantees. Mr Dunne told us that it was vital that we guarantee the rights

of churchgoers. Mr Dunne has his opportunity to guarantee those rights by supporting amendment No 2, or are they just words?

Mr Wilson: I thank the Member for giving way. Surely there is no greater scare tactic than what is being propagated by the Member now. He is ignoring the fact that churchgoers will have to be consulted by the race organisers. That consultation will have to be outlined clearly when the application for the road closure order is made. The Minister will know what the churchgoers have said. If our amendment is accepted, the Minister will have to take all reasonable steps to ensure that the views of churchgoers are heeded and that there is no disruption to the community. It is the Member who is engaging in scare tactics because he is ignoring all the protections that there are in current legislation and in the amendment.

Mr Allister: If the desire is to give that protection, why are we running away from the means of guaranteeing it and doing it? Why are we hiding from, ducking, diving and running away from an amendment that would do that in favour of an amendment that could mean anything to anyone? Why is that? The Member said that the organisers will have to consult with the churches. I hope that it is better consultation than was carried out with the churches before the organisers came to Ministers looking for the change in the law. There was not a single consultation with the affected churches on the north-west coast by the organisers. I hope that it is a better consultation than that, and so it should be.

Mr Kennedy: Will the Member give way?

Mr Allister: Yes.

Mr Kennedy: The Member will know that the consultation that my Department engaged in was a Province-wide consultation because it is Province-wide legislation. It is not peculiar to the North West 200. That is a fundamental flaw in the arguments that the Member has put forward.

Mr Allister: I appreciate that it is Province-wide legislation. The point that I was making in answer to Mr Wilson was that I hope that the consultation that the organisers will carry out will be a better consultation than the one that they conducted with the churches. They came looking for legislative change without ever having spoken to the churches. That is the point that I was making. As for the Minister's consultation, yes, he consulted with whatever church headquarters are in the consultation list,

but no one contacted the four churches that are actually on the North West 200 route. No one told them about it until this MLA told them about it. Coleraine —

Mr Spratt: What did you tell them?

Mr Allister: I told them exactly what the proposal was. I gave them a copy of it. If Mr Spratt wants to intervene to suggest something else, let him come on. I told them exactly —

Mr Spratt: Well, the issue is that you were a johnny-come-lately to the whole thing, because the thing has been discussed from the last North West 200 in May. You came to the situation late and you went to the churches, and none of us knows what exactly you said to the churches about what exactly was being applied for. Maybe you will explain that to the House now.

Mr Allister: You say that I am a johnny-come-lately.

Mr Speaker: Order. Let us have remarks through the Chair.

Mr Allister: Mr Speaker, I am a johnny-come-lately, it seems, to this issue. Once the public consultation was published, I became aware of it. I also became aware through my contacts with some of those churches that they were not aware of it, so I acquainted them with it. I showed them the consultation, and I invited them to respond if that was their wish. I organised for them to come and speak with the Minister. Did I do wrong? Does Mr Spratt object to that? Does he think that I should not have done that because I am some sort of johnny-come-lately to this issue? Things were going swimmingly, and then I came along and dared to tell the churches. Is that what he is saying to this House? If he is, I have no apology to make whatsoever in that regard.

Then we are told that we can leave all this to the Minister. Maybe we can. Could we have left it to the previous Minister? That is the question that I would like some in this House to ponder.

Mr Campbell: Or a direct rule Minister?

Mr Allister: Or a direct rule Minister. Could we have left it to the last Minister who held the post? Is that for the House? Or would you rather have laid down in legislation the certainty so that everyone — churchgoer, non-churchgoer, race organiser, race spectator and

race participant — knows that, if there is to be Sunday racing, there will be stipulated hours, as there are in the Isle of Man? If it is good enough for the Isle of Man, what is wrong with it for Northern Ireland?

Mr Campbell: I thank the Member for giving way. He is waxing lyrical on his amendments. I take him back to a phrase that he used on a different subject matter in this House a couple of months ago, which he then lived to regret. In a different context, he used the phrase that an issue was “marginally preferable”, if he can remember using that phrase. He then had to regret saying it. Is he saying that his amendment is marginally preferable to ours?

Mr Allister: I know that the Member thinks that he can be very obtuse and very smart. I must say that, more often than not, it passes over my head. That largely passes over my head as well. I am very clear. This is the Member of Parliament for East Londonderry who has had nothing to say in this House in two days of debate about this issue. This is the Member of Parliament who I —

Mr Speaker: Order. Let us have remarks through the Chair. Let us not have a debate across the Chamber.

Mr Allister: This is the Member of Parliament for East Londonderry who has had nothing to say on these issues. His constituents do not know where he stands on these matters because he has not made a speech about it in this House. They will know today by how he votes in this House where he stands, and they can draw their own conclusions.

I want to comment on one or two other contributions.

The Minister lauded Mr Kinahan’s contribution; I see he has just left. His contribution contained the marvellous observation that if we were going to Sunday racing and there were church problems, we do not need to close all the roads; we could have diversions. Think about it; we are going to race the North West 200 circuit, which they have practised on, but somehow we are going to have to avoid going round Church Corner. Is that the depth of thought that has gone into how we address this issue? It really beggars belief.

Then, Mr George Robinson, the only unionist Member from East Londonderry to speak, though he would not participate in debate because he would not take any interventions, told us that amendment No 3 defines the times

when racing can take place. I think he must have been reading amendment No 2; it is amendment No 2 that does that, not amendment No 3.

I say to Members that there is a template, a precedent, in the Isle of Man provisions. They work there, they give mutual respect to all interests and protect the rights of churchgoers. What would be the shame and what would be lost by drawing on that experience?

Mr Kennedy: Will the Member give way?

Mr Allister: Yes.

Mr Kennedy: Will the Member concede that the Isle of Man legislation impacts simply on one race? It does not seek to interfere with the operation of other races on the island.

Mr Allister: It impacts specifically; however, it does so on a magnitude in which one race virtually encompasses all roads on the island. By way of a parallel, it would be like closing down Northern Ireland per se. The Isle of Man does this on a very defined basis, and it is good template.

Mr McCallister: I am grateful to the Member for giving way. Will he agree that the model that the Isle of Man has created also gives much better flexibility as to when you would trigger the need for a contingency day?

Mr Allister: Yes, but that is beyond the ambit of any amendment that anyone has tabled in the House. As things stand, that is not something to be addressed in this Bill, from what I can see.

I say to the House that we have an opportunity to reconcile our concerns about churchgoers and the rights of the North West 200 and others to complete their racing cycle. The answer lies, perhaps, in a combination of amendment Nos 2 and 3. Mr Speaker, I think according to the Business Office, you will tell us that both amendments can be made. The House has the luxury of being able to set protective parameters protecting the periods before 1.30 pm and after 6.00 pm, so that no one can be in any doubt, and bring the certainty we need for everyone. No one will then be under undue pressure from road race teams, sponsors or anyone else to race earlier on those days, because the law will say, as it does on the Isle of Man, that 1.30 pm is the time limit. For the rest of the day, amendment No 3 gives such protection as it brings. You can have the best of both worlds.

Mr Givan: Will the Member give way?

Mr Allister: Yes.

Mr Givan: Does the Member accept that amendment No 3 will give protection for the scenario that Members outlined for churches that engage in Gospel missions and have meetings at 3.00 pm on special occasions? If he is satisfied that it will give protection in those circumstances, surely it is applicable to any 24-hour period on a Sunday?

Mr Allister: If the Member listened, he would have heard that I was careful to use the words "such protection as it can give". I am not persuaded that its protection is foolproof by any manner or means. I think that it is a bit of all things to all men, which one Minister could interpret as being one thing and another Minister could interpret as being another. However, such protection as it gives, if it gives any, can be available for the rest of the day and you can have the guarantee that it puts churchgoers' rights for the rest of the day beyond doubt. That, I think, is a reasonable compromise in these circumstances. On that basis, I commend amendment Nos 1 and 2 to the House.

6.15 pm

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 3; Noes 77.

AYES

Mr Allister, Mr McCallister, Mr B McCrea.

Tellers for the Ayes: Mr Allister and Mr McCallister

NOES

Mr Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Byrne, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Frew, Mr Gardiner, Mr Girvan, Mrs Hale, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCarthy, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGlone, Mr D McIlveen, Mr McKay, Mrs

McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr A Maginness, Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.

Tellers for the Noes: Mrs Dobson and Mr Kinahan

Question accordingly negatived.

Amendment No 2 proposed: In page 1, line 11, at end insert

“(1BA) A contingency day may not be—

(a) the whole of a Sunday; or

(b) any part of a Sunday beginning before 1.30pm or ending after 6pm.”— [Mr Allister.]

Mr Speaker: I have been advised by the party Whips that, in accordance with Standing Orders 27(1)(a) and 27(1)(b), there is agreement that we can dispense with the three minutes and move straight to the Division.

Question put, That amendment No 2 be made.

The Assembly divided:

Ayes 3; Noes 77.

AYES

Mr Allister, Mr McCallister, Mr B McCrea.

Tellers for the Ayes: Mr Allister and Mr McCallister

NOES

Mr Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Byrne, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Frew, Mr Gardiner, Mr Girvan, Mrs Hale, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCarthy, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGlone, Mr D McIlveen, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr A Maginness,

Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.

Tellers for the Noes: Mrs Dobson and Mr Kinahan

Question accordingly negatived.

Amendment No 3 made:

In page 1, line 11, at end insert

“(1BB) An order may not specify the whole or part of a Sunday as a contingency day unless the Department is satisfied that the terms of the order are such as to minimise as far as reasonably practicable any disruption to the activities of the local community on that day.”— [Mr Spratt.]

Amendment No 4 not moved.

Clause 1, as amended, ordered to stand part of the Bill.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Road Races (Amendment) Bill. The Bill stands referred to the Speaker.

6.45 pm

Assembly Business

Extension of Sitting

Mr Speaker: I have received notification from members of the Business Committee of a motion to extend the sitting beyond 7.00 pm under Standing Order 10(3A).

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 2 December 2013 be extended to no later than 10.00 pm.
— [Mr Dickson.]

Private Members' Business

Day Services: Equal Lives

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

Mr Dunne: I beg to move

That this Assembly endorses the Bamford review Equal Lives report and the expectations it places across all Departments; supports the Northern Ireland Executive's Bamford action plan 2012-15, including the action to "enhance provision of person-centred day opportunities (including employment provision) for people with a learning disability that facilitate integration into the community"; recognises that, while day centre provision will always be required, more must be done to promote choice and independence for individuals living with learning disabilities, including development of employment opportunities, access to culture, arts and leisure, transport and education opportunities; demands full and meaningful involvement of service users, carers and other stakeholders in the development of new services; calls for improved access for people with learning disabilities to high-quality, individualised services through supported living, supported employment, productive daytime opportunities, educational, social and leisure activities; encourages benchmarking of day services/day opportunities in order to drive improvements, ensure consistency of quality and equity of access; and urges the Minister of Health, Social Services and Public Safety, and Executive colleagues, to work cross-departmentally alongside voluntary/community organisations and statutory agencies to put in place a network of services that deliver enhanced opportunities for those with learning disabilities.

I welcome the opportunity to propose the motion as a member of the Health Committee. It is a timely motion on an important issue that today affects so many across Northern Ireland. It is imperative that we do all that we can to help to deliver enhanced opportunities for those with learning disabilities and further develop

social inclusion. I am sure that everyone in the House knows someone, either through their family or close friends, who has a learning disability. Therefore, we should all be familiar with the very real challenges faced by people with this disability. Real challenges can exist in employment, education, housing and generally trying to live as normal a life as possible. We all recognise the valuable role that people with a learning disability can have and how happy a life they can lead.

Often, the role of caring for and supporting those with a learning disability is with family members. However, unfortunately, not everyone will have a suitable family structure in place to support them. Therefore, it is vital that services are in place to provide an acceptable level of care and support. The level of support must be consistent across all the trusts. In the Health Committee, we have seen clearly that there are inconsistencies in the level of care among the trusts. That is something that needs to be addressed, and the gaps in the different trusts must be closed. I know that the Minister, Edwin Poots, has taken an active interest in developing services right across Northern Ireland for those with learning disabilities. I commend him for taking the lead on this important issue. I know that he will continue to pursue what is best for those who need help and care.

Having visited the Strickland's Care Village in Bangor in my constituency with the Minister recently, I have seen for myself, as did some of my other colleagues, the excellent facility and support that is in place for local people. Having spoken with a number of the residents, I know that they really value the limited employment that they can avail themselves of. We met one man who helps out, one day a week, in a local gift shop in the town. Although it is not a major job, the value of his small role is priceless to that individual. Employment remains one of the main challenges.

All the indications are that there will be increased numbers of people with learning disability in the next 10 years in Northern Ireland. Therefore, it is essential that services are given the funding that they deserve and that support is in place to meet any longer-term rises in numbers.

The Bamford review sets out its theme and vision of improving community-based services for those with learning disability. In that vision, it is essential that the right networks exist to support patients, with carers and families at the core. However, as with any issues, funding is, unfortunately, limited, and challenges remain to

improve the efficiency and effectiveness of these services. The Executive and Departments must work collectively and cross-departmentally to deliver the best possible choices. The motion has a clear theme running through it, which is to promote choice and independence for those with a learning disability. If more choice and independence are encouraged, more people will feel part of society, integrate and make a positive contribution.

The Patient and Client Council's 'My Day, My Way' document sets out clearly the genuine views and concerns of those with a learning disability. The report highlights a general level of satisfaction by those who have a varied programme during their average week. They had many positive things to say about their day-care services, as well as their day opportunities. However, genuine and real concerns were flagged up in the report. Some people felt that there was an information gap in opportunities and services. Others felt that employment opportunities were very limited. All those concerns must be addressed with a person-centred approach in mind.

I commend the work of many local charities, such as Mencap, Praxis Care and Bryson, and many more that do a sterling job to support and advance the needs of those with learning disabilities. It is also important to pay tribute to the many volunteers across the country who are involved in support work and help make a real difference daily. I know that, in North Down, just last week, the Beechfield Respite Unit in Conlig, which is supported by Praxis Care, was successful in the People's Millions fund competition and has been awarded funding to develop a much needed play facility for young people with a learning disability. Having visited the facility recently, I appreciate fully what that means to them and the young people involved. That type of funding is a lifeline and a boost to everyone involved. It has brought great joy to the local community.

I am pleased that the motion is being discussed, and I look forward to hearing other Members' contributions. I am happy to commend the motion to the House.

Mr McKinney: I beg to move the following amendment: At end insert

“; and ensure that the necessary financial arrangements are put in place in order to facilitate the 2012-2015 Bamford action plan.”

The SDLP commends the Executive's commitment to the Bamford review, which is clearly evident in the creation of both the 2009-2011 and the current 2012-15 Bamford action plans. The sentiments expressed by the work of the review, specifically in the Equal Lives report, have given clear indication to the House that it must strive to create appropriate legislative structures in order to meaningfully enhance mental health and learning disability provision. It is increasingly evident that, for people with a learning disability and their families, day opportunities and alternatives to traditional day-care provision are crucial. It is for that reason that the SDLP supports the establishment of new care models that provide more choice for individuals with a learning disability. Importantly, however, it should not be about cost-cutting.

The SDLP believes that choice can be facilitated through practical realisation of the five core values that are addressed in the Equal Lives report: social inclusion, citizenship, empowerment, working together and individual support. It is clear that, if those values are to be protected and promoted, all work moving forward must encompass considerable joint contribution from Departments — in other words, joined-up government. The SDLP recognises that much good work was achieved in that way through the implementation of the original Bamford action plan. We support the call for continued cross-departmental effort in the motion.

The SDLP also supports the need to work closely with voluntary and community organisations. It will be necessary to consult all stakeholders in order to improve the level of care for those with a learning disability, as also expressed in the motion. That said, however, the SDLP is extremely concerned about the role that budgetary restrictions may play in the implementation of the current Bamford action plan. Back in 2009, when the first action plan was embarked upon, the total amount of additional funding that was anticipated by the Department over three years for learning disability and mental health was £44 million. Specifically, the total amount of projected additional funding for learning disability alone was £17 million. Due to the comprehensive spending review, the actual amount of additional funding that was allocated in 2009 was just shy of £30 million, of which £12.4 million was for learning disability. It is the admission of the 2012-15 action plan itself that the £14.5 million reduction in additional funding had "some effect" on the health and social care sector's ability to deliver on actions in the earlier action plan.

The SDLP accepts that, overall, learning disability expenditure has increased each year, but we are not at the end of expenditure cuts, and they will play a pivotal role in shaping learning disability care, including daytime opportunities towards 2015.

The only additional funding that has been earmarked for mental health and learning disability over the Budget period is £9.2 million, comprising £2.8 million for mental health and £6.4 million for learning disability. That, effectively, means that just over half the additional funding that was set for 2009-2011 — crucially, that is two years — will be available for 2011-15, which is four years.

During the Health and Social Care Board meeting on a regional learning disability day opportunities model in September, it was stated that, during the three-year period, the five health and social care trusts will have a combined total of just under 500 individuals coming through transition from education who will need a learning disability day service. Based on the Northern Ireland current average care cost of £72 a day, suggesting that each individual will have approximately five days a week, the potential cost by 2015 will be an additional £8.4 million. I am sorry for going through all those figures, Mr Speaker, but I think it is important, given the nature of the amendment.

That projection alone exceeds the amount of additional funding that has been earmarked for learning disability by £2 million. So, the question becomes one of whether the significant financial challenge that lies ahead puts a question mark over the effective realisation of the Bamford action plan up to 2015. That is why the SDLP is urging Executive colleagues to put in place financial arrangements in order to ensure that the outlined financial mismatching will not hamper ongoing development and contradict the wishes of those who are most affected by a learning disability.

The SDLP believes that this amendment is fitting, given the substantial concern that has been expressed surrounding financial restrictions and the Bamford action plan. The SDLP recognises and supports the unique role that the Bamford monitoring group has played since its inception. The group was established by the Health Minister and comprises people with mental health needs, people with learning disabilities, families, carers and representatives of the Patient and Client Council.

The purpose of the group is to clearly communicate the views and experiences of those who are most affected by mental health issues and learning disabilities on changes that are being made in line with the Bamford review. In its response to the Health Department's draft budget for 2011-15, it noted the following, which is worth putting on the record:

"The Bamford Monitoring Group is very concerned that the shortfall in resources under the draft budget"

for the Health Department

"will have significant implications for service delivery and that the proposed allocation will be insufficient to maintain existing service levels ... It is unacceptable to reduce funding further".

The group also stated:

"It is also important to highlight concern that spending plans have been developed individually by each Government department."

It goes on to state:

"This loses sight of the ethos under which the Bamford Review and its recommendations ... were made."

The Equal Lives report has become a seminal document of instruction on learning disability day opportunities. Objective 12 of the report is:

"To promote ... joint working across sectors and settings in order to ensure that the quality of life of people with a learning disability is improved and that the Equal Lives values and objectives are achieved."

Recommendation 74 of that objective outlines that ring-fenced funding should continue and that the possibility of extending that to other Departments should be explored. The SDLP believes that our amendment expresses the same sentiments that were outlined in that objective of the Equal Lives report.

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

The fiscal demands of the Bamford action plan will need to be managed by many Departments, including those responsible for health, transport, education and culture, arts and leisure. Unless arrangements are put in place between each, with the Bamford action plan in mind, there is a significant danger that the

progress that has been made from 2009 onwards will be halted.

The SDLP notes the worrying inclusion in the 2011-15 action plan of a disclaimer of a sort, which outlines:

"New actions or initiatives will require further financial analysis and their implementation will be subject to resource availability and prioritisation within the respective organisation(s)."

The actions in the Bamford plan are crucial for reforming healthcare in this particular area. Each action has been included because it is of importance and relevance. How do we distinguish which of these is more important than the other? Do we distinguish importance based on cost? The SDLP is fully aware of the financial restrictions that have been imposed on all Departments. However, if the action plan is to be successful, it seems clear that identifiable financial arrangements must be drafted and must remain in place.

Also worryingly, other departmental contributions are not effectively measured. Those contributions have been historically difficult to calculate. Could the plan benefit if those financial additions were clearly defined and guaranteed?

7.00 pm

In summary, the SDLP supports today's motion endorsing the 'Equal Lives' report, recognises the need for more to be done, calls for improved access to high-quality service and urges cross-departmental responses to the aforementioned needs, but we wish to ensure that effective financial arrangements will remain in place until 2015. The need for day opportunities expressed by stakeholders after the first Bamford plan will only be satisfied if there is sustained financial backing. That financial aid will enable a large number of targets to be met, and, consequently, the level of day opportunities for individuals with a learning disability will increase.

The Bamford plan of 2012 is significantly less well funded than its predecessor but equally important. It needs to be given a substantive chance to continue the improvements that have been made in that area since the Executive adopted the Bamford review in 2007. We commend the fact that the Health and Social Care Board is currently carrying out a consultation on a regional day opportunities model for adults with a learning disability.

However, the consultation will only last for three weeks, and we believe that there should be an extension to that. We do not believe that that short consultation is good enough. Those involved need to know that sufficient resourcing will underpin those services going forward. I commend the amendment.

Ms Maeve McLaughlin: Go raibh maith agat. I support the motion and the amendment. It is our view that we need to go much further than simply providing day opportunities. The objective for us all and for people with learning disabilities should be full social inclusion, as people's lives do not stop at 4.00 pm in the afternoon. We must therefore implement a person-centred planning process that takes account of the individual's life seven days a week, morning, afternoon and evening, including the weekends.

Provision for people with learning disabilities should adopt a two-strand approach, in our view. One is to empower people with learning disabilities through giving them skills and increasing levels of self confidence to enable them to be more independent and to participate more fully in their community. The second element is to empower the community to be proactive in the process of integration and inclusion. A key point, therefore, must be the commitment to funding, otherwise it is only aspirational.

The local commissioning groups also need to focus more on the Bamford approach. People with learning disabilities are a diverse group and vary widely in their abilities, and that affects the kind of support that each person needs. Local, recent Assembly research has shown us that there are approximately 25,000 people in the North with learning disabilities. That is without any centralised data. There are direct links between learning disabilities and health inequalities. Reports in England have shown that 37% of deaths there could have been avoided.

The terms "mild", "moderate" and "severe" or "profound" learning disabilities appear to suggest distinct categories for learning disability, but, in reality, those do not adequately describe the range of impairments or disabilities that that group may have. For example, someone with autism who has a learning disability may have significant social difficulties and appear to have moderate learning difficulties, yet they may be able to look after their own personal care and everyday needs quite independently.

Learning disabilities are one of the most common forms of disability and affect up to 1.5 million in England alone. Some 2.6% of the population in England have a primary special educational need associated with learning disabilities. As we have heard previously, that is likely to be a significant underestimation. People with learning disabilities are indeed living longer. In the 1930s, their average life expectancy was estimated to be less than 20 years of age. Mean life expectancy is now estimated to be 74, 67 and 58 for those with mild, moderate and severe learning disabilities respectively. As stated previously, the number of adults with learning disabilities is predicted to increase by 14% between 2001 and 2021, resulting in more than a million people with learning disabilities.

The North of Ireland survey of activity limitation and disability indicated that, in 2006 and 2007, 18% of people living in private households had some degree of disability. The prevalence rate is 21% for adults and 6% for children. That is a significant proportion of the population who live their everyday lives experiencing significant disadvantage, leaving them at much greater risk than others of poverty and social exclusion. In general, the results of that and other surveys show that, in most indicators of social and economic well-being, such as the labour market, income and educational attainment, people with disabilities continue to lose out and to be among the most disadvantaged groups.

Poverty may be the result of many factors, such as an individual's position in the labour market. However, research has shown that being in or gaining employment is always the best route out of poverty. That route is not always accessible or available to people with learning disabilities, who are among those of working age likely to be economically inactive.

The vision of the Bamford review is based on valuing people who have learning disabilities, recognising their rights to full citizenship, equality of opportunity and self-determination. Principles of autonomy, inclusion, partnership working and individual-centred service provision are central to any disability policy.

I support the motion and the amendment.

Mr Beggs: I, too, support the motion and the amendment. I think that it is important that we support the amendment, because without the necessary funding, it would be difficult, if not well-nigh impossible, to deliver what is desired, given the increasing number of those who have learning difficulties.

The Bamford review highlighted a range of important factors affecting those with learning difficulties and how we should try to include them socially in mainstream services, regard them as citizens, value them, empower them, involve them in their own decision-making and work together as a community with a variety of organisations to individually support those who need that little bit of extra care so that they can progress.

The Bamford action plan, which is referred to in the motion, talks about action to:

“Enhance provision of person-centred day opportunities (including employment provision)”.

That is important, because when people contribute or feel that they are contributing, they can get great value from that. I have spoken to a number of individuals with learning difficulties who talk about going to work and getting a great deal of respect for their involvement in the facility where they are contributing. That has to be encouraged and promoted.

The motion also refers to the importance of independence and promoting choice. It refers to:

“access to culture, arts and leisure, transport and education opportunities”.

It also refers to supported learning and living. Those are valuable elements, and we must try to progress each of them.

It is important to recognise that a wide spectrum of our citizens have learning difficulties and that there is no one-size-fits-all solution. I support the view that Mencap expressed that we need to provide a variety of services. There is concern that modernisation of day services could be driven by a desire to save money and that changes to day services should not be used to disguise cuts in support. There should be involvement with people who use the services so that there is increasing choice and so that any changes go forward with their support. Anyone with a learning difficulty should have access to meaningful daytime activities, education, leisure and sport, because those are important to their lives.

There needs to be further investment. In my constituency of East Antrim, a recent refurbishment of Hawthorne day centre was a great improvement. Unfortunately, shortly after that refurbishment, Portakabins recently arrived on site, because, for some reason, the capacity that was needed was not thought of during that

build. Already inadequate Portakabins are being put to use. Individuals with learning difficulties are required to cross a small road to access a bathroom, and there are also inadequate furnishings. Therefore, there needs to be increased investment, communication and planning to deal with the ongoing needs there. There also needs to be increased person-centred opportunities.

Respite care is important for individuals and their families. I learned of one family in my constituency who were told in a letter that their respite care was to be cut in half. No personal family assessment was carried out to see what effect that would have on them. Such cuts could cause particular difficulties for families that are already under stress and for parents who may have their own health problems.

We have, however, seen positive developments. We on the Health Committee have seen the George Sloane Centre in Ballymena, which has been modernised. Alongside it is another facility for those with moderate learning difficulties that is in great need of investment and modernisation. We also saw the Base in Ballymena, which is a drop-in day centre to which members can travel independently, and that seems to be working well. Again, in my constituency, Alternative Angles, Acceptable Enterprises and other social economies are greatly valued in the community, making mops, providing support for companies and preparing aircraft for Bombardier.

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

Mr Beggs: Those who work there feel valued, contribute to the local community and have great self-esteem because of the work that they carry out.

Mr McCarthy: Like others, I am very grateful to be able to contribute to this very important debate, especially because the issues under consideration are of such critical importance to our fellow citizens with learning disabilities and their wider families. Those issues have always been the Cinderella of the health service, and we must put an end to that from today onwards.

I speak from experience, as I have a daughter with special needs. I know how vital it is to have the right service and support from a very early age and, in particular, how the transition from the relative security and certainty of the special education setting can be an uncertain and even difficult experience. I pay particular tribute to the parents who are steadfast in their

commitment to their children and who often express deep fears about the future arrangements for their young people. We should also recognise the vital role that is played by the community and voluntary sector in the delivery of services and in an advocacy role.

It is the role of government and, indeed, wider society to ensure effective social inclusion and empowerment of persons with learning disabilities. At the same time, it is vital that people with a learning disability and their carers be involved in the planning, implementation and evaluation of all changes to day services. People with learning disabilities should be offered a full range of meaningful activities, including general education opportunities, leisure and sport, and access to more formal education and training and to sustained employment. A wide number of interventions across a range of Departments will be required to ensure that that vision becomes a reality and remains as such.

The Department of Health, Social Services and Public Safety must continue to be regarded as the core delivery partner. Moving away from the institutional setting to supporting people with a learning disability in a community setting must not become an opportunity for the Department to save money. Rather, it must be an opportunity to reinvest in a more progressive and effective set of services for the benefit of those who need them. In that regard, it is vital that the Department retain its current level of financial commitment and, indeed, consider how to increase that.

We note that a consultation on regional day opportunities for adults with a learning disability is being conducted by the Health and Social Care Board. There are also significant roles for a number of Departments other than DHSSPS. OFMDFM has a clear coordinating role, given its overarching responsibilities for disability issues. The Department for Regional Development has an important contribution to make in helping to facilitate transport. I know that my colleague the Minister for Employment for Learning is already doing much more in that area and is looking to see how his Department's involvement might be further increased. That surely must be welcomed.

7.15 pm

Careers advisers already work in schools with students with learning difficulties and their families to plan for transitions. That work is to be re-examined as part of the forthcoming review of careers policy and programmes. It is

encouraging to see the significant increase in the level of enrolments from persons with disabilities in further education over recent years. The additional support fund plays an important enabling role in that regard. I welcome the 33% increase in the fund that was announced earlier this year. The Minister for Employment and Learning has also conducted an audit of further education provision for those with learning difficulties to better ensure that there is a more even distribution of provision across Northern Ireland.

There are concerns about general provision in and around day centres, including the provision of meaningful activities. Access to education is one aspect of that. I understand that Ministers are now exploring the issue, and I welcome that. The Department for Employment and Learning also provides a range of dedicated employment services under the auspices of the disability employment service, including Work Connect and Access to Work. Again, I welcome the Department's reviewing those further.

Finally, the current and future European social funds in Northern Ireland offer financial support to a number of —

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

Mr McCarthy: — projects aimed at advancing social inclusion. The full implementation of Bamford and Equal Lives is paramount and urgent. The days of parents having to fight —

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

Mr McCarthy: — every inch of the way for services are over. Equal Lives means equal rights for everyone now.

Ms Brown: I also support the motion, and I commend it to the House.

We are some years on from when the Bamford review was published. It highlighted major inequalities when it came to those with mental health and learning disabilities. While much has been achieved, issues remain. Since Bamford, much has changed with regard to the economy. That has impacted on how much the Northern Ireland Executive can spend annually. Nevertheless, that does not inhibit our ability to deliver for the individual at the heart of Bamford. It is less about money and more about a can-do attitude.

While the health and social care aspect of the Bamford recommendations is central to helping those with learning disabilities, the requirement for changes to be adopted across government remains. That is especially true when it comes to matters of employment and training, education, transport provision and access to the arts. We must continue to advance the cause of those with learning disabilities in line with Bamford. The focus is on helping individuals to lead independent lives; to live, work and enjoy life as they please and see fit. I say let the individual choose and let the system support them, rather than us choosing for them.

For far too long, we have seen the system dictate what those with a learning disability could or could not do. While day care provision remains necessary, it is vital that we support people in many other ways. That is why it is vital that we continue to see other Departments making strides to improve the lives of those impacted by Bamford. By doing that, we can see a much better focus on those who are affected when it comes to day care provision.

Transforming Your Care is in line with Bamford's vision, placing the individual at the centre of service provision and taking a more independent view of the patient by offering choice along with the necessary support. We need to see other Departments playing their part in assisting those with a learning disability. When it comes to employment and training, can the Department for Employment and Learning play a part in assisting those with a learning disability to achieve new skills and personal goals? Can the Department of Culture, Arts and Leisure facilitate the choices of those who wish to enter the world of sport or the arts? Furthermore, can the Department for Regional Development do anything more to encourage and help those affected by a learning disability to make use of public transport?

All those things can help those individuals to live independent lives. It is important that the Departments are reminded that they have obligations under the UN Convention on the Rights of Persons with Disabilities. The most relevant articles for day services are article 19, which is living in and being part of the community; article 20, which is transport and getting about; article 24, which is the right to education; and article 26, which is support to be independent.

This is, therefore, an emphasis on other Departments working closely with the Health Department to ensure that people with a learning disability have every opportunity available to them in being able to lead an

independent life. I support the motion, and I have no objection whatsoever to the amendment.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I also support the motion and the amendment. People with learning disabilities are really only looking for what they are entitled to, which is the right to equal treatment. Since I became a Member of the Assembly in 2007, I have heard an awful lot about Bamford, whether on supported housing, mental health or learning disability, and it is good that, eventually, something may start to be done. It will not be out of time.

The core values of Bamford are worth repeating and are still very relevant. There is the whole issue around social inclusion. People with learning disabilities should be able to access mainstream services. There is the whole issue around citizenship in that people with learning disabilities should have equal treatment as citizens. There is the issue around empowerment; they should be able to participate in decisions affecting their lives. Working together, there should be communication and cooperation with families and carers who perform such a special and necessary role. There should be support for individual needs and help to allow people to be independent. Work needs to continue across health and social care and the education sector to ensure support, and children should be encouraged to develop to their full potential.

With the advent of Transforming Your Care (TYC), we see that there are many parallels with Bamford. There is the whole issue around early intervention and health promotion and a focus to shift to community care. There is the promotion of recovery practices; the personalisation of care; resettlement; involvement of service users and carers; advocacy; the provision of clear information; and respite provision. TYC does reflect the Bamford vision. Both are committed to delivery of the best outcomes, but they must not remain aspirational. The contributions made by families and carers have to be recognised, and support provision for carers is essential.

Mencap has sent some information that I think is useful. It talks about key issues. There needs to be a person-centred approach with no cuts in support. Changes should only come about with the full involvement of users. I know that I am repeating stuff that was said earlier, but all people with a learning disability should have access to meaningful daytime activities, education, leisure, sports and all other local

facilities. More funding needs to be provided, and I think that the amendment covers that.

People with learning disabilities should have opportunities and choice and control over what they spend their time doing. Day services need to be discussed collectively. I heard Mencap's director on the radio this morning making the point that day services need to be discussed collectively with no distinction made between day opportunities and day centres. It is important that decisions are being made in a transparent person-centred process and that people have real choices and mechanisms if they are not satisfied with what is offered.

Mr McKinney mentioned the consultation on regional learning disability day opportunities and said that an extension was required to that consultation process. I certainly agree. Earlier today, I had contact with a local group of parent carers, representing 27 families in my constituency. It is an award-winning voluntary group for young adults with learning disabilities in the Southern Health and Social Care Trust area. It is struggling to provide services for learning-disabled family members. Those people were not alerted, either individually or as a group, that a consultation was taking place that would affect the future lives of their children, other than a statutory press notice about a public meeting, of which many people were unaware. The group did get a copy of the consultation document and decided to complete it. There was no background information attached to the document. To complete it required a level of knowledge and understanding of Bamford. The group tried to access a copy of the Bamford report and was told that it was in the local library. It was not, so it had difficulties with that. It felt that the questionnaire was unfit for purpose. Some questions ask for views and then seek a yes/no response.

There is also reference in the document to adults with learning disabilities making independent choices and decisions. The group would point out that none of its service users had been consulted about this document or were even aware that consultation was being conducted. They contacted trust service providers, which had no plans to engage with users in the exercise. They are asking whether service users have a choice in this. They went on to say that some of the questions were aspirational and outlined a set of guiding principles —

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

Mr Brady: — and it would be difficult to disagree with them. The point that they and I are making is that, at the moment, the consultation is not fit for purpose.

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

Mr Brady: I ask the Minister to consider, in consultation with the Health and Social Care Board, an extension of the consultation to give those people the opportunity to make their point.

Mr Gardiner: I welcome the motion and the amendment because of the forward thinking that they demonstrate. I congratulate those who tabled the motion.

The model of a far broader range of day service provision outlined in the motion, and the vision of integrating people with a learning disability more and more into a pattern of normal life is good, where possible, and is to be commended. I believe that the framers of the motion may well be knocking at the open door of the Health Department, with the only proviso being the availability of finance.

Turning to the level of day care provision in Northern Ireland, the most recent figures I have available suggest that there are more people attending day centres in Northern Ireland compared with Scotland and England. There are 23.5 people per 10,000 in Northern Ireland attending day centres, compared with 15.1 in Scotland and just 12 in England. A Department of Health paper speculates that the discrepancy in numbers may be explained by the existence of other forms of provision or, indeed, no provision at all. Perhaps the Minister could enlighten us on that, because the answer will tell us whether we are ahead or behind provision elsewhere in the United Kingdom.

Departmental figures also tell us that the median number of people that a day centre registers was 44, but that covered an actual range of between two and 170 people. The same study also told us that the median age of attendees was 40, with an age range of between 16 and 87. Each centre had, on average, eight people with severe challenging behaviours, six people with profound disabilities, three wheelchair users, one person with autism and one with dementia. In addition, 25% of centres had at least one person who was technologically dependent. I mention that because it is important to establish the profile of users of day centres so that we might produce the best individual programme for each of them.

There will clearly be restrictions on what you can do, depending on the extent of a disability. The 20% or so with severe or challenging behaviours might be hard to place in a normal workday situation, as would the 15% or so with profound disabilities. That leaves us with what I calculate as about 60% who might benefit from a more diverse experience than the current day centre solution provides.

In conclusion, I wish the motion well, and I think it opens up an important subject. I hope that many of our residents who have to use these services get them to the best of their ability.

Mr Poots (The Minister of Health, Social Services and Public Safety): I thank the Member and colleagues for tabling the motion. I very much welcome it and the debate, not just in my role as Health Minister, but as chair of the inter-ministerial group on the Bamford review. The motion chimes with our current direction of travel towards ensuring that progress continues towards a key goal of the 2005 Bamford review 'Equal Lives' report, namely that people with a learning disability have every opportunity to live a full life.

People with a learning disability should be active participants in their local communities. They should be involved in key decisions about their life with as full as possible access to education, employment, personal relationships, leisure, community and sports opportunities with individual support available where required. Today, people with learning disabilities and their families quite rightly have much greater expectations for their future. They fully expect all Departments to work together and ensure that their agencies also do so to honour their commitments on Bamford.

7.30 pm

As a follow-up to the first Bamford action plan for mental health and learning disability 2009-2011, the Northern Ireland Executive earlier this year approved a second action plan for 2012-15, which specifically includes an action to enhance a provision of person-centred day opportunities, including employment provision for people with a learning disability, that will facilitate their integration into the community. I am pleased to say that progress is being made towards achieving many of the original Bamford recommendations, but, as we noted in previous debates in this Chamber, progress has not been made at a sufficient pace for many of those directly involved.

What might the day opportunities model look like? Any new arrangements should be designed around the needs and wishes of the individual, but someone could spend, say, their Monday at college; their Tuesday and Friday at a clubhouse or drop-in centre learning, socialising, keeping fit or doing voluntary work; their Wednesday and Saturday at work in a shop, enterprise or on a farm; and their Thursday and Sunday as days off. That was just by way of example.

In the past decade, a considerable number of projects, schemes and social enterprises have commenced or been expanded, including opportunities to work in print shops, garden centres, coffee shops, recycling schemes, second-hand clothes shops, picture framing or furniture restoring, to name but a few. There are also theatre and performance groups, trips to the cinema, plays, concerts and other events, use of the local library, sports and activity clubs, riding for the disabled and a wide range of community and voluntary work.

I recently challenged my ministerial colleagues to look at what is being provided in their offices to create opportunities for people with learning disabilities. I know that my local council employs people with learning disabilities who have a key role to play in the services that are provided. I look around many large government offices and wonder why there are no people with learning disabilities employed within them. I challenge my Department and all other Departments to address that issue and see how they can play their part in ensuring equal opportunities and job opportunities for people with learning disabilities.

We have had many initiatives, and many of them have received funding and support from government, statutory agencies, European funds and councils. Often at their heart, however, have been imaginative and enthusiastic charities and self-help organisations and individuals. I acknowledge and welcome the significant role of other Departments and their agencies in providing and facilitating day opportunities, for example, on transitions planning and advice; culture and leisure activities, including sport and other physical activity; and supporting people initiatives, which not only help learning disabled to live as independently as possible, but encourage and facilitate access to a range of day services, benefits advice, travel concessions, transport schemes and support to utilise public transport.

Further education colleges offer a wide range of vocational courses and qualifications, both

integrated and discrete, in colleges and other settings, including day centres. Careers advice and guidance, apprenticeships and employment support and specialist advice are also available. It is recognised, however, that a regional and cross-sectoral approach is required to build on the changes and developments that have taken place in recent years to ensure that the momentum is maintained in reconfiguring day service provision and broadening the range of opportunities for adults with learning disabilities. The new model, which is now being consulted on, is part of that.

The key to this is the commitment contained in the model to have full and meaningful engagement with service users, their families, carers and other stakeholders. The day opportunities paper issued by the Health and Social Care Board (HSCB) and available in easy-read form contains proposals and recommendations for change. I emphasise that responses will be listened to and taken into account.

The reconfiguration of day services and expansion of opportunities for supported placements across a wide range of sectors, including further education, training, employment, community and voluntary involvement, sport and leisure, and addressing the need for appropriate transport provision are key parts of the Bamford vision for fuller lives and the aim of ensuring inclusion and greater involvement in society.

The first stage, as identified in this document, is the strategic development of, and consultation on, the regional model for day opportunities and the benchmarking of current service provision at local level against that model. That will be followed by each trust developing local proposals for change within the framework of the agreed model. Those will be consulted on locally.

The inter-ministerial group on mental health and learning disability, which monitors implementation of Bamford, met on 21 November. The subjects of post-19 transitions and day opportunities for people with a learning disability were on the agenda. I am pleased to report that individual Ministers and their representatives renewed their support for joint working across Departments and agencies to deliver improved services and support in both of these areas. Officials will meet to carry this forward.

I know that existing users of day and adult resource and training centres, and their families and carers, have concerns about any changes

to existing services. All of the people directly affected must be fully involved in whatever is proposed and eventually decided on.

I believe that there will always be a place for day centres and the services and support that they provide to people with complex needs. However, again in keeping with the Bamford recommendations, day or adult resource centres need to be fit for purpose, modern and better integrated into their local community. Equally, I do not want there to be people left in day centres who miss out on opportunities to participate in a wider range of varied and interesting activities, involving both new developments and experiences coming to them and the opportunity to go out into their local communities.

I have said in the House before that the learning disabled community is a key and integral part of our community. They are our children, our people and our community. They need to be engaged in the same activities as the rest of the community where possible. It is imperative that people with learning disabilities have access to high quality, individualised day care services throughout their lives. The proposals are aimed at improving the range and quality of day opportunities that are available, the scope for real choice and the means to access the services.

I support the motion, and I will work with my ministerial colleagues to achieve its aims. My officials will work with those of other Departments and their agencies, and with voluntary and community organisations and the private sector, to enhance day opportunities for those with learning disabilities.

I will deal with a few of the issues raised. I thank Gordon Dunne, who covered many areas, for proposing the motion to the House in the way that he did. Fearghal McKinney proposed the amendment. I respond to that by saying that the 2012-15 action plan acknowledges the considerable challenges of the restriction on public sector funding. A key element of the day opportunities proposal that is being consulted on is maximising the funding available; minimising duplications; simplifying pathways through joint working and sharing of resources between Departments; and getting the fullest possible input from all agencies, the third sector, voluntary organisations etc.

Roy Beggs raised a number of issues. I stress that this day opportunities model is not proposed with the intention of implementing cuts. The current model is not a sustainable model for the future. We want to improve the

day opportunities to increase respite and short-break provision, as a greater range and amount of alternative care gives carers a break, whether it is in the form of employment, training, leisure, sport or other activities.

Kieran McCarthy raised a number of issues. I welcome the positive role of his colleague, Minister Farry, and his contribution to the work that we are doing together and the joined-up government that is taking place between the Department of Health and DEL.

The Committee Chair, Maeve McLaughlin, raised a number of issues and mentioned health inequality. It has always been my aim to ensure that people with a learning disability have access to all areas of healthcare, including prevention services and screening. The direct enhanced services in primary care are providing that through general practitioners and health facilitators in our community.

In response to Mr Brady's contribution, I can say that the consultation document is available in easy-read format, and the HSCB has organised local consultation meetings across Northern Ireland. This is also the first regional model in which there will be consultations at trust level.

I trust that that deals with many of the questions that were raised. We are moving into a different period, and I think that it would be constructive for us to identify the issues and to look to expand opportunities in the services. Although we recognise that it is a different circumstance, there will be the need for day centres, and they will be retained. However, we will be looking for a wide range of other opportunities and activities for people with learning disabilities. I believe that that fits very neatly with what Bamford outlined, and I think that it is the right thing to do for people with a learning disability.

Mr Rogers: I, too, commend the work of the Bamford review and the Executive for deciding to commit to the principles of the review, most specifically in the 'Equal Lives' report of 2005. That report outlined the need to provide more daytime opportunities that lie outside the traditional care setting to individuals with a learning disability. However, new care models need to be developed to bring forward the level of care for those with learning disabilities. They can be achieved by adhering to the five core principles of the 'Equal Lives' report, which we heard about today: social inclusion, citizenship, empowerment, working together and individual support. There must be a cross-departmental effort to facilitate new opportunities for those

with a learning disability, whether it is in transport, learning, education, employment or health mediums.

However, although the motion endorses the current Bamford action plan and the work of the Bamford review as a whole, there are worrying financial inconsistencies that must be addressed if progress is to be achieved. The comprehensive spending review of health has already had a detrimental effect on services. As noted in the Bamford action plan 2009-2011, the work of the Bamford review has already suffered from that.

The amendment that we tabled calling for financial arrangements to be put in place is significant. Executive colleagues must work together to ensure that financial mismatching will not scupper any of the points in the Bamford action plan.

The Bamford monitoring group was set up in 2009, and its role is to scrutinise Departments in line with the Bamford review. It comprises key stakeholders in learning disability: individuals with learning disabilities, their families, carers and members of the patient/client group. The monitoring group expressed grave concerns that the draft budget of the Health Department 2011-15 made no specific mention of the Bamford plan. It believes that, unless ample funding is provided, the Bamford plan will be jeopardised.

Furthermore, it has been very difficult historically to distinguish the amounts of money that other Departments have given to learning disability services. There is no guarantee that any other Department must give any amount unless a financial plan is unearthed. That, too, is very worrying.

I will now refer to a few of the contributors. The proposer of the motion, Gordon Dunne, highlighted the real challenge of living with a disability, as well as the valuable contribution that they make to society. Services need to be matched by the level of funding. My colleague Mr McKinney rightly noted the worrying inclusion in the 2012-15 plan of a disclaimer of sorts. It reads as follows:

"New actions or initiatives will require further financial analysis and their implementation will be subject to resource availability and prioritisation within the respective organisation(s)."

Ms McLaughlin rightly pointed out that people's lives do not stop at 4.00 pm. They need help 24/7. She talked about the empowerment of

the individual and community, but that is going nowhere without the appropriate funding.

Mr Beggs said that there was no one-size-fits-all solution. He emphasised the need for appropriate funding to back up the recommendations. Changes to day care services should not be used as a disguise to cut those services.

Mr McCarthy spoke from family experience. A wide range of interventions will be needed to make this work. The Department must retain its current financial commitment, and OFMDFM has an overall coordinating role.

He talked about the clear link between the Department of Health, the Department of Education and the Department for Employment and Learning.

7.45 pm

Ms Brown pointed out that we are in a different place economically but that that should not inhibit us in helping those with learning disabilities. She said that all Departments have a key role to play in helping those people live more independent lives.

Mr Brady pointed out that people only want what they are entitled to. He emphasised a point that sometimes gets lost in this debate: the role of the carer. We so underestimate that at times. He also said that Mencap highlighted the need for more funding.

Mr Gardiner also focused on funding concerns. He spoke in detail about the uniqueness of various centres.

Minister Poots welcomed the debate in his dual role. He said that people with learning disabilities should be active and get the support that they deserve. He also said that progress has not been as good as it should be. He made the telling point that these are our children and young people and that they need the same chance as everybody else.

The SDLP supports the motion, which endorses the Equal Lives report and the current Bamford action plan. It recognises the need for more to be done to promote choice and independence for individuals with a learning disability. It also calls for improved access to high-quality services and employment for people with a learning disability and urges a cross-departmental response.

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

Mr Rogers: Although a lot of good work has been achieved, that may not continue, owing to financial contributions. Finally, I support the call from Mr McKinney and Mr Brady for an extension to the consultation process.

Mr Wells: Last Wednesday, the Health Committee went to Carrickfergus, where we had an opportunity to meet the carers of those with learning disabilities and, indeed, clients of the service. I found that very instructional, if that is a proper English word. Three themes or concerns that carers and those with learning difficulties have were raised at that event. The first was about what happens at age 19. There seems to be a general view that there is fairly good provision for education and training of young people with learning disabilities from school age to 18. However, there is great concern about what can be provided in that field at age 19. The second theme — a recurring theme — was what will happen when carers are no longer able to look after their loved one. The third theme was respite. How often does the word "respite" come up in various debates in the Assembly? Respite is very much the Cinderella of care in Northern Ireland.

In his introduction, Gordon Dunne mentioned the 2005 Bamford review. It is very unfortunate that, having produced that seminal work, Mr Bamford did not live to see its outworkings in their entirety. We all owe a debt of gratitude to that monumental piece of work, which has brought the debate on those with learning disabilities to the fore. Gordon — sorry, the honourable Member for North Down Mr Dunne — made the point that there has to be a consistent and equal level of support across trusts. He mentioned the work that is carried out in Strickland's in North Down but raised the issue, as many did, that funding is limited. He said that we should promote choice and independence and quoted the Patient and Client Council publication 'My Day, My Way'. He also said that there was much more need for employment opportunities. Like many other Members who spoke, he raised the importance of the work of the voluntary sector. Indeed, if it were not for the work of organisations such as Mencap, Praxis and the Bryson Charitable Group, I shudder to think how far on services for those with learning disabilities in Northern Ireland would be.

Fearghal McKinney moved an amendment that was accepted by all sides. He praised the Executive's commitment to the Bamford review and action plan. However, he then called for

much more joined-up government, which was a recurring theme for many of the Members who spoke. I think that it was useful that Mr McKinney was able to quote, at length, the various finance and funding statistics. Clearly, there is a problem, in that at the minute there are certainly not sufficient means to implement the Bamford recommendations properly. He also mentioned that, every year, 500 young people transfer from education to other forms of training and employment at age 19. He also mentioned the Equal Lives report and said that all Departments should work together.

One thing is absolutely clear: we will not be able to deliver on Bamford if various Departments adopt the view that they are in a silo, only do what they should have to do and do not branch out into the work of other Departments. We need a coherent policy right across the Executive if we are going to deal with this issue, and I am glad that so many Members raised that important point.

Mr McKinney mentioned the need for much more in the way of day opportunities. Ms McLaughlin, who is the Chair of the Committee, said that we should go for full social inclusion, and I think that we all agree with her on that. She also said that we should have person-centred plans and empower clients with the necessary education and skills, and also empower communities to interact with people with learning disabilities. I thought that summed it up very well. She was the only person to mention the fact that we are dealing with the lives of 25,000 people in Northern Ireland. It is important that we understand the scale of what we have to achieve for so many of our community. Ms McLaughlin was also the only person to mention the very poor health outcomes that are consistently reported for those with a learning disability. They are far more likely to need to go to the GP, to A&E and for further treatment, but there is a good side to that point as well. Those with learning disabilities are living longer, and that is an indication that we are beginning to tackle those health inequalities. In the 1950s and 1960s, sadly, there was not much of a problem with older people with learning disabilities, because many of them did not live long enough to reach a ripe old age of retirement. I am glad to see that progress is being made and people are living much longer. I was interested in Mr Gardiner's quote that someone in one of the day centres was 82. That is good news to hear, but of course that means that there are more demands on the various Departments to look after those people.

Roy Beggs once again mentioned that you cannot deliver without funding. He supported a person-centred approach to day opportunities and said that we need further investment, and he raised the issue, once again, of respite care.

Kieran McCarthy always makes a very helpful interjection at the Health Committee on this issue, and he said that he based that on his personal experience. The benefit of having a local Assembly is that there are those who have been at the coalface — as, of course, has the Minister — on this issue, and therefore can quote from direct experience on the ground, as it were. He said that parents should be totally involved in the planning for their loved ones. I do not think that anyone can disagree with that. He also said that a cross-cutting approach should not be used as an opportunity by the Department of Health to cut its own expenditure. I am glad that the Minister addressed that issue, and he gave us some reassurance on that. He raised the importance of DRD. In my constituency, I had a case in Kilkeel of a young gentleman who had a learning disability. He wanted to go to a camera club in Newry to learn photography, but the problem was that he could not get transport to Newry to achieve that. Mr McCarthy also praised the work of Stephen Farry, the Employment and Learning Minister. I suppose that I am not surprised, but, to be fair to Mr Farry, he has made important strides on that issue. So I do not think that it was a case of getting a note from the Minister as to what he should say.

The Member for South Antrim Pam Brown made a point that encapsulates all of what has happened today: much achieved, but much remains to be done. I think that we can agree with that. We need to have changes right across government. We want to encourage those with learning disabilities to live independent lives.

The other day, Mr McCallister and I had the pleasure of going to the Saint Patrick centre in Downpatrick to see those with learning disabilities working away, achieving so much with the catering for that very busy visitor centre. I sat and chatted to a couple of the service users, and it was amazing how much that meant to them. They could get on a bus in the morning, enjoy a very good day's work and go back to their homes, where they are cared for. That was combined, as the Minister said, with some element of training and further education. The best way forward is a mix of provision for those with learning disabilities.

Mickey Brady was useful in that he listed the principles of Bamford. He was the only person, surprisingly, until the Minister, to mention Transforming Your Care, which is absolutely crucial in this debate about care for those with learning disabilities. He said that there should be no distinction made between day opportunities and day centres. He also raised an interesting point about the lack of consultation for families in his area. It is important that that issue was raised.

Sam Gardiner always makes some very interesting comments in these debates. He gave us some very useful statistics, and he asked a question, which I do not know was really answered: why does there seem to be a higher prevalence of attendance at day centres in Northern Ireland than the rest of the United Kingdom? A little bit of research should be done to sort that out because it is interesting. Are we too dependent on that option in Northern Ireland? Our figures are considerably higher than in England and Wales. He said that the median age of those attending day centres was 40, which, again, indicates that many of these folk are living much longer, healthier lives, and that the range was, remarkably, from 16 to 87. He also said that the numbers attending ranged from two to 140. I shudder to think how we can justify having a centre where we provide for only two, and I am also worried that we have a centre providing for such a large number as 140.

The Minister challenged all parties and members of the Executive to work together on this. I think that that emphasises the Minister's view that every Minister in Northern Ireland should be a minister of health, because it is such an all-encompassing service. He challenged the Departments to play their part and emphasised the need for a more varied week for those with a learning disability. He drew attention to the second action plan for 2012-15.

I think that this has been a very useful debate. Every now and then, it is good to focus on particular provision within the health sector, because this is not a very glamorous subject. You will not get a certain BBC broadcaster, between 9.00 am and 10.30 am on weekday mornings, shouting from the rooftops about the achievements, or otherwise, of what we provide for those with learning disabilities. It is not glamorous; it does not attract media attention. However, it is very, very important for the 25,000 people in Northern Ireland who attend day centres or special education. It is equally important to, perhaps, three or four times that number —

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

Mr Wells: — the number of carers who cherish and look after these people. I think that we should pay tribute to those individuals who are doing so much to make the lives of those with learning disabilities so much more fulfilled in Northern Ireland.

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

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly endorses the Bamford review Equal Lives report and the expectations it places across all Departments; supports the Northern Ireland Executive's Bamford action plan 2012-15, including the action to "enhance provision of person-centred day opportunities (including employment provision) for people with a learning disability that facilitate integration into the community"; recognises that, while day centre provision will always be required, more must be done to promote choice and independence for individuals living with learning disabilities, including development of employment opportunities, access to culture, arts and leisure, transport and education opportunities; demands full and meaningful involvement of service users, carers and other stakeholders in the development of new services; calls for improved access for people with learning disabilities to high-quality, individualised services through supported living, supported employment, productive daytime opportunities, educational, social and leisure activities; encourages benchmarking of day services/day opportunities in order to drive improvements, ensure consistency of quality and equity of access; and urges the Minister of Health, Social Services and Public Safety, and Executive colleagues, to work cross-departmentally alongside voluntary/community organisations and statutory agencies to put in place a network of services that deliver enhanced opportunities for those with learning disabilities; and ensure that the necessary financial arrangements are put in place in order to facilitate the 2012-15 Bamford action plan.

Small Business Saturday

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mrs Cochrane: I beg to move

That this Assembly supports the forthcoming Small Business Saturday on 7 December 2013; and urges the local community to make a special effort to support local traders on that day.

I am pleased to be able to move the motion this evening with the support of all parties. The performance of our small business sector is crucial to the performance of the Northern Ireland economy as a whole. Therefore, we must do all that we can to support small businesses. In particular, town centres are battling against the changing nature of retail and consumerism in Northern Ireland, the pressure of which is becoming unbearable for many small businesses and retailers who are struggling to keep their doors open. One of the biggest challenges is online retailing, which has quadrupled over the past six years and which continues to rise. Our businesses and independent retailers, therefore, need to adapt to that trend. More importantly, they need to ensure that a trip to the high street is a positive, broader experience.

A number of weeks ago, I brought a motion to the House calling for an overarching strategy for town centres, high streets and urban villages. That was very much focused on what government could and should be doing for our small business sector. Today's motion is about an initiative that the businesses themselves will take forward, but which we and the community should be supporting.

What is Small Business Saturday? It started in 2010 as an American shopping promotion held on the first Saturday after Thanksgiving as a way to get local businesses involved in the shopping frenzy, acting as a counterpart to Black Friday and Cyber Monday. It was the brainchild of the small business division of American Express and was developed to influence shoppers to allocate some of their holiday spend at their local shops and service-orientated businesses. The US campaign has been widely publicised, using social media, with its Facebook page achieving 3.2 million likes and the Twitter hashtags

#smallbusinessaturday and #smallbizaturday garnering significant attention, notably from President Barack Obama who tweeted, "Today, support small businesses in your community by shopping at your favorite local stores".

Obviously, the figures for the weekend past are not in yet, but it was estimated that consumers spent \$5.5 billion at small businesses during last year's US Small Business Saturday. Over half a million small businesses participated in the event, which attracted 100 million consumers. The National Federation of Independent Businesses reported that 67% of American consumers had planned to shop small.

8.00 pm

Additionally, it has been cited as the most important shopping day of the season for 36% of independent retailers in the US. It is that success that has brought the initiative across the Atlantic. In recent years, we have a multitude of shop local campaigns to encourage communities to support independent retailers, pubs, restaurants and other small traders. Many of those campaigns have had various degrees of success, but we need new thinking about how we refresh and move such schemes forward to support traders.

This Saturday 7 December is UK Small Business Saturday. It is supported by the Northern Ireland Independent Retail Trade Association (NIIRTA), the Federation of Small Businesses (FSB), Pubs of Ulster, the Ulster Chemists' Association and a host of town-based Chambers of Commerce and traders' groups. It has been championed in the UK by Chuka Umunna, the Shadow Secretary of State for Business, Innovation and Skills, and it is supported by the Prime Minister, the Secretary of State for Business, Innovation and Skills, Vince Cable and the Minister of State for Skills and Enterprise, Matthew Hancock. I, along with the Minister for Regional Development, the Minister for Social Development, the Finance Minister, the Minister of Justice and a number of other elected representatives took part in the launch of the campaign in Belfast and Comber last Friday.

I firmly believe that it is our role as politicians to support small businesses in our constituencies, and I am sure that we all want to see Small Business Saturday raise the profile of small enterprises all over Northern Ireland. We know that the vast majority of businesses in Northern are small and that they provide most of our private sector jobs. However, small firms do not have the public profile and marketing

budgets of large corporations, and they are unable to match the deeply discounted offers of the major retailers. Small Business Saturday is, therefore, an excellent way to celebrate the sector and support traders in showcasing their products and services by reminding people that shopping locally offers the convenience of a closer commute, no fighting in the store with other shoppers and shorter queues at the checkout.

However, this is not just a shop local campaign. It is about highlighting the huge contribution that all our small businesses make to the Northern Ireland economy. The initiative has the potential to give exposure not just to small retailers but to hair salons, restaurants, travel agents, coffee shops, day spas etc. In fact, I heard somewhere that it is about supporting the butcher, the baker and the local dressmaker. Small Business Saturday can help to get the word out that these businesses are there. Even if people do not buy on Saturday, business owners in the US have noticed that they see people throughout the year when they begin to put their money where their house is.

The success of this Saturday will be very much down to the businesses themselves. The Executive have been doing much to support the sector, but I repeatedly tell local business representatives not always to wait for support from government. They are the ones in business and they also need to help themselves to be successful. We should be encouraging businesses to think creatively about how they can take advantage of increased footfall on the day. Many small businesses are already heavily involved in the community. A good example of that is in my East Belfast constituency, where local businesses have focused on each other's strengths to help them to prosper together and create a community spirit. The Ballyhackamore Business Association, which is made up made up of retailers, salons, cafes, restaurants, travel agents etc, has organised a family fun day this Saturday to coincide with Small Business Saturday. Its members are making full use of the opportunity to showcase their businesses and to build a sense of community. We may recognise that small businesses are the backbone of our economy, but the Ballyhackamore traders know that their customers are the heart of it.

Supporting local business is so important because business owners are the ones who reinvest that money back into the community and create jobs. That was summed up in a Facebook post by business owner Jason Shankey last Saturday, in which he said:

"A big thank you to our customers and to the people of Belfast for supporting their city today. When you frequent a local salon business, you aren't helping a CEO possibly buy a third holiday home. You're helping a stylist's little girl get dance lessons, a receptionist's little boy get his team jersey, a colourist's mum her mortgage, a barber dad put food on the table, or a junior just starting out with petrol money. Customers are shareholders, and they're people small business owners strive to make happy. Thank you for supporting us."

I could not have said it better myself.

In conclusion, there is no doubt that the current economic climate has had a devastating effect on many of our small businesses across the UK and Ireland. Here in Northern Ireland, the impact of the reduction in consumer spending has been further compounded by the recent increase in security incidents and unhelpfully timed protests and parades, including the blatant defiance of Parades Commission determinations. We have a range of small businesses with boundless potential, and all of them need support. I trust that others will join me this evening in urging consumers to make a special effort to support as many small businesses as possible this Saturday 7 December and give them a much-needed boost this Christmas and into the new year.

Mr Ross: The proposer laid out pretty well what Small Business Saturday is all about and why it is important that we support it. She talked about the difficulties that many traders face at present as consumer trends change. Of course, today is Cyber Monday, when it is estimated that some £450 million will be spent in the UK economy through 7.7 million transactions online. Of course, it shows that there will be challenges for small businesses in Northern Ireland. The point was made by the proposer and during oral questions to the Minister of Enterprise, Trade and Investment earlier that that is a challenge for small businesses and, often, they get support from government to ensure that they have a solid online presence and that they use every avenue possible.

The proposer also talked about the genesis of Small Business Saturday having emanated from the United States. Of course, there are those who would be quite cynical about the whole Small Business Saturday approach. They believe that it is nothing more than a PR stunt. I ask those people to look at the impact that it has had in the United States, where small

businesses say that some \$5.5 billion was put into them on Small Business Saturday last year. That is something that we should certainly take cognisance of. Indeed, as the proposer said, some 36% of small businesses in the US are saying that it is the most important day of the year. If we can replicate some of that success, it will be a positive development for small businesses here in the UK. There can definitely be tangible benefits for small companies.

In the UK, we know that there are close to five million small companies. In Northern Ireland, almost 60% of companies are in the SME sector. That is why, in Northern Ireland, it is particularly important that we support small business. Not only is it a day for people in local towns, villages and cities to go out, buy locally and shop on their local high streets, but it is one to shine a spotlight on the work that small businesses do. It is a day on which we can certainly recognise and appreciate the work that is done, particularly by those who have taken a risk and established their own businesses and have often put in their own money to develop successful ideas. That is something that we should definitely celebrate and encourage even further. What we want to see in Northern Ireland are more entrepreneurs taking a risk to set up their own businesses and, ultimately, growing those businesses. That is very important.

It is not just about retail. It is an important message to put out there that Small Business Saturday is not just about the retail sector, but about trying to encourage other people to start their own businesses, provide employment and make a contribution to the Northern Ireland economy.

There are a number of examples of small businesses that are succeeding in the economy. It is important that we help to build that confidence for people to grow their businesses. We need to encourage them to take on an additional member of staff. Indeed, I know that, this afternoon, the all-party group on SMEs had a photo shoot for a proposal to try to encourage small businesses to take on an additional member of staff over the next three or four years. That could make a big difference.

We also need to encourage small businesses to take a step towards exporting for the first time. I know that there are a number of different schemes through which government is providing support to small businesses to help them to do that. A good example is the Going Dutch programme. I had the opportunity to go to Holland in February this year, and I saw many small businesses from Northern Ireland

with very humble beginnings that were, for the first time, taking that step to go and export into mainland Europe. It is incredibly important that we give them the support and confidence to do that because that is how we will grow our economy.

We also have to support small businesses to get work more locally. Not long ago, I was at a meet-the-buyer event, which I know that other Members in the House attended, in the Ramada Hotel. That event supplied small businesses in Northern Ireland with practical support and advice on how they could bid for public procurement contracts. That is something that is very much about confidence because when many small companies that have not got the experience of doing it get that support and level of confidence, it encourages them to go for those public procurement contracts. That is important as well.

Earlier, I mentioned the importance of entrepreneurship and encouraging people to start businesses.

Again, only last week, the Seedcorn awards event took place in Dublin, at which many local companies were celebrated for taking the gamble of starting up by themselves and being very successful in doing so.

Mr Deputy Speaker: The Member must draw his remarks to a close.

Mr Ross: The Executive have supported small businesses in a number of areas. However, they still need to take action on reforming employment law to ensure that we give confidence to small businesses and encourage them to take on additional staff. That will be of benefit to the whole economy.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas le moltóirí an rúin, nó tá sé iontach tábhachtach agus cuidiúil. I thank the proposer of the motion, which is very important, topical and helpful at this time. I support the motion at a time when the First and deputy First Minister are off on yet another trip around the world; I believe that they are in Japan this week.

It is important that this Assembly makes a point of endorsing the forthcoming Small Business Saturday on 7 December. We should also take the opportunity to support local small businesses and urge the public to make a special effort to support local traders in their communities on that day as well as throughout the rest of the year.

Small businesses form the backbone of the Northern Irish economy. Over 98% of VAT or PAYE-registered businesses here employ fewer than 50 people and over 89% of such businesses have fewer than 10 employees. Just under half — some 47% — of all businesses here have a turnover of less than £100,000, and that is a higher percentage than in the rest of the UK. Although the largest proportion of all businesses are in Belfast, the highest number of businesses with a turnover below £50,000 is in Fermanagh. Through the continued success of small, local, independent businesses we can build sustainable economic growth for the benefit of the whole of our society.

The Small Business Saturday campaign follows the successful model that was introduced in the US in 2010. Already, as Mr Ross mentioned, it has become a \$5.5 billion phenomenon in the United States. Were it to be as successful here, we might have to consider introducing our own Thanksgiving Day at some point. However, at a time when our town centres across the North are struggling and when more and more shops are lying empty rather than hosting thriving local retailers, it is absolutely vital that we highlight the significant contribution that those local retailers make to our daily lives.

I would also point out that the destruction caused by some politically motivated protests in our town centres, along with those lunatics who try to drive bombs in and carry on that tradition, has not helped the many local traders who are trying to keep their businesses viable.

Small Business Saturday is a grass roots campaign with no sponsors, partners or donors and no budget. It is being delivered by volunteers and by organisations giving of their time and expertise for free. It is dependent on the public hearing the message and acting on it. The message that we want to send out is that we should celebrate the contribution that small, independent businesses make to our local economy and that we should buy from them. They are the backbone of our economy and have a huge role to play in the vitality and regeneration of those local communities.

According to a recent Federation of Small Businesses (FSB) report, for every £1 spent with a small or medium-sized business 63p was respent in the local area compared with 40p in every £1 spent with a larger business. Small Business Saturday matters because those small, local, independent businesses matter to us all. Without the support of the public, the goods and services that those businesses supply to local communities may no longer be

available across the North. For that reason, I commend the motion to the Assembly.

Mrs Overend: I take particular pleasure in supporting the motion and Small Business Saturday. It is very important to support our local businesses at this vital time of the year for consumer spending. Many shops make one third of their annual revenue in the run-up to Christmas, but greater numbers of people are turning away from the high street, as other Members have said. More importantly, they are turning away from local shops to buy goods, especially at Christmas. That is down to the continuing sophistication of the internet and shops' ability to sell goods online, a greater choice online and a growing internet-savvy population.

8.15 pm

Eight in 10 households in Northern Ireland have access to the internet, with that figure increasing by 7% year on year to equal the UK average. In the UK, from May 2012 to 2013, the amount that was spent online increased by 10.3%. The Centre for Retail Research expects the share of online retail to rise to 21.5% by 2018.

The Westminster Government commissioned the Portas review in 2011 to look into the future of the high street. In that review, Mary Portas found that less than half of our spending is on the high street, and that figure is falling. She pointed out that a fall in footfall in an area weakens nearby stores' performance, leading to the surrounding area getting weaker and increasing the likelihood of further closures, which, in turn, reduces footfall in the area. That vicious circle is taking hold in some of our towns already.

Notwithstanding the recommendations of the Portas review and the subsequent independently produced Grimsey report into the vanishing high street, a great deal can be done to help the high street and our local businesses by simply getting more people to visit our local town centres to do their shopping there.

It is appropriate that Small Business Saturday takes place at this vital time for retailers, but it should be part of a wider plan to highlight the wealth of choice that our high street has to offer. Indeed, I should say that mid-Ulster has a range of small businesses to cater for consumers' every need and requirement. It is important that those small businesses are promoted at this time of the year, as well as throughout the year. Small Business Saturday

should help to influence shoppers' habits now, which will hopefully endure into the future.

The Ulster Unionist Party consistently champions the cause of small and medium-sized enterprises (SMEs) and recognises the valuable role that they play at the core of our economy. In our party conference in October, which was the first party conference of the year, we debated Small Business Saturday and confirmed our support for the idea. Indeed, it is the responsibility of all our Executive Ministers to play their part. Our Regional Development Minister plays his part to support small businesses in a couple of ways. He scrapped the proposed car park charges when he came into office, and, most recently, he announced car parking prices of £1 for five hours across many towns in Northern Ireland. That enables shoppers to shop local for longer and at a cheaper rate in our local towns right across Northern Ireland.

I will be honest and say that, when we talked about Small Business Saturday, I questioned how consumers' behaviour really would change, especially when I heard that large businesses are also participating in Small Business Saturday. I thought that, if everyone was coming on board, consumers would surely just continue to shop as they normally do. I came to the conclusion that I could support Small Business Saturday when I thought about how local SMEs in my constituency were dealing with it. In fact, I was in Cloughbane Farm Shop about a month ago, and I came home loaded with my various pounds of meat and pork products, as well as a delicious Cloughbane Farm Shop chicken and ham pie. I was in Sainsbury's on Saturday for a basket of goods, and I found a Cloughbane Farm Shop chicken and ham pie in Sainsbury's. I thought, "That is how we change consumers' behaviour". You consider supporting local businesses, no matter where you are. So, I am delighted that everyone is supporting Small Business Saturday in their own unique way.

To conclude, although it is the Executive's responsibility to create an environment for small and medium-sized enterprises to grow and flourish, the success of Small Business Saturday will be measured by the success of changing consumer behaviour. I will conclude with my support for Small Business Saturday and say that I commend the motion.

Mr Dunne: I, too, welcome the opportunity to speak in support of the motion, and I commend the person who tabled it. I think that it is essential, in this time of economic difficulty for so many small businesses across our town

centres, that we do all that we can to support and encourage economic activity for our local small businesses.

Our small businesses are the backbone of our economy and are key to the future of our town centres. Not only do they provide so many jobs but they stimulate and sustain our town centres. There is no doubt that independent traders have been the lifeblood of our communities for many years, especially during the darkest years of the Troubles, when out-of-town shopping centres did not exist. It would be a tragedy to see independent traders disappear altogether. People must be encouraged to shop locally, and not just at Christmas but throughout the year.

I am glad that North Down Borough Council supported the DUP motion with a Small Business Saturday initiative. We have an exciting programme lined up for this Saturday to stimulate business in Bangor town centre. Poor planning has had implications for our town centres. Many planning decisions made on out-of-town shopping centres have had a major effect.

Bangor is a typical example of a place where there has been major investment in shopping centres outside the town. That has had a significant effect, with low footfall, little spend and the closure of many shops and units, as all Members have seen across the Province. Therefore, it is important that we look at alternative forms of shopping for places such as Bangor. I commend the work of DSD and the public realm schemes planned for our towns of Bangor and Holywood. Work is to start within months, and other projects have taken place about the Province. That is to be welcomed. The work that has been done has gone some way to regenerating town centres. More must be done, however. We must do all that we can to support small retailers.

Other initiatives include the recent reduction in car parking charges by the Minister for Regional Development, which is positive, and the small business rate relief scheme from Sammy Wilson, the former Finance Minister, was very positive. I am sure that that strikes a positive note for all us elected representatives.

We should commend the work of the Northern Ireland Independent Retail Trade Association (NIIRTA). We all know Glyn Roberts and see him at our different party conferences. I do not know how many hats or rosettes that man wears, but he has been forthright in delivering and positive in his work in helping to regenerate town centres.

Hollywood is an example of a town that has turned the corner. It is a small town that has had major knock-on effects from shopping centres. Tesco at Knocknagoney and Sainsbury's at the Hollywood Exchange are huge supermarkets close to the town centre. As a result, we saw the closure of butchers, greengrocers and florists. In recent years, however, Hollywood has turned a corner. The town has a sense of community and the loyalty of its people, who feel ownership. As a result, we saw a new butcher's shop open recently, a greengrocer's revamped and other shops move into the town.

One thing that we do have is about 14 places where you can get coffee. It seems to be the coffee centre of north Down. A Whip has just appeared who is fond of visiting coffee shops in Hollywood. I am just commending them, Mr Whip. *[Laughter.]*

Mr Weir: You do not need to declare an interest, anyway.

Mr Dunne: Hollywood is an example of a town centre that has fought back. There is a future for our town centres but it is important that the public support them. And our Whip is not bad after all.

Mr McKinney: I, too, welcome the opportunity to speak in the debate. The SDLP believes that, for a modern economy to thrive, it is important that we not only attract foreign investment and support those bigger corporations coming in here but have small, independent businesses to stimulate growth and achieve fiscal sustainability in Northern Ireland.

Can I, too, be a bit indulgent, Mr Deputy Speaker, and say that in my constituency of South Belfast the vitality of small retail businesses is ever-present in areas such as the Lisburn Road, Botanic and the Ormeau Road and in smaller urban centres such as Finaghy? Let me take the last one as an example. The Finaghy Business Association is making great strides in interlinking local trade and the local community. For example, on Friday night, the Christmas lights were turned on for the first time, and, over two days, the streets were crowded with people, all of whom were encouraged to avail themselves of the great local shops and services. Small Business Saturday may prove instrumental in fostering the same community confidence in local retailers.

We believe that the initiative can only be helpful for small businesses. The US experience and

its multi-billion-dollar rewards bear testimony to that. Here, though, the small business sector undoubtedly deserves substantial attention, as nearly 98% of all registered enterprises have fewer than 50 employees. In fact, the population of microbusinesses — that is those with fewer than 10 employees — makes up nearly 90% of all registered enterprises. The House must ask itself what can be put in place to allow the small business sector here to thrive.

This Saturday's celebration of local enterprise is, no doubt, an excellent initiative, and the SDLP hopes that it will ignite a growth in sales. Nevertheless, more must be done over this mandate to help SMEs. For devolution to work, we must ask what more can government do. We cannot ignore the magnitude of the problem. The fact remains that Northern Ireland has the worst shop vacancy rate in the UK, with nearly one in four shops being empty. That is not only the worst in the UK, but twice the national average. If you think that is bad, consider that, in hard figures, it represents the closure of nearly 3,000 businesses.

I reflect, too, on Mr Dunne's contribution on the effect of out-of-town developments. The FSB has turned its attention to that. Its survey has revealed that seven out of 10 small firms think that, moving forward, parking is the priority for independent shops. Broadening it out, could another answer lie with procurement processes? Given the huge spend, could local authorities approach this in a way that allows small or local businesses greater access to the procurement process?

NIIRTA points to the fact that three separate Departments are in charge of town centre regeneration. Is that appropriate? It is abundantly clear that we need to establish a strategy implementation group to promote a joined-up governmental response. That may be one way to provide legislative structures that benefit town centre-based small businesses.

A large percentage of our small businesses fall into the agriculture, forestry and fishing sectors. Those enterprises make up nearly 25% of our registered businesses, compared with 6.5% in the rest of the UK. That places us in a unique position whereby we must strive to promote rural business as well as urban trade, and that could have a consequent upturn for rural villages and towns.

Many single decisions made here and elsewhere about the closure of key services such as banks, post offices, GP surgeries and schools lead potentially to a collective result:

the death of a village or town. And I have not even got to the rates issue yet. So, the initiative must be supported. We must do more, and, ultimately, that must be about agreeing that we will do everything that we can to help to build a real economy here. I support the motion.

Mr McCallister: Like my colleagues said, who would be against the motion? Of course we are all supportive of it. It has been useful to hear some of the ideas. I hope the Minister will work on and push for those, and continue to work with Executive colleagues in doing so.

I just want to touch on some of Mr McKinney's points. As a representative of a large rural constituency, I know what effect taking out one or two banks has on a small town such as Rathfriland. It has a huge effect on the numbers that you bring into the trade, and the feeling about the town. Even just having vacant property in the town — the look of it — has a huge impact, and that is very important in rural areas. I am sure the Minister will also be familiar with this, representing a large rural constituency as well. It has a huge impact on how a town functions when you collectively put all of those services together. You can very quickly, over a cycle, with different things falling out of a town, create almost a ghost town or village. If we allow that to happen, we will live to regret it. It is very important that we use initiatives such as Small Business Saturday to support the businesses in those towns.

8.30 pm

Mr Ross: Will the Member give way?

Mr McCallister: Certainly.

Mr Ross: I will play devil's advocate on this issue, because a lot of Members have talked about large shopping centres and the banks. Does the Member agree that much of this is individually driven? People are doing more banking online, so the banks are going to adapt to that; we are obviously going to see that change. Likewise, many of us will shop in the big shopping centres. Many of our constituents will be glad that they can go to their Asda, Sainsbury's or Tesco because they get a better deal. We have to encourage businesses to adapt to those changing consumer practices rather than simply hiding our heads in the sand and trying to forget that those changes are happening.

Mr Deputy Speaker: The Member has an additional minute.

Mr McCallister: Thank you. That was a useful intervention. I agree with parts of it. It is about how individuals shop. The banking one is probably slightly different because it is primarily cost-driven; they tend to look at a figure and, in Rathfriland's case, decide that customers can go to Banbridge or Newry. Decisions are quite specific when they should be providing some of those services locally.

I accept your main point about the way in which we all react. I accept that we all have questions to ask ourselves about our behaviour, such as when was the last time we went into a bank or used banking facilities. I am pretty good at shopping locally when it comes to a butcher's shop, in particular, but we all have to look at how we do it. How easy do we make it? Car parking is vital. Minister Kennedy's decision on car parking is very welcome.

Other things have been mentioned, such as looking at exports and the question of how small businesses tap into online services. How do we give them the know-how and the skills to meet those challenges head on and get any opportunities out of those challenges? We have to look at that. In small businesses, some of the bureaucracy around public procurement almost puts people off even thinking about it. It has been a constant drive for us to change that and improve how we do it. Mr Ross mentioned employment law. It can be difficult and problematic. How easy can we make that happen for people? That should be looked at.

We have to look at people who are fair-weather friends in the debate. Small businesses are great when we are debating them, but we are also out supporting flag protests and things such as that. People cannot continue to speak with a forked tongue on this issue by saying that small businesses and retail are hugely important to their town and city centres, but that they also want to have party colleagues or members on protest. That disrupts, and it causes problems. It drives down trade, because the customer is being literally frightened away. We cannot continue in the House to be fair-weather friends to small business only when it suits us. We are all united in the House at least against possible dissident republican disruption —

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

Mr McCallister: — and the cause of that, but we should not shy away from showing real leadership when it comes to protests. We should stand up and say that the damage that

those are doing to the local economy is enormous.

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

Mr McCallister: They need to stop.

Mr Lyttle: I am delighted to support the motion on Small Business Saturday. I thank my Alliance Party colleague Judith Cochrane for her proposal today. I also thank my Alliance Party colleague Councillor Andrew Webb at Belfast City Council, who is proposing a similar motion there to give our full support to Small Business Saturday. As many Members have done, it is important to recognise the work of FSB and NIIRTA in mobilising the campaign.

It is an important opportunity to celebrate and support the contribution of small businesses across our local economy and community. However, we do, of course, recognise that it is only one day and that there are many long-term issues that we have to work as an Assembly and an Executive to address, such as access to finance, an important rate review programme, skills development and, of course, encouraging exports.

As many other Members have mentioned, we have to do all that we can to show leadership in standing strong and united against politically motivated disruption and terrorism and, indeed, to show leadership against sectarian demarcation of areas that need diversity if they are to thrive as business zones. I know that those are issues that various Ministers, including the Minister of Enterprise, Trade and Investment, who is here, are working on. I also welcome the cross-party all-party group on SMEs, which is chaired by my colleague Judith Cochrane MLA. Indeed, a number of all-party groups, such as the all-party group on postal issues, of which I am chair, are trying to make sure that those core services that we need to build stable town centres remain in place.

It is important that we encourage small businesses to get on board with this campaign. Whether they are local family businesses, restaurants or craft stores, I think that everyone can get involved with this campaign. Indeed, there is still time to download a guide to the day and a digital marketing pack on the website, smallbusinesssaturdayuk.com. Indeed, I encourage businesses to make use of social media to share their plans and ideas for the day.

I think that 7 December represents a chance for us to celebrate the key contribution of SMEs. I

want to take this opportunity to recognise small businesses in my constituency of East Belfast. There are some excellent traders' associations representing Belmont Road and Ballyhackamore. There is the Castlereagh Business Association and associations representing Holywood Arches and the Newtownards Road. The Belmont Road website is belmontroadbelfast.co.uk. Ballyhackamore Business Association has an excellent Facebook page, and Castlereagh Business Association's website is cbani.co.uk. Holywood Arches and Newtownards Road are two other key areas where businesses have come together to promote everything that is good about small business in those areas.

We have heard it said that small businesses are the backbone of our economy. They also make a huge contribution to the life of our community. Along with my colleague Judith Cochrane, I welcome the Christmas festival that is now an annual fixture in the Belmont Road and Ballyhackamore communities. The festival links local community associations such as Wandsworth Community Association, school choirs and, indeed, local churches to hold Christmas markets in the area. That is a really good example of how SMEs and local communities can work together to showcase business in an area, bring communities together and build the kind of community spirit and ownership needed to help them to survive and thrive in challenging circumstances.

It is, of course, important, however, that we tackle the challenges that we have heard mentioned today and to make sure that our small and medium-sized enterprises have long-term and sustainable solutions to some of the key issues that they face. I hope that the Assembly and the Executive redouble their efforts to create that platform for them.

Mrs Foster (The Minister of Enterprise, Trade and Investment): I welcome the opportunity to respond to the motion. It could have been any one of a number of Ministers who stood here to respond to the motion on Small Business Saturday, but I was more than happy to respond, because it is a very important initiative. I want to make the point, as I think I should, that, in my role as Enterprise Minister, I do, of course, support all sizes of business, regardless of where they are situated. However, I welcome the Small Business Saturday initiative. It is a timely and invaluable opportunity for small businesses to raise their profile and encourage their local communities to come out and support them at a key time in the Christmas shopping calendar. We have heard a lot about Black Friday and Cyber Monday but,

for those of us who are more traditional and who actually go into a bank instead of banking online, it is important that we still encourage people to come out into our town centres.

As we heard, the Small Business Saturday initiative is based on an established US model that has been operating for a number of years. In the US, it is not politician-led or government-led, nor should it be. It should be led by the small businesses themselves; they must be in the lead. It works best when everyone gets behind the local shops and supports them; not just small businesses but big businesses, local communities, government and business organisations. We should not try to make it a them-and-us situation between big business and small business. I hope that some bigger stores will support the fact that small businesses need to have their time to move forward as well.

It goes without saying, now more than ever, that we should be supporting our retail sector at a time when there is potential for disruption to trade over the coming weeks in the run up to Christmas. In economic terms, we have undoubtedly had a turbulent period. However, there are now signs that the local economic conditions are improving, and I am particularly pleased that our local jobs market has continued to improve throughout 2013 and that the number of people claiming unemployment benefit has now fallen for nine consecutive months, as we all know.

I do, however, recognise that we have some distance to go and, in the second quarter of this year, output in construction and services continued to fall while the production sector remained flat. More recent information from external business surveys suggests that there have been improvements across all sectors, and I very much welcome that and hope that it will provide some encouragement and give a confidence boost to all our consumers.

We all know that the vast majority of businesses in Northern Ireland are small, account for almost three fifths of the jobs in our economy and make over half of all business turnover, which is greater than similar proportions elsewhere in the United Kingdom. They are, therefore, very much at the heart of our economy and of our recovery as well. We need to continue to upscale our small businesses where possible and try to help them with growth opportunities and ensure that, if there are markets for them outside Northern Ireland, we can equip them to go into those markets. Although the scope of Small Business Saturday might be looked on by some as being

retail alone, it is not, of course, just retail; it is across all small businesses, and we would do well to remember that.

As I said, excluding OFMDFM, at least four other Departments — DSD, DRD, the Department of the Environment and DFP— have policy responsibilities that impinge on the retail sector. Of course, those remain the responsibilities of the Ministers concerned. However, we have a coherent and joined-up approach, and I think it is in everyone's interests that we do have that approach.

I was very pleased that the retail sector could speak to us at our subgroup on economic challenges recently. I felt that it was important that we had that engagement. We asked them to come along, and the Town Centre Alliance came and told us about all the challenges that it was facing. We invited the Minister for Social Development to the meeting also so that he could talk about some of the issues that he is putting forward in the high street task force report.

For our part, DETI is dealing with a business red tape initiative at present. It is a review that will consider a number of key strategic areas, particularly around how regulations are implemented. They have a disproportionate impact on small businesses across Northern Ireland, and I hope that, when the consultation is ongoing, a lot of our small businesses will give evidence. I know that it is time issue for a lot of them in that they do not have the time, but I hope that they will take the time on this occasion to let us know how we are impacting on them.

I agree with Judith Cochrane that a trip to the high street must be a positive experience. We need to work with high street retailers so that we can help them in this modern era to entice people to come to the high street, because we are stakeholders in their business. That is important. Something that I enjoy when I go to local shops is the fact that it is a bit like the bar in 'Cheers' where "everybody knows your name". It is nice to go into a shop and be acknowledged and have that local touch. I feel that that is very important.

8.45 pm

I was reading today about the Ballymena chamber of commerce. I miss the Member for Strangford, who is now in another place, who used to entertain us with his Ulster Scots. The Ballymena chamber of commerce released a press release today that I think sums it up. It

says, and forgive me if my Ulster Scots is not too good:

"If ye dinnae support them, they'll no be here when you're lookin for them".

I think that that is Ulster Scots. What it is really saying is that, if you do not support small businesses, they will not be here in the future. It is important that we support all our small businesses across Northern Ireland, whether in tangible ways by going in and shopping ourselves; through a more representative fashion, where we can help them with particular issues that come to the fore; or through our ministerial remits, where we can intervene in small business rates. Indeed, the Regional Development Minister has made a timely intervention in the run-up to Christmas, and Invest NI is doing some work through its Boosting Business campaign. All of that is very important.

I support the Small Business Saturday initiative and look forward to being out and about in Fermanagh, as I am sure the person who will make the winding-up speech on the motion will be, on Saturday. Perhaps he will even take me for a cup of coffee. *[Laughter.]*

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. If the Minister wants to join me between the hours of 11.00 am and 3.00 pm for an anti-fracking meeting in the Railway Hotel on Saturday, she is more than welcome. I will certainly buy her a cup of coffee.

Mrs Foster: Is there coffee?

Mr Flanagan: I will certainly buy you a coffee between 11.00 am and 3.00 pm in the Railway Hotel on Saturday. I am flustered at the proposal of a date with the Minister. I have never been lost for words in my life. *[Laughter.]* Alistair Ross spoke about the perception that he may be cynical. I may be cynical as well, but my first reaction to this is that it is a PR stunt. However, there is nothing wrong with a PR stunt. Not everything has to cost money to promote. If the business community has a good way of promoting its sector, particularly micro, small and medium-sized businesses, and if that method of promotion costs nothing, why should they not do it, and why should we not roll in behind it and support it? All too often, when people seek a meeting with an Executive Minister, a Committee, an MLA, a councillor or the chief executive of a council, they want something that cannot be done. They are looking for something that cannot be paid for.

All the business community wants from us is our support, both as elected representatives and as potential shoppers. All we are being asked to do is to support a worthwhile initiative. Thankfully, nobody has dissented from that, which made for a poor debate but was not much of a surprise.

The quality of the debate was interesting, but it cannot really be called a debate when everybody agrees. Perhaps John McCallister was convinced by somebody's point earlier on. I am not sure, but perhaps John is against small businesses.

Mr McCallister: No, I am not against them.

Mr Flanagan: Given the way that your speech was going, I thought that you were against small businesses. It is good to see that you have come on track and that NI21 firmly supports small businesses.

Mr Deputy Speaker: Order. I remind the Member to make his remarks through the Chair.

Mr Flanagan: I apologise, a LeasCheann Comhairle.

The importance of the micro, small and medium-sized firms to our local economy cannot be understated. In providing jobs, generating wealth and prosperity for our people, and providing services to the wider population, they are of huge significance. It is important to highlight the existing supports that are on offer from the Executive to micro, small and medium-sized firms, particularly through changes to the non-domestic rating system, but also through indirect changes that have been made, including temporary parking changes. Work is being done by the Executive, and it is important that we reflect that as well.

We must, however, acknowledge the ever-changing nature of how consumers carry out their business. I am certainly one of those who has changed. I do not enjoy shopping. It is not a pastime that I enjoy. Perhaps I am not the only man in this Chamber who does not enjoy it. I would far rather shop online, but I would far rather have the opportunity to buy from a local retailer online. Some retailers in all our constituencies are online, and many people have plugged them. I am sure that the Minister is aware, for example, of the excellent website for Home, Field and Stream in Enniskillen, where it, as a fairly specialised retailer, sells things for angling and outdoor activities, not only to the people of Fermanagh but right around the world. There is a whole range of

other things that you can buy online while supporting local retailers. I think that much more support and advice need to be given to small retailers to help them to get online.

Mr Ross: Will the Member give way?

Mr Flanagan: I will happily, Alastair, yes.

Mr Ross: Does the Member agree that one of the greatest dangers and threats to local retailers is their not adapting to those changes in consumer environments and not getting themselves online? Would he encourage those small retailers to seek out support to make sure that they are online and have a positive and strong presence there?

Mr Flanagan: I certainly would. A number of retailers have taken the first step by getting on to Twitter or Facebook, which are generally free, and some of them use those sites very well. However, retailers such as Home, Field and Stream and Shuphoric, which are on Church Street and Townhall Street in Enniskillen, if you are looking for them online, have excellent websites. Shuphoric was recently highly commended with an award for the level of its online commerce. E-commerce was the term that was doing the rounds at the advent of the internet. The term has changed, and it is no longer called e-commerce. However, the opportunities are huge. Those retailers use their overheads and their existing staff to send out goods and services to potential customers around the world. I think that that makes sense.

I am interested to see how the Department of Enterprise and Invest NI could offer further support to those sectors. We always hear that Invest NI cannot, or does not, help retail stores directly. That is fine, as that is the policy. However, something could be done, such as a promotional campaign, free advice or widening the Logon.ni service, to get more retailers online, because that is where the opportunity is.

Before I was around, when the car came about, there was a huge change in how people bought things. People shopped in their nearest shop for convenience, but then the car came and everything changed. Everything has changed again with the internet. You can buy something in China on eBay as handily as you can from going to your local shop. That is often people's first port of call when they go to buy something. So, retailers need to embrace that opportunity, but I think that we all have a job of work to do to convince them of the benefits of doing so.

Mrs Foster: Will the Member give way?

Mr Flanagan: Yes.

Mrs Foster: The Boosting Business campaign allows retailers to avail themselves of technological expertise from Invest NI. I know that it has helped a number of retailers to get online so that they can export their goods outside Northern Ireland. I just wanted to put on the record that that is available.

Mr Flanagan: I thank the Minister for that. I commend her and her team for the work of Boosting Business. It is a very good initiative that helps non-Invest NI client businesses to access advice and services to help them to grow and sustain their businesses. It is a very challenging time out there.

Small Business Saturday is about more than just shopping locally, and it is more than just a one-day fad. Its whole purpose is to serve as a reminder to all of us, and to consumers, of the importance of small business. It gives us all an incentive to visit a small business and to find out what it is actually like. An awful lot of people might not actually visit a small business any more. An awful lot of people do all their shopping in a single supermarket store and do not go anywhere else. We need to encourage people to visit their local retailer and to get things done with a small business to see what they think. The recent horse meat scandal demonstrated very well for most people the benefits of shopping locally, as you can trace where your food comes from.

It is also about the level of service that you get. The Minister spoke about going into a shop and people knowing her first name. I do not think that that is exclusive to Fermanagh. If you go into any business in the North, you will find that they will know who the Minister is. I think that most businesses that saw her coming would definitely be there to greet her. They might think that they are going to get a grant, and they will run out to greet her. The Minister does not need to be under any illusion, but I know what she means. Everybody feels that, when they go into their local shop, a very hearty welcome is put before them. You do not get that with a large, faceless corporation at times, but you certainly get it in your local store.

Returning to the motion — I think that you might be interested in that, a LeasCheann Comhairle — the main beneficiaries of Small Business Saturday will, of course, be the retail sector. However, it is much wider than that. Other

Members have listed the sectors that will benefit from it.

We have all talked for nearly an hour — it will probably be a full hour by the time that I finish — about how much support we want to give to small businesses. I will just throw out there the whole issue of corporation tax. Is reduction of corporation tax the number one demand of small businesses? In the meantime, what further steps can we take to help small businesses that will not cost the Executive huge sums of money and that might not actually cost them anything? Those are the steps that we need to look at. On a much sadder note, I hate to report that the Ulster Bank is broken again. It is Cyber Monday. People are buying their stuff on the internet and the Ulster Bank is broken. Could it have happened at a worse time for it? However, it is not just Ulster Bank but NatWest and RBS. The Ulster Bank will probably be the last to be fixed again.

Mr Dickson: Will the Member give way?

Mr Flanagan: I will.

Mr Dickson: On the interesting note that the Ulster Bank's online systems have gone down this evening, does that not prove the great benefits of being able to shop locally, walk in the door of a premises, buy something off the shelf and pay with pounds and pence, rather than go online? There is a great opportunity to go online, but you need to be able to mix that. It has to be, as someone said to me, "bricks and clicks" today to allow you to shop online. However, in the whole social dynamic of our community and in the very small villages and towns that the Member talks about in Fermanagh, you would bring about such a social change that people would never go into such premises and never buy a bag of nails, a packet of crisps or whatever it is that they want. It is vital that we support people shopping locally.

Mr Flanagan: I commend the Alliance Party for managing to get three Members to speak in this debate. *[Laughter.]* It must be a big issue for the Alliance Party when you see who is driving this agenda, so fair play to the Alliance Party. I applaud its ingeniousness.

However, the handling with online banking is something that we will have to face. That is how technology evolves. Problems come up. However, there is a lot to be said for shopping locally, helping small, medium-sized and micro-sized businesses.

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

Mr Flanagan: I encourage everybody to do it.

Question put and agreed to.

Resolved:

That this Assembly supports the forthcoming Small Business Saturday on 7 December 2013; and urges the local community to make a special effort to support local traders on that day.

Adjourned at 8.56 pm.



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