

Official Report (Hansard)

Monday 7 April 2014
Volume 94, No 3

Contents

Matter of the Day

Lough Ree Fishing Boat Tragedy.....	1
-------------------------------------	---

Ministerial Statement

Review of Public Administration: Rating Issues	4
--	---

Executive Committee Business

Licensing of Pavement Cafés Bill: Final Stage.....	13
--	----

Assembly Business

Extension of Sitting.....	18
---------------------------	----

Committee Business

Assembly Committees' European Priorities 2014: Committee for the Office of the First Minister and deputy First Minister Report	18
--	----

Oral Answers to Questions

Health, Social Services and Public Safety	22
---	----

Justice.....	31
--------------	----

Committee Business

Assembly Committees' European Priorities 2014: Committee for the Office of the First Minister and deputy First Minister Report (<i>Continued</i>)	41
---	----

Petitions of Concern: Assembly and Executive Review Committee Report	52
--	----

Comptroller and Auditor General: Salary	63
---	----

Private Members' Business

Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014: Prayer of Annulment.....	66
--	----

Suggested amendments or corrections will be considered by the Editor.

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

to arrive not later than two weeks after publication of this report.

Assembly Members

Agnew, Steven (North Down)
Allister, Jim (North Antrim)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Brady, Mickey (Newry and Armagh)
Buchanan, Thomas (West Tyrone)
Byrne, Joe (West Tyrone)
Cameron, Mrs Pam (South Antrim)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Cochrane, Mrs Judith (East Belfast)
Copeland, Michael (East Belfast)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Elliott, Tom (Fermanagh and South Tyrone)
Farry, Stephen (North Down)
Fearon, Ms Megan (Newry and Armagh)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hay, William (Speaker)
Hazzard, Chris (South Down)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McClarty, David (East Londonderry)
McCorley, Ms Rosaleen (West Belfast)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McDonnell, Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McKinney, Fearghal (South Belfast)
McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (South Antrim)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (South Belfast)
Milne, Ian (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Poots, Edwin (Lagan Valley)
Ramsey, Pat (Foyle)
Ramsey, Ms Sue (West Belfast)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Rogers, Seán (South Down)
Ross, Alastair (East Antrim)
Ruane, Ms Caitriona (South Down)
Sheehan, Pat (West Belfast)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Sammy (East Antrim)

Northern Ireland Assembly

Monday 7 April 2014

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

Members observed two minutes' silence.

Matter of the Day

Lough Ree Fishing Boat Tragedy

Mr Speaker: Mr Sydney Anderson has been given leave to make a statement on the Lough Ree fishing tragedy, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise continually in their places. All Members who are called will have up to three minutes to speak. I remind Members that I will not take any points of order on this or any other matter until the item of business is concluded. If that is clear, we shall proceed.

Mr Anderson: Mr Speaker, thank you for the opportunity to raise this Matter of the Day. It is a Matter of the Day that I wish I did not have to raise, for it relates to a terrible tragedy that has affected my constituency and touched all our hearts.

On 20 March, a party of experienced fishermen from Portadown Pikers angling club set off for a weekend's camping and fishing at Lough Ree in County Westmeath. What should have been a happy occasion quickly turned to tragedy. Three of the men got into serious difficulties on the lake when the weather took a turn for the worse. Two were rescued from the water and one was lost in the water.

Within a few hours, David Warnock, aged just 27, passed away in hospital. David lived in Richhill and was not only a keen angler and chairman of the Portadown Pikers but an accomplished hockey player who played for Armagh Hockey Club. He leaves a partner and a four-year-old son. Thankfully, John Trimble, aged 60, who was also rescued, made steady progress in hospital and was later discharged. Despite his traumatic experience, John returned to the scene of the tragedy to help with the search for his missing friend Daryl Burke. Daryl was aged just 30. He was a landscape gardener from Portadown, and his wife is expecting their fourth child in a few weeks.

As time passed, it became clear that the search was for the recovery of a body. Thankfully, the family's anxious wait came to an end on Saturday, when Daryl's body was eventually recovered. This is a terrible tragedy, but at least the Burke family can now have some closure.

All the men were well known in County Armagh and beyond. The community is totally stunned by what has happened and is still trying to take it in.

It is at times such as this that you realise just what community spirit is really like. I have witnessed an amazing outpouring of sympathy, compassion and love, and I know that it is something that the families greatly appreciate. I have spoken to some of the family members and I cannot find words to express the depth of grief and despair. Their hearts are totally broken and our hearts go out to them.

I want to pay tribute to all who were involved in the search and recovery operation at Lough Ree. We are so grateful to them for all they have done. Over the past two weeks, the Portadown and wider County Armagh community has rallied behind the families involved in the tragedy, sending consignments of food and warm clothing to those involved in the rescue at Lough Ree. It is a genuine example of a community united in grief. I know that that has been greatly appreciated by the families involved in this tragic accident and by the Portadown Pikers angling club. I trust that the House will join me to offer its support and condolences to the families of David Warnock and Daryl Burke and to wish John Trimble a full recovery.

Mr O'Dowd: I, too, would like to add my sympathies and condolences and those of my party to the families of David Warnock and Daryl Burke in such tragic circumstances. Words will fail to express the deep grief that has been visited upon the families and communities. As has been mentioned, it stretches from Portadown to Markethill. Those men went out for an enjoyable fishing trip along

with friends and colleagues and tragedy was visited upon them.

Words fail me in many ways because the grief that has been visited, especially on the young children involved, is very difficult for any family to bear. However, if there is one compensation for the family, it is that it has united the community across Portadown and Markethill. I can assure those families that they are in the thoughts and prayers of everyone in that area, and will continue to be for a long time to come.

Mrs D Kelly: I am sure we are all familiar with the old saying that none of us knows what a day might bring. That family certainly found out the full and true meaning of that saying. It is with great sympathy that I recognise the hurt, pain and distress, not only of having heard the news of the drowning but of the past number of days and weeks and the search for his remains. I hope that it brings closure to the tragedy. Their lives have been forever changed. I want to express my personal condolences, and on behalf of the SDLP, to both families. Incidents like this show the common humanity that we all share. I hope and pray that, over the next few days and months, when the families will need even more support, the community of Portadown will be there for both families.

In the coming months, perhaps some lessons might be learned about the tragedy and how to prevent such things happening. However, accidents do happen and, unfortunately, that family has suffered a huge loss. On behalf of the SDLP, I offer my sympathy, and I think it would be remiss if I did not also express our thanks to the emergency services and, indeed, the many volunteers who helped in the rescue and the search.

Mrs Dobson: The sombre mood of the people of Portadown in response to the tragedy has been brought to the Chamber this morning. It is no exception to say that the entire community is in mourning today, and we join them. On behalf of the Ulster Unionist Party, I send our deepest sympathies and condolences to the family circles of Daryl Burke and David Warnock. The news that we received over the weekend was met with deep sadness, but also a sense of relief for the family of Daryl that Daryl's body had been found and recovered and could finally be brought home.

The unimaginable pain of the family, which comes from waiting, can never be described. Following the confirmation of David's tragic death, we in the community, alongside the family, held our breath for any news from the

site, hoping against hope, yet knowing in our hearts that, with each day that passed, the outlook became bleaker.

The members of Portadown Pikers and the entire community, who rallied round, joining the search and living down at Lough Ree, have nothing but my deepest admiration. As the community and the family try to come to terms with this tragic loss, I will never forget that Daryl's wife, Louise, who is in the late stages of pregnancy with her fourth child, never left the lough side throughout the search. Indeed, my party colleague Councillor Colin McCusker was David Warnock's second cousin and knew Daryl through supporting, as I have, Portadown Pikers club. He has been working very closely alongside the club and the families to bring home the vehicles and boats to Portadown. I know that the whole House will join me in supporting the club as it establishes a trust fund for Daryl's three young children, William, Callum and Brooklyn, and David's son, Matthew. We are soon to add a fifth to that list, a baby girl. All are left without a father. My thoughts are with Louise today and in the weeks ahead. As any mother knows, when giving birth, you need your partner's love and support to experience the joy that comes from bringing new life into the world. I cannot help thinking of her giving birth to their only daughter without her beloved Daryl by her side.

I end my contribution with the poignant words of Portadown Pikers:

"Today we search no longer, but start to grieve more stronger."

Mr McCarthy: I join others in the House to offer the sympathy of the Alliance Party to the families of Daryl Burke and David Warnock, who unfortunately died a few days ago as a result of the incident. I thank Sydney Anderson for giving everyone in the Assembly the opportunity to offer their sympathy. As has been said, a young man has been taken away from a young family. The whole community, I am sure, must be devastated. We can recall when these things have happened. In our own village, a number of years ago, we lost four people in a drowning tragedy on Strangford lough. Even yet, people just simply cannot get over those tragedies. I offer my sympathy, and that of the party, to Daryl's family and David Warnock's family, and wish John Trimble every success. I hope that he can overcome what has happened to him.

As others have said, the emergency services have been tremendous in their work and in rallying round. Eventually, they found Daryl's

body, so that it can be laid to rest by the family. As has already been said, a tragedy like this brings communities together. Our thoughts are with the families at this dreadful time.

Mr Allister: I join the condolences from across the House to the two grieving families. It has been said that the sense of shock in the Portadown and Richhill area was palpable. I am sure that that is right. However, I think that it extended much further than that. I think that there was Province-wide shock at the dreadful loss that the incident revealed. No doubt, the lapse of time in the recovery of Daryl Burke's body greatly exacerbated the pain and anguish of that family. I think that we all think of them today. To the Warnock and Burke families, I express my heartfelt condolences. To think of the, what will be five, young children left without a father, in a moment, such as happened here, is quite shocking.

We should also think of John Trimble. Though he survived, he survived an incident that will be etched on his life for as long as he lives. He will, no doubt, have difficulties coping with that. Our thoughts should also be very much with the Trimble family.

Finally, our admiration is often unexpressed, but should be expressed, for the selfless work of the search teams in this incident and in others who showed that, for them, it is not just a job but a vocation. The families and all concerned are very grateful for those efforts.

12.15 pm

Mr Moutray: I concur with the comments of my colleague Sydney Anderson and others in the House this afternoon. There is still a great sense of disbelief, not only in the community in Portadown but further afield, that two young men, both experienced anglers, were lost in such tragic circumstances. Like my colleague, I was able to attend an event recently at which I met some of the family members impacted, and the sense of loss and pain that those family members were feeling really hit home. I also pay tribute to those, north and south of the border, who helped to search for those who were missing for over two weeks. Last week, my colleague David Simpson, the Member of Parliament for Upper Bann, went to Lough Ree and was greatly touched by the community spirit and the endurance of those involved. I trust that, in the dark days ahead, that community spirit will continue to sustain the families of those who were lost and others impacted by this terrible tragedy.

Mr McCallister: I wish to associate myself and my party with the words and thoughts of condolence to the families. There have been many touching tributes today, particularly from people who knew the victims very well. It is important that we stop for a moment, as the whole House does on occasions such as this, and think of how quickly joy and pleasure can turn to tragedy, and to think of those left behind. It will be so difficult for those families to come to terms with their loss, and young children will have to grow up without the influence of a father figure. As Mr Allister rightly pointed out, we should think about John Trimble and the Trimble family and all those who are suffering the consequences and repercussions of this awful event, which will live on with them for many years to come. We think about them, and I am quite sure that the community will continue to support them not only in these difficult days but in the weeks, months and years that lie ahead.

Mr Kennedy: I join with others in the expression of sincere sympathy and condolences to all the families impacted, particularly the Warnock and Burke families and, indeed, John Trimble and his family. It is not an overestimation to say that the entire north Armagh area has been very touched and affected by this tragedy. That impact has been felt across the entire community and is reflected, rightly, in this afternoon's event in the House marking the tragedy.

Mr Warnock lived in Richhill, and his parents are from Armagh; Mr Burke was from Portadown; and Mr Trimble is from Markethill. Therefore, the entire area of north and mid-Armagh has experienced great grief and sorrow at this tragedy. We assure all the families involved of our ongoing prayers and prayerful support, and of our practical support, which has been so much in evidence since the tragedy. We extend our sympathy and caring to the members of the Portadown Pikers angling club. Once again, I express our deep appreciation and admiration for the work of all those who searched and helped with the rescue and recovery. It has been a very dark period, and we ask that God's blessing will come upon all those impacted in any way.

Mr Irwin: I concur with the Members who have already spoken. The tragedy that unfolded in Lough Ree, which claimed the lives of David Warnock and Daryl Burke, has shocked the community in County Armagh and further afield. In the aftermath of that awful tragedy, we have witnessed a huge coming together of the community to assist in providing help and supplies, including donations, for the families

who are struggling with this ordeal. The efforts of all those involved in the search have been commendable and, indeed, deeply moving.

I was relieved to hear that the body of Daryl Burke was recovered on Saturday, as it has been such an awful ordeal for his family to endure day after day. At last, they can plan to say their final farewell to Daryl. It is just so tragic; such a terrible outcome to what was to be an exciting trip. How tragic and painfully unpredictable life can be that such an occasion turned so terribly sad.

I wish John Trimble a full recovery. I am sure that it has been a very traumatic experience for him and his family. I also wish to pass on my sincere sympathies to David Warnock's father, the rest of his family and his partner and young child, and to the family of Daryl Burke. I assure them of my thoughts and prayers in the coming days.

Ministerial Statement

Review of Public Administration: Rating Issues

Mr Hamilton (The Minister of Finance and Personnel): Mr Speaker, if it is appropriate and in order, I would like to join with colleagues in expressing my condolences to the Warnock and Burke families at this very difficult time for them.

I would like to make a statement today to update Members on two important rating issues to do with the review of public administration (RPA). The issues are about managing rates convergence and the funding of transferring functions; issues that I know are of great interest in local government and amongst the general public.

The purpose of the statement is to assure Members that everything that needs to be done is being done to facilitate the first major reorganisation of local government in 40 years. Over that period, there have been a lot of changes in the way in which this part of the United Kingdom has been governed. I wish to play my part in bringing about this long overdue and major reform.

One of the enduring strengths of local government here is its financial independence, which has allowed councils to decide their own priorities, service levels and spending patterns. Unlike other parts of the British Isles, we do not really operate a system of equalisation grants to help local authorities that have a less wealthy tax base. Therefore, it is not surprising that major variances in district rate levels have developed across Northern Ireland and between adjoining council areas — areas that are now joining together as part of the reorganisation.

It is in that context that DFP and DOE have been looking at the issue of rates convergence; an issue that is critical to the success of the local government reform programme.

The financial modelling that has been carried out so far has shown that ratepayers in some existing council areas are likely to experience significant rate increases and, in some cases, decreases if district rates were simply combined at the point of local government reorganisation. Our objective therefore is to implement appropriate transitional arrangements to ease the rates burden on ratepayers where there are wide disparities in district rates between the merging councils.

The Executive have already set aside up to £30 million to develop a scheme that will fulfil the primary objective of delivering an effective, affordable and deliverable scheme that best meets the policy requirements of mitigating the impact of rates convergence on ratepayers. The scheme that we are developing will allow councils to strike a new district rate in the normal way, but Land and Property Services (LPS) will apply a subsidy in the rate bills to those ratepayers, domestic and commercial, who would otherwise face sudden and excessive increases in rates as a result of the mergers and other boundary changes.

That will work through an adjustment to the district rate figure for those ratepayers who need protection over the next few years. It will apply to many ratepayers — up to 300,000 — and will mean that the change will be gradual. That approach is acceptable to DOE, finds favour in local government and has the endorsement of the Institute of Revenues Rating and Valuation (IRRV), which has conducted an external assessment of the various options.

Over recent months, my officials and their counterparts in DOE have been keeping the various local government reference groups up to date with current thinking and plans for managing rates convergence. The feedback from the local government sector has been generally positive.

Now that we know the final district rates for the 26 councils, work can begin on the detailed figure work to enable a consultation process to start after Easter to help to inform decisions on the exact eligibility criteria and the scope of the scheme. That will include consideration of the options on the use of thresholds, the required duration of the scheme and the height and depth of the steps necessary to ensure, within the available funding, that the scheme is as acceptable as possible to ratepayers and the councils that serve them. I hasten to add that early analysis suggests that an effective scheme can be developed within the £30 million that has been set aside.

Another issue that I wish to mention is the mechanism for funding the new responsibilities that local government will have, including local operational planning, regeneration and community development, physical regeneration, some housing functions and a number of local economic development and tourism activities. That will all need ongoing finance. Recent work by my Department has estimated the total transferring costs to be in the order of £80 million, although I hasten to add that the final

cost is still being worked up by the donor Departments in discussions with local government. My Department is, therefore, not in the lead in taking forward that difficult process, which looks as though it will take a few more months. Ultimately, it will have to be agreed by Ministers.

The payment mechanism is an issue that my Department has been involved in, working with DOE. It had always been assumed that we could use the rating system to help to fund the new functions, thus preserving the independence and accountability of local government. A few years ago, there was talk of increasing district rates and providing a regional rate offset in each of the new council areas. My Department has looked into that and, not surprisingly, it has proved to be impracticable. At the other end of the scale, we could simply continue to provide direct grants from the donor Departments. That is undesirable and would shackle the new councils, going against the whole philosophy of RPA, which is to give them the freedom to decide how best to provide new services in their council areas. Furthermore, it brings with it the whole public expenditure regime, with its bidding, monitoring and control issues.

Therefore, the Minister of the Environment and I are proposing a mechanism that is a halfway house. It would operate like a grant, but it will use the rating system without interfering with it. In effect, it gives each of the new councils an ongoing supplement to their rate base, which will equate to the settled net cost of delivering the new functions and services. In subsequent years, that amount will vary in line with changes in the district rates, which, of course, councils control. It is an approach that, again, the Institute of Revenues, Rating and Valuation, as well as the two Departments, has endorsed. We have engaged very heavily with the various reference groups that we deal with in local government to explain its workings.

To that end, DOE introduced a clause into the Local Government Bill at Consideration Stage to enable a new grant mechanism to fund councils in a similar fashion to the derating and rates support grants. It will allow a supplementary net annual value (NAV) to be associated with each of the new councils, which will be set out in regulations early next year. The amount of grant that each council will be paid will be worked out simply by applying the prevailing district rate to that NAV figure. In effect, the new rate base supplement would lead to the same financial boost for a council as a new large office block or shopping centre being bequeathed to it in April 2015, generating

the extra revenue needed to pay for the new functions.

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

One other issue that I wish to touch on concerns borrowing and what my Department has been discussing with Treasury in Whitehall. I have stated previously that the overall programme of reform will deliver savings in the long term. Therefore, it is right that local government should contribute to the upfront costs, as it will enjoy the savings. One of the ways that that can happen is for local government to be able to borrow now to meet some upfront costs, such as staff severance, alignment of services and the costs associated with operating the new councils in shadow form prior to April 2015. To facilitate that, my Department has secured agreement from Her Majesty's Treasury to issue capitalisation directions for up to a total of £33 million over a four-year period for the upfront costs associated with delivering the reform of local government. This means that local government will be able to capitalise those initial costs and borrow for them when they arise, and so spread the costs by repaying the loans from the savings that will result from the reforms over a longer period, without any spike in district rates.

I must stress that any decision to borrow is for the councils to make. What my Department has done is to facilitate that as an option for councils to consider when making their decisions. It is also worth stressing that that borrowing facility is in addition to the allocation of £17.8 million, which the Executive agreed in February 2013, to assist local government with transition costs, as well as the £30 million for rates convergence, which I mentioned earlier.

12.30 pm

Local government in Northern Ireland is moving through one of its most challenging periods of reform since 1972. Such large-scale transformation offers new opportunities to seek out and strengthen partnership relationships to deliver better, more efficient services to the public and local business communities. In central government, the newly established public sector reform division brings together expertise, including innovation and ideas generation; economic review and appraisal; project and programme management; and internal consultancy.

I am keen to explore opportunities for local councils to access new, innovative financing

solutions. Last month, I met senior local government representatives to discuss how to enhance infrastructure provision by local councils. The discussion included how our local councils may benefit from European Investment Bank funding or the Executive's financial transactions capital. I very much see this as the start of a dialogue that I intend to continue in the coming months.

The reform agenda across government requires us to build confidence in all public services. To that end, I am keen for the facilities and support being developed in the public sector reform division to be made available to bodies outside central government, including local councils. I believe that there is an opportunity for those involved to collaborate and optimise their resources to ensure that best practice methods are adopted to embed reformed processes across the wider public sector for the benefit of the citizen.

I have heard it said that the new councils will result in huge rate increases for some. I hope that my statement offers reassurance that massive rate hikes will not happen because of the amalgamation of existing councils. I make clear to Members that my Department will do everything that it can to assist DOE in making RPA a reality in 2015, in a way that is acceptable to ratepayers and the new councils that will serve them.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his statement and welcome the £30 million relief being provided for the new councils. However, I ask the Minister, as I have asked his officials, whether it will be enough. Will the £30 million set aside be sufficient for local councils? What projections has the Minister made? Also, I am sure that Members are conscious that non-domestic revaluation will dovetail into the new council period next year. How will that affect the transitional relief scheme? Finally, how confident is the Minister that no council has set an artificially high district rate in advance of convergence to maximise the relief allocated subsequently?

Mr Hamilton: I thank the Member for his questions. There may be no more left after Mr McKay's three-parter. I thank him for welcoming the £30 million for rates convergence. His first question was whether that was enough. Ultimately, that will depend on decisions taken at the end of the consultation that I intend to launch after Easter. However, initial analysis by my Department,

based on the rate struck by the outgoing 26 councils, suggests that £30 million is enough to do it in the way that we have envisaged, which is over, perhaps, a three-year period, with a stepped decrease in transitional relief. However, if the consultation throws up various issues that we consider valid, and if the appetite is there, it may be necessary to extend that, which may involve some additional cost. I point out, though, that with budgets under pressure, in not just the coming year but future years, for a host of reasons, there would need to be significant reasons why we would want to extend the quantum of funding beyond £30 million, which, in the context of where we are, is quite generous.

The Member's final, and related, question was on how to avoid excessive rate increases. I do not think that there is much evidence of councils doing that this year. In fact, quite the opposite is the case, with many councils striking a zero or below inflation rate. I am sure that the timing of that, in an election year, is merely coincidental, but it has been done nonetheless and obviously assisted in getting round that problem. I am absolutely adamant that, over the next three years, we must ensure that some review or oversight mechanism for the convergence scheme is put in place to ensure that councils do not use, or attempt to use, transitional relief to mask more excessive rate increases than would otherwise be the case. None of us wants that to happen. It must be avoided, and I will do everything that I can to avoid it.

The Member is also right to raise the issue of non-domestic revaluation. It is an incredibly busy time with changes to our rates system. April 2015 will see the roll-out of the non-domestic revaluation, and it is likely that a similar transitional relief scheme will be required to smooth out any significant spikes that there might be regarding changes in valuations for non-domestic customers, but that is being developed in parallel. It will not be merged with this scheme, but the next number of months will be very busy for LPS in making sure that both schemes and, indeed, some other changes that it is going through will be implemented.

Mr Girvan: I thank the Minister for his statement. He just mentioned the transitional relief for ratepayers. How will that work alongside the possible transitional rate relief scheme that will be put in place in 2015 to deal with non-domestic revaluation?

Mr Hamilton: As I pointed out to the Chair of the Committee, it is an incredibly busy time for

LPS in dealing with the non-domestic rates revaluation, which has been going on for a number of years and is due to be reported on over the next couple of months before being implemented in April of next year. As I mentioned to Mr McKay, I dare say that that will require, as it has in the past, some form of transitional scheme. It is important that the two schemes are kept separate as they are on a different scale and the legislation in place does not permit a single composite scheme. However, our officials continue to investigate how the two very different transitional rate relief schemes will interact, because non-domestic customers will be affected by both schemes potentially.

The schemes, I have to point out, would not involve any payment to councils. That is key. Councils can continue to strike their rates in the normal way and will receive all the rates income that they would have got, even if transitional relief had not been applied. That removes this process from the council's budgeting and makes it a lot cleaner for them, albeit that it will be incredibly complicated having two schemes having to interact, operating in parallel while being separate and distinct.

Mr Eastwood: I thank the Minister for his statement and welcome what he has said today. Does he agree that, although some councils have been very good at creating savings and sharing services, there is no good reason why all councils could not have done that and created more savings around the ICE scheme and things like that? Maybe some of the issues would not have been so stark if that had been done.

Mr Hamilton: I like to take things at face value. Maybe I am less cynical than the Member, but I think that there are occasionally very good reasons why, even at a time of change such as local government is going through, capital expenditure is still required. We must not forget that, beyond April 2015, there are services that still need to be delivered that will require capital investment in many cases. For example, if a leisure centre is old and dilapidated now, it will be old and dilapidated after April 2015, and there will be a requirement for a continuation of leisure provision, particularly in most major towns and areas. We could go through lots of areas of responsibility where capital investment is still required.

Although I think that there has perhaps been some cynical application of this in past years, where councils have taken decisions in advance to invest in something because they perhaps fear that a new, bigger council might

swallow them up and outvote them, I understand that they would want to ensure that that capital investment is there so that it will remain. He is right that performance in developing reserves and prudence in the management of ratepayers' money at a local government level has been different and has been patchy across the Province. I agree that it would do well for all of us, whether at local or central government level, to have that prudent long-term view of our public services and to ensure that we do not spend money foolishly when we have it and regret it at a later stage.

Mr Cree: I thank the Minister for his statement. It is certainly very interesting. Minister, I would like to raise the question of borrowing powers, if I may. You mentioned £33 million capitalisation over the four-year period, which is obviously the length of a council term. Do you see this carrying on for other resource and capital expenditure in years to come? Can they be capitalised again? In other words, is it ongoing? I was also interested to see mention of my favourite subject: financial transactions capital. Will you explain how that may, in fact, work here with local government?

Mr Hamilton: I will take the Member's first point first. What we have negotiated directly with Treasury is, as the Member says, £33 million of loans that can be capitalised to pay for what are, in some cases, revenue expenditures. It could be severance or running costs for new councils, particularly when they are in shadow form. That would, of course, be expenditure that you would not traditionally capitalise, but the Treasury has been receptive to this, as it has been in examples in mainland GB, and sympathetic to the fact that this is expenditure at this point in time that will reap benefits in the longer term and is a necessary part of any reform or reorganisation process.

At the moment, it is not compulsory for councils to avail themselves of this £33 million over four years. To go back to Mr Eastwood's point, many will have reserves that will become bigger as they combine, and it is up to councils whether they want to use those reserves. They could raise the rate, although I am not sure that that would be a massively popular thing to do. There are other options. This is an additional option that they now have to spread the cost of reorganisation over a lot more years, so that — whilst we all anticipate and expect savings in the longer term — there is not a spike in the rates or in costs at the outset that will, obviously, have a negative impact on ratepayers.

The option is there, but it does not extend beyond the four-year period at this time. I am not prone to testing the patience of the Treasury, which has been very helpful on this occasion. However, I wonder whether there may be a possibility of extending it marginally beyond the four years if some of the programmes are rolling out and reaping benefits. I would not rule that out entirely; it is not on the agenda at this stage. Everything that could, should and needs to be done is doable within that four-year period, but we will obviously look at it.

The Member will recall that under the Local Government Finance Act, which was passed some years ago, borrowing powers for councils were greatly extended. They are able to borrow much more, and I encourage them to do that prudently by investing in their area.

The Member raised again the issue of financial transactions capital. He will know that the rules pertaining to that are that it must not be spent by us in government or even by local government. However, I have been keen to explore that in concert with local government, particularly given some of the new borrowing powers that it has, its bigger rates bases and some of the powers it is getting, especially around the likes of regeneration. I imagine that every new council will want to compete with the others to improve their infrastructure. In some ways, particularly around regeneration, they are no longer shackled by central government priorities. Priorities that are high up the list at a local level can get funded much more quickly at a local level than they might if they were dependent on us in central government taking those decisions.

I have been working with them on how we can, perhaps, use them as a conduit or an enabler for infrastructure development in their areas, particularly around the likes of some of the sites that will be transferred to them and some of the regeneration projects that are maybe at an early stage. The Member will be familiar with the Queen's Parade situation in Bangor, which goes back many years. That is the sort of scheme that councils can be part of, perhaps using financial transactions capital or other sources of finance to help fund the development of those in a way that we in central government have been restricted from doing.

Mrs Cochrane: In welcoming the statement I should, perhaps, declare an interest as somebody who currently lives in Castlereagh and will fall into Belfast. Currently, it would appear that some councils decide the rate

burden that they will place on constituents, make a wish list and then prioritise it in line with their agreed rate budget, whereas others seem to make a wish list and simply say to their constituents, "Foot the bill". Whilst it is important that councils have financial independence, all Northern Ireland ratepayers should expect similar consideration of the burden that it will place on them. Does the Minister see any opportunities for his public sector reform division to bring innovative ideas to councils to help improve their efficiency?

Mr Hamilton: As I said in my statement, I am very keen that the division, which is a public sector reform division and not just a Northern Ireland Executive or central government reform division, is utilised across the public sector and not just by the Civil Service but beyond into arm's-length bodies and right out into and including local government. Given the pressures that every layer of government will face over the next couple of years, I do not think that any of us can sit in isolation and say that we have all the answers to this. There will be shared experiences and shared lessons mirroring some things that have been done, particularly in Great Britain, in trying to be a little bit more innovative at local government level and using local government, because of its proximity to our citizens, as a test bed for some innovative and creative ideas for public service delivery. So, it is a resource that is as much at the disposal of local government moving forward as it is at the disposal of colleagues in the Executive and their Departments.

12.45 pm

I have been keen to stress that it is not a prescriptive resource, and I am not saying, "These are the only areas". We have lots of different skills and are starting to develop innovation and ideas-generation capacity, but we also have economic appraisal, business appraisal and consultancy services that are already in-house. Those can be applied to basically any situation. I have not said, "These are the only four or five areas that this resource can be applied to". It is very much an open door to allow local government in this case to come forward and say that it would benefit from the assistance and experience that the division is developing to apply to potential efficiencies and more effective delivery at local government level. So, it is a resource that is there for everybody. I see a huge opportunity for local government to work with the division, particularly at this time of reform and given the challenges that reform and reductions in public expenditure generally bring.

Mr Weir: I thank the Minister for his statement. He highlighted in an answer to an earlier question the need to keep monitoring the situation to ensure that, as things develop, it is fit for purpose. It is obviously an issue that relates to DFP and DOE, and I wonder how, in conjunction with DFP, he intends to review the operation of the transitional relief scheme.

Mr Hamilton: We hope that the consultation that we are about to launch will ensure that we get the scheme right in the first instance, but it was always the intention of the Department to monitor and review the scheme midway through its life, as we habitually do with any and all schemes. That was to guarantee, first of all, that we stayed within budget — Mr McKay's point about the quantum of money available for rates convergence was right — and to ensure that all councils acted responsibly in setting their district rate. I made the point to Mr McKay that councils should not game it or use it as an opportunity to perhaps bury some cost.

Even though the scheme will deliver relief directly to eligible ratepayers, we do not want to create a situation where one or two councils might set a higher rate than they would otherwise have done. That is not to say that councils cannot be trusted. I want to make it clear that they can be trusted to manage their own affairs — of course they can — but this is a new situation that we are dealing with, and £30 million is a lot of public funding for a transitional relief scheme. We have to make sure that all public expenditure is used appropriately and has the intended effect. That, of course, is quite different from the review that has been demanded and is now part of the Local Government Bill. A new clause was passed at Further Consideration Stage that — unfortunately, I think — seems to want to open the door to even more funding down the line and for an extended time. Whilst we will always review the scheme to ensure that it is working properly, including the level of expenditure, to almost give councils a signal that this could extend for ever and a day beyond the three or four years is not in keeping with the spirit of local government reform, which is all about empowering local government at a time when it is still seeking to drive further efficiencies and reforms into local services.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement. It talked about the European investment banks. With the practices for borrowing, there is obviously a borrowing element but also a repayment element. What financial practices will be in place to ensure that

ratepayers are protected in respect of loans and repayments?

Mr Hamilton: Principally, it will be more of an issue for DOE to consider, but, personally speaking, I think that the measure and the checks and balances that are in place are local accountability and the fact that there will be councillors elected to ensure that, whatever is borrowed and wherever that is borrowed from, the council can repay that and that the ratepayers of the borough or district can repay that and do not stretch themselves to breaking point. It is up to our councils, and I have every faith in them to be prudent in the management of their funds moving forward, and I have every faith in them understanding that they will have an extent to which they can borrow beyond which they cannot simply afford it. There will be some overall total restrictions in the amount that local government can borrow year to year.

I have seen it reported quite a lot in the local press and in the regional press that councils having borrowings is almost a bad thing. I can understand, in the context of merger, how a council that does not have a lot of borrowing would see it as a bad thing that it is taking on from another council. I will make the point that, as long as it is affordable within the overall spending envelope that councils have, it is manageable and that borrowing, particularly to invest either in making further efficiencies or particularly in improving infrastructure that may help to deliver better local services, is a good and positive thing. It is something that the Executive do to the tune of £200 million a year through the RRI, and it is not something that I would want to dissuade our new councils from doing either.

Mr McQuillan: I also welcome the Minister's statement. Has the Minister identified how councils can utilise the bigger rates base to invest in local infrastructure?

Mr Hamilton: That is something that I have been keen to explore over the last number of months. I can understand and appreciate that particularly DOE and the councils have been very much focused on making sure that everything fits neatly together in April next year. Obviously, there is an election coming up in the next number of weeks, and there will be a lot of focus and attention on that. In my view, there is perhaps not enough attention being placed on the possibilities and opportunities that the review of public administration presents for local government in Northern Ireland.

One of the biggest opportunities is, as some other Members have picked up on, the ability of our councils to be conduits for investment in local infrastructure. Councils already invest in infrastructure, but it is principally around leisure and community expenditure. There is a possibility, particularly with the transfer to local government of powers around regeneration, for them to become serious level investors in infrastructure. It also presents opportunities for us, in the context of their community planning powers, to work with central government, whether it be in health, education, libraries or other public services, to see how that could more neatly fit with local government's plans to invest in infrastructure in their areas. There are huge opportunities. That is why I have wanted, at the early stage, to start a conversation with local government officials. I had a meeting last month with between 20 and 30 senior officials, chief executives, finance directors and development directors from right across Northern Ireland to start to whet their appetite about the opportunities, including opportunities such as the European Investment Bank, which was at that meeting to brief them, and financial transactions capital, which I mentioned to Mr Cree, and generally to raise ambitions and extend the horizons and the vision that local government has, stemming from the greater powers that it will have. There are huge opportunities. I am prepared to work with local government in a constructive way to help it to realise that and to give whatever assistance, whether that is through the public sector reform division or whatever, to help it, through DFP, to realise those opportunities.

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his statement, which highlights how the Executive intend to deal with an issue that is particularly worrying in areas such as Fermanagh, particularly for the business community. Would the Minister be willing to come to Fermanagh with me some day to meet members of the local business community to explain directly what action the Executive are taking to deal with the issue but, more importantly, to hear from members of the local business community who are anxious about the continuing rises in various cost bases?

Mr Hamilton: I know that it is an issue that causes great concern, probably particularly in the Fermanagh and Omagh area, but, as Mrs Cochrane mentioned, there are issues in respect of not just mergers but boundary changes in and around the Belfast area, particularly around Castlereagh. I know that the issue has caused concern. That is why I hope that today's statement, which, I hope, Members

will communicate to their constituents, will offer a reassurance that there will be no sudden and excessive rate increases as a result of the merger of councils and reorganisation through the RPA. I am happy to communicate that in whatever way I can, particularly to businesses that are going through revaluation at the same time.

Unfortunately, I am sorry to have to inform the Member that, perhaps not for the first time, Arlene Foster has beaten him to it. I have accepted an invitation from her to speak to businesses in the Fermanagh area. However, I am happy to ensure that the issues that the Member raised are communicated to them at that meeting, and I am happy to do that with other Members around the country.

Mr A Maginness: I welcome the Minister's statement. It is good news for ratepayers, and they will be very pleased. That said, Minister, there is many a slip 'twixt cup and lip, and 2015 is some time away. Your statement says:

"I hasten to add that early analysis suggests that an effective scheme can be developed within the £30m that has been set aside."

You seem to be very confident that £30 million will suffice. What is the basis for that confidence? Will you share some of that early analysis with the House?

Mr Hamilton: I agree with the Member that it is good news; it was intended to be good news for ratepayers. There has been much public speculation, even in this House — in fact, I have heard black propaganda spread by some — that RPA and the reorganisation and merger of councils will result in huge increases in individuals' rates. The intention is to give the House an update on the thinking on rates convergence, borrowing and funding mechanisms and, at the same time, ensure that people and Members understand the rates convergence scheme and the fact that the £30 million that has been set aside by the Executive will ensure that there will be no sudden and excessive increases in rates bills for the next number of years.

We have not finalised the scheme. The Department intends to start a consultation after Easter that, I am sure, will reveal issues that we expect it to reveal and some that we had not anticipated. We have not come to a hard and fast judgement that this is absolutely the way that we will do it. One way that the scheme might be done is through a stepped decrease in support, as has been the case with other

transitional schemes. At the time of the change from rental values to capital values, there was a stepped decrease in the support that was offered to the ratepayers who were hit the hardest, so that sort of scheme might be used. We talked about it being done over three years, and we know our quantum of money. We also know the final rates for the outgoing 26 councils. A basic analysis of that and what it means for convergence, as well as a stepped decrease in support, which is, traditionally, what we have done with transitional schemes, has given us confidence that the £30 million will be sufficient to cover the needs of domestic and non-domestic ratepayers as a result of the RPA.

Mr Elliott: I thank the Minister for bringing the information to the House, although I appreciate that it is limited at the moment, and there is more meat to go on the bones. He said that there was an endorsement from the Institute of Revenues, Rating and Valuation about rates convergence and that it had carried out an external assessment of the options. Will the Minister make that assessment available, along with the options, in the consultation?

Mr Hamilton: I appreciate the Member's point that the information is limited, but I still think that it is important to update the House and, by extension, the people of Northern Ireland about our intentions, particularly around rates convergence. There will be more and more concern about the issue as we progress towards April 2015, and it is important that we make it absolutely clear that no sudden and excessive rate increases will result from the RPA.

1.00 pm

It is also important that the best scheme was not just decided by DOE and DFP. Through consultation, the mechanisms and reference groups that the DOE Minister set up, we got some degree of understanding from local government. The feedback that we have is that it is generally positive about the preferred path forward. However, we also have outside, independent endorsement from IRRV, and I welcome the fact is that it has been involved in the process. It brings an unparalleled level of experience and understanding of what can often be very technical issues. So to have the IRRV on board and endorsing the way forward has been helpful. I do not particularly see any reason why we cannot make the IRRV assessment available, either through the consultation or by some other means. I am

happy to investigate how that might best be done in the weeks and months ahead.

Mr McCallister: I welcome the Minister's statement. Most of this is based on the premise that the new council models are going to save money, which, some might say, is up for debate. Given the very fact that, even in public sector reform here, the Minister is struggling with Departments — some of which are blocking it — how can he achieve that? How can he make sure that those savings are achieved? What actions will he take against councils that do not achieve those savings?

Mr Hamilton: It is not for me to take action against such councils for not making savings. RPA creates an opportunity for local government and councils to make those savings. It is not just about saving a few pounds here and there; substantial amounts of money are involved. It is so that, in making those savings, councils can deliver better services for their people. That is the primary objective of reform.

Reform, change and innovation in the public sector are always difficult. It will be challenging at local government level. However, the one thing that gives me more confidence about local government is the attitude that I have already seen from people in local government. There are a lot of good examples, particularly in Belfast City Council, which is often characterised as a council where people are at loggerheads and in disagreement all the time. Although there are issues on which there is disagreement, a lot of progress has been made in Belfast. What Belfast has been doing, for example, with the IBM Smarter Cities initiative allows it to assess the value of what it spends on the basis of the outcomes that are achieved. That is exactly the sort of thing that I want to see happen in central government as well. The attitudes that I have seen through the direct engagement that I have had with people in local government about infrastructure, make it very clear that there is that vision and understanding and they have to be a lot more ambitious than they have been in the past.

Local government faces a huge change, and it will pose its own difficulties and challenges in the short term. However, in the longer term, local government has vast opportunities to reshape its local communities in a way that would have been the envy of councillors in the past. There is a huge opportunity, and it is slowly but surely dawning on political representatives and officials at local government level. I hope that that optimism continues.

Mr I McCrea: I welcome the Minister's statement. Like him, I hope that those who have been scaremongering about huge rate increases have been listening and will reflect on their previous statements. Can the Minister outline any ways in which his Department can work and assist the new local councils to realise the savings that will flow from the reorganisation process?

Mr Hamilton: Again, I think it is very much up to local councils. Beyond the obvious and very immediate savings that can be made by merging councils, such as needing fewer senior officials and so on, which, of course, come with a cost at the outset, there are opportunities for savings. It is principally the responsibility of local government, which knows its own patch much better than any of us know it, to identify where efficiencies and reforms could not just yield savings but produce better services.

There is one area in which I am keen to assist local government. I think there is a huge opportunity for local government, instead of reinventing the wheel, to avail itself of and piggyback on the success of some of the things that we have done in central government. I am thinking particularly of shared services, which I intend to pick up with the Environment Minister when we meet in a couple of weeks to talk about public reform in general and local government reform specifically. We have a very successful suite of shared services programmes that have been rolled out over the past six or seven years, such as IT Assist, which, in this Budget period alone, has saved us nearly £20 million in the delivery of IT systems across the Northern Ireland Civil Service. If there is spare capacity for that to be rolled out beyond the Civil Service, it is a conversation worth having with local government so that, instead of having to go back to the beginning or to the drawing board, it can look at what we have done and do that or come on board with what we are already doing in our shared services programme.

Mr Allister: Will the Minister give some clarification on the subsidy to ratepayers who will face an increase on convergence? Is it a 100% subsidy and will it be maintained at the initial level for whatever number of years it lasts? Do we have any indication of how many years that will be?

Mr Hamilton: I am keen to tease that out in a consultation to take the appetite of local government in a more structured way and, of course, of the population at large. There are any number of different ways in which a

scheme could be implemented. I mentioned in response to Alban Maginness that, in the past, a stepped change downwards was preferred, so, for example, it was 100% in the first year and went down at different stages as you moved forward. There are, obviously, alternative ways in which that could be done. It could be a steady change across a number of years. There are pluses and minuses in both approaches. The key message is that it will be a time-limited scheme of around three or possibly four years. Again, that will be determined as a result of consultation. It has to have a time limit because we have to ensure that, given the fact that local government's service levels will have stabilised in those first couple of years and it will have a clearer picture of its financial circumstances, it has to regain that financial independence at the heart of local government in Northern Ireland as quickly as possible. I do not see this as a scheme that should run on forever. If it did, you would risk losing that financial independence, and there is the risk that the Chairman, Mr McKay, raised, namely that some councils could potentially use and exploit the scheme to mask significant rate rises. That is a real possibility.

Executive Committee Business

Licensing of Pavement Cafés Bill: Final Stage

Mr McCausland (The Minister for Social Development): I beg to move

That the Licensing of Pavement Cafés Bill [NIA 24/11-15] do now pass.

The Bill is a significant and necessary piece of legislation. Indeed, Northern Ireland is the first region in these islands to promote a Bill specifically dedicated to the regulation of pavement cafes. The Bill will provide district councils with a sound legal framework to regulate an activity that has been part of the streetscape for some time but has developed in a rather haphazard way. Well-managed pavement cafes will complement my Department's investment in public realm works in towns and cities across Northern Ireland.

The Bill will prohibit the operation of a pavement cafe except under licence granted by a district council. Applications will be considered from owners of cafes, restaurants, pubs or other premises selling food or drink to the public. The Bill will place an onus on a council to grant a licence unless it has a good reason to refuse an application. Councils will be able to impose a range of licence conditions and charge a reasonable fee, and may vary, suspend or revoke the licence in certain circumstances. There will be a power to remove facilities at unlicensed pavement cafes, and several new offences will be created to aid enforcement.

A number of important safeguards have been included in the licensing regime to ensure that authorised pavement cafes will be safe, well managed and sensitive to the needs of street users and the surrounding area. The legislation will be backed by comprehensive guidance informed by best practice elsewhere. The guidance will address important practical issues and will have to be taken seriously by district councils.

Following scrutiny of the Bill by the Social Development Committee, I tabled a number of amendments that were passed at Consideration Stage. The more significant amendments addressed concerns that the Committee had about the wide-ranging nature of the powers to revoke or suspend a licence. Several technical

amendments were also agreed. I am grateful to Members for supporting these amendments.

I again put on record my thanks to the Chair and members of the Social Development Committee for their comprehensive and effective scrutiny. Likewise, I thank Assembly officials and the Office of the Legislative Counsel for their dedicated work in getting the Bill to this important stage.

The Bill balances the need for robust regulation with the necessary flexibility for councils to respond to local circumstances. Key stakeholders have been calling for this statutory licensing scheme, and I am pleased to introduce it. I commend the Bill to the House.

Mr Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Speaking as the Chair, I, first, thank the Minister for bringing the Final Stage to the House. The Bill was referred to the Committee for Social Development in accordance with Standing Order 33(1) on completion of its Second Stage on 25 June 2013.

In response to its call for evidence, the Committee received 23 written submissions and took oral evidence from eight organisations. I thank the organisations that took the time to engage with the Committee. In particular, I highlight the assistance provided to the Committee by the Inclusive Mobility and Transport Advisory Committee (IMTAC) and the Guide Dogs for the Blind Association. Both organisations brought to the attention of the Committee the difficulties faced by people with disabilities in moving freely in public spaces and made very clear to the Committee the problems that inappropriate design and location of pavement cafes posed to them. The Committee was eager to pursue this with the Minister and is glad that he has given his assurance that the accompanying guidance will:

"place strong emphasis on putting the access needs of pedestrians at the heart of the licensing regime." — [Official Report, Vol 92, No 7, p4, col 1].

Indeed, it is fair to say that the Committee was given good support from the Department's Bill team throughout its consideration. That is reflected in the Minister's broadly positive response to the Committee's suggested changes. As the Minister said during Consideration Stage, the more significant amendments addressed concerns raised by members at Committee Stage. In addition, the Committee was content to support a number of

technical amendments that the Minister put forward. It is encouraging to see the positive impact that scrutiny by a Committee can have on legislation when a Department is prepared to work on a collaborative basis to establish in a positive way what can be done rather than providing reasons not to effect changes. Hopefully, this approach can and will continue.

We can all appreciate the potential economic and social impact of pavement cafes on our town and city centres. However, as the Minister referred to, the current approach to regulation, which is based on toleration, is not sustainable. In fact, the introduction of a mandatory licensing scheme was well overdue.

I believe that the Bill strikes a balance between establishing a sound statutory footing for the regulation of pavement cafes and ensuring a welcoming environment for residents and visitors alike, while safeguarding the ability of pedestrians to move freely and without danger. The support given to the Bill at Consideration Stage reflects that view. We will, of course, have to monitor the implementation of the Bill and to what extent the councils adhere to the guidance to be issued by the Department, particularly in respect of people being able to navigate their way along footpaths.

I conclude my remarks by thanking all the organisations that assisted the Committee in its scrutiny by providing a written submission or an oral briefing and the members of the Committee, who dedicated significant time to considering the legislation. I also thank the Committee staff and officials, who have been very supportive of the Committee in its consideration of this Bill and many others. I am very happy, on behalf to the Committee, to support the Bill at Final Stage.

Ms P Bradley: There is not really an awful lot left to say as we said most of it at the various stages of the Bill. On behalf of the DUP members of the Social Development Committee, I join the Chair in offering our thanks to the Committee Clerk and staff, the Assembly officials and, probably more importantly, the many witnesses who brought us lots of information that enabled us to make suggestions and changes.

1.15 pm

I want to highlight the fact that, as an elected representative for North Belfast, I live and work on the periphery of what used to be a small village and has now grown into an ever-expanding town, and that is Glengormley.

Anything at all that the Assembly can bring forward that will help our town centres, make them more attractive and bring in higher footfall and more tourism has to be applauded. I know that, in my town centre of Glengormley, DSD has provided a great deal of financial help to bring it up to a better standard and make it aesthetically better. Also, we have a very exciting master plan ahead in Glengormley. Anything at all that the Assembly can bring forward most definitely has to be praised, so I welcome the fact that we are now at the Final Stage of the Licensing of Pavement Cafés Bill.

Mrs D Kelly: On behalf of the SDLP, I welcome the Bill. I will be interested to hear from the Minister about the time frame. Some of the cafe owners in Lurgan are asking me whether the legislation will be passed in time for this summer for their business. Secondly, as others said, I hope that the guidance to local authorities is very strong, particularly around the needs of people with disabilities, including those with a visual impairment. That is most important, because some in the RNIB do not believe that the legislation goes far enough in securing their rights. So I think that it is important that the guidance is explicit in any assessment of the needs of people with a disability.

Mr Copeland: The Ulster Unionist Party also welcomes and concurs with the comments of the Minister and, indeed, the Chair of the Social Development Committee. We enjoyed — if that is the right word — the engagement between the people who made presentations to the Committee, and, in fairness, the points that they made were well made and were taken into account. The Department was particularly amenable to listening to those concerns, and the Ulster Unionist Party welcomes the eventual passage of this legislation.

Mr McCarthy: On behalf of the Alliance Party, I support the Bill at its Final Stage. As has been said today and, indeed, on previous occasions when we have debated this legislation, a cafe culture is beginning to emerge in our villages, towns and cities. It is important that we have the appropriate measures in place to regulate this welcome development. Although we will have to see how it works in practice, my party is satisfied that the legislation provides appropriate regulation while giving councils a degree of discretion and minimising bureaucracy. The safeguards that this legislation puts in place are important to ensure that pavement cafes are suitable for the surrounding area and will not negatively impact on traffic, pedestrians, the environment and

public safety, including young mums and dads with prams. The same applies to wheelchair users and people with mobility issues and to people with a visual impairment. All our pavements must remain obstacle-free.

I am disappointed by the fall of my party's amendment at Consideration Stage. That amendment would have required councils to consider the good relations impact of a pavement cafe and what is displayed in the licensed area. The Alliance Party is fully committed to shared space and good relations, and these areas should be free from anything of an intimidatory nature. What is perhaps more disappointing is that, as I understand it, officials from the Department confirmed to my colleague Mr Dickson that at no time did they even consider good relations or the concept of shared space when forming this legislation. Given that, much work remains to be done. The concept of a shared future cannot be put into a little box of its own. It must permeate all relevant policy, including that which addresses how we make use of the public realm. The fact that neither the Department nor many Members of this House believe that the concept of good relations is relevant to this legislation demonstrates how the requirements for building a truly shared society remain underappreciated and, indeed, maybe at times, that they are viewed as suspect. Although we believe that an opportunity has been missed in this regard, we welcome the measures in the Bill, which should remove any confusion about licensing requirements and assist businesses as they cater for visitors and the general public.

The potential to increase the usage and vibrancy of our urban centres and rural villages makes this another weapon in the armoury of businesses as they continue to fight against the effects of the economic downturn. Every business in the country has had to fight for survival over the past number of years.

We support the Licensing of Pavement Cafés Bill.

Mr Wilson: I also welcome this legislation, which is timely, as we saw during the Committee evidence sessions, and the reaction from traders' associations, councils etc. It is timely for a number of reasons. First, it captures a desire to regenerate the centres of our towns and villages. If anything can add to the life of the streets in shopping areas of towns, this will. That, in itself, will help the process of urban regeneration.

It is not something that even five or 10 years ago would have been regarded as attractive or

desirable in many of our towns and villages. More and more, however, as we promote tourism and promote town centres as destinations, it has been acceptable and there has been demand for it. I remember a former Secretary of State, Mr John Reid, commenting on something similar when he was here. He said that, when he was in London, if you saw seats and tables sitting outside, you said, "Ah, a pavement cafe". If you saw it in Glasgow, you said, "Aw, there's an eviction taking place". I suppose that was the difference between urban centres in the south of England and other parts of the United Kingdom, but I think that it is catching on.

Secondly, it forces traders, especially in the catering industry, to think, "How can we make our premises more attractive?" In some cases, of course, because of our climate — although as the Green Party would remind us, in the future pavement cafes will be very feasible in Northern Ireland, what with global warming: we will be able to sit outside till 11.00 pm at night. However, at present, we probably have to make special arrangements, but more and more places are doing this with outside heaters. As the technology changes, it has been more possible.

Some people have mentioned the safeguards. I just put in a word of caution about the safeguards. There is now a responsibility for local councils, but let us be absolutely sure that councils do not over-stress some of the safeguards, because the kind of regulations or ways in which councils administer some of those safeguards could kill off the ability of businesses to do this, if those safeguards are too restrictive. There is a delicate balance to be had between allowing these things to happen and making sure that they do not impinge too much on the public.

I just want to mention, in closing — although he is not in his place — the point that Mr McCarthy made about building some good relations strategy into this. Of all the parties in this place, the Alliance Party, ironically, seems to be obsessed with flags and symbols. Sometimes they point the finger at unionists and nationalists, but they are the ones who seem to be obsessed with it, from the latest convert to republicanism, who is standing for them in the European elections, and her infatuation with symbols along the route of the Giro d'Italia, to good relations being built into pavement cafes.

Does the Alliance Party really think that the owners of restaurants, bars etc are going to erect symbols on the pavement outside the place, saying, "By the way, we do not want

customers from one tradition or the other"? That is how nonsensical the whole idea of building good relations into the Bill is. Good commercial sense will ensure that pavement cafes, what goes on in them and how they are designed, welcome customers instead of driving them away. Therefore, we do not need the kind of regulation that the Alliance Party has suggested.

This is a good Bill. It has been a long time in coming, which is my only criticism of it. I hope that it is very successful and has the impact, which I believe it will have, of making town centres even more attractive destinations.

Mr McNarry: As a supporter of the Bill, I congratulate the Minister, the members of the Committee and Members in general for the work that has been put into the journey that has led us to where we are today.

The definition of a pavement cafe area in the Bill is a public area, or it could be another area belonging to a private place used by the public. I realise that this is a late entry, and I am not asking for changes. I am, however, raising the issue of smokers for consideration.

Establishments that serve food and drink or beverages offer their outside surroundings — and they call them their "outside surroundings" — to smokers. With that space likely to be utilised, because of the Bill, primarily for the purpose of eating and drinking outside, we should pause for a while to think about where smokers will congregate. I see Mr Wilson saying, "Get on your bike" or nodding as if to say, "Go down the road a bit, there."

Smokers have rights. So if the area that they have been using has been designated, if not in law but in spirit, for smokers, do they then, as Mr Wilson would want, get pushed away down on to somebody else's patch? What is the public area? Is the public area the length of a pavement?

The last thing that I want is non-smokers' enjoyment to be spoilt by smokers. As a smoker, an eater and a drinker, I do not like going into establishments that have been, or will be, smoke filled. I just do not like that: I like the freshness of an area free from smoke. However, as a smoker, and smokers will be with me on this, if you want to have a smoke after your meal, it is nice to go outside to the area that is provided for you. That way, you have your smoke, come back in and maybe have a drink, refreshment or beverage of some sort.

As the service stands, where people are already trading with tables and seats provided outside their establishments — in general, with ashtrays provided on the tables for their customers — I want to be assured that somewhere down the line there could be some guidance given. While we are enacting this Bill, and, as I said, I am in favour of it, what is the provision for smokers to smoke outside, which they are directed to do anyhow, without disrupting the majority of non-smoking customers?

That is a point that I wanted to make in deference to the members of the smoking community, who enjoy, and will enjoy, the society that is being created here. Cafe culture outside is something that many can point to having enjoyed for many, many years on the continent, where smoking does not seem to be as much of a bother to many people as it is here.

Minister, that is just a point that I am raising. Perhaps, as councils get involved in this and as the law stretches itself, there might be some consideration given to how we cope with smokers.

As I have said before, I am trying extremely hard to kick this habit, and it is extremely hard. So, I really do not want a lecture and someone saying that the easy thing is for people not to smoke. The reality is that people smoke and get a certain enjoyment from smoking, at no time more than when they go on a night out. They should have the freedom to enjoy their meal etc and not bother anybody but go outside to smoke. It is that area, in particular, that I have in mind. Today, you can walk outside and there is an area where you feel comfortable and are not really bothering anybody. With the introduction of this Bill, the question is whether there will be directional signs telling smokers to go this way or that way when you go out to those areas. It is a point that, I feel, is worth making.

1.30 pm

Mr McCausland: I thank Members for their contributions to the debate. I am gratified by the high level of consensus that the Bill has enjoyed. A number of points were made, most of which were discussed at earlier stages of the Bill, but I thank Members for raising them.

Three things in particular were raised. The first, raised by Mrs Kelly, was the timeline for the introduction of the scheme in each council area. The Member knows that the Bill has completed

its Final Stage or will do so shortly and will then go for Royal Assent. Subject to the passage of the Bill, councils will need some time to complete the preparations necessary to administer the new statutory licensing scheme. The Bill will come into operation on a date appointed in an order that will be made by my Department following liaison with councils. It is a matter that is very much in the hands of councils in bringing forward their individual schemes as soon as possible. We will introduce an order in due course.

I want to pick up on the issue of good relations. I see that Mr McCarthy has left us, but he obviously feels very strongly about that matter. However, it was only thrown in by the Alliance Party as an afterthought and at a very late stage. They did not mention it at all when they made their initial submission to the consultation, so it is somewhat belated. If we are looking for good relations, the fact that Sammy Wilson quoted the chairman of Celtic Football Club on street lighting in Glasgow is a major advance.

The final point was that made by Mr McNarry about smoking. That issue is very much a matter for the Health Department, and it does not come within the scope of the Bill. It is also a matter for councils, which currently enforce the smoking ban. I am sure that it will be touched on, but it does not fall within the scope of the Bill.

As I said at the start of the debate, the Bill seeks to balance the need for robust regulation with the necessary flexibility for councils to respond to local circumstances. Key stakeholders have been calling for the introduction of such a scheme, and the Assembly is now delivering.

We look to councils to make the preparations necessary to administer the scheme, and we should have confidence in them that they will implement the scheme in a way that benefits all concerned. I formally ask the Assembly to pass the Licensing of Pavement Cafés Bill and allow it to move to Royal Assent.

Question put and agreed to.

Resolved:

That the Licensing of Pavement Cafés Bill [NIA 24/11-15] do now pass.

Assembly Business

Extension of Sitting

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

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 7 April 2014 be extended to no later than 9.00 pm. — [Mr P Ramsey.]

Mr Principal Deputy Speaker: The House may sit until 9.00 pm if necessary.

Committee Business

Assembly Committees' European Priorities 2014: Committee for the Office of the First Minister and deputy First Minister Report

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 15 minutes in which to propose the motion and 15 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I beg to move

That this Assembly notes the report of the Committee for the Office of the First Minister and deputy First Minister (NIA 59/11-15) on Assembly Committees' European priorities for 2014.

I have great pleasure in moving the motion, a motion that is a first for the House. It is the first time that we have had the opportunity to debate European priorities as selected by the Assembly's Statutory Committees for the year ahead, as well as giving us an opportunity over the next hour and a half to reflect on the work done on their respective priorities during 2013.

The Committee for the Office of the First Minister and deputy First Minister leads on European affairs in the Assembly, but each Statutory Committee has its own responsibility for scrutinising EU matters that fall within its

remit. The report gives a significant indication of the breadth and depth of work being undertaken by our Committees on European affairs, which affect people in Northern Ireland. I take this opportunity to thank each of the Statutory Committees for their contribution to the report, and I look forward to hearing from Committee members during the debate.

Although, geographically at least, Northern Ireland may be on the periphery of the European Union, European affairs have a very direct effect on our people. A significant proportion of policy and legislation on a wide range of issues emanates from the European Union, and, for that reason, it is vital that Committees here can engage with that policy and legislation in an effective and timely manner. In the report, it is heartening to see the work that Committees are doing in scrutinising and supporting the Executive Departments in how they go about the business of making the Northern Ireland view heard and respected on EU matters.

Relations with the European Union are the responsibility of the UK Government. However, the implementation of EU policy often falls to Departments of the Northern Ireland Executive. The UK Government have already given a commitment to the devolved regions to involve them as directly and fully as possible in decision-making on EU matters that touch on devolved areas and on non-devolved matters that have a distinctive impact on Northern Ireland. I am sure that all Members will agree that it is vital that our Ministers and Departments work hard to ensure that the Northern Ireland voice is heard loud and clear in any UK negotiations in Europe with other member states. For that reason, the process by which Assembly Committees select their European priorities for scrutiny for the year ahead from the annual European Commission work programme is a useful tool to identify policy and legislation planned by the European institutions that will have particular relevance to people here. It provides Committees with a look ahead to see issues on which they can scrutinise and support their Department. At this point, I take the opportunity to thank the Assembly Research and Information Service for the excellent work that it does in supporting the Committees in selecting key priorities from what can be, frankly, a daunting list of European policy initiatives.

The Committee for the Office of the First Minister and deputy First Minister has agreed three issues from the work programme as priorities for 2014. The first is a non-legislative initiative on tackling the gender pay gap. The

initiative aims to promote and facilitate effective application of the principle of equal pay in practice and assist member states in finding the right approaches to reducing the persisting gender pay gap. The EU average pay gap between women's and men's hourly gross earnings is 17.8%. The Office for National Statistics measures the gap in the UK for all employees as 19.7%. Calculating the gender pay gap is not straightforward; there are different results depending on whether the mean or median average is used. There are different perspectives within and between industries and different outcomes for full-time and part-time work.

Mr Campbell: I thank the Member for giving way. He outlined the importance of narrowing the gender pay gap and the averages in Europe and the UK. Has he any indication — I do not — of the gender pay gap here in Northern Ireland?

Mr Nesbitt: I am not aware of the figure off the top of my head, but I thank the Member for raising that important issue. What is clear is that the pay gap is not shrinking in the manner that was intended and desired by the Assembly and the Executive. I will certainly get back to the Member on the local figures.

OFMDFM is reviewing its gender equality strategy, which includes tackling the gender pay gap — the issue that the Member raises — as a key action. The Committee has already engaged with the Department on the review and in 2014 will continue to scrutinise the outcome of the review and the plans to tackle issues including the gender pay gap here and how it will be influenced by European policy in that area.

Secondly, the Committee will scrutinise developments on a proposed European Accessibility Act aimed at improving the market of goods and services that are accessible for persons with disabilities and elderly persons on the basis of a "design for all" approach. The UK Government have already expressed their view that they are not convinced that there are gaps in EU legislation on accessibility that would warrant such an Act and are concerned that such legislation could be burdensome on business, expressing a preference for a non-regulatory approach to more accessible goods and services.

The Committee, in its remit on equality, will maintain a watching brief on developments with the proposed legislation. As the implications become clearer, the Committee will seek evidence from the Department on the impact

that the Act will have on Northern Ireland and, where applicable, take evidence from stakeholders. As the proposals develop, the Committee will feed its views into the European Scrutiny Committee at the House of Commons and the European Union Committee at the House of Lords, to ensure that a Northern Ireland viewpoint is included in the UK position.

The Committee has agreed to keep a watching brief on the legislation on the forthcoming accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms. EU accession to the convention is complex. It will be the first time that a multinational body has done so. There is some ambiguity as to how accession will work in practice, as the EU already has a Charter of Fundamental Rights. As the proposals develop, the Committee will seek a view from OFMDFM on what the EU accession to the European Convention on Human Rights will mean for Northern Ireland, including any potential requirement for further legislation in Northern Ireland to ensure our compliance.

During 2014, the Committee will continue its role in scrutinising European legislative proposals to assess compliance with the principle of subsidiarity, the principle that the EU shall not take action unless it is more effective than action that could be taken at a national, regional or local level. The UK Government have identified legislative proposals in the European Commission's work programme that present possible concerns in relation to compliance with the principle of subsidiarity, including proposals relating to the data protection package, the freedom of movement of workers, future priorities in the areas of justice and home affairs, the labour mobility package, business failure and insolvency, the establishment of the European public prosecutor's office and the European Accessibility Act, which I mentioned just now. The Committee will monitor developments in those areas and, where appropriate, will seek the Department's view of any impact on Northern Ireland. The Committee will liaise with the other Statutory Committees in the Assembly, where applicable, and, where concerns are identified, will communicate its view to the European Scrutiny Committee of the House of Commons and the European Union Committee in the Lords.

The final European priority for the Committee for OFMDFM for 2014 is the Committee's inquiry into the work of the Executive's Barroso task force. The president of the European Commission, José Manuel Barroso, announced

a European Commission task force for Northern Ireland on 1 May 2007. The first ever task force for a specific region in the European Union, it was created to support the peace process, with particular emphasis on how to support Northern Ireland in its efforts to improve its economic competitiveness and create sustainable employment. The task force comprises a group of representatives from the European Commission working with officials from the Northern Ireland Executive Departments to strengthen European engagement. President Barroso's term runs out in October this year, and the indications are that he shall not seek a third term. Therefore, the Committee has agreed to conduct a short inquiry to reflect on the work of the task force and what it has achieved. The Committee's call for evidence has just closed, and we will use that evidence to assess the outcomes from the work of the task force and identify lessons learned. The Committee will produce a report on the inquiry and, depending on the evidence gathered, may make comment on future structures of Northern Ireland Executive engagement in European affairs.

1.45 pm

During 2014, the Committee will undertake other work with a European focus. We look forward to considering an early draft of the Northern Ireland Executive's European priorities for 2014-15 and, later in the year, considering the Executive's review of performance against the 2013-14 priorities. As Chair, I will continue to represent the Assembly on the EC-UK forum of chairs of the UK and devolved regional parliamentary committees that have responsibility for European affairs. The Committee will continue its work on subsidiarity monitoring at the Assembly and will follow with interest the work of the European division of OFMDFM, including the Office of the Northern Ireland Executive in Brussels.

I will make some brief comments on the work on EU matters that the Committee undertook during 2013. In the context of the ongoing scrutiny of performance against Programme for Government commitments, the Committee monitored progress against commitment 26, which is the Executive's commitment to increase the uptake of competitive European funding by 20% through to 2015. With the revised baseline drawdown of £13.4 million of competitive funding in 2010-11, the target for drawdown is £64.4 million over the four-year period. The Committee noted positive progress against the target and will continue to monitor the Executive's performance in that area, particularly with regard to the exciting

opportunities offered by the new funding streams, including the €80 billion available under Horizon 2020. As each Department has a responsibility for that Programme for Government target, I encourage all Committees to closely monitor their respective departmental performance in this regard.

The Committee scrutinised the EU framework for the national Roma integration strategy and its relevance for integration in Northern Ireland. OFMDFM decided not to develop a specific Roma integration strategy, as Ministers considered it more appropriate to deal with the issues raised by Roma and Irish Travellers within the context of the revised racial equality strategy. The Committee has been briefed on the new strategy and has been briefed by the Northern Ireland Council for Ethnic Minorities. The Committee will continue to follow developments closely and looks forward to OFMDFM launching the consultation on the revised racial equality strategy in the near future.

The Committee also followed developments in relation to the evaluation of the Peace III programme —

Ms Lo: Will the Member give way?

Mr Nesbitt: Briefly.

Ms Lo: I thank the Member for giving way. He mentioned the racial equality strategy. Do you know when it will be published for consultation? It has been there for nearly five years now.

Mr Nesbitt: I thank the Member for her query. Like her, I am pretty much in the dark as to when that and other strategies will actually come out of OFMDFM. Like her, I very much look forward to the strategy being published for consultation.

As I said, we looked at Peace III programmes, and I am pleased to see that €150 million has been set aside under the multi-annual financial framework for a proposed Peace IV programme. The Committee held meetings with the European External Action Service on the role of the EU in peace building, and we liaised with Committees in the Houses of Parliament on matters of subsidiarity.

During 2013, the Committee took evidence from the Minister of State for Europe, the Rt Hon David Lidington MP, who was giving evidence to an Assembly Committee for the first time. We also hosted a visit by the Irish Minister of State for European Affairs, Paschal Donohoe

TD. That was Minister Donohoe's inaugural visit to the Northern Ireland Assembly. We took evidence from the Minister on a range of issues, including the role of the Irish presidency of the Council of the European Union, the role of Parliaments within the European Union and the democratic accountability of the EU institutions.

In association with the Northern Ireland Assembly and Business Trust, we also hosted the then Minister of State for European Affairs, Lucinda Creighton TD, at an event to mark the midpoint of the Irish presidency of the Council of the European Union. The Minister discussed the priorities for the presidency and progress on a number of key issues, including intensive negotiations on the European budget, which included allocations for PEACE IV; tackling youth unemployment; reform of the common fisheries policy and the common agricultural policy; enhancement of the single market; and negotiations on the new EU/US free trade and investment agreement.

I hope that I have given the House a brief flavour of the range of work that the Committee has undertaken on European matters in 2013 and of our continued focus on such issues in our remit during 2014. Please note that I have spoken without reference to the £18 million set aside for the proposed peace-building and conflict resolution centre at the Maze. European issues range much more broadly than that. I look forward to the remarks of other Members during the debate.

Mr Moutray: I support the motion, which proposes that the House notes the report of the OFMDFM Committee on Assembly Committee's European priorities for 2014. The Chair has outlined the process used to collate the information, and it is important that we thank Committees for their cooperation in drafting the report. Many of the priorities emanate from the European Commission's work programme for this year, and, because 2014 is the final year of José Manuel Barroso's term, the Commission's work programme was significantly smaller. We therefore invited Statutory Committees to include details of other European-related activity that their Department was prioritising.

I welcome such a report, as it gives a holistic, all-encompassing overview of where and what the Assembly is doing to ensure that the maximum is being done to draw down and utilise funding from Europe's extremely large budget. Unfortunately, the UK still puts a lot more into Europe than we get out. However, reports such as this help to guide us and give

us confidence that we are working to improve our drawdown. Furthermore, the OFMDFM Committee has made it clear to the Statutory Committees that, each autumn, it will request that a report on activity on European priorities be provided so that a further report can be drawn up and submitted for plenary debate. It is not enough to outline our priorities as a Government; performance and success must be measured. In some instances, that will highlight weakness and areas where further work is needed.

I will not take time to look at all of the priorities. However, at the outset, I would like to commend the Committee for Culture, Arts and Leisure under the chairmanship of Michelle McIlveen. It is encouraging to know that the CAL Committee is looking closely at the Creative Europe programme for 2014-2020 and consulting stakeholders in seeking to assist in raising awareness of the application process. I also welcome the fact that the Committee is looking at piracy in the music industry and is scrutinising the Bill presented in 2012. That will certainly be welcomed by the industry, which has been badly hit by rogue traders and piracy. It is also welcome that the Committee is making Horizon 2020 a priority and proposes to scrutinise the Minister of Culture, Arts and Leisure on her encouragement of the creative industry sector to access the funding framework.

It would be remiss of me not to mention the response from the Committee for Agriculture and Rural Development and welcome its priorities: CAP reform, CFP, the single farm payment and the rural development programme, which are at the very heart of Northern Ireland's priorities. Unfortunately, we see a Minister who is not prepared to take decisions on many of these issues, particularly CAP reform. Clearly, the uncertainty is causing farmers great difficulty in forward planning for their business. I am sure that we all know what farming families want: movement.

I welcome the response from the Committee for Enterprise, Trade and Investment and the fact that it is moving towards scrutiny of the planned insolvency Bill, which will set up a minimum standard in pre-insolvency procedures and allow for a second chance for honest entrepreneurs.

I note the sizeable workload of the Committee for Justice. Many of its priorities are welcome. We have only to think about the work involved in fighting money laundering and cigarette smuggling.

Obviously, I have only touched the surface of some of the priorities to give the House a flavour of what is happening across some Departments. European priorities, as set out in the report, will aid the Executive in working to strengthen European engagement and to realise the opportunities and potential that exist at present. I believe that this provides a basis for us to prepare thoroughly for a new round of funding programmes and to stand ready to exploit any early calls for proposals in 2014.

Mr Principal Deputy Speaker: Question Time begins at 2.00 pm, so I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member to speak will be Oliver McMullan.

The debate stood suspended.

(Mr Speaker in the Chair)

2.00 pm

Oral Answers to Questions

Health, Social Services and Public Safety

Meals at Home

1. **Mr Flanagan** asked the Minister of Health, Social Services and Public Safety for an update on the review of the meals at home service in County Fermanagh. (AQO 5933/11-15)

Mr Poots (The Minister of Health, Social Services and Public Safety): The Western Health and Social Care Trust has advised that the review of the community meals service has not yet been completed. During March, the trust organised a number of engagement events to listen to service users' views on the current community meals service and their thoughts on how it could be improved or changed. The aim of the service review, which is due to finish on 9 May, is to secure a future model that addresses the assessed needs of those who meet the criteria for access to community meals across all the trust's localities. Any future models must deliver meals to the nutritional standard required over a seven-day week and provide value for money, in line with departmental guidance on charging for the community meals service.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. I want to further elaborate on the review that the Minister is talking about. We are looking at a proposal to take hot dinners away from elderly people and replace them with a microwaved alternative, and I do not think that that could ever constitute value for money. It is a disgraceful proposal, and I would like the Minister to reflect on the fact that there would be uproar in here if it were brought forward for the canteen downstairs. Will the Minister assure me that he will not allow such a proposal to go any further and that he will guarantee the retention of fresh, hot and healthy dinners for people who choose to live at home longer, in line with his Transforming Your Care policy?

Mr Poots: All of that would be considerably easier for me to do if we had a financial settlement and I was not faced with large cuts next year as a result of welfare reform.

Mr Elliott: I thank the Minister for that. Can he give us any detail on the number of individuals receiving the meals at home service in County Fermanagh?

Mr Poots: Yes. It is over 1,100. I think that 1,160 people receive meals in the Western Trust area, so a considerable number of people benefit from the meals on wheels service. I recognise the benefits of community meals to elderly people in particular, but also for vulnerable adults. As things stand, it is being done at good value for money. We need to ensure that that continues to be the case. Some may argue that we should be charging a little more to ensure the continuity of the service. In all of this, we must remember that there has been considerable food price inflation in recent years, as well as considerable fuel cost inflation. Consequently, the providers' costs have been driven up.

Mr D McIlveen: I thank the Minister for his answers so far. To follow on from Mr Elliott's point and broaden it out a little bit: how many people in total in Northern Ireland are in receipt of domiciliary care in a general sense?

Mr Poots: Health and social care trusts provide domiciliary care services for 25,330 people, which is 5% more than in the same survey week in 2012. The number of people receiving domiciliary care continues to increase. That fits with our policy of keeping people in their own home and ensuring that they get the appropriate support there.

Older People: A&E Attendance

2. **Ms Fearon** asked the Minister of Health, Social Services and Public Safety how he intends to address the increasing levels of older people presenting at emergency departments. (AQO 5934/11-15)

Mr Poots: With its focus on home as the hub of care for older people, Transforming Your Care aims to help avoid unnecessary admissions of older people into hospital and to encourage independence. By providing home- or community-based alternatives to A&E for patients who do not have acute severe illness or injury, improving collaborative working between the hospital and primary care sectors and developing alternative routes into hospital for patients, we can help to reduce the number of older people who need to attend an emergency department.

An example of measures to improve the care and experience of older people is that the

Belfast Trust has piloted a successful acute care at home service, headed by a consultant, which can provide care at home that would previously have needed hospital admission. The trust has established an acute medical assessment facility in the Royal Victoria Hospital acute medical unit (AMU), which will allow GP-direct assessment and will enhance the service already in existence at Belfast City Hospital.

Ms Fearon: Go raibh maith agat, a Cheann Comhairle. In November 2013, the College of Emergency Medicine recommended the implementation of an ageing infrastructure, referred to as the 'Silver Book', throughout emergency departments. Has the Minister acted on this?

Mr Poots: We have worked closely with the College of Emergency Medicine and are holding a summit with it this week on the care and support that we provide for people in emergency departments and AMUs. As a consequence of that, the Belfast Trust has taken on four additional consultants and is taking on 40 additional nurses, some of whom are in place and many will be in place shortly. Of course, all these things will be made tougher if we have to face cuts next year as a result of welfare reform. If that is the case, it will have a potentially devastating impact on the health service.

Mr Dunne: I thank the Minister for his answers today. Does he see a greater role for residential homes in providing intermediate care to try to reduce the pressure on our hospitals?

Mr Poots: The issue of residential care homes and how we make best use of them is something that we have been looking at over the past year. One thing that I have asked the Health and Social Care Board to consider is the ability to use residential care homes as step-down facilities to enable what I referred to earlier as the consultant at home care model to be used in those circumstances. I hope that that will be investigated over the next months.

Mr McKinney: Can the Minister explain why, two and a half years into the Transforming Your Care initiative, the Belfast Trust can point only to a pilot scheme relating to acute care at home?

Mr Poots: Of course, there has not just been one pilot scheme across the trusts; a series of schemes have been taking place. The integrated care partnerships (ICPs) have now been established and will be key to delivering

reform in the health service by bringing together all the key players across the 17 ICP areas to enable that to happen.

The pilot scheme of the acute care at home service by an elite consultant, which enables people to receive the kind of care in their home that they would otherwise receive at hospital, such as getting intravenous drips or being given blood or intravenous antibiotics, has been successful.

The Northern Trust provides a rapid-response, community nurse-led service through GP referral to address health and social care crises, offering home-based alternatives to hospital care and providing a consultant geriatrician for support for nursing homes, which has reduced the number of attendances from that patient group.

A series of things are going on, and I am somewhat alarmed that, given the length of time that the Member has been on the Health Committee, he is aware of only that one. Perhaps he should avail himself of more knowledge on these issues.

Mr Beggs: There are considerable risks with elderly and vulnerable people having to wait for an excessive length of time at an accident and emergency unit. When will there be formal arrangements between every hospital and GP so that those excessive waits can be bypassed and those who have been assessed by a GP can go direct to a hospital bed?

Mr Poots: Like many of us, I can remember a point in time when GPs admitted most people to hospitals directly. For whatever reason, over a number of years, that changed, so what I inherited was a system whereby, if a GP had a concern about someone, they were admitted to an emergency department and then to hospital. I want to fundamentally change that. We need to ensure that communication exists between general practice and hospitals that ensures that people are admitted appropriately and that as many elderly people as possible can be admitted to hospital when necessary without having to go through emergency departments.

I indicated the work of the ICPs. They will be fundamental in the background work that is done on this issue. We have arrangements in place at a number of hospital sites for direct access, including at Altnagelvin Area Hospital, Belfast City Hospital, Antrim Area Hospital, Lagan Valley Hospital and Downe Hospital, with plans to initiate it at the Royal Victoria Hospital and other sites over the coming year.

Meningitis B Vaccination

3. **Mr Storey** asked the Minister of Health, Social Services and Public Safety for his assessment of the joint committee on vaccination and immunisation recommendations on the meningitis B vaccination. (AQO 5935/11-15)

Mr Poots: The advice from the joint committee on vaccination and immunisation (JCVI) gives us the opportunity to plan for the managed and orderly introduction of a new meningitis B vaccine into the current childhood vaccination programme, subject to the vaccine being procured at a cost-effective price. I have always welcomed the quest for an effective, safe and cost-effective vaccine to protect against meningitis B. The negotiations regarding the vaccine price will now be taken forward by the Department of Health in England on behalf of all the UK Health Departments, and I look forward to a positive outcome.

Mr Storey: I have no doubt that many will welcome the Minister's news today, particularly those who are in particular need because they are suffering as a result of meningitis. Will the Minister further outline what support his Department provides to tackle meningitis?

Mr Poots: I will answer the question with what we doing in Northern Ireland as regards the rest of the United Kingdom. The vaccination policy is set by the joint committee on vaccination and immunisation, and we have a series of vaccinations in place for various forms of meningitis. There is obviously a gap in provision for meningitis B, and there was considerable lobbying about the issue. I welcome the JCVI recommendations. I hope that the negotiations on price are successful, and I hope that we in Northern Ireland are in a position to adopt the new treatments that are recommended by the National Institute for Health and Care Excellence and other bodies in the incoming year. Again, I will be unable to do that if I have money stripped away from me because of the welfare reform money being taken from the Health Department.

Mr Speaker: Question 7 has been withdrawn.

Mr Rogers: The Minister said that he hoped that the negotiations would have a positive outcome, and, hopefully, that will happen. When does he expect that the new system for meningitis B will be in operation here?

Mr Poots: The JCVI finished its conclusions on 11 and 12 February, and its recommendations were published on 21 March. It recommended that there should be a carefully planned national meningitis B immunisation programme for infants, using a three-dose schedule at two, four and 12 months of age. The JCVI thinks we can do that in the incoming year, should negotiations with the suppliers of the vaccine be successful. Again, we in Northern Ireland are very keen to do this, but we are not sure whether we will be able to introduce new treatments if we do not have the finance available as a consequence of the cuts because of welfare reform.

Antrim Area Hospital: Waiting Times/A&E Pressures

4. **Mr Hilditch** asked the Minister of Health, Social Services and Public Safety for his assessment of the current waiting times at Antrim Area Hospital. (AQO 5936/11-15)

6. **Mr Kinahan** asked the Minister of Health, Social Services and Public Safety for his assessment of the current pressures on Antrim Area Hospital's Emergency Department. (AQO 5938/11-15)

Mr Poots: With your permission, Mr Speaker, I will answer questions 4 and 6 together.

I have been advised by the Northern Trust that waiting time performance for inpatient and day-case treatment at Antrim Area Hospital is broadly in line with my Department's targets. At the end of March 2014, fewer than five patients were waiting over 26 weeks for inpatient or day-case treatment at Antrim Area Hospital.

The emergency department in Antrim Area Hospital has seen an increase in attendances and admissions for emergency care in 2013-14 compared with the previous year, with attendances up by around 2% and non-elective admissions by 5.6%. Despite this, there has been a significant improvement in performance. In 2013-14, performance against the four-hour emergency department standard was 70.7% compared with 64.5% in 2012-13. In 2013-14, 884 people waited longer than 12 hours in Antrim Area Hospital's emergency department, compared with 1,811 in 2012-13; a reduction of more than 50%. Although Antrim Area Hospital's emergency department is not yet meeting the targets I have set for emergency care, there is clear evidence that considerable progress is being made.

2.15 pm

Mr Hilditch: I thank the Minister for the information. What other measures are planned to improve emergency care and patient flows in Antrim?

Mr Poots: It is important to recognise that, although progress is being made, we cannot rest on our laurels, and we need to keep moving things on. We have looked at further measures to improve emergency care and patient flows at the hospital, including the relocation of a mental health crisis response team from Holywell to the Antrim site to expedite referrals and assessments and to provide a more responsive service for people with mental health needs. We are also looking at the relocation of the older people's psychiatric team to the Antrim site from Holywell, the development of a paediatric ambulatory area on the Antrim site, expansion of the GP assessment unit to include surgical referrals, further expansion of seven-day working and the consolidation of additional evening and weekend ward rounds.

Mr Kinahan: I thank the Minister for his answer. We all know that we have excellent and incredibly skilled and hard-working staff throughout the health service. However, will he accept that, in Antrim Area Hospital, staff morale is at an all-time low, and the introduction of car-parking charges there, where there are difficulties with local public transport, and none for shift workers, will put even more pressure on morale? Can he answer the question without referring to the welfare fund?

Mr Poots: I very much welcome the question. The Member has not written to me about any of those issues. If he was aware of staff morale being low, I am surprised that he has kept it to himself until today.

Dr McDonnell: Does the Minister agree that pressures at the Royal Victoria Hospital are having a knock-on effect, right into Antrim? Does he also agree that some investment in primary care would siphon off a considerable amount of that? Primary care gets less than 4% of the NHS budget, yet it handles 90% of contacts. Are there any plans to fund a project in that direction, perhaps a pilot, that might allow a realignment or a redirection of a lot of the demand that goes to A&E into primary care?

Mr Poots: Transforming Your Care is all about how we best use and support primary care. Indeed, TYC identified that there should be a 5% shift in overall funding from hospital care to primary care. Primary care does not get 4%; I

think that it gets at least double that, so we need to get our facts right. Primary care is a key element of ensuring that people's needs are met without attending hospitals. Hospitals should not be the first port of call for many people who need to receive medical care.

Acute Services

5. **Mr Boylan** asked the Minister of Health, Social Services and Public Safety to outline the different routes to accessing acute services. (AQO 5937/11-15)

Mr Poots: The main way of accessing acute hospital services is through a GP or a GP out-of-hours referral, an emergency department or by admission through an outpatient clinic. Dentists and opticians may refer patients to consultant-led dental services and ophthalmology services. Health and social care trusts have individual local arrangements for direct access to certain acute services by patients or through healthcare professional referral.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Does he agree that the GP out-of-hours service should be located at hospitals?

Mr Poots: It is certainly an option. In many circumstances, it is preferable for a GP service to be available on a hospital site so that people who should not be in emergency departments can be referred elsewhere very quickly. People sometimes come to hospital because it is difficult to get a GP appointment, and that is used as an excuse. We need to ensure that we can eliminate those kinds of practices and ensure that people who need to see a GP have the opportunity to see one, as opposed to going through an emergency department.

Mr Wells: Can the Minister outline what progress has been made on self-referral for physiotherapy?

Mr Poots: Self-referral physiotherapy is important, and I had the opportunity of speaking at events last week relating to allied health professionals who provide a wonderful service. I know that the Member attended a number of those events, one of which was in his constituency. Transforming Your Care promotes the local availability of services and is looking to provide the services closer to home. Directly arising out of that, the Public Health Agency is leading on self-referral physiotherapy

on behalf of Health and Social Care. Self-referral is a system of access that allows the patient to refer themselves to a physiotherapist directly without having to see or be referred by another healthcare practitioner.

The South Eastern Trust has been piloting an exercise on direct referral. It is intended that all trusts will be in a position to offer patients the opportunity of self-referral for physiotherapy by the end of March 2015. Most self-referrals will relate to the musculoskeletal care pathway, but other care pathways may be included, subject to the evaluation of the pilot in the South Eastern Trust.

Mr Cree: With excessive waiting times to see a GP and little confidence in the out-of-hours GP service, patients frequently have no option but to turn up at A&E to seek help. How have the recent closures and restrictions of opening hours of accident and emergency departments at Lagan Valley Hospital and Downe Hospital further adversely affected the ability of patients to access acute services in hospitals such as the Ulster?

Mr Poots: On the basis of the most recent research carried out on the state of the health service, I have to disagree with the Member that there is little confidence in out-of-hours services. Over 90% were satisfied with the out-of-hours service, which is not bad and does not demonstrate huge dissatisfaction.

On the other element of the question, I think that it cannot help any facility that is under pressure, and we recognise that the Ulster, Royal and other hospitals are under pressure, to have more pressure applied to it. That is why I fundamentally disagreed with the further reduction in the hours at the Lagan Valley and at the Downe Hospital. I am keen that we ensure 24/7 access to both those facilities in the foreseeable future, that we make better use of GP direct admissions, that we make better use of specialist nurses to deal with a lot of the minor injuries, and that we ensure that the emergency departments at our major hospitals are exactly that: emergency departments to deal with emergency situations.

Mrs McKeivitt: What is the Minister's assessment of walk-in centres and their viability in Northern Ireland?

Mr Poots: Sometimes, when you make things available in the health service, people will use them to a greater extent than is required. That is something that we have to be careful about. Previously, pharmacists were carrying out work,

and it just appeared to increase the workload, as opposed to dealing with things. That had to be changed because they ended up dealing with common colds and so forth, which was not what the whole thing was meant to be about. So we need to ensure that people are using all those facilities and centres appropriately and that we demonstrate real benefit from them. We recognise that reviews across the water have been mixed thus far and that they have not improved care. We need to take cognisance of that.

Healthcare: Research

8. **Lord Morrow** asked the Minister of Health, Social Services and Public Safety for his assessment of the potential for small business research initiatives to improve healthcare. (AQO 5940/11-15)

Mr Poots: One of the key elements in the implementation of our healthcare transformation programme is the promotion of innovation to improve services and to develop solutions that meet the needs of our patients and HSC, and, ultimately, help to improve health outcomes. However, it is recognised that the public sector procurement methods have made it difficult for the industry to engage in a meaningful way with the health and social care sector. That is where the small business research initiative (SBRI) could make a big impact, by lowering the barriers for business, seeking to access the health and social care market, providing opportunities for innovative companies to engage with the public sector at an early developmental stage, and delivering solutions that better address public sector needs at lower costs. For Health and Social Care, SBRI brings the potential for clinicians and managers to engage with the technology industry to develop and test innovative solutions to meet the needs of their patients.

On 3 March, together with my colleague the industry Minister Arlene Foster, I announced the launch of a small business research initiative competition to develop technology solutions to help improve medicines adherence. That is the first health-related SBRI competition in Northern Ireland. It represents a real opportunity to develop technology solutions that will improve medicines adherence by supporting people to take the right medicines at the right time, as prescribed.

I am confident that the opportunities for such competitions will be identified in the coming months, supported by the forthcoming appointment of an SBRI executive to HSC.

Lord Morrow: I thank the Minister for his full and comprehensive response. What is the annual spend on medicines in Northern Ireland?

Mr Poots: Expenditure on medicines in Northern Ireland accounts for £540 million of the annual budget of Health and Social Care. That equates to around 12% of the total budget. In 2012, over 37 million prescriptions were dispensed in primary care alone, at a cost of over £400 million. Expenditure on medicines is increasing at around 5% every year. An average of 19.9 prescription items are issued per person per year in Northern Ireland, compared with 17.7 in England and 17.6 in Scotland. The average annual cost per person is also higher in Northern Ireland at £19.90, compared with £17.70 in England and £17.60 in Scotland. In the United Kingdom as a whole, the cost of hospital admissions resulting from people not taking medicine as recommended was estimated at between £36 million and £196 million in 2006-07.

Mr Byrne: I thank the Minister for his answers. Will the Minister outline the extent of medical bioscience research in Northern Ireland? What public moneys are being used to fund it, particularly in relation to cancer treatments?

Mr Poots: I think that is one of the good news stories, and it seldom gets much attention. For example, 1,000 people are based in research in the City Hospital, as an arm of Queen's University Belfast. Recently, we opened new facilities there that have allowed us to introduce even more expertise. Through Professor Paddy Johnston's work, we have brought some of the top scientists in cancer research to Northern Ireland. I was delighted when he was appointed vice-chancellor of Queen's University Belfast, because I think that that is a relationship that can deliver much more.

There is a massive amount of work going on in cancer research. Consequently, somewhere in the region of 1,200 people are benefiting from the most advanced cancer drugs, many of which are not yet on the market, but are about to come on the market. They are benefiting from that because we are carrying out advanced research into cancer.

Cancer Awareness Month/Ovarian Cancer

9. **Mr Lyttle** asked the Minister of Health, Social Services and Public Safety when he anticipates the Public Health Agency's cancer awareness campaign will commence. (AQO 5941/11-15)

12. **Mrs Cameron** asked the Minister of Health, Social Services and Public Safety for an update on the steps he has taken to raise the profile of ovarian cancer during Ovarian Cancer Awareness Month. (AQO 5944/11-15)

Mr Poots: Mr Speaker, with your permission, I will answer questions 9 and 12 together, as they are about the same subject.

The Public Health Agency expects to finalise the preparation of the awareness campaign by September or October, with the commencement of the campaign shortly thereafter. In addition, and to move things forward more swiftly, to improve awareness of ovarian cancer, the PHA plans to initiate an awareness-raising programme over the coming weeks. The programme will comprise the targeted distribution of leaflets and posters, possibly supplemented by a platform piece to be included in local newspaper publications.

When possible, I take the opportunity to raise the profile of the illness. On 3 March, I addressed the ovarian cancer awareness seminar that was held in Parliament Buildings. On 26 March, I visited the Angels of Hope drop-in centre where I had the opportunity to speak to doctors, nurses and other healthcare staff who care for patients diagnosed with ovarian cancer, as well as to the bereaved relatives of those who have lost their lives to the disease. I take this opportunity to thank the ovarian cancer charities for the excellent work that they did during March to highlight the signs and symptoms of ovarian cancer.

2.30 pm

Mr Speaker: That concludes the listed questions to the Minister of Health. We move on to topical questions.

Alcohol Misuse

1. **Mr Milne** asked the Minister of Health, Social Services and Public Safety what he is doing to tackle the problem of alcohol misuse, which, as he will know, costs approximately £900 million per year, £250 million of which is borne by Health and Social Care. (AQT 981/11-15)

Mr Poots: I have had regular conversations with fellow Ministers, including Minister Reilly in the Republic of Ireland and colleagues in Scotland and Wales. We have commissioned work to be carried out by Sheffield University on the impact of a minimum price for alcohol, and we look forward to moving on that qualitative research when we have it. We have been

observing closely what Scotland has been doing because it has moved ahead with the proposal for a minimum price. That is being challenged by the courts, and we will observe that very closely. All the Ministers whom I mentioned strongly support going in that direction. Last year, we launched a new strategic direction for drugs and alcohol that provides considerable support to the trusts and others as they work in the community. We have supported organisations that provide education about the proper use of alcohol and about the abuse of alcohol and the damage that it can cause.

Mr Milne: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire go dtí seo. I thank the Minister for his answer. Can he commit to developing an all-island strategy for tackling addiction and substance abuse?

Mr Poots: I am always delighted to develop all-island strategies on the issue, and that is why I have been engaging with colleagues in the Republic of Ireland, Scotland, England and Wales. I do not see the benefit of Northern Ireland, the Republic of Ireland or Scotland going it alone. If we can do this across these British Isles, it will be transformational. I encourage other Ministers to move ahead on this, and we will not be found wanting.

Blood Donations: Gay Men

2. **Mr G Kelly** asked the Minister of Health, Social Services and Public Safety why, given that, in 2011, Westminster legislation was introduced to allow for blood donations from all sections of the community and individuals, including gay men — in fact, it was introduced to end discrimination against gay men — and bearing in mind that we in the North get blood donations from England, Scotland and Wales, he is pursuing in the courts a ruling to prevent gay men from donating blood. (AQT 982/11-15)

Mr Poots: Nobody mentioned anything about gay men; the discussion is about people who engage in higher-risk behaviours. Therefore, they are regarded as MSM: men who have sex with men.

I am somewhat confused by Sinn Féin today. The Member who asked the previous question wanted to identify an all-Ireland approach; now, Mr Kelly wants to follow the British approach. The Republic of Ireland does not allow for blood donation from MSM. Mr Reilly has corresponded with me, indicating that he has no intention of introducing that. Mr Kelly wants to take the British route as opposed to Mr Milne,

who wants to take the all-Ireland route. Which is it?

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answer or lack of one. He avoided the question. Sinn Féin will pursue the issue of equality throughout Ireland. In this case, I can throw the question back at the Minister. He said that he did not want the North to act on its own but wanted others to act with him. Now, he says that we should not follow the example of ending discrimination against gay men. Will the Minister answer this question: does he believe in equality for all, including gay men?

Mr Poots: The Member knows very well that this matter is being looked at by the courts. I need to be very careful. I will leave it to the fairness and impartiality of the courts. They will come back with advice on this.

Paediatric Cardiac Surgery

3. **Mr Clarke** asked the Minister of Health, Social Services and Public Safety when he hopes to meet Dr Mayer to discuss paediatric cardiac surgery. (AQT 983/11-15)

Mr Poots: I am delighted to indicate that Dr Mayer is in the country all week along with the other two experts. They have an extensive programme of work that they will engage in this week. There is a series of meetings; it will be a very busy programme. I greatly appreciate the fact that we have someone of his expertise giving us advice on the issue. Dr Mayer oversees over 1,000 surgical procedures each year. He does not carry them all out in the one hospital; there are other hospitals in Massachusetts and Boston where he provides those services and ensures that those services are provided under his guidance. If anybody can identify a way forward on this, I have a lot of confidence that he has the ability to do so. If his recommendation is something that is not to our liking, we have to give great cognisance to that as well.

Mr Clarke: I thank the Minister for his answer. He will be aware that one of the concerns for parents about paediatric surgery is the current transport arrangements. What discussions are you having with your officials about the transport arrangements?

Mr Poots: Of course, that is a matter of great importance, irrespective of whether we have a facility based in Dublin or a facility based in Belfast that uses Dublin and, indeed, other

centres in the United Kingdom to support children who require complex congenital cardiac surgery. We have acquired an ambulance at the cost of £190,000: £120,000 for the ambulance and £70,000 for the intensive care cot that goes inside it. There are four seats in the back of the ambulance to facilitate intensive care services being provided in the ambulance. We can have key personnel from the nursing side and the clinical side as well as a family member in the ambulance to ensure that the child can receive the support and care that it needs while not in a hospital. Its care will be in no way diminished in the transportation. We are looking at acquiring a second ambulance to ensure that that service is available.

Health System: Blockage

4. **Mr Maskey** asked the Minister of Health, Social Services and Public Safety whether he agrees with the Royal College of Nursing's recent evidence to the Health Committee in which it stated that there is a systemic blockage in the system, which prevents front line staff from being heard, and, if so, is that an indictment of his Department. (AQT 984/11-15)

Mr Poots: Certainly, in all these things, I have sought to encourage openness and transparency. That is why I wrote to every member of staff to encourage them to come forward if they had issues of concern. In fact, it was not just to encourage them: I indicated to them that, if they saw something that was not right, it was their responsibility to pursue that matter, follow it up and take it to a higher level if they did not get the response they should have from the first numbers of people. I will continue to drive that.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for that response. It is bound to be very constructive. Hopefully, it will trickle through to all members of staff.

In the same evidence session, the royal college indicated that a number of nurses, in its words, are working beyond or above their capacity. Does the Minister care to comment on whether that means that there is a risk to patients?

Mr Poots: It is important that we have appropriate training for nurses to ensure that we have appropriate treatment. I have been in regular contact with the Chief Nursing Officer and have been encouraging her to develop more opportunities for specialist training for emergency nurse practitioners and advanced

emergency nurse practitioners. We are going down those routes, which will ensure that nursing can carry out even further responsibilities and reduce pressures on the clinical side. We can deliver a much faster response time because we have a good availability of nursing staff. Obviously, the opportunity to further upskill is something that many nurses will want to avail themselves of.

Erin McAuley: Causeway Hospital

5. **Mr McKay** asked the Minister of Health, Social Services and Public Safety whether he is aware of a young couple from the North Antrim constituency who lost their baby daughter, Erin McAuley, after a serious adverse incident at Causeway Hospital in 2008; of the fact that the trust did its own report in 2009, showing that it was to blame for the incident; why, for the trust to finally accept liability, the family had to bring this case to court in 2013; and why he did not intervene to prevent the cover up in this case and in others under his watch. (AQT 985/11-15)

Mr Poots: I was not aware of the case until the current directors of the Northern Trust, whom I put in place — I inherited the issues in the Northern Trust — brought it to my attention that there were a number of cases, including the McAuley case. We need to be very clear that, where hospitals fail, they need to be open and transparent about those failures and work with families and tell them what has happened, to ensure that we can move forward. I intend to update the Assembly with a statement on these issues tomorrow. Members will see the level of commitment that we want to provide to ensure that we have the safest possible healthcare system anywhere in the world.

Mr McKay: The family have received the Weir report that the trust carried out on their daughter's case. However, the trust has not released all relevant reports on this case to the family. Today, they have still not received all the information that they are entitled to. Will the Minister now give a clear commitment that they will receive all the information in this file that they are entitled to?

Mr Poots: The Member is asking me questions that I would not have been made aware of in terms of this family. They have not been in contact with me directly at this stage. Another family has requested a meeting with me, and I will be happy to fulfil that.

In all of this, what we always need to remember is that something went wrong. The consequence of that something going wrong

was that somebody lost their life; in this instance, it was a little baby. In the first instance, we need to recognise the pain that that family is suffering. We need to help to reduce and mitigate that pain by ensuring that they do not have to go through long processes to identify what happened and to find the truth.

I look at what happened with hyponatraemia, which started around 17 years ago, and see the pain that those families have gone through. I do not want a health and social care service that delivers like that. I want a health and social care service that, if it has made a mistake, can be up front about it with families at an early point and ensure that they do not have to go through additional trauma. They have suffered enough.

Causeway Hospital: A&E Winter Performance

6. **Mr Campbell** asked the Minister of Health, Social Services and Public Safety whether, although it is early April, he has had an opportunity to review the winter performance of the Causeway Hospital's emergency department. (AQT 986/11-15)

Mr Poots: In the Causeway emergency department, 12-hour waits have been virtually eliminated over the past six months. Around three quarters of patients are seen within four hours. Causeway has not seen the same increase in emergency department pressures as Antrim, although it tends to experience more pressure over the spring and summer months as a result of the visitors who go to the north coast during that time. The Member always reminds me of that influx when people talk about the Causeway Hospital.

Members will be aware from my recent update on the implementation of the improvement plan at the Northern Trust that operational plans for both Antrim and Causeway hospitals identified new ways of working to improve performance, particularly in unscheduled care. That work was completed in June.

Mr Campbell: Can the Minister give an assessment of the progress that has been made by the turnaround team in the Northern Trust overall?

Mr Poots: Overall, we have seen a tremendous improvement in the Northern Trust. We have seen an improvement in waiting times for elective care and procedures. We have seen massive improvement in the emergency departments. We are now seeing the culture

changing from a culture of not telling people what is going on to a culture of openness and transparency. We need to recognise that it was the senior directors who came forward and said, "We have identified these cases of serious adverse incidents that were not previously made public". They have made them public, and, as a consequence, we have heard the very sad stories of individuals and of what has happened, what went wrong and what should not have happened. I have to say that we have seen a massive improvement in the Northern Trust area over the past year.

2.45 pm

Justice

Legal Aid

1. **Mr McElduff** asked the Minister of Justice for an update on the legal aid forecasting management model. (AQO 5948/11-15)

Mr Ford (The Minister of Justice): Significant progress has been made on the development of the legal aid forecasting model. A new methodology has been developed that pays particular attention to identifying and incorporating the factors that have the potential to impact on legal aid expenditure. Arrangements are in place to obtain information from other organisations that could impact on the demand for legal aid. Measures are also being put in place to quality-assure and test assumptions on a regular basis. The new methodology will now be tested robustly to ensure that it is fit for purpose. It is planned to roll out the model in phases from this month, and it will continue to be refined to improve its accuracy and reliability.

Mr Speaker: Questions 2 and 8 have been withdrawn.

Mr McElduff: Go raibh maith agat. I thank the Minister for his answer. Further to that, how will links with other parts of the justice system improve forecasting?

Mr Ford: The simple answer is that there are elements of legal aid forecasting that have been difficult in the past. For example, the assignment of an additional Crown Court judge has ensured that some criminal cases went through faster than others would have done. There are also points where we can look at work that is happening elsewhere in the system and seek to see what the impact, for example, of new legislation and other provisions is so that

we ensure that we get better forecasting in the future. Of course, the key issue is the fact that spending is significantly still in excess of budget, and that has to be addressed.

Mr Eastwood: Given that Criminal Justice Inspection described the Legal Services Commission as being not fit for purpose, is the Minister confident that this new agency will be?

Mr Ford: I certainly believe that bringing the Legal Services Commission into the Department as a legal service agency, provided, of course, that the Assembly consents to the Bill's Second Stage tomorrow, gives us the potential to get a greater handle on the work being done and to ensure that we bring closer together the issues of criminal and civil legal aid in a way that ensures that departmental officials are fully aware of how progress is being made.

Mr Kinahan: What assessment has been made of the impact on family law if significant reductions are made to the legal aid budget?

Mr Ford: Mr Kinahan raises a significant point. The reality is that we are not in the same place as what is currently happening in England and Wales, which has attracted so much comment in the press and has seen the Lord Chancellor remove some of his proposals for change. We are still in the position where we have not reduced the scope of legal aid in Northern Ireland in any respect. We have certainly cut the fees paid to lawyers, but we have ensured that people who received legal aid continue to do so. As we go forward and look at a further review of access to justice, we have to ensure that that remains the case and that, whether through conventional legal aid or other methods, the people who are in most need continue to receive that support.

Lord Morrow: Minister, surely it is time to consider a levy on all legal aid cases proportionate to income and assets. What consideration have you given to taking that step?

Mr Ford: We need to be careful about talking about a levy on any legal aid. The purpose of legal aid is to assist people who cannot afford legal representation. We have certainly looked at the issue where, on occasions, legal aid has been granted and it appears that individuals had assets greater than might have been declared in the first instance. There have been a few cases where that has been followed up recently, but I would be extraordinarily careful

about suggesting that we should levy some sort of charge on all recipients of legal aid.

Ms Lo: I welcome the Minister's efforts to improve forecasting in legal aid expenditure. Obviously, improving the system will not, in itself, bring in additional money. Also, budgets, obviously, will increase year by year. Will the Minister continue to develop measures to further reduce public expenditure on legal aid while protecting access to justice for the most vulnerable?

Mr Ford: Yes, I can confirm that. I referred briefly to a further review of access to justice. It is certainly my intention that we should build on the reforms that are already under way with a further, more targeted review of the aspects of access to justice that were not fully covered in the review that took place shortly after the devolution of justice. What is important is that we continue to make those reforms, continuing to provide the full opportunities for legal aid to be accessed where necessary. However, we have a considerable issue that resulted in having to grant £31 million in the financial year just ended to ensure that we could meet the costs of legal aid. Clearly, that position is unsustainable at present. We need to ensure that we do things better.

Crown Court: Very High Cost Cases

3. **Ms McGahan** asked the Minister of Justice to outline the projected savings over the next 12 months as a result of the removal of very high cost cases from the Crown court. (AQO 5950/11-15)

Mr Ford: The projected saving over the next 12 months as a result of the removal of the provisions in relation to very high cost cases from relevant legal aid rules is £13.6 million.

Ms McGahan: Go raibh maith agat. Can the Minister give an assurance that there will be no reduction in access to justice as a result of the cuts?

Mr Ford: Perhaps, Mr Speaker, we should have grouped the first question and this one. I can give an assurance that, as we seek to review, we are ensuring that we maintain access to justice, unless it is alternative ways in which we provide it, for example, in money damages cases. Otherwise, we will continue to ensure that access to justice is available across the spectrum of issues. However, it remains the case, particularly in criminal legal aid, that conventional legal aid remains extremely

expensive. Members will have seen recent changes that were proposed and dropped in England and Wales. The reality is that we are still more expensive than England and Wales, even though they claim that they are the most expensive system in the world.

Mr Copeland: Can the Minister detail why, for so many years, there was such a significant number of very high cost cases?

Mr Ford: I am fond of standing in the Chamber and saying, "Don't blame me for what went on pre-devolution", but, on this occasion, don't blame me for what went on pre-devolution. What I have done since devolution is to get a handle on things. I understand that in England and Wales something like 5% of cases went through as very high cost cases. Prior to devolution, it was something like 55% in Northern Ireland. That was because of decisions to grant VHCC status far in excess of what would have been reasonable in other jurisdictions. I am pleased to see that the first batch of reforms we have put through have brought an end to that.

Mr A Maginness: I thank the Minister for his answers. The Minister talks about savings of £13.6 million in relation to very high cost cases. Are additional savings in relation to criminal legal aid and other aspects of civil legal aid included in that —

Mr Speaker: Can the Member pull the mic closer to him?

Mr A Maginness: Sorry, Mr Speaker. Maybe I will repeat that. The Minister gave a figure of £13.6 million as a saving. Will he indicate whether there are other savings in addition to that in relation to ordinary criminal legal aid and civil legal aid?

Mr Ford: I thank Mr Maginness for repeating the question to make sure that I got it exactly right. I have announced that savings have already been delivered of £20 million in criminal legal aid, of which £13.6 million came from very high cost cases. The remainder was a general reduction in costs. There are current further proposals for changes to civil legal aid that are estimated to produce annual savings of around £18 million and further changes to Crown Court fees for criminal work that are estimated to produce £5.5 million savings. In some cases, those issues are with the Justice Committee.

Legal Highs

4. **Mr Dunne** asked the Minister of Justice to outline any work his Department has undertaken with local councils to tackle the problem of legal highs. (AQO 5951/11-15)

Mr Ford: In August 2013, my Department engaged with environmental health officers from Belfast City Council to explore how the General Product Safety Regulations 2005 could be effectively used to tackle the issue of new psychoactive substances.

Those discussions led to a joint operation in November 2013 between the PSNI and the EHOs, which resulted in raids on five commercial premises that were selling the substances. The resulting court case concluded with the forfeiture order being applied and the removal of the harmful substances from sale to the general public.

The Belfast EHOs have kept their colleagues in other councils advised of their approach, and I welcome that sharing of information and joined-up working. My Department remains committed to working in partnership to respond effectively to the issue.

Mr Dunne: I thank the Minister for his answer. We should all congratulate Belfast City Council on its recent actions to tackle the problem. Does the Minister recognise that such drugs are often not properly labelled and have inadequate safety information? Those who use them are very much put at risk, which includes young people and others who are the most vulnerable in our society.

Mr Ford: I certainly understand. The whole point is that the substances are not properly tested or labelled, which is why, under the existing law, the General Product Safety Regulations 2005 were the appropriate way to take action. Given that the Home Office carries out the review of the matter, which is not devolved, we will see what implications there are for us.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer to date. I commend him for the approach he has taken, with the Department assisting Belfast City Council and the work of the PSNI.

Is the Minister considering, on behalf of the Department, coordination across council areas so that the councils can go at this collectively

and use the same regulations to ensure that all types of head shops are confronted in the way that they should be?

Mr Ford: I appreciate Mr McCartney's point, although, to some extent, that has already been done. It has been more a matter of coordination among the EHOs from the 26 councils than the Department being directly involved with each of them. A joint workshop was held, which involved staff from my Department alongside others. Subsequent meetings have been held among council staff, and I understand that a further prosecution is pending in another council area. It seems that councils are joining up, but the Department is willing to help if it can.

Mr McKinney: The Minister will be aware of the legislative approach in the South to legal highs and head shops. He has written to colleagues saying that he is waiting for advice from London. Does he agree that, in the absence of a comprehensive legislative approach here, the good work done on the rest of this island will be undermined?

Mr Ford: I need to be careful because, as I said, this is not a devolved matter. We have shown that we have been able to act under the existing law, as it applies, for product safety. I understand that the Home Office review is also considering what has happened in the Republic to see what lessons there are in placing the burden of proof on the provider that something is safe as opposed to the prosecuting authorities being required to prove that it is unsafe. We need to await the outcome of that. In the meantime, it is very pleasant that we are able to see prosecutions by an environmental health department.

Custody Prison Officers

5. **Mr Cree** asked the Minister of Justice how many custody prison officers have been recruited as a result of the most recent recruitment competition. (AQO 5952/11-15)

Mr Ford: No individuals have been appointed to the role of custody prison officer from the most recent recruitment competition. The Prison Service's priority has been to appoint to the grade of prisoner custody officer from that competition.

Mr Cree: I thank the Minister for his response. How many posts are likely to be needed to fill the quota, and when will the next recruitment exercise be?

Mr Ford: I cannot say exactly how many posts may be required in the immediate future. A list has been compiled, which, in keeping with normal public sector practice, is applicable for a year, so that will potentially apply for a full year. The number of custody officers we may need depends, to a certain extent, on resignation rates. Of the 309 who were appointed in the 2012 competition, I believe that 34 have left the Prison Service to date. There is an issue with replacing them, but other staff have been regraded. It is not possible to give a specific figure at this stage.

3.00 pm

Mr Givan: The Minister will know that some 50% of all staff at Maghaberry are new recruits. Will he give an undertaking to the House that he will assess whether custody officers are being appropriately moved up the pay scale, as some representations suggest that that is not the case? Related to that, will the Minister confirm how many of the officers who applied for the voluntary exit scheme remain to be released?

Mr Ford: I will answer the second question first. Through the good management of departmental funds towards the end of the year, I believe that it was possible to release 16 of the 28 remaining officers who had sought the voluntary early retirement scheme, leaving a further 12. Unfortunately, despite some hope that we might have received additional funding from DFP towards the end of the year, it was not received.

As far as opportunities for custody officers to be promoted are concerned, it is certainly the case that progress to move people up the scale was not made as swiftly as we had hoped. In part, that was because the voluntary early retirement scheme was not implemented fully. However, I believe that we now have arrangements in place to ensure that we properly accredit the work being done by custody officers, which will make it easier to get the promotions coming through.

Ms McCorley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers up to now. Will he outline the impact of new staff and how they have contributed to the creation of a much needed new culture among prison staff?

Mr Ford: As I go round prisons, I see a significant change in culture. There is a recognition that a minority of prisoners, especially in Maghaberry, require to be held in

top-security conditions, but the great majority do not.

There has been a significant change in how prisoners are managed, in the responsibilities that are devolved to staff and in the opportunities, for example, for freer movement around prisons. I do not know how much of that is attributable to new recruits and how much to good lessons being applied by management and existing staff. However, when I visited the Family Matters wing in Quoile House in Maghaberry, I spoke to three officers who were involved in running it, none of whom was new. One of them told me that he had 30 years' service in the Prison Service and felt that the opportunity that he was getting to reform prisoners through better family engagement was the first time that he had had the opportunity to do the work that he wanted to do.

Let us welcome the culture, but let us also recognise the work being done by long-serving staff as well as by new recruits.

TV Licence: Non-payment

6. **Mr Wells** asked the Minister of Justice what impact the proposals to decriminalise the non-payment of the TV licence will have on the number of people convicted of this offence admitted to prison. (AQO 5953/11-15)

Mr Ford: Proposals to consider the introduction of a civil penalty for the non-payment of the TV licence would have a modest but welcome impact on the number of people committed to prison. In 2012, there were 155 committals to prison for the non-payment of fines imposed because of the non-payment of TV licences. Each committal was for a few days.

I welcome the proposal to decriminalise the non-payment of TV licences. I have advocated that for two years and have written to the Minister for Culture, Media and Sport in Westminster on a number of occasions to press it. It is good that the UK Government are finally catching up with a proposal that we in Northern Ireland made two years ago.

Mr Wells: I assume that the legislation that covers England, Scotland and Wales would be extended to Northern Ireland without the need for a legislative consent motion. That being the case, how much does the Minister believe the change would save the Northern Ireland Prison Service?

Mr Ford: It is non-devolved legislation, which is why I had to write to the Department for

Culture, Media and Sport about it. The cost of maintaining 155 prisoners for a few days is not significant. However, the administrative burden of admitting and discharging 155 individuals is rather more than is needed.

The Department's work on fines and enforcement to find a better way of ensuring that those who are sentenced to fines either pay them or carry out some form of community service is how we will resolve the issue of non-payment of fines in general, not just for TV licences. However, it is very welcome that we are now addressing TV licences to ensure that they can be better managed as a civil issue.

Mr Rogers: Thanks to the Minister for his answers thus far. What progress has been made in dealing with current fine defaulters?

Mr Ford: The answer to Mr Rogers's question could go on for a considerable time. There has certainly been a significant improvement recently in dealing with remedying the backlog, although the vast majority of cases now have to go to court for a determination on what further penalty may be appropriate. In the longer term, the fines and enforcement Bill, which I hope to introduce to the Assembly in the autumn of this year, will provide for a better way of dealing with it by the provision of a civilianised collections and fine enforcement service, with a range of options such as deductions from pay, deductions from benefit, or potentially even the forfeit of motor vehicles. Those are all opportunities that will take away from the difficulty of enforcing fines and having prison only as the last resort.

Pensions: RUC Widows

7. **Mrs Cochrane** asked the Minister of Justice, in light of the provisions of the Public Service Pension Act (Northern Ireland) 2014, what steps can be taken to ensure that every RUC widow, whether they remarry or not, shall retain their pension rights for life. (AQO 5954/11-15)

Mr Ford: The amendment in the Public Service Pension Act provides only for those RUC widows within the Royal Ulster Constabulary Pensions Regulations 1988. I believe that all RUC widows should be treated equally. I have asked my officials to take forward steps to explore how that provision might be extended to RUC widows within pre-1988 police pension schemes. I have written to the Minister of Finance and Personnel and the Justice Committee about the practicalities of delivering that change.

Mrs Cochrane: I thank the Minister for his commitment to ensure that the continuation of pension provision extends to all RUC widows, not just those in the 1988 scheme. Although I know that it is not possible to backdate the payments, is it the Minister's intention now to properly fix what the amendment did not quite do and ensure that payments for pre-1988 schemes will also take effect from July 2014?

Mr Ford: Yes, that is certainly my intention. As Mrs Cochrane highlights, it is not possible to backdate, but it is certainly my intention that the effective date of all the police pension schemes — there are actually two pre-1988 schemes that may have relevance — is in line with the measure passed by the Assembly for 1 July this year. It may not be possible to get all the necessary regulations through by 1 July, but they will be backdated to an effective date of 1 July.

Mr I McCrea: I welcome the Minister's response. Having already raised this issue with the Finance Minister, I want to assure the Minister that this party will support it. Will the Minister advise when he intends to discuss it with the Finance Minister?

Mr Ford: I do not have a specific date to discuss it with the Finance Minister. For the benefit of Mr McCrea and others, it is an issue that is already under discussion by my officials in significant detail to see exactly how the measure can be implemented. The reality is that it has been looked at almost since the point of devolution because of the discriminatory nature of the regulations. What we established by the legislative change was that we could deal with the matter in a different way that would not have repercussions elsewhere. I am now pleased to have the opportunity to carry it forward to ensure that all RUC widows are treated fairly.

Mr Allister: I note what the Minister says. I must say that the advice proffered to me by the Bill Office and others was that, since the 1988 regulations subsumed all earlier regulations, rescinding the offending portion of the 1988 regulations had the effect of bringing the same benefit to all police widows. I understand that that is also the DFP view. Where has the Minister obtained the view that he is expounding today? It certainly does not seem to be in accordance with the advice tendered by those who drafted the Bill and by the Department of Finance.

Mr Ford: I can only answer that the advice I have been given within the Department of Justice is that the issue is not fully addressed

by the legislation that the House has passed. On that basis, it is important that we should ensure that there is no gap or misunderstanding. We should ensure that we close any gaps as soon as possible after 1 July.

Fuel: Laundering Locations

9. **Mr Clarke** asked the Minister of Justice to outline the geographical locations of filling stations known to have been selling laundered fuel. (AQO 5956/11-15)

13. **Mr Buchanan** asked the Minister of Justice what action his Department has taken, or proposes to take, to raise awareness of filling stations that have been found selling laundered fuel. (AQO 5960/11-15)

Mr Ford: With your permission, Mr Speaker, I will answer questions 9 and 13 together. The figures provided by HMRC, which have been widely covered in the media and elsewhere, relate to tax affairs in a civil recovery investigation. I am advised by HMRC that section 18 of the Commissioners for Revenue and Customs Act 2005 has a taxpayer confidentiality clause, which makes it an offence to divulge details of anyone in relation to such an investigation. HMRC cannot, therefore, identify those believed to be evading tax in fuel cases or give information that might lead to their identification. Although it is principally a revenue matter, I have written to the Economic Secretary to the Treasury, asking her to consider whether the legislation needs to be reviewed and whether appropriate steps are being taken by HMRC against offending stations. I have asked for the issue to be considered at the next meeting of the Organised Crime Task Force subgroup on fuel.

Finally, I note that the widely quoted figure of 467 stations in Northern Ireland selling illicit fuel across a four-year period is an error. That figure applied across the United Kingdom as a whole. The Northern Ireland figure is 249 offences detected across the four years ending 2012-13 and applies only to registered retail sites. The figure may include stations found to be in breach more than once. Although the figures are not held in an easily analysed format, I asked HMRC to provide the actual number of retail sites where it found illicit fuel. HMRC confirmed that, in 2013-14, illicit — that is, laundered, mixed or smuggled — fuel was identified at 33 individual filling stations in Northern Ireland.

Mr Clarke: I thank the Minister for that answer. I accept the clarification on the number of stations. However, that does not diminish the

fact that many of us, and members of the public, daily go to filling stations that are evading the taxes due. In the Minister's response, he said that there are 200-odd registered filling stations. However, we, as elected representatives, are all very familiar with those filling stations that are not registered and, we can only assume, are selling illicit fuel. What will your Department, along with the Planning Service, do to bring that to an end in Northern Ireland?

Mr Ford: I repeat the point that we are not talking about 249 filling stations, although that is the way it was announced, but 249 offences. We do not know how many multiple cases there were. Mr Clarke correctly highlights the issue of whether they were registered or non-registered stations. However, I repeat the point that it is a non-devolved issue for HMRC. That is why I have written to the Treasury to ask for action to be taken at that level.

Mr Speaker: Thomas Buchanan is not in his place. I call Lord Morrow.

Courts: Criminal Cases

10. **Lord Morrow** asked the Minister of Justice for his assessment of the efficiency of the processing of criminal cases through the courts over the past three years. (AQO 5957/11-15)

Mr Ford: Processing times for adult charge cases in the Magistrates' Court have improved, year on year, over the past three years and take, on average, 80 days to complete. Youth court charge cases have remained stable over the same period, with the average processing time now 118 days. Summons cases in the adult, Magistrates' and youth courts have improved by around 15% over the past three years. However, I am clear that summons cases still take too long. Processing times for the Crown Court have also improved.

The improvements are the result of changes delivered by the criminal justice agencies, including the introduction of streamlined files for low-level criminal cases, police gatekeepers to provide pre-charge advice to investigating officers, and shortened pre-sentence reports for appropriate cases. More recently, reforms such as the youth engagement clinics, aimed at freeing up capacity in the youth court for more serious offences, as well as measures to improve processing times for forensic tests, have been implemented. However, it is clear that legislative reform is required to deliver the faster, fairer justice system that we require, and we all have a role in delivering that.

I will write to Executive colleagues shortly to secure approval to introduce a draft justice Bill, which will contain a number of fundamental, long-term reforms to improve the system. The Bill represents an ambitious blueprint for transforming our justice system to deliver faster, fairer justice for all.

Lord Morrow: I thank the Minister for his reply, in which he said that some cases take too long. I think that that is a mild and kind way to put it. There are many who feel that it takes a bit more than too long and that the time taken to get these cases through is excessive. Can the Minister do anything, in the meantime, to ensure that the image of the whole court system is not one of logjam or of it taking too long to get cases heard? What can he or his Department do to change all that?

Mr Ford: I said that there has been significant improvement in a number of areas. The key area where more work is required is the youth court. That is why there has been a particular focus on that, why we have instituted the pilot of the youth engagement clinic in Belfast and why we are looking at how the lessons from that pilot can be carried forward to ensure that we speed up the process generally. There is no doubt that the pilot has succeeded in removing some of the less serious cases from the full work of the justice system, which has enabled greater concentration on those cases that do require court appearances. I have no doubt that those clinics are making a difference. I also have no doubt that, as we look, for example, at the fixed penalty notices that were introduced for a number of minor offences under the first justice Act of the Assembly, we will see that they have also helped to remove a number of cases from the adult court. However, there is no silver bullet that will deal with those issues. It requires a lot of work across a number of agencies. We are seeing some delivery from that work but clearly there is rather more still to be done.

3.15 pm

Mr Speaker: That concludes questions for oral answer to the Minister. We now move to topical questions.

PSNI: Attack on Officers in Carrickfergus

1. **Mr Hilditch** asked the Minister of Justice to join with him in condemning the largely unreported, dastardly, despicable and evil attack on the PSNI in Carrickfergus last night, when a police officer was injured and taken to accident and emergency, a police vehicle was damaged and another officer was stranded, with an armoured car needed to retrieve him from the site, and to tell the House whether he has spoken to the Chief Constable about the situation. (AQT 991/11-15)

Mr Ford: I have not spoken to the Chief Constable today about that particular incident. I will be meeting the Chief Constable later in the week, when the wider issues of public order and, in particular, the apparent involvement of certain paramilitary groups will, I am sure, feature in that discussion.

Mr Hilditch: I thank the Minister for that. When that meeting takes place, will he ensure that he uses his good offices to appeal for all resources that are needed to be given to east Antrim and south-east Antrim to sort this matter out?

Mr Ford: Tempted though I would be to agree with that point, especially as he used the word "south" in the context of Antrim and I can say what I like as a constituency member, as Minister, I will say that I will leave the deployment of resources to the Chief Constable.

Desertcreat College

2. **Mr Lynch** asked the Minister of Justice what assurances he can give that the Desertcreat College project will not stall following last week's announcement that it would be put on hold because the preferred bidder would not be able to deliver within budget. (AQT 992/11-15)

Mr Ford: I think that I need to slightly correct Mr Lynch. He certainly identifies the fact that there is a problem. To say that Desertcreat College has been put on hold is not accurate. What is clearly happening is that the preferred bidder is not in a position to proceed within the financial limit that was agreed, even after the exercise to reduce some costs from the scheme. As a result, the programme board has commissioned work to look at a significant change to reduce costs without reducing the functionality of the college. That work will take a number of weeks to do. It will then take it away from the single preferred bidder to the point that the five consortia on the select list will get the opportunity to retender. Given that much of it will be work for which they have already set up costs, it should, hopefully, be completed more

speedily than would be the case if it was a completely new scheme. Certainly, the Department of Justice and its agencies remain completely committed to ensuring that the college goes ahead at Desertcreat.

Mr Lynch: Gabhaim buíochas leis an Aire. I thank the Minister for his answer. When the preferred bidder was announced last December, it was expected that work would begin this year sometime and that the time frame was something like 27 months to complete. Is that time frame still realistic?

Mr Ford: I have to agree with Mr Lynch: it is not, unfortunately, now realistic. However, work has been done very speedily to look at the precise specification that is required for the college, and, in many cases, the items for which bids will be invited have already been costed, even if those costs have to be adjusted for inflation. Therefore, it should be a relatively speedy process. Nonetheless, it will certainly extend beyond the 27 months that we had hoped.

Welfare Reform: Financial Implications

3. **Mrs Cameron** asked the Minister of Justice to outline the implications for his budget if welfare reform is not implemented in Northern Ireland. (AQT 993/11-15)

Mr Ford: I think that becomes a very interesting question. Members will be aware that the Finance Minister has written to other Ministers. The precise nature of what effects there might be on the Department of Justice, given that its budget is ring-fenced for this CSR period, are unclear to me.

Mrs Cameron: I thank the Minister for his answer. Obviously, there are particular concerns for community groups that are funded by the Department and whether they might be adversely affected. I also have concerns about legal aid being paid out for the likes of non-molestation orders (NMOs) for women who have suffered domestic violence. Will those be ring-fenced and protected?

Mr Ford: On the specific issue of whether we are able to ensure that legal aid is paid for NMOs without having to go through the full process, I regard that as one of the significant achievements that was made by this Department in the early days of devolution. I cannot imagine that that is the kind of issue that would be reversed if there were budget cuts.

Clearly, there are major issues to be concerned about as to how the budget would particularly apply. We have to take account of the fact that there would be significant implications, for the formal ring-fenced status and the additional funding that was granted by the Treasury to the PSNI for security matters, if there were any question of making cuts to the DOJ budget.

Ballykinler Army Base

4. **Mrs McKeivitt** asked the Minister of Justice what discussions he has had with the Ministry of Defence (MoD) about the future of the Ballykinler army base in light of its recent decision to withdraw from that site. (AQT 994/11-15)

Mr Ford: None.

Mrs McKeivitt: I will take it then that he has not had any discussions with particular reference to the many local people who are employed at Ballykinler?

Mr Ford: I am not entirely sure what the MoD's plans are for Ballykinler. In addition to the accommodation that is the current base of a battalion, there is a significant training area, which, I understand, may not be easily replicated elsewhere. Indeed, that training area is used by the PSNI as well as by the army. Therefore, there are longer-term questions about its precise use, the details of which I have not yet heard from the MoD. I have no specific responsibility for employment in south Down. However, I obviously have concerns about the provision of the training facility that is used by the PSNI.

Police Museum

5. **Mr Maskey** asked the Minister of Justice to outline the process that allowed his Department to provide £380,000 to the police museum. (AQT 995/11-15)

Mr Ford: As Members will know, £20 million was allocated to the RUC and PSNI part-time Reserve fund in recognition of the role that was carried out by reservists. After payments were made, all outstanding potential legal issues were cleared up and administration was paid for, there remained a sum of £383,000 from that £20 million. There were discussions between the Department and a number of potential bodies that might have been in a position to spend that money. It was not possible to see it done by any other way than by putting it forward as additional funding for work that is to

be done on the police museum, which is also being funded separately by the Treasury as part of the devolution settlement. That is why the money remains there at the moment, awaiting a full business case for expenditure.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. I have to say that I find that really unacceptable. In other words, the Minister is telling the House that he has allocated a sum of £380,000 without a business case or an idea of what it might be used for. Any other part of the Department or the service that is under his jurisdiction could equally have said, "Yes; we will have that £380,000 ourselves and we will work out later on what to do with it." I actually find that quite an appalling response from the Minister. Would he like to comment on that? Is he seriously telling the House that there is no business case for that additional £380,000, which has just been given without a case having been made?

Mr Ford: No. Mr Speaker, I said that the money was being allocated towards the museum subject to a full business case, which has to be put forward since the full business case for the museum has to be done. The reality is that the money was allocated specifically by the Treasury and was earmarked for the part-time Reserve fund. This was the small outstanding sum that remains after individual payments were made. It was not possible to find any alternative way to spend it that would have been to the benefit of individual members, because the potential bodies that might have been in a position to use it felt that they were unable to do so. That is why the money has been allocated to the museum, subject to the full business case. We await the outcome of that. The alternative, if Mr Maskey prefers, is that I could return it to the Treasury.

OTRs: Legal Opinion

6. **Mr Girvan** asked the Minister of Justice, given the devolution of policing and justice in 2010, and his seeking legal opinion on whether dealing with justice in relation to the OTRs is his responsibility, has he received the outcome of that legal opinion. (AQT 996/11-15)

Mr Ford: It is a pity that Mr Girvan was not with his near namesake Mr Givan last Thursday afternoon. You would have thought that, given that they are sitting beside each other, they would have been better informed on this. I forget how many times I had to tell the Justice Committee that, in line with convention, I was not going to declare the basis of my legal advice. I refer Mr Girvan to the Hansard report

of last week's Justice Committee, which will be available shortly.

Mr Girvan: I thank the Minister for not answering the question. On that point, what action will be taken on the 38 letters issued to OTRs since the devolution of policing and justice in 2010? Will any action be taken with the NIO about the issuing of those letters, which I believe to be under the control and jurisdiction of the Assembly and the Minister?

Mr Ford: I certainly do not believe that something that was never devolved to me is my responsibility or that of the Assembly. I just want to correct Mr Girvan, in a helpful way: he quoted the figure of 38, but he clearly missed the Secretary of State's correction after she had given erroneous figures to my colleague, the Member of Parliament for Belfast East. It is not 38; it is now 45.

A Member: That is even worse.

Mr Ford: It is even worse and all the more reason why the issue needs to be followed up by the Select Committee in the House of Commons, which did such a good job last week in starting to expose some of the issues. I believe that, when you enquire into the work of the NIO, the Select Committee in the Commons is the place where that will best be done, alongside the work of Lady Justice Hallett.

Human Trafficking Bill: Clause 6

7. **Ms Maeve McLaughlin** asked the Minister of Justice what the implications for equality obligations will be if clause 6 of the Human Trafficking Bill is agreed. (AQT 997/11-15)

Mr Ford: I think that the question has to be about whether clause 6 is introduced amended or unamended. The equality obligations are not for me, because it is not my Bill. Clearly, there are those who believe that significant equality questions will have to be answered.

Last week, I spent time visiting Sweden to hear the debate there effectively from both sides. As Members will be aware, I have commissioned research into the nature and extent of prostitution in Northern Ireland to see what the implications might be for us. At this stage, I am not in a position to answer on the detail of the current version of clause 6.

Ms Maeve McLaughlin: I thank the Minister for his reply. Does he see unintended consequences arising from clause 6? If so, would they present his Department with

challenges in implementing the legislation? Go raibh maith agat.

Mr Ford: I am not sure that my Department would have anything specific to implement, though my arm's-length bodies, particularly the police, would obviously have work to do. The issue for me is that we have commissioned research in the DOJ to ensure that there are not any unintended consequences and that we are aware of what the situation is in Northern Ireland.

Prisons: Abuse of Prescription Drugs

8. **Mr A Maginness** asked the Minister of Justice whether the Prison Service has the capacity to deal with the problem of prescription drugs, given that, at the moment, drug testing in prison is carried out mainly in relation to illegal drugs, even though it is said that prescription drugs account for 90% of all drugs misused in prison. (AQT 998/11-15)

Mr Ford: Mr Maginness raises a significant point. Part of the difficulty when you talk about the abuse of prescription drugs is that individuals may have acquired inappropriately more of a particular drug than they are entitled to. However, a test may just show that they have used the drug, as opposed to using excessive amounts of it, so there are complex issues around that. Certainly, the issue is being looked at. Tendering is about to be engaged in with the Scottish Prison Service to see what the best drugs options are for Northern Ireland, but it is clearly a difficult issue and is part of the ongoing work. That is why, for example, rather than random searching, there is now much better intelligence-led searching around drugs, which has produced some positive results. However, I agree that the testing needs to be upgraded as well.

3.30 pm

Mr A Maginness: I thank the Minister for his answer. In view of that answer, if it is found that the Scottish firm that is dealing with these matters is not adequately dealing with the overall situation as I described it, will an alternative be sought out?

Mr Ford: I take Mr Maginness's point: the key issue is to ensure that, when the new contract is tendered for later this year, we get the right cover. As I say, there are particular difficulties about testing for what are otherwise legal drugs.

Mr Speaker: That concludes Question Time. I ask the House to take its ease while we change the top Table.

Mr Maskey: On a point of order. Go raibh maith agat, a Cheann Comhairle. In his last remarks in response to my question, the Minister of Justice said that it seemed to be in order for me to allow the money that I had referred to to go back to the Treasury; that is, the money that he is donating to the Police Museum. First, I resent that remark: at no time did I suggest anything like that. In fact, if the Minister had wanted to give me another opportunity to address him, I could have said easily that I am sure and certain that the Treasury would very kindly donate some of that money to the Youth Service, Probation Board or, indeed, to tackling domestic violence. I just resent the remark made by the Minister, and I would like him to withdraw it. *[Interruption.]*

Mr Speaker: Order. I certainly hear what the Member has said. As he will know, I am not responsible for how Ministers answer questions, and I certainly do not sit in judgement. However, if the Minister wants to clarify his position, I have no problem.

Mr Ford: Further to that point, Mr Speaker, the money was allocated by the Treasury, specifically for a scheme related to the part-time Reserve, and I have no ability to transfer it to any other function of my Department. *[Interruption.]*

Mr Speaker: Order. *[Interruption.]* Order. Mr Maskey's point of order is on the record, as are the Minister's comments. Let us move on.

Lord Morrow: Would this be a more accurate point of order?

Mr Speaker: Order. I do not intend to turn this into a full-blooded debate, Lord Morrow. Is it a different point of order?

Lord Morrow: Oh yes, it is entirely different.

Mr Speaker: OK. Let us hear it.

Lord Morrow: It is to do with what the Minister said, when he tried to place the responsibility on Mr Givan's shoulders to answer Mr Girvan's question. Surely it is not the function of Members here to consult other Members to find answers to questions; that is the function of the Minister. I would have thought that a better point of order.

Mr Speaker: Order. Once again, Lord Morrow is on the record as well. Let us move on.

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

Committee Business

Assembly Committees' European Priorities 2014: Committee for the Office of the First Minister and deputy First Minister Report

Debate resumed on motion:

That this Assembly notes the report of the Committee for the Office of the First Minister and deputy First Minister (NIA 59/11-15) on Assembly Committees' European priorities for 2014. — [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. The common agricultural policy is one of our most important European priorities. CAP brings in between €260 million and €300 million to the farming industry through the single farm payment. This money goes to approximately 25,000 farmers and their families. Within the programme is the agrifood industry's Going for Growth programme, and the last rural programme that was gathered up was worth around £500 million. There is also the European Fisheries Fund, which totals £38 million. Match funding from Europe is vital for industry and the local economy. The rural development programme is one European programme that has been successful for our economy. I will explain the parts that have been successful.

The rural development programme in Northern Ireland is worth around £530 million to the economy. The majority of funds — 81%, which is approximately £430 million — are directed to support for farm competitiveness and the agrienvironment schemes targeted at farmers and landowners. The remaining 19% — around £100 million — supports projects that benefit the wider rural economy and improve life for rural dwellers. Delivered via a local delivery model using the old LEADER approach, this involves 79 joint council committee members, who are elected, and 196 volunteer local action group members, who are social partners and elected representatives. This approach was launched in 1991 and is the European Community's preferred means of enabling rural

communities to take ownership of the development of their area. It also recognises that local people are best placed to identify solutions to local problems and to make the most effective use of the available resources in taking forward local development plans.

All rural areas are covered and are eligible for support under the programme. There is a huge demand for the programme, with over 6,000 applications seeking over £336 million in support, which is four times more than the grant budget available. The programme was fully committed, with letters of offer being issued to 1,820 projects, including 600 farm diversification programmes; 443 projects supported under business creation and development, small microbusinesses employing fewer than 10 staff; 263 tourism projects; 213 service projects; 195 village actions; and 68 heritage projects. A further 112 projects to the value of £4.2 million have been approved and are on the reserve list, should additional moneys become available. Spend is on target, and full expenditure is estimated by spring 2015. An additional £32.7 million in match funding has been levered into the programme to date from private, council and other sources.

One of the big successes of European funding for the community here has been broadband, which has been a vital programme. Broadband is playing a bigger role in rural life from clusters of SMEs to the farming sector. Using broadband to apply online for a single farm payment, as the House has debated several times, cuts out errors and leads to faster and earlier payments, which are very welcome. There is also the maximising access in rural areas (MARA) project, which checks up on elderly people living in rural, dispersed areas and lets them know what benefits they are entitled to.

We have to ensure that, during the incoming rural development programme, we support the call for funding —

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

Mr McMullan: — because that is vital. We have had word back from the community that the rural programme works. It is vital for our economy, but we must have support when we call for funding for the next round.

Mr Eastwood: I thank the Committee for the Office of the First Minister and deputy First Minister for tabling the motion. As the Chairman said, it is important that we focus our

energy on the massive implications that Europe has for the North of Ireland. It is the air that we breathe and the water that we drink. It is sometimes the roads that we drive on, although not enough of the roads that we drive on in this part of the country have been funded to any great level by the European Union. We can learn major lessons from our counterparts across the border in that regard.

I want the Assembly to show an even greater commitment to the European project and a greater understanding of the implications that Europe has for us. It would be an idea for us to have a European committee to focus solely on European issues. It is such a wide and vast area of policy and has so many implications that we need a dedicated committee to look at it. We should seriously consider that idea.

The South teaches us lots of lessons about how we can engage with the European Union, the European Parliament and the European Commission. There are people from the Executive from here based in Brussels — we met them when I was a member of the Committee — who do very good work, but we really need to up that engagement. Every Department in the South has people embedded in Europe, which is a lesson that we could learn. We are good at understanding that there are implications for us in agriculture, but there is also massive potential for other sectors of our economy.

The Horizon 2020 fund will be a massive opportunity for this part of the world to benefit. The OFMDFM Committee was told that, unfortunately, our drawdown at the moment was likely to be in the region of £100 million but the Irish Government expected to draw down €1.25 billion. That is a fairly big difference from what we are expecting to draw down. If we were going for the Dublin estimate by population we should be looking at drawing down around €400 million. We need to learn the lessons of FP7 and up our game in developing those links in Europe.

Ms Lo: I thank the Member for giving way. Is he aware of DETI and DEL cooperation in setting up a support network to engage with all the stakeholders in trying to go up a gear in approaching Horizon 2020?

Mr Deputy Speaker: The Member has an extra minute.

Mr Eastwood: I thank the Member for her intervention. I am aware of that. It is a good step forward, but we are clearly nowhere near where we need to be. One hundred million pounds instead of €400 million is a fairly stark

figure. The opportunities around Horizon 2020 have yet to be grasped here. They are just better at it in the South because they have had years and decades of embedding civil servants over there so that they can understand all the opportunities that exist. Not everybody in the House would class themselves as pro-European, but, even if you are not, the opportunities are there in all those things. In the North, we get about £39 per person in research funding; in the South it is £185. That is a very big difference, and it is an opportunity that our universities and our Government need to look at even more vigorously.

There are also massive opportunities around the green new deal. We do not really have a green new deal here, and I would like to see one. There are major opportunities in Europe, given the recent occurrences in Russia, Crimea and Ukraine. We should be very concerned about the security of our energy supply. Places such as Scotland do not have the same difficulty because they have a reliable energy supply. We need to use Europe and ask it to help us to invest in green jobs and green industries and work alongside the European Investment Bank to do all that.

Given the recent TV debates between Nigel Farage and the Deputy Prime Minister of Britain, we also need to be mindful that, whatever happens in Westminster, a British withdrawal from Europe would have a massive impact here compared with anywhere else. A very large amount of our trade is with the Republic, and we need to be mindful that any attempt to remove Britain from the European Union would have a very detrimental effect in particular on this part of the world. I would argue, as would a lot of business people, that it would have a massive effect on Britain anyway, but it would have a really detrimental effect on the North of Ireland, given the fact that we have a land border with the European Union.

Mr Deputy Speaker: The Member must bring his remarks to a close.

Mr Eastwood: I welcome the motion, and I encourage the Executive to up their game and their ambition on this because the figures speak for themselves.

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

3.45 pm

Ms Lo (The Chairperson of the Committee for the Environment): I welcome the motion, and I will touch briefly on each of the four main

priorities identified for the Environment Committee.

On the first priority — a climate and energy framework to 2030 — the Committee welcomed the publication of the Department's first climate adaptation plan in January 2014, which set out the strategic objectives and the timescales for adaptation to climate change. At the beginning of December, members had an interesting and useful briefing from Lord Gummer, chairperson of the UK Committee on Climate Change. The Committee has a particular interest in the greenhouse gas emissions set out in the EU framework for climate and energy policies. In 2011, DOE published a greenhouse gas emissions reduction plan to achieve the 35% reduction by 2025, as set out in the PFG, and the Committee closely monitors the subordinate legislation referred to in it, which will help to deliver those targets.

The second priority — the EU initiative on resource efficiency and waste — will build on progress in the implementation of the 'Roadmap to a Resource Efficient Europe'. That sets out ways of delivering the economic potential to be more productive while using fewer resources and is reflected in the Northern Ireland revised waste management strategy, Delivering Resource Efficiency, which was produced by the Department in 2013 for the period to 2020. The Committee is aware that some councils may be concerned about the proposed introduction of a 60% recycling target to meet this priority. We have met council representatives to hear their views on the revised waste management strategy and will engage with them further to gather more information about the implications of this new target, including an indication of the costs that might be involved in meeting a target at that level. The Committee welcomes any progress made in defining end of waste to allow waste streams to be turned into acceptable products or fuels. It will monitor closely the introduction of the EC criteria and the extent to which they are compatible with existing Northern Ireland and GB criteria.

The third priority — the framework to enable safe and secure unconventional hydrocarbon extraction — aims to ensure that opportunities to diversify energy supplies and improve competitiveness can be safely and effectively taken up in member states. The Committee is aware of the significant public interest in the issue because of the potential for hydraulic fracturing in Northern Ireland and will closely monitor any developments in that area.

The final priority that falls within the remit of the Committee for the Environment is state aid modernisation in key sectors. It relates to aid measures to support energy saving and waste management that directly benefit the environment. The Committee welcomes the initiative, as it aims to deliver a higher level of environmental protection in Northern Ireland, as throughout the EU, by enabling organisations and businesses to benefit from state aid to deliver these benefits.

Finally, the Committee intends to maintain its watching brief on other relevant EU activity, such as CAP reform, LIFE+ funding and the implementation of the habitats and wild birds directives in Northern Ireland, through updates from the Minister and regular briefings from the desk officer.

Mr G Robinson: As a member of the OFMDFM Committee, I congratulate all those involved in producing the report. It is a complex task and one that is often not fully appreciated. The result is a comprehensive overview of departmental and Committee plans regarding European issues.

Reading the report, I noticed areas that have a direct impact on Northern Ireland's economy and population. The greatest issue in the public's mind with regard to Europe is agriculture. I welcome the Committee's concentration on areas such as plant health, single farm payments and the common agricultural policy. As I am from a rural constituency, those are important issues that have been raised often with me.

I noticed that, under the Department of Enterprise, Trade and Investment, state aid modernisation in key sectors is mentioned. Let us not underestimate how the finances from Europe and the decisions of this Assembly can aid our indigenous industries to modernise and stay competitive. That will be the cornerstone of Northern Ireland's future economic prosperity.

The Committee for Finance and Personnel mentioned the Peace and INTERREG programmes. They are having an on-the-ground benefit for all our local communities. It is, therefore, essential that we achieve the best possible overall drawdown of European funds to enable those highly important programmes to continue.

I also welcome DRD's concentration on public transport. We have all seen the impact on passenger numbers of European funding for new rolling stock for NIR, under a DUP Minister

originally, and how it produced one of the youngest fleets of carriages in Europe, but there is more that can be done. This is truly having a positive impact on real passenger numbers.

Finally, I welcome DSD's priority of tackling social exclusion, as it is one of the most damaging issues for any individual. Any and all money towards alleviating it must be welcomed.

All the areas that I mentioned as the Departments' European priorities are beneficial to Northern Ireland and will help projects become a reality for the benefit of us all. That will include cooperating with the Barroso task force on an annual basis.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat. I welcome the opportunity to address the House as Chair of the Committee for Health, Social Services and Public Safety.

The Committee considered the question of how the forward work plan could link in with European issues at its meetings on 15 and 22 January 2014. In doing so, we looked at the European Commission's work programme for 2014. The issues relating to health and social care are fairly limited. For example, the Committee noted that, while the framework for safe and secure unconventional hydrocarbon extraction may have general health implications, it does not have a direct link to the work of the Health Department. However, we have noted the proposals to implement the tobacco products directive. The Department of Health, Social Services and Public Safety will be involved in the implementation, and the Committee will have a role in considering any secondary legislation arising from the directive.

I will now talk about other matters with a European dimension that are of Committee interest but are not part of the Commission's formal work programme. The Committee is carrying out a review of waiting times for elective care. A key element of the review is to identify effective approaches to reducing waiting times that have been used in other countries or regions and could be applied here in the North. The Committee has taken evidence from academics and government officials who have had experience in countries such as Portugal, the Netherlands, England, Scotland and the Scandinavian countries. The Committee also regularly deals with secondary legislation that implements EU directives, particularly in relation to food hygiene and

safety, and we expect that part of our work to carry on during 2014-15.

Regarding the work that the Committee carried out in 2013 that had a European aspect, we spent considerable time scrutinising secondary legislation required to implement the 2011 EU directive on patients' rights in cross-border healthcare. We spent a number of months taking evidence from the Health Department, the Health and Social Care Board and the BMA. After thorough scrutiny of the issues, particularly those regarding the arrangements for primary care, the Committee agreed in December 2013 that it was content with the Department's policy proposals for how it intends to implement the EU directive. We subsequently approved the statutory rules necessary to bring that into effect.

Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development): I welcome the opportunity to take part in today's debate. The Committee for Agriculture and Rural Development has a very distinct role in European scrutiny and undertakes a considerable volume of work around EU issues. Many of the statutory rules that we consider on a weekly basis have their origins in Brussels, as animal and plant health issues are largely regulated by EU law. At the Committee's meeting this week, we will have three statutory rules that have their origins in EU legislation. All of them impact on our agrifood industry, so it is vital that we keep on top of the changes and tweaks in law that come from Europe.

However, it is fair to say that the Committee's attention is focused on how the Department will implement the recent reform of the common agricultural policy (CAP) and, then, the common fisheries policy (CFP). Those are major EU policy areas and account for some 40% of the entire EU budget. They have recently gone through a major policy shift, with a major shift in funding also. How that policy shift will play out in Northern Ireland, and how the EU funding will be allocated, is of major concern for not just the Committee but many MLAs. After all, a subsidy of €300 million a year into our rural and farming communities is a substantial amount. Changes to the format and the criteria for distribution, which are being dictated by Brussels, if not managed properly by DARD and the Agriculture Minister, could badly affect the agrifood industry here.

The year 2013 brought two new issues with an EU dimension for the Committee to consider: tree disease and the horse meat scandal. The Committee discussed those issues during a

visit to Brussels, as well as CAP and CFP reform. The horse meat scandal was, and is, a very worrying aspect to our agriculture industry and our reputation for high-quality local meat. Although the Committee has received briefings from the Department and the Food Standards Agency, that issue has yet to be fully reported on by the relevant agencies. The Committee is in agreement that an EU-wide passport database for horses would assist in making the system fit for purpose and help to restore some faith in our meat industry.

We also watch with interest how the EU Commission and Parliament begin to grapple with the big issues of food fraud, food security and food labelling on an EU-wide basis. We know that, eventually, that will lead to new policy and then new law. Further EU regulation on those areas will soon be coming down the line. We will be relying on our MEPs to ensure that whatever regulation arrives is proportionate for Northern Ireland.

The Committee has been watching the progress of the proposals for amending EU legislation on plant health and looks forward to hearing the outcome on what is a very important issue for us. On that issue, it is important that we look at the speed at which the cogs turn in the EU. If you look at the likes of plant health and tree disease — something that can be picked up in the environment and travel across many member states very, very quickly — you will see that it is very clear that the EU has not the means, speed or agility to deal with that serious issue quickly enough. That leaves us all susceptible and defenceless when it comes to some of these diseases. It is something that the EU must take on board, and it must work quickly and effectively to deal with the issues as they happen, and as they appear.

For 2014, the Committee will continue to focus on CAP, CFP, the Northern Ireland rural development programme 2014-2020 and the single farm payments. Those are issues that are driven by the EU and which affect the farming industry significantly. The Committee will persist in its oversight of all the proposals and decisions made by the Department and the Minister, and the red tape from the EU, to ensure a positive outcome for our farmers and rural dwellers.

4.00 pm

Mr Brady (The Deputy Chairperson of the Committee for Social Development): Go raibh maith agat, a LeasCheann Comhairle. Members are aware of the wide remit of the Committee for Social Development, which

reflects that of the Department. However, it is fair to say that there has not been a great focus on the developments at European level that may potentially impact here. The Committee has therefore identified a number of European priorities and has made a commitment to ensuring that the Department for Social Development keeps it updated on the Department's activities at European level and the impact of policy and legislative developments at a European level that will have an effect on the work of the Department.

The Committee agreed its European priorities to be as follows: European regional development fund (ERDF) resources for sustainable urban development; social inclusion and social investment through the European social fund (ESF). Members know that the European Commission's cohesion policy is to remain an essential element of the next financial package, 2014-2020, and underlines its pivotal role in delivering the Europe 2020 strategy. The European regional development fund is the single biggest source of EU funding for that purpose. The proposed regulations relating to the ERDF provide for an increased focus on sustainable urban development. That includes the potential allocation of a minimum of 5% of ERDF resources for sustainable urban development, the promotion of capacity-building and the adoption of a list of cities for integrated actions where sustainable urban development can be implemented.

Importantly, under proposals in article 7 of the ERDF relating to integrated sustainable urban development, that would also mean a degree of management delegated to urban authority level. Last year, when the Committee received a briefing from the Department, it was informed that, should that proceed, only Belfast and Derry would be the likely candidates, as they are the hubs of the regional development strategy. Under article 8 of the ERDF, relating to urban innovative actions, the European Commission has proposed to allocate €330 million over the 2014-2020 period for innovative actions in the field of sustainable urban development to help develop radical solutions to long-term urban problems. The Committee will look to see how the Department intends to bid for funding, including how it intends to work with partner organisations, such as universities and the private sector. Should those proposals eventually come to fruition, they will be of continuing importance to the work of the Committee.

Social inclusion is also of key importance to the Committee. We note that activities of the Peace IV programme will also form part of

thematic objective 9 of the draft European territorial cooperation regulation relating to promoting social inclusion and combating poverty. The Committee will seek updates on the potential for a new investment priority under the Peace programme relating to promoting social and economic stability and promoting cohesion between communities. Like many of the issues under discussion today, those are cross-cutting, and the Committee for Social Development will seek to work with other Committees to ensure that opportunities to achieve greater social inclusion are maximised.

Also relating to social inclusion, the Committee has a role in scrutinising the Department's work in relation to volunteering. The Committee has been informed that, as part of its commitment to the Barroso task force, DSD has recently joined the European Volunteer Centre network. The purpose of joining that is to help the Department maximise its knowledge of, and participation in, key EU-wide volunteering policy and programme developments. That, of course, may impact on any future strategic thinking in respect of volunteering and, given that the current strategy expires in 2015, the Committee will be keeping a close eye on developments and lessons learned by the Department from its participation in that network that will inform the new strategy.

The Department for Social Development plays a key role, along with DETI, in the development of social enterprises. The European social fund actively supports the establishment of social enterprises as a source of jobs. In a recent report to DSD, PwC estimated that social enterprises here employ just over 12,000 people. Social enterprises also account for over 13,000 volunteers. Importantly, 77% of social enterprises report that they plan to expand.

The Committee will continue to engage with the Department and the third sector to help develop policies that will enable social enterprises in the third sector to develop new services and markets for communities. In doing so, the Committee will include consideration of what the Department is doing to ensure that organisations can access the ESF. The Committee is aware that, to make that a reality, it will be important to develop an appropriate enabling regulatory environment, something which the Committee will pursue with the Department.

In conclusion, identifying and engaging on European issues is important for a number of Committees. The Committee for Social Development has identified a number of topics

for further consideration, some of which, as I have mentioned, are cross-cutting issues.

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

Mr Brady: Those will be factored into our forward work programme, and we will work with the Department and stay focused to ensure that they are given due attention.

Mr Cree: It is absolutely essential that we use the European Union to benefit Northern Ireland. The European priorities for 2013-14 contain much of interest to Members. There are four overarching European thematic priorities for 2013-14: competitiveness and employment; innovation and technology; climate change and energy; and social cohesion. Key overall objectives for 2013-14 are identified as: fully realising the opportunities the European Union presents; influencing and shaping future policy; and building our positive role. There are many fine words about a strong, modern economy that requires a well-educated workforce, with our universities and education system working in partnership with the private sector. In this Province, we still have a major problem with long-term unemployment and a stubbornly high unemployment rate for our young people. Our economy is over-reliant on the public sector, and we need to continue the work to rebalance it. It is the duty of the Executive to maximise their efforts to ensure that Northern Ireland begins to punch well above its weight in Brussels.

Last week, it was revealed in the net fiscal balance report that public spending in Northern Ireland was £9.6 billion higher than the amount raised in taxes in the year 2011-12. Our deficit, expressed as a percentage of total economic output, stands at 33%, compared with a UK figure of 10%. Per head, the fiscal deficit is £5,311, compared with a UK figure of £2,133. I am absolutely convinced that the European Union has a major role to play in helping us to rebalance our economy and address local unemployment. Just a few weeks ago, an Assembly motion brought by the Ulster Unionist Party highlighted the need for the Assembly and Executive to show more ambition in their dealings with Brussels, particularly in the drawdown of EU funding. It was revealed during the debate that, for framework programme 7, which is a key business development programme in the EU, on a per capita basis, we requested €35.33, which was broadly similar to Wales. It is less than half that compared with England, and about a third compared with Scotland. The Republic of Ireland requested financial contributions of

€590 per head of population. As measured by the requested financial support from FP7, it is 17 times more ambitious than we are. If the benchmark of €590 per head is correct, we should have been looking for €236 per head, not €35.

The framework programme 7 research and technological project funding period is winding up, but €80 billion is available under the new research and innovation funding package, Horizon 2020. We must, therefore, ensure that we demonstrate more ambition with regard to Horizon 2020. I also have concerns that we need to be more ambitious than the Programme for Government commitment to increase the competitive drawdown of European funds. A figure of 20% during the current Budget period is not ambitious enough. I understand that we are targeting £100 million, but the Republic is targeting €1.4 billion. If it is two-and-a-half times our population, that would suggest that our target should be nearer to €500 million, not £100 million.

At the halfway point in the Budget period, £41.3 million had been drawn down, which represents 64% of the target. Departments are well on track to realising a total drawdown of £64.4 million by the end of March 2015. The relative ease with which the Executive can meet that target indicates that the bar has been set too low and that a much more ambitious target is required. The bottom line is that Northern Ireland needs to fully engage with Brussels at all levels to ensure that we can access the various funding streams available. We must also work to ensure that red tape and bureaucracy are not allowed to impinge on local businesses as they try to compete in the European market. We need to ensure that any barriers are removed and that we can effectively set up a one-stop shop for those seeking advice about Horizon 2020. If we achieve that —

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

Mr Cree: — and ally it to a greater ambition, we will be in a position to boost the local economy and use the European Union to deliver positive change for Northern Ireland.

Mr B McCrea: In preparing for today's debate, I had occasion to look at the Commission's work programme for 2014. I note that it starts off by saying:

"There is ... no room for complacency. 2014 must be a year of delivery and implementation."

It goes on to say:

"the challenges ... are formidable. Unemployment rates, particularly among young people, remain at levels that are economically and socially intolerable. Small businesses — the lifeblood of the European economy — continue to face difficulties obtaining the finance they need to grow and create jobs. And whilst progress has been made, Europe is still falling short of its ambitions for the single market, in particular in key areas like the digital economy, energy and services."

We should be concentrating on those areas. I note that, when the Commission talks about "Smart, sustainable and inclusive growth", it says:

"Growth is the key to creating more and better jobs and stronger social cohesion."

In that area, we do not always make the link and say that we have to provide jobs and growth if we are to tackle social unrest.

"Combatting youth unemployment is a key priority: the unacceptably high levels of youth unemployment are having severe social consequences".

In my opinion, that is the number one priority.

We could look at other issues to do with telecommunications. There have been some welcome developments on that recently. However, for the life of me, I cannot understand why, in an integrated market, we do not have a fully integrated telecommunications market. We ought to do more in that area.

Finally, on the big plays that have to be made, energy is a European strategy. I note that the:

"Proposals for a 2030 framework for climate and energy will provide the framework for the concrete measures now needed to deliver ambitious and timely reductions in greenhouse gas".

You then get this rider at the end:

"whilst ensuring energy supplies are both secure and affordable."

When I looked at the pack helpfully provided by the Assembly's Research and Information

Service, I saw that one of the issues that comes under the Committee for the Environment is a:

"framework to enable safe and secure unconventional hydrocarbon extraction."

That is fracking. I would be really interested to see what the Committee has to deal with on that issue.

I also note —

Ms Lo: Will the Member give way?

Mr B McCrea: Yes.

Ms Lo: I am happy to answer the question of what the Committee is doing about fracking. It is really not within the Department's remit to look at licensing. DOE really deals with planning applications only when any development is ready to start.

Mr Deputy Speaker: The Member has an extra minute.

Mr B McCrea: I am grateful to the Chair for providing that information. It is just that the research pack states that you are going to do that. Obviously, it is a big issue that will need to be looked at.

There are a number of other issues. I heard the Chair of the Agriculture Committee discuss the CAP. That is very important, of course, but it is not the only thing that Europe does. Seven per cent of the world's population, 22% of GDP and 50% of social policy spending comes from Europe.

We have to look at other areas. I was struck by the allocation to the Department of Culture, Arts and Leisure. It has responsibility for:

"Promoting Cultural and Creative Sectors for Growth and Jobs".

I have always found it quite strange that this has been hived off into DCAL and is not part of DETI, because it is such a big part of where we will see growth and jobs.

I also note the inclusion of Horizon 2020 under DCAL. I would always have assumed that Horizon 2020 is more to do with science, technology and those sorts of investments. There may be some overlap on that.

The labour mobility package is about harmonising social security payments so that people can move freely across Europe. Labour

force mobility is one of the key issues for regions such as ours, because we get huge swings of people coming into the country and, regrettably, large emigration from this place to other areas. Although I would not want to talk about any individual in the pursuit of a career, I think that that gives us some challenges that bear scrutiny. Perhaps the Committee for Employment and Learning will look at that.

4.15 pm

The final issue is the Peace and INTERREG programmes. Of concern is that we have not really implemented as effectively as we might the large amounts of money that have been spent. I note that, in Peace I from 1995 to 1999, the EU provided some €500 million. Peace II, which ran from 2000 to 2006, resulted in €609 million of funding. In 2007, the amount fell dramatically to €225 million, and, in Peace IV, the current programme, there is only €150 million. That goes to the heart of the challenges facing Northern Ireland. We seem to have —

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

Mr B McCrea: We seem to have a problem with our social cohesion and with our young people getting involved, and I think that we need more finance and more support for that important area.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): To inform its contribution to the report being debated today, the Finance and Personnel Committee considered the European Commission work programme for 2014 and examined the Assembly Research and Information Service analysis of the work programme, which highlighted two particular areas of potential relevance to the DFP remit. After considering a response from the Department to the Commission's work programme, the Committee submitted a return, which is incorporated into the report that we are debating today.

Although the research paper had identified the industrial policy package as potentially relevant to the remit of the Department of Finance and Personnel, there is, in fact, little involvement by the Department in this area, as the lead responsible Department is the Department of Enterprise, Trade and Investment. That said, the Committee has scrutinised the issue of industrial derating in the past and will continue to monitor developments in this regard.

The second area considered in the research paper as potentially relevant to the Committee's remit is the framework for crisis management and resolution for financial institutions other than banks. The Committee has received an undertaking that DFP will follow that issue and update the Committee on developments.

More generally, in relation to other European priorities, the Committee takes an active interest in DFP's role in relation to EU funding programmes. After sessions being rescheduled on two separate occasions and at very short notice from DFP officials, the Committee looks forward to a forthcoming session with DFP and Special EU Programmes Body (SEUPB) officials on progress with future EU funding programmes as well as outcomes from existing Peace and INTERREG programmes. In particular, members will be examining areas of improvement identified in the mid-term evaluations for the Peace III and INTERREG IVa programmes. The Committee has also repeatedly pressed officials on what measures can be taken to simplify and speed up the application process for the next INTERREG programme.

In addition, the Committee will continue to scrutinise the various areas of policy and legislation in the DFP remit that are influenced by European directives and legislation, such as building regulations, civil law and public procurement. On the latter issue, the Committee will be examining the key changes arising from various new EU procurement directives, including planned measures to increase uptake of procurement opportunities by small and medium-sized enterprises; to improve the social benefit from public contracts; and to support the prompt payment by government bodies and main contractors involved in delivering public contracts.

In the weeks and months ahead, the Committee will, as a matter of course, undertake the scrutiny of a range of other EU-influenced items of business. At its meeting this week, for example, the Committee is taking evidence from DFP on the European Commission investigation into the state-aid compatibility of the aggregates levy credit scheme here. As Members will be aware, that is of major concern to the local quarrying industry as it could face a recovery of the aid that it has received under the credit scheme since 2002.

A further example of this type of regular scrutiny of European issues will be the Committee's examination of the European Investment Bank (EIB) as a source of finance for capital projects.

In particular, the Committee has commissioned research comparing the EIB with other sources of capital finance for the local economy and how other jurisdictions avail themselves of that.

In conclusion, the report highlights the range and extent of European issues that have a bearing locally and in which the Assembly is engaged. The report and the debate serve as a useful exercise to collate and prioritise those issues and to encourage continued and focused scrutiny in the year ahead.

Mr Allister: It is indisputable that the EU dictates a large part of our lives. Indeed, "dictate" is the operative term because we have to remember that the only body in the EU that is even permitted to make a regulatory proposal is the unelected — many would say unelectable — European Commission. The elected European Parliament cannot initiate legislation. Oh no, only the unelected Commission can initiate directives and regulations. Little wonder, then, although directives and regulations pass through something of a filter in what passes for democratic accountability, more often than not, some are totally hare-brained ideas such as the recent happily now-defeated proposition that farmers' trailers should be subject to MOT tests. Think of that. Someone on a huge salary sits in Brussels and thinks up the latest crackpot idea, and that is but one of them.

On top of that, the EU dictates vital aspects of our life. It tells our fishermen where they can fish, when they can fish and what they can fish. It tells each nation with whom it can trade because, under EU law, a single member state cannot make a trade agreement with another country. Only the EU itself can make the trade agreements, hence the situation in which, for decades, the EU did not even have a trade agreement — nor were we in the United Kingdom allowed a trade agreement — with our greatest partner, the United States of America. That is totally controlled by the EU.

We then come to the fact that states just might want to be able to help a particular sector in need in its locality. Oh no, Brussels says, "You shall not do that. There shall be no state aid." That is apart from a de minimis level that amounts to very little. Brussels will decide whether a business that needs assistance should get it. It will decide whether a sector that is about to be squeezed out can be helped by its own Government. It is not the local Administration or even the national Government who decide; Brussels will decide whether it will deign to give you authority for such a thing. That amounts to a stranglehold on a nation.

I heard Ms Lo referring to the energy restraints. My oh my. The EU has set such unrealistic and largely unattainable objectives on renewable energy that we now have put upon us the blight of wind farms and are forced to use the most expensive form of energy there is through huge subsidies. Therefore, no matter the aspect, it seems to me that we have little to be grateful to the European Union for. You would think, listening to some in the House, that we could not live without the European Union. I think that countries such as Norway and Switzerland have found that you can live very well without the European Union.

Mr Nesbitt: Will the Member give way?

Mr Allister: Yes. I will be glad of the extra minute.

Mr Nesbitt: I am sure that the Member will be glad of the extra minute. He mentioned Norway. Does he agree that, of all the countries on the planet that contribute to the European Union, the one that contributes most per capita is not a member of the EU? It is, in fact, Norway, which pays for access to the single market.

Mr Deputy Speaker: Can I remind the Member of and draw him back to the topic of the debate, which is the Assembly Committees' European priorities for 2014?

Mr Allister: I am quite sure that the Chairman of the Committee would not have led me astray.

Norway is in the glorious position of being able to run its own economy as it wishes. It is able to control its own fishing policy, which I have seen in operation. Whereas our cod sector is in terminal decline, Norway's is flourishing remarkably. It is able to exploit its own oil —

Ms Lo: Will the Member give way?

Mr Allister: No.

It is able to exploit its own oil reserves and bank the money without any interference from the EU. There is hardly a country in Europe that would not gladly exchange its position economically with Norway.

I want to deal very briefly with CAP reform, because it is a vital issue and one on which the Executive will have to take critical decisions. We have a proposition from the Agriculture Minister that Northern Ireland should be treated

as a single entity in regard to that. We have got until 1 August to make our mind up about that. That is a vital decision, because CAP support, such as it is, must go —

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

Mr Allister: — on keeping agriculture productive and making it more productive. That means that you cannot therefore just treat the non-productive areas the same as the productive areas. I trust that that issue will be addressed.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I am glad to be able to wind on the motion on behalf of the OFMDFM Committee. The wide range of Members we heard from today illustrates how much European policy impacts on citizens in Northern Ireland and the work that is going on across the Assembly Committees to ensure that the people of Northern Ireland get the greatest benefit from it.

The OFMDFM Committee report, with contributions from all Assembly Committees, shows the wide range of issues that we are dealing with, including those that have been worked on and those that will be worked on in the year ahead.

The Chair of the OFMDFM Committee set out the priorities of the Committee on gender equality, human rights compliance and taking a focused look at the impact of the Barroso task force on the lives of people in Northern Ireland. He also mentioned the importance of Peace IV to peace building in Northern Ireland, and it is my understanding that that programme sets its priorities in Northern Ireland as youth employment, education and entrepreneurship. We look forward to hearing more about that in the near future, as do many community groups and voluntary groups across Northern Ireland that are somewhat concerned about any gaps between Peace III and Peace IV. The Chair of the OFMDFM Committee also set out the importance of increasing our drawdown of competitive funding and of keeping an eye on how Roma integration will be achieved in a wider racial equality strategy from OFMDFM.

Stephen Moutray spoke of the importance of CAP reform and agricultural policy in general to the agricultural community in Northern Ireland. Oliver McMullan backed that up, talking about how important getting the single farm payment right, accurate recording and faster payments

are to farmers in Northern Ireland. He also talked about how important the rural development programme is to rural communities in general in Northern Ireland.

Colum Eastwood said that we needed to see more positive engagement with Europe, that that is what people in Northern Ireland want to see and that that is what businesses in Northern Ireland want to see. After an intervention from Anna Lo, he supported the need for Horizon 2020 to be much more ambitious. It is my understanding that the Department for Employment and Learning and the Department of Enterprise, Trade and Investment have established a Northern Ireland contact point network to assist in bids regarding Horizon 2020 and that that is up and running. We are also hopefully going to see ERASMUS, which is a student exchange programme, expand to cover vocational training and apprenticeship opportunities in addition to academic study. We hope that that will be a positive development for employment in Northern Ireland.

The European social fund for 2014-2020 should be bigger than the 2007-2014 fund, and many Members spoke about the importance of that fund to community cohesion and community development in Northern Ireland.

4.30 pm

Anna Lo, the Chairperson of the Environment Committee, spoke about the importance of the climate and energy framework and of engaging with Europe to ensure that we respond adequately to the challenge of climate change and, indeed, to greenhouse gas reduction. Ms Lo also mentioned the important of engaging with the waste management strategy to ensure that we achieve recycling targets. She also said that the Environment Committee would closely monitor proposals to diversify energy supply to improve competitiveness.

George Robinson from the OFMDFM Committee again emphasised the importance of the European Union to agriculture in Northern Ireland and spoke of the importance of engaging with public transport policy for our rural areas.

Maeve McLaughlin, the Chairperson of the Health Committee, updated the House on ways that we could reduce waiting times for elective care by examining policy utilised by other European countries.

Paul Frew, the Chairperson of the Agriculture and Rural Development Committee, spoke of the distinct role that that Committee has in the

Assembly and the large volume of EU law that it engages with to ensure that our agrifood industry is as competitive as possible. He also spoke of the importance of supporting and protecting the reputation that our farmers have for delivering high-quality local meat and, indeed, of engaging with the food fraud, security and labelling policy being set out by Europe. He would like to see a quicker, more agile decision-making process in Europe in relation to urgent and emerging situations, and I trust that the Agriculture Committee will advocate for that on behalf of the people in Northern Ireland.

Mickey Brady of the Social Development Committee set out the importance of European policy to social inclusion and social investment in Northern Ireland. He also spoke about how the Social Development Committee will engage with the Peace IV programme to ensure that we combat poverty and increase social and economic stability in Northern Ireland. He touched on the importance of volunteering in a European setting and spoke of how European policy on volunteering can be used to increased volunteering in Northern Ireland.

Leslie Cree set out some interesting figures about our competitiveness in the drawdown of funding from the European Union and said that it was essential that we improve our productivity in relation to that. He also said that it was vital for universities to work in partnership with business in the European context in order to rebalance our economy. He said that Northern Ireland needed to fully engage with Brussels and that we needed to increase funds, reduce red tape and ensure that we have one-stop shop assistance for universities and businesses to access the significant amount of money available through Horizon 2020.

Mr Basil McCrea spoke about the EU Commission's work programme and identified some important issues that have been prioritised in that work programme that cross over with key issues in Northern Ireland: youth employment, SME financing; and developing our digital economy and energy and services sectors. In agreement with the European Union, he said that we needed to see smart, sustainable and inclusive growth if we were to promote social cohesion in Northern Ireland.

Mr McKay, the Chairperson of the Finance Committee, focused on the key issues of industrial derating, crisis management for financial institutions and some interesting new work that will be done on improving public procurement directives for SME uptake, social

benefit and prompt payment in Northern Ireland.

Jim Allister, the resident Nigel Farage of the Northern Ireland Assembly, spoke about EU diktats. However, he stressed the importance of —

Mr B McCrea: Will the Member give way?

Mr Lyttle: Yes, I will give way.

Mr B McCrea: Can I just check for clarity whether the Member meant to refer to Mr McNarry as Nigel Farage, or was he really talking about Mr Allister?

Mr Lyttle: I think you could probably take your pick from both, Mr McCrea.

Mr Allister emphasised the importance of a sound trade agreement with the US, which is an important issue for the European Union to work on as we go forward. He referenced policy from Norway and Switzerland, and the Chairperson of the OFMDFM Committee made some useful points in response to that issue.

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

As the Chairperson of the OFMDFM Committee outlined, although the OFMDFM Committee has a lead on European affairs, it is absolutely vital that all Assembly Committees hold the respective Departments and Ministers to account in scrutinising what action they are taking to influence European policy in a positive way for people in Northern Ireland. The European institutions must be made accessible to citizens in Northern Ireland. We have access to those institutions and decision-makers, not least through the representation of our MEPs and members of the Committee of the Regions and the European Economic and Social Committee. There are numerous other Northern Ireland interest groups actively working on European issues. The Committees of the Assembly have a vital role to play in ensuring that the voices of people in Northern Ireland are heard and are taken into account in Brussels. It is only by effective engagement on the key priority issues that we will be able to ensure that the business of Brussels is of benefit to the people of Northern Ireland.

In closing, I thank all Members who participated in the debate, the Assembly Committees for their work in contributing to the report, the Members of the European Parliament, the Northern Ireland Local Government Association

and the European Economic and Social Committee, which have all made valuable contributions to the work of the report. I hope that the report and the debate today continue to contribute to the momentum of the engagement of the Assembly in European affairs. I wish all the Assembly Committees well in their work programmes for the year ahead on European issues. I commend the report to the House.

Question put and agreed to.

Resolved:

That this Assembly notes the report of the Committee for the Office of the First Minister and deputy First Minister (NIA 59/11-15) on Assembly Committees' European priorities for 2014.

Petitions of Concern: Assembly and Executive Review Committee Report

Mr Principal Deputy Speaker: The proposer will have 15 minutes to propose the motion and 15 minutes to make a winding-up speech. All other speakers will have five minutes.

Mr Moutray (The Chairperson of the Assembly and Executive Review Committee): I beg to move

That this Assembly notes the report of the Assembly and Executive Review Committee on its review of petitions of concern (NIA 166/11-15).

To set the review in context, I remind Members that the Committee had included the issue of petitions of concern in its previous report, 'Review of D'Hondt, Community Designation and Provisions for Opposition', which was published on 18 June 2013 and debated in the Assembly on 2 July. In the Committee's call for evidence, stakeholders were asked if there should be changes to the rules that govern petitions of concern and, if so, what changes. There was clearly a wide range of views among the 22 responses that the Committee received from political parties, academics and other interested groups. All political parties of the Assembly and some of the independent Members set out their opinions on petitions of concern. They can be found in appendix 5 of the report before Members today. In light of those submissions, the Committee concluded in its report, 'Review of D'Hondt, Community Designation and Provisions for Opposition' that,

"Following the evidence that was presented to the Committee regarding Petitions of Concern, the Committee concluded that further detailed work in relation to Petitions of Concern needs to be carried out."

In September 2013, the Committee agreed that its next review would specifically address the complex and, one could say, politically sensitive issues that surround petitions of concern. The Committee had opted to initially review the particular issue of Ad Hoc Committees on conformity with equality requirements and petitions of concern, which was originally referred to the AERC by the Committee on Procedures. Indeed, the issue regarding petitions of concern arose during the House of Commons November 2013 consideration of the Northern Ireland (Miscellaneous Provisions) Bill. During the debate, Mark Durkan MP proposed an amendment that would:

"amend the Northern Ireland Act 1998 to reflect the terms and intent of paragraphs 11, 12 and 13 of strand 1 of the Belfast Agreement."

A further amendment was proposed by Nigel Dodds MP. However, it was acknowledged during the debate that the Assembly and Executive Review Committee was undertaking a review of petitions of concern, so the proposed new clause was withdrawn.

In January 2013, the Committee decided to undertake a wider review of petitions of concern and agreed specific terms of reference that identified four issues for consideration: to examine and consider provisions for an Ad Hoc Committee on conformity with equality requirements in relation to petitions of concern; restricting the use of petitions of concern to certain key areas; adjusting the threshold of signatures required for a petition of concern; and replacing the petition of concern with an alternative mechanism.

On the provisions for an Ad Hoc Committee on conformity with equality requirements (ACER) in relation to petitions of concern, the Committee developed an options paper to specifically identify views on policy in that discrete area. However, as the report sets out in some detail, there was some support in the Committee for taking a vote on the establishment of an ACER only when a petition of concern related to legislation. There was no consensus on that. The Committee also considered the establishment of an Assembly Standing Committee on equality and human rights to replace the Ad Hoc Committees referred to in the Assembly's Standing Orders

35 and 60. However, even though there was some support in the Committee for that, again, there was no consensus.

In another area of the review, namely that of restricting the use of petitions of concern to certain key areas, the Committee again developed policy options. There was some support among the parties represented on the Committee for restricting the use of petitions of concern to key areas such as legislation, but there was no consensus in the Committee on how that would operate in practice.

On adjusting the threshold of signatures required for a petition of concern, the Committee agreed that, should the number of MLAs be reduced, there should be a proportional change in the number of MLA signatures required to trigger a petition of concern.

Finally, the Committee considered replacing the petition of concern with an alternative mechanism. Although there was some support in Committee for the use of the alternative mechanism of a weighted majority vote for matters subject to petition of concern, again there was no consensus on the issue.

It is important to highlight that, although the Committee did not achieve consensus on most of its conclusions in this complex area, the report sets out in some detail the policy options for change considered, together with individual party positions on specific options. The Assembly and Executive Review Committee therefore sees the report as providing valuable information for the Assembly to reach a way forward on the matter.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Sinn Féin commends the report. Indeed, we want to place on record the work of the Chair, the Committee staff and all those who provided evidence to us as we went through this valuable work.

From a Sinn Féin perspective, we remain of the firm view that the petition of concern is very much an integral part of the governance and architecture of the Assembly. We feel that it should be retained. I think that that was the broad thought of most people on the Committee. In our opinion, the petition of concern is, at its core, designed to ensure that minorities and minority opinion are protected in the interests of the promotion of equality. In discussion in Committee, there was broad acceptance, as there has been many times in Assembly debates, that perhaps the petition of

concern has, on occasion, been used not in the way designed by those who first framed it in legislation.

Mr B McCrea: I am grateful to the Member for giving way. The proposer of the report largely outlined that consensus could not be obtained. Yet, if I hear the gentleman correctly, he says that there is broad consensus in the Committee for petitions of concern. Would he care to elaborate on just how big that consensus is?

4.45 pm

Mr McCartney: When the Chair outlined the issue, he talked about consensus on how it would be brought forward, how it could be amended and how it is changed. From my perspective and as in the report, most people felt that a petition of concern, if used properly, was a worthwhile tool. How big is the consensus? Perhaps you would have to read the report to firm up your opinion. However, we did not hear people proposing to bring petitions of concern to an end, which is why we are going forward with it.

It was accepted that there have been instances when it was not wholly necessary to employ a petition of concern for Assembly motions, and all of us accepted that that was not peculiar to one political party or persuasion. Therefore, during the discussions, we believed that a way to avoid or circumvent that would be to ensure that petitions of concern were employed only for legislation. If legislation is being put before the Assembly, it will have a binding effect on people. It was in that spirit that we said that, if petitions of concern were used for legislation, you could see the need for them for the protection of minorities and the promotion of equality. Under Standing Orders, there is an interpretation about the use of an Ad Hoc Committee. If a petition of concern were to be presented to promote, amend or prevent legislation, an Ad Hoc Committee would be a good way to tease out whether the issues were such that a petition of concern was right and proper.

Recently, a petition of concern was used properly on this side of the House when the Local Government Bill was going through the Assembly. From our perspective, we saw an attempt not to recognise the rights of minorities and inequality when dealing with amendments on the flying of flags and the promotion of good relations. We felt that both amendments were not in the spirit of protecting minorities or the promotion of equality. Indeed, in some ways, the amendment was trying to undermine other

equality issues. That is why we proposed that a petition of concern could be used for legislation and that an Ad Hoc Committee could tease out all those questions. With that in mind, we commend the report to the House.

Mr Rogers: The opportunity to review the petition of concern mechanism is welcome, given the way in which it has been deployed over the past number of years. As the Member who spoke previously said, it is sometimes used in a constructive way, but, at other times, it is used obstructively.

The petition of concern was designed as a means of safeguarding minority rights in Stormont's fledgling power-sharing Assembly, but it is sometimes played like a trump card. Any decision of the Assembly may be subject to a requirement for cross-community consent under a petition of concern signed by at least 30 MLAs. It should be used constructively, but it has become clear that it has been open to abuse. Alternatives to a petition of concern have been examined in the report, but, until a coherent alternative is presented, we should not dispense with the mechanism. It is important that it is used sparingly and only when appropriate.

Some of the options that the review considered included replacing the petition of concern with an alternative mechanism; restricting the use of petitions of concern to key areas; and adjusting the threshold of signatures required. The Committee carefully considered the option of changing or eliminating the petition of concern in light of criticism that it is unfair and prone to abuse and impedes legislative productivity. The intention of the Good Friday Agreement provisions for petitions of concern was to create a process to mitigate the abuse of power on a measure that may have equality and human rights consequences. The scope of a petition of concern was not to be restricted to primary or other legislation; that was the limited interpretation put on it by some bureaucrats. The power to deploy a petition of concern should fall to a Minister, the Executive Committee, the Chair of a Committee or the Committee. However, the position intended by the agreement is not properly reflected in Standing Orders.

The purpose of an Ad Hoc Committee was to assess the equality and human rights implications of measures, in which regard taking evidence from the Human Rights Commission, Equality Commission and others was anticipated. The SDLP does not believe that the voting threshold for petitions of concern should be adjusted. However, we believe that

the intention of the agreement with regard to the petition of concern process, with reference to Ad Hoc Committees on all measures, should be honoured.

The petition of concern facility was put into the agreement to safeguard communal sensitivities and specifically to protect equality and human rights considerations. It was not proposed or envisaged as a tool to protect a Minister from due accountability, not least when there are issues of probity in public finances or propriety of ministerial conduct. It was meant to trigger a process whereby equality and human rights concerns could be assessed and addressed by a specially appointed Committee of the Assembly, taking evidence on those events.

It may be helpful for the Assembly's Standing Orders to be amended to reflect the 1998 Good Friday Agreement more accurately because the measures are being used at times as defensive, pre-emptive and prescriptive vetoes.

Mr Beggs: I was pleased when the Ulster Unionist suggestion of reviewing the petition of concern was chosen by the Committee for scrutiny. However, I have to admit that I am disappointed by the outcome of that discussion.

The petition of concern mechanism was built into the Assembly structures to stop one community's concerns being ignored by another community. Petitions of concern were an important mechanism to give confidence to all. Indeed, that enabled the Assembly to be established in the first place. That is where it comes from.

I note that, in their evidence, Professors McCrudden and O'Leary acknowledged that the petition of concern had occasionally been abused and had blocked decisions that had nothing to do with community-specific vital nationalist or unionist interests. The petition of concern has been used regularly. Indeed, one will be used later tonight over an issue that, I would say, has little to do with community designation.

In its evidence, the Centre for Opposition Studies suggested that the regular invoking of community designations in that way reinforced sectarian divisions and seemed to go beyond the intended purpose of the mechanism. You will see from the Ulster Unionists' evidence in the report that we have sought to reduce the potential for misusing the measure. It is for that reason that I supported a motion that sought to establish an alternative mechanism, as recorded in the minutes of 25 February 2014. For clarification, it was I and, with permission,

Trevor Lunn who supported other mechanisms being considered to provide protection. The motion read:

"The Assembly dispenses with the use of the Petition of Concern and acknowledges that consideration must be given to alternative mechanisms that would ensure cross-community support and protection for the rights of minorities."

Why did the six Sinn Féin and DUP members vote against that? Well, Sinn Féin goes by the mantra of "Ourselves Alone", so we understand that, potentially, it gives that party a strong blocking ability. Similarly, it seems that the DUP wishes to be able to block motions by itself, which is something that will happen later this evening. I suggest that the approach of "party first and country second" is being adopted.

In the Ulster Unionist response to the call for evidence, we said that the Assembly should seek to move away from community designation and towards weighted majority voting to reflect the normalisation of politics here. That view has been supported by Professor Rick Wilford, who, in his evidence, indicated that a move to qualified majority voting — he suggested 65% of Members present and voting — would in itself ensure that no key decisions could be taken in the face of significant opposition. On that basis, it seems that there is an arguable case for abandoning the petition of concern procedure.

One option is the 65% threshold or another agreed threshold. What else might happen to limit the scope for abuse? One mechanism would be to increase the proportion of MLAs required to trigger the petition of concern. Again, as I say, that would lessen the ability of a single party to abuse such a situation.

It would enable us to move towards more normal democratic arrangements while providing a degree of community protection so that no abuse could occur. That was supported by the Ulster Unionists, but, again, others did not want to consider it. Indeed, when there was discussion, they simply wanted to retain the status quo by maintaining the same proportions.

I wish to touch briefly on the need to regularise procedures in the Assembly and to limit the potential for a judicial review, which, as mentioned, could occur. There are some concerns about our procedures, in particular, the reference to "measures" in the 1998 legislation. When discussion on that arose, the Ulster Unionist Party and I opted for

regularising the current procedures. We recognise that it is problematic to try to change something, so we thought that we should first regularise what we have. Also, we want to minimise the potential for yet another level of bureaucracy when a petition of concern is lodged, such as another subcommittee that has to meet and investigate items before the Assembly can vote.

We want to become more normal and to minimise bureaucracy in the Assembly —

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

Mr Beggs: — and in the democratic process.

Mr Lunn: I must confess that I have been wondering all day what on earth to say about the report, and I am not any further forward now than I was at 9.00 am. Anybody who took the trouble to read it will wonder how a process that started in July last year and finished only two weeks ago could come up with such a miserable lack of consensus on matters that are so important. I am truly thankful that I did not join the Committee until 1 October, so all I had to suffer was a succession of fortnightly meetings, lasting about 20 minutes, at which we spent most of the time laughing at one other. The report has not taken the subject forward.

Mr Campbell: Will the Member give way?

Mr Lunn: Yes, certainly. Go on.

Mr Campbell: The Member says that the Committee meetings lasted 20 minutes. He really is bringing the House into contempt. They lasted at least 25 minutes.

Mr Lunn: I did not have a stopwatch, Mr Campbell, but they were very short and very inconclusive.

Mr Principal Deputy Speaker: Whatever about the meetings, you have an extra minute.
[Laughter.]

Mr Lunn: Thanks very much, Mr Principal Deputy Speaker, I will try to fill it. I pay tribute to the Committee Clerk and the staff for their valiant attempts to breathe life into something that was partially dead. Every two weeks, they tried to resuscitate the process and take us forward for another two weeks by continually pushing stuff down the pipe until we finally came up with five conclusions: no consensus; no consensus; no consensus; no

consensus; and an agreement that, if the number of MLAs in this place were to be reduced, it might be permissible to reduce the threshold for a petition of concern.

I did —

Mr Beggs: Will the Member give way?

Mr Lunn: Yes, happily.

Mr Beggs: Does the Member acknowledge that, although the Committee agreed on reducing the threshold, the major parties — the DUP and Sinn Féin — wanted the proportion to remain the same?

Mr Lunn: Yes. That was the point of the motion that I put to the Committee and which Mr Beggs referred to: if we could establish that we would retain the petition of concern, perhaps we could move on from there. However, we really have not moved on at all.

Petitions of concern are being used for two different types of business: private Members' motions and legislation. Whether we need petitions of concerns on legislation is open to question. I am from a party that does not have a designation of unionist or nationalist, so you probably know what my reaction would be to that. Continuing to have petitions of concern on private Members' motions — non-binding matters — is downright perverse, yet we have had them from both sides of the House. I am not blaming anybody in particular, but it just does not need to go on. It is ridiculous. As for legislation, our view remains that there is another way. Petitions of concern are being used purely as a blocking mechanism, and there is nothing constructive about them.

We advocated talking about having a weighted majority, which got a wee bit of support in the Committee. I do not know what the right proportion would be. If it came to that, I am sure that mathematicians in either of the two big parties would soon work out what was necessary to protect their interests, so we might not be any further forward.

5.00 pm

The other aspect of it that interested me was the question of having an Ad Hoc Committee to decide whether a petition of concern was to be allowed or was valid, and there may be something in that if we are to continue with petitions of concern. Maybe some other Committee or group of parliamentarians needs to be able to decide. It has been floated in

another forum just recently that there may be some virtue in looking at having a Committee involving the Speaker and Deputy Speakers to take some hand in all this, but that is for another day.

The other suggestion that I made during this process was to think about a Standing Committee, similar to what they have in Westminster on human rights and equality issues. There was no consensus on that either. In fact, there was no consensus on anything except on the number of MLAs required to trigger a petition if the number came down. So, well done to everybody — we spent from July 2013 to April 2014 achieving nothing.

Mr Campbell: I rise to follow that constructive if somewhat cynical approach by Mr Lunn. As he and others outlined, the Assembly and Executive Review Committee has deliberated for some considerable time. We have passed and noted a range of other reports. Of course, I and others have indicated that, at the end of the day, however much we hold the ring and continue to discuss these issues and reach agreement or fail to agree, the issue will be decided at a very senior political level, as opposed to within the confines of the Assembly and Executive Review Committee.

The issue of petitions of concern did exercise minds, and, as Mr Beggs quite rightly said, it was his party's proposition that we discuss the matter. However, the issue that some Members have to concentrate their mind on is that we are where we are now in trying to grapple with this issue and change the parameters of petitions of concern, or of whatever may replace them, precisely as a result of the agreement entered into in 1998. So, if an Ulster Unionist source —

Mr Beggs: Will the Member give way?

Mr Campbell: Yes I will.

Mr Beggs: Will the Member acknowledge that, unless some arrangement had been agreed, he would not be here today?

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

Mr Campbell: That is about the only good thing out of that intervention. No, I think that an arrangement was going to be arrived at. He contends that we had to have that arrangement in order for us to be here. I do not accept that premise at all. The fact is that an arrangement was arrived at, which was a bad one, and part of it included this issue of petitions of concern,

which he endorsed and now makes complaints about because we cannot change it. We cannot change it because of the arrangement that he and his party entered into in 1998.

We are where we are, and we have got to try to break this logjam in what appears to be a difficult position to resolve. Mr Lunn was quite right: we laboured for many months and did not reach a consensus. We have to analyse what it is about petitions of concern, or whatever might replace them, that people, including in my party and in other parties, feel is so much to be cherished. For various reasons, people do not want to move away from them. We do want to move to a better position where hopefully we can do away with petitions of concern, but what is it, under the current climate that maintains petitions of concern in their current form? When you boil it down, it has to be about a lack of trust and maturity that means that, in the Chamber, we have not moved beyond the need for petitions of concern. That is why we have a logjam: there is insufficient confidence, trust and maturity to move beyond the need for a petition of concern. How will we get that? We will get —

Mr Lunn: Will the Member give way?

Mr Campbell: Yes, I will give way.

Mr Lunn: To reflect on something that the Member said a moment ago, if the DUP would like to remove the need for petitions of concern, can he give us any idea of what could possibly replace them, apart from a weighted majority system?

Mr Campbell: The Member said "apart from a weighted majority system", and that is one system, but there are one or two others. However, because of the logjam created 16 years ago, we are only going to get there when we reach a consensual approach about what should replace petitions of concern. The fact is that we do not have that consensus. The report is evidence of a failure to reach agreement, and the only way that we can reach agreement is by continuing to work at it to try to build a process whereby people will see that they have little or nothing to lose by moving beyond the insistence on retaining a petition of concern process that has been in place for some considerable time.

I do not believe that that is going to come about in the short term, but we need to keep working at it until we get to the position whereby it is no longer required and people have the confidence that whatever system we agree to replace it

with will not need to be utilised on as many occasions as the current process. We will not get there overnight. It will not be a case of six months, as Mr Lunn suggested.

Whether the AERC should continue to deliberate on these matters is not for me to say, but I would argue that we should not. We should say, "Let's park this, and let's keep working on the political processes until we come to a point where we no longer need it". We could then revisit it, but it is pointless until we get to that point."

Mr Givan: Mr Lunn gave a pretty accurate reflection of how the Assembly and Executive Review Committee meetings proceeded. Indeed, if you were slightly late for that Committee meeting, you could have been in danger of being absent and not getting your tick, which of course is very important to members.

On reviewing how long it has taken to do this piece of work, it has not been a very effective use of the Committee's time. There was some difficulty even in agreeing the terms of reference. Eventually, Mr McCartney and his colleague Mr Sheehan were able to get terms of reference agreed when Ms Ruane stopped coming to some of the meetings, and we made some constructive progress at that point. However, we got on with ultimately producing this report, which, as we all know, will head off to the First Minister and deputy First Minister's office. Ultimately, if there is to be a change, it will have to be the two parties taking on board the views of others that will bring forward some type of change. If anything, it has been useful to scope out the views of the different academics and the political parties.

I was somewhat disappointed that the Ulster Unionist Party, through its member Mr Beggs, pushed for the petition of concern issue to be dealt with. I was of the view that we did not really need to do that because we had touched on it in previous reports. In fact, that is why we did not go out to a lot of public consultation: we lifted a lot of the evidence from the previous work of the Committee. Nevertheless, after the Ulster Unionists pushed for this to be dealt with, their contributions to the Committee, in specific recommendations as to how you would change the system, were not put forward by its member in great detail. I remember one meeting where — Members may want to go through the disc and find any record of it, if it was recorded — I put it to Mr Beggs on numerous occasions at the Committee as to what he would do, to which the reply came back that the Ulster Unionists think that more needs to be done. He would

not spell out in great detail how you would actually go about making these changes. I think that that is important —

Mr Beggs: Will the Member give way?

Mr Givan: I will give way to Mr Beggs.

Mr Beggs: Will the Member acknowledge that, in our evidence, we supported the weighted majority system? Also, at the Committee, we indicated that we should increase the proportion of Members necessary to trigger a petition of concern. Both mechanisms would lessen the likelihood of the current abuse of the system that comes from the DUP and Sinn Féin. Will you not acknowledge that that was very clear? Indeed, the only contribution that you and your party made was to oppose any change to the petition of concern, and you are on record as having voted to oppose any change to a petition of concern. Will you explain yourself?

Mr Givan: Yes, certainly. There was a token effort made by the Ulster Unionist Party, but for the party that pushed for this to be the main substance of the issue for this Committee to deal with for the past nine months, it did not go beyond what one would have thought that that party would have been putting forward at this particular meeting by way of substance and issues.

I note that, and my colleague dealt with it, we did not put this into the Belfast Agreement, nor indeed did Sinn Féin. Perhaps it argued for it, but the two parties that were in charge then put it in and put it into legislation as well. Now, it is an iniquitous —

Mr Kinahan: Will the Member give way?

Mr Givan: No, I am going to cover a few more points. If I have time, I will.

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

Mr Givan: They were the ones who signed up to that agreement and put the petition of concern into it but now they are opposed to it. The public will probably be of the view that they are opposed to it because they no longer have sufficient numbers ever to generate a petition of concern. It is more because the electorate changed the fortunes of their parties as opposed to the party I belong to. That is why they now have a particular difficulty with it.

There are a number of areas that the Committee did not touch on, one of which is that consideration should be given as to why those who designate as "other" in the Assembly should be included in the 30 signatures that can generate the petition of concern mechanism. Sinn Féin has 29 Members, and when I sought to bring in legislation to stop a multi-million pound organisation profiting from the murder of unborn children, Sinn Féin got signatures from Mr Agnew and the Alliance Party to make it a cross-community vote. The party did not have the required 30 signatures to do that but used "others". Those "others" then made their votes null and void when it came to the issue being decided on. So, when we look at this, we need to think how "others" abuse their position. When they choose to designate as such, they relinquish the right to be counted in cross-community votes, yet their signatures can be used to make a vote cross-community. That is an abuse of the system.

Mr Agnew: I thank the Member for giving way. I certainly would not call it an abuse of our position. I do not designate as "other". I refuse to designate and I am designated as "other" by a system I do not agree with. As someone who does not represent one community or the other — I argue that I represent both communities — I would argue that my vote as an elected Member of the Assembly counts at least as much as anybody else's.

Mr Givan: But those who choose not to designate as nationalist or unionist decide themselves when they make that decision that they are precluded from their votes counting when it comes to cross-community votes, yet their signatures can be used to generate enough people — 30 people — to make an issue cross-community, and that is an abuse of the system that needs to be addressed as well.

Mr McCallister: This is a very important subject. Some of the debate so far has hinged on what parties would change. Dare I suggest to Mr Campbell that, were someone to try to change the rules of petitions of concern, his party would then probably submit a petition of concern? I suggest that it is very unlikely that the DUP will want to give up that inbuilt veto easily.

To hear some DUP Members, you would probably think that they were so opposed to the 1998 agreement and to what the Ulster Unionists, the SDLP and the majority of people in Northern Ireland agreed to that they had nothing to do with it. Yet, did they change any of this at the great St Andrews Agreement —

the agreement that was to end solo runs by Ministers? We are back at a stage where we have Government Ministers taking other Government Ministers to court just in case there is any chance of doing a solo run. So right throughout all of this —

Mr Campbell: Will the Member give way?

Mr McCallister: Yes, quickly.

Mr Campbell: The Member mentioned solo runs twice in a couple of seconds there. Did he miss the court case that took place in December just three months ago about DARD?

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

Mr McCallister: I did not miss the court case, nor was I particularly aggrieved by the outcome. I am aggrieved by the prospect that we have such a dysfunctional Administration that one Minister has to take another one to court. That is the problem with the court cases and the solo runs that he said he had ended six or seven years ago. That is the problem with the issue.

5.15 pm

The original vision in the Good Friday Agreement was that, when we had a petition of concern, we would form an Ad Hoc Committee and attempt at least to work through some of the issues, not just sign these things and leave them in the DUP Chief Whip's office to be handed out willy-nilly, almost like Christmas cards, to anyone who comes in, on any given issue. That is where the system is corrupt and perverse.

Mr Lunn: I thank the Member for giving way. Does he not agree that an Ad Hoc Committee would have to be composed in the same proportion as the AERC is anyway? So, what on earth is the point? It will just push it to another forum with the same make-up and the same result.

Mr McCallister: I am grateful to Mr Lunn for making that comment.

What I suggest and what was in the spirit of the original Good Friday Agreement is that you at least have some mechanism to try to work through and address the issues. In a short time from now, we will be debating an issue, as Mr Beggs quite rightly pointed out, that has little or nothing to do with the constitutional position or community designations and yet is subject to a

petition of concern. When I did a private Member's Bill on caravans, we had something like three petitions of concern on particular clauses. This works both ways. Mr Givan mentioned the petition of concern that was used last year on something that he had very strong views about, and he found it objectionable that others used a petition of concern; the very thing that he has signed a number of. I have never, in the seven years that I have been a Member of the House, signed a petition of concern. I am opposed to them being used on issues that are not remotely connected to community designations but are about strong beliefs or choices, such as in the example that Mr Givan gave. That is when the system becomes so corrupt and is wrong.

Mr Campbell said that we have not built trust and maturity. I agree 100% with him. So, it is 16 years almost to the day from the Good Friday Agreement, and, for seven years, the DUP has been the lead party in government and, for over 10 years, the lead party in unionism, but there has been no movement towards genuine partnership in government, to a proper government, a proper opposition and a proper Programme for Government to work through different issues, whether it is welfare reform, the Education and Skills Authority or how we address petitions of concern. That is why we are stuck in dysfunctionality. That is why your colleagues are taking Mr McCartney's colleagues to court. That is why you have not even tried to build up that partnership government. You are in a mess on welfare, the Maze and a plethora of issues because you have not even tried to build up a genuine partnership and trust in government, and that is why the sooner we move to a proper government and opposition and the sooner we get real scrutiny and an alternative out there, the better the House will be and the more functional the Assembly will be.

Mr Allister: What a useless report from an apparently utterly useless Committee. Today we hear that it laboured for something approaching eight months to produce this useless report, and, on each day it sat, apparently it only sat long enough to drink the free coffee and eat the free scones. This is the product of that eight months of labour. However, even if that Committee had come up with a recommendation, would it have meant anything? This is the same Committee that, just a few months ago, came to the House with a report that embraced and endorsed there being a technical group in the House. However, when that proposition was taken to the Committee on Procedures, which is the next port of call for such propositions, the very same

parties that comprise the Assembly and Executive Review Committee totally overturned the suggestion, refused to entertain it and voted it down. This is a Committee that is so lacking in credibility that, on one day, it will endorse a certain proposition, and, on the next day, so to speak, Members from the same parties will repudiate that proposition. Even if this useless Committee had come up with a proposal to deal with petitions of concern, it probably would not have meant anything, judging on past performance.

The whole issue about petitions of concern is that they are a badge of the abject failure of the Belfast Agreement. That agreement was sold to some gullible folk as a breakthrough that would cause everyone in Northern Ireland to pull together, to have a new era of cooperation and all that. That agreement has turned out to be the very guarantor for making sure that there is no progress in Northern Ireland. Why? It is because it underscores and gives total authority to the very idea of mutual vetoes, of which a petition of concern is but one manifestation. It is no surprise, therefore, that, 16 years on from the Belfast Agreement, we have the logjam, the stalemate and the total dysfunctionality of the House and the Executive because the very structures that sustain it are built on that same mutual veto.

It is very simple: if you do not have to be agreed on anything in order to be in government, it is no surprise that, when people are in government, they cannot and do not agree on anything. They simply rely on mutual vetoes, petitions of concern and all that, which guarantee that progress is the last thing that you will achieve under the Belfast Agreement arrangements, if progress means getting to a point at which Northern Ireland can be governed through a system of recognisable democracy and that those who are elected agree what they are going to do about the economy, health and education. If they — whoever they are — can command the requisite majority, they form the Government. Those who cannot — whoever they are — form the Opposition and, if need be, subject the Programme for Government to a 60% weighted majority. You then get government, and you do not need petitions of concern and mutual vetoes. Of course, we will never get there because this process guarantees the survival of all the obstacles to that —

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

Mr Allister: — of which the petition of concern is one. This Committee does not exist to bring

about change; it just exists to sustain the status quo.

Mr Agnew: Petitions of concern rely on the designation of unionist and nationalist, and, therefore, enshrine in these institutions what has divided our society for decades. There is nothing wrong with being a unionist or a nationalist, but I would argue that to define our politics by it and, indeed, to define our very institutions using those terms is to enshrine the divisions that plague us.

There is a fundamental flaw, which Mr Givan highlighted, although he comes at it from a different point of view from me: if you are a cross-community party, your vote does not count in a cross-community vote. That sums up the problem with a petition of concern: it does not want to see genuine cross-community politics. It is there to ensure that cross-community politics are disadvantaged rather than advantaged and promoted. Rather than not being allowed to sign a petition of concern, should we continue it, I argue that, when the votes are counted, my vote, as a vote from a representative of a cross-community party, should count in both boxes rather than none. In my party, I have people who call themselves nationalist and people who call themselves unionist. In my constituency, I represent both those communities, if you accept those terms for how we label our society.

Mr A Maginness: So do I.

Mr Givan: Will the Member give way?

Mr Agnew: Certainly.

Mr Givan: I hear the ideal that the Member is trying to articulate. I do not know how you can vote twice; I think that we would all like to be able to vote twice. On that basis, given that the Member has to operate under the current rules, why does he sign petitions of concern that, in effect, make his vote worthless?

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

Mr Agnew: I thank the Principal Deputy Speaker, and I thank the Member for his question. The simple fact is that I have to work within the structures that I have, just like Mr Allister, who opposes these institutions. If he wants to change them, he has to take part, and, if I want to change the systems, I have to take part. When it came to the issues that he is referring to, I felt that the petition of concern

was being correctly used in that case in that it was an issue of equality. It was an issue of a majority House of men seeking to legislate for women across Northern Ireland, and, in that, I thought that there was an equality issue and that the petition of concern was being used for what it was designed.

We talk about the normalisation of politics and the normalisation of society, and the removal of the petition of concern has to be part of that process. Often, unionists complain that the Good Friday Agreement and the peace process have meant them giving up more than nationalists have given up. That is a debate for another day, but this is one instance where nationalists need to step up and say, "We accept these institutions, we accept these structures and we are willing to start a process. We are willing to continue the process of normalisation and have trust in our partners in government". In this case, that is unionist politicians. Nationalists have to accept that the days of majority unionist rule, as they would perhaps define it, are over. We no longer have a majority of unionist politicians in the two main parties. We certainly do not have a majority party in the House. Every party in the Assembly is a minority party. It is time we accepted that the decisions made are genuine and — I come back to what for me is the fundamental point — stopped simply defining our politics through unionism and nationalism.

When I said that I represented all my constituents regardless of their community background, I heard Mr Maginness say that he did too. If representing the whole of our society is what we seek to do with our politics, why do we keep trying to define ourselves and our politics in a divisive way? Positions on the Union and the place of Northern Ireland in the UK or in Ireland are legitimate, but they should not define our politics. They should not divide our society, and they certainly do not divide my party

The failures of the Assembly and Executive Review Committee have been highlighted. I think that Mr Campbell and Mr Givan said that it was a nice wee Committee and we all sit around and have discussions but, really, the decisions will be taken by the First Minister and the deputy First Minister. That highlights, for me, a fear of negotiating publicly. The suggestion is that the parties can negotiate behind the scenes, but, put us in a public forum and we will present our positions and will not budge from them for fear of the public seeing how politics work in practice. We need to see how we can reform the mechanisms, because, to some extent, having a public Committee is

the correct way of reviewing how we do things in the Assembly. Clearly, the processes of mutual veto do not work for us. I brought up the issue of a referendum during last week's debate on the Local Government Bill.

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

Mr Agnew: That is a mechanism by which we can get consensus decision-making. What we have is failure to get consensus being used as a blockage, when we need to use consensus for decision-making.

5.30 pm

Mr B McCrea: This is a useless report by a useless Committee. *[Interruption.]* Sorry, I think that that has been said before, but, just in case you did not hear it, I repeat: a useless report by a useless Committee. The report states:

"there was no consensus for replacement of community designation [and Petitions of Concern]".

There was no consensus on how to restrict petitions of concern. There was no consensus on how petitions of concern on legislation should be brought. No consensus, no consensus, no consensus. You can agree on nothing, not a thing.

Mr Wilson: Will the Member give way?

Mr B McCrea: I will deal with Mr Wilson in a moment.

There is no consensus on anything. Do you know what? That is what is wrong with this place. There is not a single thing that you can agree on. You sit here in this sham fight and pretend that you are working together in government and that you will come up with something for the common good — you will not.

A Member: Will the Member give way?

Mr B McCrea: No, I am on a roll at the moment. I tell you here and now, and the people opposite need to understand this — *[Interruption.]*

Mr Principal Deputy Speaker: Order.

Mr B McCrea: Sinn Féin does not need this place to work, but unionism does. Unionism needs to start working out how to make the Chamber accountable and democratic because

the people looking in are saying that this place is dysfunctional, this place does not work, this place does not deliver and this place is useless — just as useless as the Committee and its report.

It is strange, perhaps, that Mr Allister and I agree on so much. His analysis is that we need a proper opposition, a proper separation, so that we are not all pretending to be in government but not agreeing with one another. We have petitions of concern on whether we should have a cup of coffee or whether we should have two sugars or one. We have petitions of concern here, there and everywhere. You cannot do anything. This place will not produce diddly, because it cannot.

The only point on which I disagree with Mr Allister is this: what is the viable alternative? Some say that we would be better off with direct rule. They will not get direct rule. Others say that this will not work. Tell me what would be better and what would work. Although the Belfast/Good Friday Agreement had flaws, the principles were correct. There is no future for Northern Ireland that is not a shared future. You have to find a way of working together, working for the common good and doing what is right for the people.

I say to those on the opposite Benches that you should think carefully because you are outmanoeuvred at almost every turn. Every time you walk away from something, you come back to the table with a worse deal. That is the problem. You have to find a way of making this place work. You have to find some mechanism whereby you can agree on contentious issues, whether that is welfare reform, the tax take, what we are going to do about setting up Committees or how we will operate. That is the only thing that will work. You can sit over there and jeer. You can say, "Oh, we are the big party. We can do all of this". Do you know what? You win every single battle, and you will lose the war. Sit and think about that. Those of you who are the strategic leaders and thinkers in this place, think very carefully about what will happen if this place collapses. Believe you me, if it carries on the way it is going, it will not survive. The people will look in and ask, "Did you ever see such a waste of time? Did you ever see such a bunch of useless people, wasting hours and hours talking but achieving nothing?". Have you no self-respect? Have you no pride? Have you no determination? Have you no vision? Is there nothing you want to try to do? Can you not say to the other side, "Why don't we try this? Why don't we try to make it work?".

I say this to the people from Sinn Féin: you also have a responsibility in this about how we build a better future for Northern Ireland.

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

Mr B McCrea: Some of you will have argued in the past that you wanted to build a new Ireland.

Mr Principal Deputy Speaker: Thank you.

Mr B McCrea: My colleague —

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

Mr Sheehan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. As Deputy Chairperson of the Assembly and Executive Review Committee, I will make the closing remarks on the report on the review of petitions of concern.

Mr Principal Deputy Speaker: Excuse me, Mr Sheehan, could you pull your microphone towards you? We want to hear what you have to say.

Mr Campbell: It is a useless microphone.

Mr Sheehan: It is a useless microphone.

I do not propose to summarise Members' contributions to the debate. They speak for themselves. If anyone wants to see them, they will be available in Hansard soon.

Members heard from the Committee Chair, Stephen Moutray. It is clearly acknowledged that the issue of petitions of concern is a complex and sensitive subject. The Committee received a wide range of views on policy changes from political parties and academic experts. Members must take it from the review that the Committee's report has set out in some detail policy options for change, which were considered in four discrete areas regarding petitions of concern, along with the individual party positions on specific options for change.

I am aware that some members of the Assembly and Executive Review Committee were frustrated that it could not reach more consensus on the review. However, as I said on another occasion in the House, change is sometimes an evolutionary process. I am content that the report reflects the thorough and constructive examination of the issues by the Committee. Sometimes, the role of the

Committee is to lay out options and the positions of the political parties of this place. The Committee will not necessarily arrive at consensus.

Before I conclude, I thank the Clerk and his officials for their diligent and painstaking work during the past seven or eight months. I also thank those who came and gave evidence to the Committee and those who made written submissions. In finishing, I again emphasise that the Assembly and Executive Review Committee believes that the report provides valuable information for the Assembly to reach a way forward.

Question put.

Question put a second time and agreed to.

Resolved:

That this Assembly notes the report of the Assembly and Executive Review Committee on its review of petitions of concern (NIA 166/11-15).

Comptroller and Auditor General: Salary

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to 30 minutes for this debate [*Interruption.*] Order. Members leaving the Chamber should do so quietly. The proposer will have 10 minutes to propose the motion and five minutes to wind up. All other Members who wish to speak will have up to five minutes.

Mr Kinahan (The Chairperson of the Audit Committee): I beg to move

That this Assembly notes that the salary paid to the holder of the office of Comptroller and Auditor General has not increased since 1 April 2009; determines that from the date of this resolution, until such time as the Assembly makes a further determination, the salary to be paid, under article 4(1) of the Audit (Northern Ireland) Order 1987, to the holder of the office of Comptroller and Auditor General shall be the same as that recommended for a judge in salary group 5 in the Thirty-Sixth Annual Report on Senior Salaries 2014 (Cm 8822); and notes that this amounts to an increase of 0.95%.

As Chairperson of the Audit Committee, I ask the Assembly to support the motion. The Audit (Northern Ireland) Order 1987, specifically, article 4(1), provides that the salary of the

Comptroller and Auditor General (C&AG) shall be determined by a resolution of the Assembly. The last time that the Assembly resolved to increase the salary of the C&AG was in March 2009. The following year, on foot of a motion from the Audit Committee, the Assembly resolved that the salary should remain frozen until such time as the Assembly made a further determination. Since then, the Comptroller and Auditor General has been paid a salary of £140,000. The Committee believes that it is now appropriate for the Assembly to make a further determination and that, from today's date, the salary to be paid to the Comptroller and Auditor General should be increased by 0.95%.

5.45 pm

I would now like to provide Members with some background information that explains how the Committee has come to this position. In 2008, the Audit Committee took over responsibility from DFP for tabling motions to the Assembly on the Comptroller and Auditor General's salary. Prior to the transfer of this responsibility, there had been a long-standing convention that the Comptroller and Auditor General's salary should be tied to the salary payable to judges in salary group 5. Judicial salaries are determined by the Government on foot of recommendations from the Review Body on Senior Salaries (SSRB). Members of judicial salary group 5 include senior circuit judges and the Chief Magistrate.

In 2008, when the Audit Committee assumed responsibility for the matter, it considered all available evidence and agreed that maintaining the link between the Comptroller and Auditor General's salary and the salary that is payable at judicial level 5 was sensible. It agreed, as do we, that doing so is fair and transparent and reduces the potential for the Assembly to be seen to be determining the salary in response to political or other factors.

Mr Wilson: I thank the Member for giving way. I have listened carefully to what the Member has said. Like me, he is supportive of the free market when it comes to the determination of wages, salaries and prices. Will he accept that, in the current climate and given the salary of £140,000 and the average wage in Northern Ireland and the fact that there is no difficulty in recruiting someone for this post, there seems to be neither a market argument for what he is saying nor an argument for fairness based on the wage structure in Northern Ireland? When one considers the size of salaries in the public sector, which we are trying to get under control,

it seems difficult to make a case for increasing the salary for a post for which there is plenty of scope to get people employed in anyhow.

Mr Kinahan: I thank the Member for his question, and I suggest that he listens to the rest of what I have to say before he further makes that point. He will hear how and why the Committee came to its decision.

It should be noted that, in 2009, the salary of the Comptroller and Auditor General edged ahead of that payable at judicial level 5. That was because the Assembly resolved to pay the Comptroller and Auditor General the amount recommended by the SSRB as payable at judicial level 5 and not the amount ultimately agreed by the Government. As it is not within the Assembly's power to reduce the salary, the Committee subsequently agreed that the Comptroller and Auditor General's salary should be frozen, at least until such time as judicial salary group 5 had caught up with it. So, it has been frozen. In March 2010, the Assembly debated and agreed a motion from the Committee, thereby determining that the Comptroller and Auditor General's salary would remain frozen until the Assembly made a further determination.

The Audit Committee has considered the issue of the salary payable to the Comptroller and Auditor General in 2011, 2012 and 2013. On each occasion, it agreed that the salary should remain frozen. In doing so, the Committee noted that, within that period, the Northern Ireland Audit Office had implemented its own two-year pay scale freeze. The Committee was also aware that judicial salaries were frozen for three years from April 2010 and then increased by 1% in April 2013.

Last month, the SSRB published its thirty-sixth annual report on senior salaries. In that report, it recommended that the salaries of the judiciary be increased by 1%. This means that, from 1 April 2014, the salary payable at judicial salary level 5 shall increase from £139,933 to £141,332. On 13 March 2014, in a written ministerial statement, the Prime Minister accepted the SSRB's recommendation that judicial salaries increase by 1%. This rise will increase the amount payable at judicial salary level 5 to 0.95% more than the Comptroller and Auditor General's current salary. The Committee believes that the Comptroller and Auditor General's salary should be increased by 0.95% in order to bring it into line with the amount paid to a judge in salary group 5.

I should point out that article 4(1) of the Audit (Northern Ireland) Order 1987 also provides

that the salary paid to the holder of the office of Comptroller and Auditor General shall not exceed:

"the maximum salary for the time being payable to any person employed in the civil service of Northern Ireland".

OFMDFM has confirmed that the proposed revised salary shall not exceed that threshold. Therefore, I ask the Assembly to support the motion.

Ms Lo: Given that the Comptroller and Auditor General has not had a pay increase for five years, since 2009, I certainly believe that an increase of less than 1% is justified. It will also bring his salary into line with judges at the same pay level. I would also like to mention that the Audit Office has reduced its net resource requirement year on year, all the while maintaining and even adding to the quality and breadth of service that it provides to the Assembly.

As set out in the Committee's report to the Assembly last week, the Audit Office's net resource requirement for this year represents a cash-terms reduction of 12.7% from its 2010-11 net resource requirement of £9.397 million. Therefore, I support the motion.

Mr Principal Deputy Speaker: Thank you. I will just check if the proposer wishes to wind on the motion.

Mr Kinahan: I am happy to wind, Mr Principal Deputy Speaker. We should take the opportunity to remind Members of the good value that they get from the Audit Office. In 2012-13, the financial savings achieved as a result of its work were £33.7 million. In 2011-12, that figure was £26.7 million. In 2010-11, the savings were £16.6 million. Every year, it continues to keep the pressure on to save money. It is not just through that but through its value-for-money reports and all the other good work that it does that it allows us to find savings. I commend the motion.

*Question put and agreed to.
Resolved:*

That this Assembly notes that the salary paid to the holder of the office of Comptroller and Auditor General has not increased since 1 April 2009; determines that from the date of this resolution, until such time as the Assembly makes a further determination, the salary to be paid, under article 4(1) of the Audit (Northern Ireland) Order 1987, to the holder of the office

of Comptroller and Auditor General shall be the same as that recommended for a judge in salary group 5 in the Thirty-Sixth Annual Report on Senior Salaries 2014 (Cm 8822); and notes that this amounts to an increase of 0.95%.

Private Members' Business

Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014: Prayer of Annulment

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes. As a valid petition of concern was presented on Friday 4 April in relation to the motion, the vote will be on a cross-community basis.

Mr D Bradley: I beg to move

That the Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014 be annulled.

Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Tá áthas orm an rún a mholadh. I welcome the opportunity to bring this prayer of annulment to the Floor on behalf of civil servants in Northern Ireland. The prayer seeks to prevent the reduction of redundancy terms for civil servants. If the changes were made in their current form, they would have a significant detrimental effect on Northern Ireland civil servants and employees of non-departmental public bodies covered by the Northern Ireland Civil Service (NICS) compensation scheme in the event of either voluntary or compulsory redundancy.

At a time of redundancy, it is important that staff receive as much financial support as possible. It is unacceptable that the redundancy provisions are being undermined, especially at a time when the opportunities for securing alternative employment can be scarce. Redundancy pay is also of particular importance when staff are forced to leave on grounds of sickness or inefficiency, yet staff in those circumstances will also suffer a reduction in the compensation available.

(Mr Speaker in the Chair)

If the SDLP had not tabled this prayer of annulment, the legislation would have been passed by regulation by the Minister without any debate in the Chamber. It is important that we debate the issue, although I note that a valid petition of concern has been presented.

The consultation document acknowledged that the changes are detrimental, stating:

"These terms are considerably less generous than those currently available to Northern Ireland civil servants and those in employments covered by the NICS pension and compensation arrangements."

No doubt the Minister will say that the regulations were consulted on and that that is enough. However, that is not the case, especially given that officials said in Committee that, on ministerial instruction, there was little or no room for flexibility. Minor changes have been made to the minimum and maximum levels, but, apart from that, there is little or no change.

There is no need to enforce on Northern Ireland civil servants the changes that have been introduced in the Civil Service in England, especially as we already lag several years behind in attempting to implement the changes. It has not been a pressure point for us from the London Government. Any extra cost associated with maintaining the present scheme would probably be minimal.

Officials have clearly said that the Northern Ireland Civil Service has been very successful at avoiding redundancies. It has been successful through its use of redeployment. As a result, redundancy payments have not been a huge drain on resources. The Northern Ireland Civil Service deserves our praise and thanks for the work that it has done in that respect. I sincerely wish it continued success.

That being the case, one has to ask why the Department is so eager to adhere to parity in this case. If there was ever a case for parting from parity, surely this is the one, when we consider the impact of redundancy on staff, their families and communities and the fact that redundancies in the NICS are not likely to place any large burden on finances. I say that based on information provided by officials.

The Northern Ireland Executive have had a flexible approach to parity on a range of matters when it has suited. Let us remember that the whole purpose of devolution is to enable the regions to do things differently on behalf of their citizens. There is no reason why flexibility cannot be adopted for the Northern Ireland Civil Service compensation scheme. In fact, the proposals from the Department of Finance hold differences from the English scheme, so that argument does not hold water.

6.00 pm

The major public sector union in Northern Ireland has grave concerns about the consultation process. Many people describe the consultation as a sham for the reasons that I have outlined. Basically, the Department has exercised a veto in the guise of consultation. Northern Ireland Public Service Alliance (NIPSA) officials told the Committee that they made detailed and considered alternative proposals during the consultation, and it appears that they were simply ignored. Those compromise proposals had the intention of shifting the balance of the compensation terms to protect staff who earn less than £23,000 per annum, staff who, DFP acknowledges, require lower-paid worker protection. Those proposals were not ideal for union members, but they demonstrated a willingness by the union side to compromise in an effort to ameliorate the worst effects of the London proposals.

I urge Members to support the prayer of annulment for the following reasons: first, the overall detrimental effect on all Civil Service redundancy terms; secondly, the detrimental effect on employees who retire on sickness grounds; thirdly, the impact on lower-paid staff; fourthly, the failure of the Department to show any reasonable flexibility; and, fifthly, the opportunity for us, as the devolved Administration, to do things as we wish to do them and, in this case, differently from London.

Finally, I will repeat the call contained in a letter I received from a civil servant who is one of my constituents. I imagine that other Members have received similar letters from their constituents. The letter stated:

"I would ask that you, as my MLA, take the opportunity to oppose these regulations and ensure that civil servants and staff employed in non-departmental public bodies do not suffer a worsening of compensation terms available at the very time they need the greatest possible financial support, as they face a period of unemployment, which could endure for some time given the scarcity of employment opportunities in Northern Ireland."

A Cheann Comhairle, go raibh maith agat as an deis cainte ar an ábhar seo. Impím ar Chomhaltaí tacaíocht a thabhairt don phaidir seo. I ask all Members to support the prayer of annulment.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): I will speak first on behalf of the Finance and Personnel Committee.

The scheme amendment relates to the Superannuation Bill that the Committee scrutinised in detail in 2012. In fact, it was the Committee that secured an amendment to the Bill to require proposed Civil Service compensation scheme changes that are detrimental to scheme members to be subject to Assembly control. Otherwise, the scheme amendment before us, which decreases compulsory and voluntary redundancy payments for civil servants, could have been introduced without the Assembly's being able to debate and decide on the proposals as deemed necessary.

As part of its scrutiny of the Superannuation Bill, the Committee's decision to accept the removal of the trade union veto over detrimental scheme changes was in part influenced by assurances from the Department that there would be fair and proper consultation, with a view to reaching agreement with the trade union side on subsequent proposals for scheme changes. DFP officials advised that there would be scope for compromise and agreement on potential nuances to the substance and timing of the scheme changes while maintaining parity. Members were also assured that the Department would undertake its consultation in line with the Gunning or Sedley principles, which require, among other things, that the product of consultation be conscientiously taken into account when the ultimate decision is taken.

More recently, at its meeting on 19 February, the Committee was briefed by DFP officials on the details of the proposed scheme changes. Following concerns raised by NIPSA about the adequacy of the Department's consultation, the Committee took oral evidence from the union. That was followed by a special Committee meeting on 24 March, which included a joint session with NIPSA representatives and the responsible departmental officials. That is the first time that we have had a meeting of that nature, with the two opposing sides at the top of the table.

Just as an aside, I think that other Committees should consider that as well. I am not saying that they should have some sort of Harry Hill-type approach to Committees, whereby they set one off against the other, but it was very useful to be able to bounce questions from a particular witness off the opposing side immediately, and the outcome for the Committee was much more constructive.

NIPSA advised that it had put forward a number of compromise proposals, which still, in its view, represented a detriment to its members.

Nonetheless, they were dismissed by the Department. The union also argued that DFP's introduction of the minimum/maximum bands from £23,000 to £149,000, as a result of discussions through the pensions forum, was added very late in the day. NIPSA suggested that the Department added them so that it could demonstrate that it had consulted. DFP clearly took a contrary view, arguing strongly that it undertook its consultation in line with the Gunning principles.

At the meeting on 24 March, Committee members divided over whether to lay a motion praying against the scheme amendment. On the basis of a majority view, the Committee agreed with the proposed scheme.

I will just make a few brief comments from a party position. Sinn Féin will support the motion. We believe that there was a lack of meaningful consultation on behalf of the Department. We are going from one extreme to the other. Initially, there was a trade union veto, and, now that it has gone, you have the Department trying to steamroller proposals through the Assembly and the Committee without taking the views of the other side on board. As the mover of the motion said, we are not in a position of parity on this and have not been for the past three years. There is no need for the, "Yes, sir; three bags full, sir" deference to Whitehall every time these proposals come forward.

The Department should go back to the drawing board, re-engage with the trade union side and come back to the Committee with an agreed compromise.

Mr Girvan: In speaking against the motion, I want to go over a few points. First, it is not that we do not have sympathy for people who will lose their jobs, but there must be a fair and equitable process. I appreciate that those in the Northern Ireland Civil Service are treated differently from other public servants. It is vital to ensure equity across both.

Another area of concern that came up at the Committee was that there might be an age discrimination issue with any potential changes. Some have said that that is not necessarily the case, but —

Mr D Bradley: Will the Member give way?

Mr Girvan: I will indeed.

Mr D Bradley: I note the Member's point about age discrimination, but he will remember that

this question was put to officials during the last Committee meeting, and they clearly said that, to date, no challenge had ever been made on that basis.

Mr Speaker: The Member has an added minute.

Mr Girvan: Thank you very much. I appreciate that no challenge has been made, but my point is that, if there is an opportunity to challenge, and members decided to take that opportunity, it could become an issue. So, rather than pray against something on the basis that we do not necessarily think it covers all the bases, we push it through, making bad law. I do not think that that is what we should be doing. We should ensure that what we put forward is dealt with correctly.

I agree with the proposer of the motion when he congratulated those in the Civil Service on how they have managed to use redeployment to minimise the number of people who have had to be made redundant. I think that is something that we will have to look at seriously in how the DVA issue unfolds over the next number of months. I appreciate that nobody is under notice of redundancy as yet, but we need to look at a voluntary redundancy scheme and at what compulsory redundancy would involve. Voluntary redundancy must always be offered prior to going down the route of compulsory redundancy.

There were great variations in what was available in the past. Up to three years and more was offered as a redundancy package. Now, 21 months is being offered as a fairer system across the whole Civil Service and the public sector. The maximum level that somebody can receive from the private sector is £14,100, should it be funded by the Department. We need to look at the private sector from the point of view of what it has to deal with regarding redundancy. People mentioned £23,000 being the lower limit. My understanding is that it was almost £25,000; I think that £24,728 is the exact figure. The upper limit it will be calculated at is £100,091. I appreciate that people receiving that sort of salary are probably not going to be as dependent upon their redundancy payment because, having been earning at a fairly high level, they should have some savings gathered up. The lower level equates to about 50% of all Civil Service staff in Northern Ireland. As a consequence, the protection that has been put in to ensure that they receive a compensation scheme that meets with what is the norm is the way forward.

We have to protect the public purse and ensure that we are not leaving it open. Prior to this, very enhanced redundancy packages were being offered to some civil servants. Those enhanced packages were a great burden to the public purse, and it was not always seen as fair and equitable. Some of the people opposite are great at playing the line of ensuring that we have equity in all areas. In doing that, we want to make sure that an equitable calculation is put forward for what people can expect to receive as a redundancy payment. As such, we will be voting against the motion as put forward by the private Members.

Mr Cree: The Department is empowered under the 1972 order to make, maintain and amend pension compensation schemes for the Civil Service. There has been a practice of parity between the Civil Service compensation scheme in Northern Ireland and that of the Home Civil Service scheme in Great Britain. Changes were made to the GB arrangements some four years ago. The Department now wishes to restore that parity. The changes proposed address redundancy, both voluntary and compulsory. Other issues, which again have been referred to, are age discrimination, cost to the taxpayer and comparison with other Northern Ireland public service schemes.

A pension forum was established in October 2011 to facilitate engagement between the Department and the trade union. It met on over 20 occasions. In July 2013, a formal consultation was conducted, and 262 responses were received. Deemed minimum/maximum thresholds and the linkage with movement in the Northern Ireland Civil Service pay system were agreed, but nothing else.

6.15 pm

I fully appreciate that parity in this instance means a reduction in benefits that may arise from redundancy. I also trust that redeployment will mean that there will be few, if any, redundancies in the future. However, as a unionist, I believe that, as we enjoy the benefits of the United Kingdom, we will also have to share in the costs. For that reason, I will support the Finance Committee's view and will not support the prayer of annulment before us today.

Mrs Cochrane: I welcome the opportunity to outline the Alliance position on the issue. As with any proposed changes affecting public sector employees, we must make comparisons with other public sector workers and private

sector employees, as well as taking into account the current economic climate and any cost implications for the public purse. Today's debate relates specifically to proposed changes to the Civil Service compensation scheme. Although I take on board Mr Bradley's comments, the Finance Committee took evidence from the unions and the Department, which ensured that we could make an informed decision. Although redundancy is rare in the Civil Service, I chose to abstain on the vote at Committee Stage due to the timing and, therefore, any potential impact on the DVA workers in Coleraine. However, since that point, I have had further information as to plans in place to redeploy those workers.

Looking, then, at the proposed changes in simple terms: should the need for redundancy arise, the failure to reform the current compensation scheme will result in higher costs to the employer — that is, the Northern Ireland Civil Service — and, therefore, the public purse. However, this is not just about cost. Civil Service terms for compensation payments on redundancy are out of step with some of the other main Northern Ireland public service schemes and, because of the age reference points that are used when calculating the benefits to be paid, the current scheme could be vulnerable to challenge on the basis of age discrimination. The main change relates to the maximum payments being reduced to 21 months' pensionable earnings on voluntary redundancy, and 12 months on compulsory redundancy. However, there are also favourable changes to the deemed minimum amount that is used to calculate a redundancy payment, and that will provide a level of protection for the lower-paid, although I understand that there will be a slightly more detrimental issue for six-figure earners.

We should, however, recognise that, overall, the compensation scheme terms are still superior to those employees in the private sector who may be entitled only to statutory provision, which is around £14,000. Therefore, in the current circumstances, we believe that these reforms are fair, and we will oppose the motion to annul the amended scheme.

Mr Wilson: I rise as well to oppose the prayer of annulment. First of all, we have to bear in mind that, as has been pointed out, even with the changes in the compensation scheme, this is still a more generous compensation scheme than exists for many workers in the public sector and, indeed, for all workers in the private sector. That is the background against which this has to be judged. The second point that we need to remember is that the aim of

government — and, indeed, the Executive have been quite successful in this — should be to so reduce our costs that we do not force people into unemployment. If one looks at the period over the recession, one will see that the number of people who have had to take compulsory redundancy or been offered voluntary redundancy have been very, very few; in fact, in many Departments, there are none. One of the ways in which we have been able to do that is by reducing costs, which enables us to have funding to fund front line services etc, which then means that people can be employed.

First of all, the comparison figure gives us an indication that the shape of the scheme is not unfair or out of line. Secondly, in reducing costs, we avoid the potential of making people redundant in the first place, and that is a good point. The third point — and a lot has been made of this — is that, in the current climate, there are not the same opportunities for people to get employment and that therefore a very generous redundancy scheme should be available. I have to say that that could be said about places in the north-east or north-west of England, Scotland, Wales and the south-west of England, where there are many unemployment black spots. Indeed, there are other parts of the United Kingdom where the rate of unemployment is higher. That is one of the things that we sometimes forget: the Executive have been successful, even against the trend and in the midst of a recession, in maintaining employment in Northern Ireland that normally, in a recession, we would not have been able to maintain. Therefore, the argument that Northern Ireland is a special case because of its high unemployment is one that, again, does not resonate.

The last point that I want to make is that there is a trend here. The SDLP, of course, can afford to engage in that kind of practice. Sinn Féin, as we have seen, cannot afford to engage in that kind of practice, but appears willing to be led by the nose on it. When it comes to any difficult economic decision having to be made in the Assembly, the SDLP runs for cover, safe in the knowledge that it can appear to be lily white with hands clean: it did not vote for the difficult issues — indeed, it stood up against them — hoping that someone else would act responsibly and bear the consequences. Whether it is welfare reform, pension reform or redundancy reform — and we could go through a whole lot of other things — what we see in the SDLP at present is a party that is totally irresponsible. It knows that it is irresponsible. It hides behind the fact that it is a minority party that can act in that way without any consequences.

Unfortunately, Sinn Féin cannot afford that luxury. If it could, we would finish up with a catastrophe. We have seen it with regard to welfare reform.

Mr D Bradley: Will the Member give way?

Mr Wilson: Yes. I will give way.

Mr D Bradley: I have listened to what the Member has been saying. He is reverting to type. He is back on stage at the Apollo, entertaining one and all with his rhetoric. However, it does not wash with us. We believe that defending the right of public servants to decent redundancy payments is acting responsibly. During my speech, I pointed out that, because of the fact —

Mr Speaker: Order. Interventions should be brief. There should not be a further statement from the Member.

Mr D Bradley: Thank you, Mr Speaker. Because of the fact that redeployment is possible in the Civil Service, no huge cost is associated with supporting the prayer.

Mr Speaker: The Member has an added minute.

Mr Wilson: Well, first of all, let us just look at the terms. I do not want to repeat what other Members have said. However, when there is 21 months of redundancy pay for voluntary redundancy and a minimum of £24,000 in the case of compulsory redundancy, one can hardly argue, in light of other public and private pension arrangements, that that is not generous.

Mr Speaker: The Member must bring his remarks to a close.

Mr Wilson: Let me just make one last point: it is far more likely, given the stance of the SDLP and Sinn Féin, that some people who work for the Social Security Agency may have to take redundancy because of their —

Mr Speaker: I call Michaela Boyle.

Mr Wilson: — unwillingness to engage in discussions —

Mr Speaker: The Member's time is gone.

Mr Wilson: — and come to conclusions on welfare reform. That is the real scandal.

Mr Speaker: Order. I call Michaela Boyle.

Ms Boyle: Go raibh maith agat, a Cheann Comhairle. I support the motion. I will be brief as the arguments for and against have been aptly put.

The Committee took evidence from DFP and trade union officials at its meeting on 24 March 2014, with both sides putting forward their respective arguments. After listening to both sides of the argument, in my opinion, the unions were more convincing in their belief that the Department is pushing through the scheme and that departmental proposals have not been adequately discussed.

The unions felt that, after a number of meetings with officials at the end of the consultation process, the minimum and maximum proposals being put forward were not sufficient. The trade unions alluded in Committee to the fact that their proposals were falling on deaf ears and that the Department was merely ticking boxes, even though departmental officials stated that they had followed through on the Gunning principles.

The trade unions did their best to defend to members what they were putting to the Department, which would have been a loss to some of their members, but that was a compromise that the unions were willing to deal with. At a time when employees, particularly those in the Civil Service, fear for their jobs and fear redundancies, staff should feel that they get further support from the House. Like the unions, I believe that there has been a missed opportunity in taking forward the union proposals. I am disappointed that the Members opposite will not support the prayer of annulment.

Mr Weir: Obviously, as I rise, a number of the points have already been made. I agree with at least one point — maybe only one point — made by the Committee Chair, in that I found this a useful exercise as we teased out the details. Having the opportunity to cross-examine and ask questions of representatives of both the trade unions and the Department at the one table was a useful exercise that could bear dividends in the future and set a useful precedent for future action.

A number of points have been raised. First, on the issue of consultation, even the last Member who spoke acknowledged that a range of consultative meetings had taken place. Consultation is ultimately about seeking views and seeing whether those views can be

accommodated; it does not mean that, if you do not sign on the dotted line of what a trade union or, indeed, any other consultee says, that does not constitute consultation.

Mr D Bradley: Will the Member give way?

Mr Weir: Very briefly.

Mr D Bradley: The Member will recall the responses from some of the officials at the Finance Committee meeting. They said that the latitude that they had for change was very narrow indeed. To have proper consultation, there has to be some reasonable hope of change, and there was not any in this situation.

Mr Weir: The Member misunderstands what consultation is about. It is within the confines of whatever is doable. There is no point in saying, "Well, we have done a consultation, and we could send a rocket ship straight to the moon". That is just fantasy, but I have to say that it is the kind of fantasy economics that the SDLP, in particular, tends to. There was limited scope for discussion —

Mr D Bradley: None.

Mr Weir: Sorry, with respect, there was limited scope for discussion. It has to be said that, today, we are effectively choosing between the status quo and the changes as proposed by the Minister. To be fair to the union, there was real engagement between it and the Department, which somewhat gives the lie to the pretence of a lack of consultation. Even the union effectively acknowledged that the status quo was not acceptable. It made proposals that, to be fair, were fairly wide-ranging, although they did not go far enough. Even the union recognised that it was not defensible.

Mention has been made of the fact that one of the problems with the union's proposals and, indeed, the status quo is age discrimination. That would not hold in a court. The Member opposite has said that no court case has been taken, and that is certainly the case in Northern Ireland. However, that does not mean that we completely ignore the law. Indeed, when we were making changes to the local government legislation, the Member's colleague, the Minister of the Environment, acknowledged that a court case had never been taken in Northern Ireland on the right of council employees, for example, to run for council. A court case had been taken previously on a different point. However, in the knowledge that, if challenged, we would be legally vulnerable, he moved to change the law. That is the case with this.

Both the union proposals and the status quo discriminate on the grounds of age, and that is not sustainable.

Mention has been made of parity, which, I think, we should embrace. Mr Bradley said that he wanted to defend the right of public sector workers to have a reasonable package. What is on the table is a reasonable package. He implies, however, that, if the prayer of annulment were successful and we stuck with the status quo, he would put civil servants in a special position, because he would not be putting public sector workers on a level of parity between Northern Ireland and the rest of the United Kingdom. He would actually be putting civil servants in a different position from other public sector workers. There is flexibility in what is proposed, but at least it is an attempt to narrow the gap between public sector workers and civil servants. We have to bite the bullet. We must sometimes take fairly tough decisions, and we have to back the Minister's proposals.

6.30 pm

The prayer of annulment is another part of the SDLP's fantasy politics. We all have sympathy for civil servants. However, rather than throwing in the towel, as some would do, or, as Mr Wilson indicated, seeking to make more civil servants redundant by adopting an irresponsible attitude to welfare reform, we should try to ensure that we have a reasonable position of seeking, where possible, to redeploy. We have been successful. At the start of the recession, some in the Chamber made dire predictions of a massive number of redundancies. Good work has been done, particularly in DFP by the current Minister and his predecessor, to ensure that that does not happen.

We have to ensure a level playing field. These terms are good. They may be reduced terms — no one is saying that they are not — but they are reasonable, which makes them at least as good if not better than those for other public sector workers and massively better than the terms for most private sector workers. Consequently, when held up to the proper light of public scrutiny, the rationale behind the prayer of annulment does not hold water.

Mr Rogers: The prayer of annulment sets out an extremely important principle, and today the House must make a stand to protect the rights of public servants. Up to 300 civil servants have been told that their jobs are to go in Coleraine and across the Province, including Downpatrick. We also have the threats to

HMRC jobs. DVA staff, through their protests about the job losses, made the important statement that all political parties must stand up to this daylight robbery of their livelihoods. Sadly, not all Executive Ministers have warmed to that task, and the Finance Minister is now trying to push through by regulation and with no recourse to the House changes that could affect the redundancy terms of those workers and thousands of others.

The 300 workers whom we know are worried about their future now have further worry heaped on them as they have been provided with no clarification of how they will be affected by this change in redundancy terms. The axe could fall on thousands of other civil servants, if the Finance Minister is to be believed, when he stated that the jobs of around 1,500 people in Northern Ireland who do social security work on behalf of customers in England and Wales could be lost or are, in fact, more likely to be lost.

The Tory policy of taking government jobs out of Northern Ireland and centralising them across the water has gone too far. The London Government and the Northern Ireland Executive must recognise that their responsibility is not only to provide cost-effective services but to use government resources to assist the growth of economies throughout the regions. That cannot be done by laying off public servants and doing so on reduced terms that severely affect their spending power and their ability to look after themselves and their families and to contribute to wider society.

The actions of many in the House make me angry, as they should make all public servants angry in the North today. The overwhelming view is that our local politicians should do more to stand up for the rights of their constituents rather than talking about north-east England or wherever and slavishly following misguided UK Government initiatives. The whole purpose of devolution is that we in Northern Ireland have the ability to do things differently from Britain. Should the aim of our Government not be to do the best for all our workers here?

Members talked about how we stood against the Public Service Pensions Bill. Why did we stand against it? It was because we thought that it was right to do so. Had Mr Wilson been at the UTU conference in Newcastle last Friday, he would have heard that teachers in his old career might be standing in front of a class at the age of 68. How damaging would that be for teachers or, worse still, for education?

The DUP has now presented a petition of concern against this prayer. That petition is tantamount to a slap in the face for every public servant in Northern Ireland. Public servants fear that this change in regulation is being introduced to make it easier for the Finance Minister to bring through job cuts. Of course, it is imperative that we grow the private sector in Northern Ireland, but this need not be a zero-sum game. The sacking of thousands of public servants on reduced terms will not benefit our economy. At the time of the DVA job loss announcement, my party colleague John Dallat said that no one could walk away from the DVA workers and hope to look them straight in the face in future. Likewise today, the message should be loud and clear: we will stand up for the jobs and rights of our public servants.

Mr McCallister: As a member of the Finance and Personnel Committee, I will note several issues that have come up. On the overall cost, it is unclear what exact cost we would impose on the taxpayer if we supported the prayer of annulment and did not make the regulations.

Some of the debate has been about the difference between the public and private sectors. I readily accept Mr Wilson's point, particularly about the pensions Bill, and I made it clear in that debate that there was a considerable difference between what people can expect in a private sector pension and what the public sector can do when the employer contributes to it. I am not always sure that we want to be in a race to the bottom around public sector workers and say that that is where we want to go. I would prefer it if we set the public sector up as an exemplar of the high standards that we expect in employment law. That said, it is a touch irresponsible for a party that is still in the Executive and is committed to this to suddenly bring a prayer of annulment saying that it does not agree with the policy.

Mr D Bradley: Will the Member give way?

Mr McCallister: I will.

Mr D Bradley: Since the Member and his colleague purport to be the official opposition here, can I ask him why he did not bring it?

Mr Speaker: The Member has an extra minute.

Mr McCallister: You can certainly ask me that because I am not likely to support the prayer of annulment. I will move with the Government. My biggest criticism of the Minister and his party on the issue is the petition of concern, on which we had a debate earlier. I do not

understand why that party did not rely on the force of its argument to make those points and say, "This is the cost envelope, these are the facts and figures, these are the comparisons that we need to make between different sectors, and this is the reality of where we are", without having to rely on a petition of concern.

It is clear that the Minister is getting the support of his party, the UUP and the Alliance Party, and that is why I will abstain from voting — as a protest against using a petition of concern. Rather than having a real debate in the Assembly about the issues, we completely blur that by sticking in a false petition of concern over an issue that has nothing to do with identity, constitution or community designations but affects people. That is the biggest objection that I have to the Minister's position on the petition of concern.

As for Mr Bradley's intervention, it seems strange that his party tables the prayer of annulment but stays in government. That goes back to what Mr Wilson said: when there are difficult decisions facing the Assembly or any slightly unpalatable news, everyone runs for the door. If you are going to do that, at least have the courage to step out of the Executive and join the opposition — official, unofficial or whatever you want to call us. Do that, or else face up to your responsibilities.

Mr I McCrea: I will leave it to Mr Bradley to decide whether the SDLP wants to join the official or unofficial opposition. That is a decision on which it will probably put in a prayer of annulment as well. Nonetheless, as colleagues have said, we will not support the prayer of annulment this evening.

As far as I can see, the issue is based around the fact that the democratic decision of the Finance Committee was not enough for some Members or, indeed, the trade unions, which believed that the consultation — maybe they felt that it was a negotiation — was not genuine. They came before the Committee and suggested that the departmental officials were not genuine in their discussions with the trade unions. They came at the last minute with proposals, and, although, in essence, they accepted that they were a step in the right direction, they argued that it was not genuine. We could ask, having been given a definition of "genuine", whether the officials were indeed genuine. I suspect that they were. If they were acting on behalf of my colleague the Minister, I have no doubt that they were. It is subjective in the sense that, until the vote is taken this evening, we will not know whether the House believes that they were genuine.

Given that a lot has been said on the issue, there is not a lot more to say. However, this is genuinely an issue of parity. As colleagues have said, no one wants anyone to lose their job, but I do not believe that we can sustain the scheme when other parts of the public service have already changed. Mr Rogers mentioned teachers, who, I believe, are already part of the scheme. I am not sure how it would impact on my colleague, Mr Wilson, were he to go back to teaching after quite some time and was part of a scheme already in place. As other Members also said, redundancies are few in the Civil Service, and therefore the impact of this will be very limited.

Most in the Chamber have realised that this is a genuine attempt to take the matter forward. Michaela Boyle talked about being won over by the unions on the day. I was not — no surprise there. Mind you, I am not surprised that she was won over by the unions on the day either. Nevertheless, it is unfair to say that it was not a genuine attempt. The unions put forward proposals, the Department costed their proposals, gave them serious consideration and decided against them. That does not mean that it did not consider the options.

I hope that the House sees fit to oppose this. As Mr McCallister mentioned, there is a petition of concern. Although I can speak on behalf of the Democratic Unionist Party and our ability to whip our Members, I cannot speak on behalf of other parties on their ability to whip their Members to turn up to vote. However, I hope that, regardless of —

Mr McCallister: Will the Member give way?

Mr I McCrea: Go ahead.

Mr McCallister: I just think that he might have a little more confidence in the power of his own argument.

Mr Speaker: The Member has an added minute.

Mr I McCrea: I have every confidence in the power of my argument. As I said, however, I am not sure that I have confidence in the power of other parties to whip their Members to attend. We will see that when the vote is taken. Regardless of the petition of concern, I hope that that is the case. I hope that other parties whip their Members. He is maybe not in the most difficult position as he has himself and one other to whip. Therefore, it may not be that difficult for the two of them to come in and vote. Let us see and let us hope that the House votes

in the democratic way. Nonetheless, we have a petition of concern, and that is the way it is. The vote will no doubt reflect that.

6.45 pm

Mr Agnew: I rise on behalf of the Green Party in Northern Ireland as somebody who whips himself. *[Laughter.]* No problems there. I can be sure that I will go through the right Lobby on the motion.

I support the prayer of annulment. We have an irony here in that the ability to push through the regulation without the agreement of the unions was achieved as a result of the removal of the veto that the unions previously had. However, the DUP, which sought to remove that veto, is, in turn, using its own veto, should it be necessary, to block any decision that the Assembly might make. It is regrettable that the unions have been undermined. The views of the workers and their representatives should be heard by the employer, which, in this case, is the Northern Ireland Executive. I do not think that their views have been adequately reflected in the final proposals.

Mr I McCrea: Will the Member give way?

Mr Agnew: Yes, sure.

Mr I McCrea: Before the Member moves off that point, could he give us some detail on how he believes the employers have not adequately reflected those views?

Mr Agnew: As has been pointed out by a number of Members, the unions put forward compromise proposals. They tabled proposals that went further than perhaps they would have wished for their members but accepted that change was required, but that compromise position was still rejected. The Minister and the Department's position was to say, "No, these are the changes we are going to make. Now that we have listened to you, these are still the changes that we are going to make". Meeting the unions and representatives of the workforce halfway would have been a sensible way forward, and, as I say, it is regrettable that that has not been the case.

Those who support the changes have been proud of the fact that there have been few redundancies, certainly few compulsory redundancies. That is fair enough. However, that highlights the fact that their arguments about responsible government and the need to reduce costs are quite weak, because either we will see a huge number of redundancies that

will have a big effect or we will not and the budgetary considerations are not as strong as will be made out. I very much believe that there will be a small impact on the budget. It has been suggested that the impact will be on a small number of people but, ultimately, the impact on that small number of people will be a large one in the lives of them and their families. For that reason, I do not see this as responsible governance or responsible decision-making, especially without genuine consultation or perhaps genuine negotiation. Maybe "consultation" is the wrong word. There has been no genuine negotiation with the representatives of civil servants, and to further use and, arguably, abuse power with a petition of concern is deeply regrettable.

Mr Hamilton (The Minister of Finance and Personnel): I have listened with interest to Members' contributions, and I thank all who have spoken for their input. As Minister with responsibility for the Civil Service compensation scheme in Northern Ireland, I want to outline the purpose of the Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014. I will set out why we needed to reform the compensation scheme. The motion, therefore, to revert to the old scheme must be rejected.

The compensation scheme provides for the level of compensation paid to civil servants who are made voluntarily or compulsorily redundant. I need to nail one point very quickly. Mr Bradley said that this would affect members of staff who were retiring on the basis of ill health: he is either scaremongering or he has a genuine misunderstanding. People who have to retire on the grounds of ill health are dealt with in a totally separate scheme, which is the principal Civil Service pension scheme and not this compensation scheme. I am happy to give way to allow him to retract the comments that he has made — that is not coming.

The scheme also applies to other bodies that are members of the scheme, such as National Museums and the Equality Commission. It was necessary to reform the scheme for a number of reasons. First, we must provide a fairer cost to the taxpayer. There is absolutely no justification for providing civil servants with more generous redundancy terms than those available to other public service employments or to private sector employees. Secondly, we must address the inequality that existed between compensation benefits payable to civil servants and other public servants in Northern Ireland. That includes public servants in Northern Ireland who are members of the Home Civil Service, staff in Her Majesty's Revenue

and Customs working, for example, in tax offices and passport offices. Thirdly, we need to address potential age discrimination issues. The changes will remove provisions for the calculation of compensation payments that have references to age.

The changes that have been put in place were necessary and have addressed all those issues. First, on costs, we need to move to have a fairer balance of what taxpayers must pay and the terms offered to civil servants. Under the old scheme, civil servants leaving on voluntary and compulsory redundancies could get up to three years' pay. In some cases, it was even more. What are the new terms? Staff can get up to 21 months' pay for voluntary redundancy terms and up to 12 months' pay on compulsory redundancy terms. Members will wish to note that voluntary redundancy terms must be offered before moving to compulsory terms. In addition, the new scheme here will provide protection to lower-paid staff. That is a critical point. Staff earning less than £24,728 will be deemed as earning that level for the purposes of calculating redundancy payments. More than 50% of civil servants fall into that category. When you multiply that by the 21 months available under a voluntary scheme, I am sure that most Members will agree that that is exceptionally generous. In addition, high earners earning more than £100,091 will have their deemed salary for compensation calculations capped at that level. Reasonable people will, I am sure, consider the new terms to be both acceptable and generous. For those in the private sector who are restricted to statutory redundancy payments, the maximum amount payable would be limited to £14,100. So, Members will again see how much more generous the scheme is for civil servants, even after the reforms that are before us today.

The new, reformed scheme will also bring the terms of the Civil Service pension scheme into line with the other main public sector schemes in Northern Ireland. The other schemes were reformed some years ago. Mr Bradley and his colleagues in the SDLP, who proposed the prayer of annulment, may be interested to know that redundancy payments in the teachers' scheme are restricted to a maximum of 21 months' salary.

In respect of equality, age reference points have been removed. I have already set out the steps that have been taken here to protect the lower-paid regarding the deemed minimum earnings threshold. I ask the Members supporting the motion to explain their rationale. What justification can there be to provide civil servants in Northern Ireland with more

generous redundancy terms than are available to other public service employments or, indeed, to their counterparts in Great Britain, whose deemed minimum earnings threshold is at some £23,000, well below what we propose? Those costs must be met by the employer in Northern Ireland, should the need for a scheme arise.

It may be useful for Members to be provided with an overview of the legislative journey that has paved the way for us to debate this issue today. It began as a direct consequence of the Executive's approval of the drafting of a Bill to amend primary legislation, the Superannuation (Northern Ireland) Order 1972. In doing so, the Executive agreed my Department's recommendations to amend the Superannuation (Northern Ireland) Order 1972. That change, which the Assembly endorsed, resulted in two changes. First, it removed the need for union consent to introduce detrimental changes to the compensation scheme. In other words, the trade unions lost their veto. Secondly, it introduced a new requirement for my Department to lay a report in the Assembly on the consultation it has engaged in with unions, with the aim of reaching agreement on such changes.

It has always been clear that we changed the Superannuation Act 2013 in order to change the terms of the compensation scheme. Those changes have resulted in an alignment of the scheme here with the home Civil Service scheme and, indeed, with other public service schemes generally.

During the passage of the Superannuation Act, an extended Committee Stage facilitated full scrutiny and numerous evidence sessions from key stakeholders. In direct response to that welcome scrutiny, my Department agreed to an additional measure of Assembly control. So, contrary to what Mr Rogers said, there was no intention to ramrod this through. Negative resolution procedures will apply in the event of a scheme being introduced that would reduce the amount of compensation benefits payable. That was a Committee-proposed amendment that was adopted within the Superannuation Act. Hence, we are here today debating the matter.

Questions have been asked about how meaningful the consultation with trade unions was. I can confirm that my officials engaged with trade unions in a meaningful way that was transparent and informative.

In line with the requirements of article 4(8B) of the Superannuation (Northern Ireland) Order

1972, as amended, my Department has laid a report before the Assembly, under the laid papers procedure, on the consultation undertaken. The Superannuation (Northern Ireland) Order 1972 did not require the Assembly's approval before the report was laid. The report is for information and sets out what steps were taken with a view to reaching an agreement.

I can recap on the steps taken in this consultation, in case some Members have not read that report. A pensions forum was established in October 2011, with representation from unions representing civil servants, including senior civil servants and industrial staff. The purpose of the forum was to facilitate information sharing and formal consultation on matters relating to the compensation scheme. Since that date, my officials have engaged formally and informally with trade unions on the compensation scheme reforms. The pensions forum has met on over 20 occasions since its formation. The issue of compensation scheme reform has always been an agenda item at meetings throughout the period. As I made clear before, just because unions did not get everything they wanted does not mean that the consultation undertaken was not meaningful.

During the lengthy series of meetings, other than to push for delay in the introduction of reforms, trade unions proposed only one semi-credible alternative to the scheme introduced in Great Britain. That was a proposal that had previously been rejected during trade union consultations in Great Britain before the introduction of the Cabinet Office reformed scheme.

My officials gave careful consideration to that proposal and provided trade unions with summary tables detailing individual impacts and extrapolated costings. However, my officials were unable to accept the proposal, despite the sample tested costing £17 million less than the old scheme terms, as it was still based on payments with reference to age, and would cost significantly more — £8 million in the sample tested — than the scheme introduced in Great Britain. The sample was 600 staff.

The Department also consulted with all relevant stakeholders. A formal consultation document was published on 10 July 2013 and issued to employers, employees and trade unions. The consultation period ran for an extended period of 16 weeks. A total of 262 responses to the consultation were received from nine individual public service members, two trade unions and 251 template campaign letters organised by

NIPSA. Unsurprisingly, the vast majority of respondents indicated their general disapproval and rejection of the overall policy for reform. The Department published a formal written response to that consultation on 20 November 2013.

I did however make one revision to the policy originally consulted on. An issue raised by one of the unions in response to the written consultation exercise was a suggestion to have deemed salary thresholds indexed. I therefore decided to set those salary thresholds with reference to the recently revised Civil Service pay system. Deemed minimum salary has been set at the maximum of the executive officer II salary point of £24,728, and deemed maximum set at the maximum of the Senior Civil Service grade 3 salary scale, which is £100,091.

Those deemed salary levels will be revalorised in line with movement in those pay points as a result of annual pay awards. That variance in policy made a clear link to local pay arrangements while maintaining the overall principle of parity. Trade unions welcomed that proposal while maintaining their stance of opposition to the overall policy of reform.

7.00 pm

I have listened to Members' concerns about the timing of making these changes. I remind Members that it has been over three years since the reforms were introduced for civil servants in Great Britain. During that time, civil servants in Northern Ireland have continued to benefit from the current compensation arrangements. Some Members have related the timing issue to the perceived threat of redundancy at the DVA in Coleraine. Indeed, Mr Rogers also mentioned HMRC employees. As I mentioned before, HMRC employees are, of course, subject to the Home Civil Service scheme. He also mentioned potential redundancies, around 1,500 in the Social Security Agency, in tones as though I were threatening those jobs, when, of course, everyone in the House knows that it is the inaction of the SDLP, along with its cohorts in Sinn Féin, in progressing welfare reform that is actually threatening the jobs of some 1,500 people across Northern Ireland.

The decision taken by the Department for Transport in London, on 13 March 2014, to centralise all vehicle registration and licensing services in Swansea threatens over 300 jobs in Northern Ireland. To mitigate the adverse impact that that decision will have on the nearly 270 individual permanent Northern Ireland civil

servants in DOE who carry out that work, a number of actions are being taken. The priority will be to consider the scope to relocate functions to Coleraine or other affected areas. The Minister of the Environment has already written to Executive colleagues on that option. Should the relocation option fail to deliver sufficient jobs to accommodate the surplus staff, redeployment will be considered. To maximise redeployment opportunities that meet the mobility obligations of staff, restrictions on the recruitment, promotion and transfer of staff will be introduced, as required. Every effort will be made to absorb those surpluses, and my Department will play its full role in coordinating and facilitating those actions. Only when the relocation and redeployment options have been exhausted will consideration be given to running a voluntary exit scheme under the new compensation scheme arrangements. There are no plans to run such a scheme at this time, although given the preponderance of non-mobile staff in Coleraine in particular, it cannot be ruled out.

My Department and the Civil Service have a good track record of being able to redeploy staff and deal with surplus staff. Over the past five years — setting aside the special exercise for prisons for around 500 staff and a modest scheme for planners of around 40 staff — only a handful of staff have been made redundant. As Mr Weir pointed out, the dire predictions of some in the House who sit opposite, of thousands upon thousands of redundancies in the past number of years, have not materialised.

It does not make sense to put off, for even longer, a change that should have been introduced as far back as December 2010 in line with arrangements for staff counterparts in the Home Civil Service. In reality, how can we identify “a good time” for implementing what I have acknowledged is a detrimental change to compensation arrangements for staff? The legislation needs to proceed to enable Departments to make efficient use of what we all know are limited resources, in line with arrangements elsewhere in the public service, should redundancy schemes ever be required. We also need it to address the age reference points in the current scheme. The new scheme also offers significant extra protection for lower-paid staff and those with long service who are close to retirement.

In today's tough financial climate, I and this Assembly would be failing in our duty to the taxpaying public if we were to allow the current scheme arrangements to continue.

Mr D Bradley: Will the Minister give way?

Mr Hamilton: No, I will not give way at this stage. I have been speaking for nearly 14 minutes.

Mr D Bradley: That is a good reason to give way.

Mr Hamilton: The Member could have intervened at any stage, and he is at his work, Mr Speaker.

Mr Speaker: Order. The Minister has the Floor.

Mr Hamilton: He is at his work, Mr Speaker.

Mr D Bradley: *[Inaudible.]*

Mr Speaker: Order. Let us not debate across the Chamber. The Minister has the Floor.

Mr Hamilton: Mr Speaker, the Member is at his work in intervening at this stage.

Why should civil servants be treated so differently from staff in other areas of the public sector or, indeed, staff in the private sector?

In closing, I would like to acknowledge that the debate has provided an opportunity for the Assembly to fully consider this important matter. The Civil Service compensation scheme in Northern Ireland was long overdue these reforms. It was out of step with other schemes, in our local public sector and in Great Britain, in the generous terms available that could not be justified to the taxpayer. In addition, it was out of step in that it is no longer acceptable in contemporary policymaking to have provisions linked with reference to age. The policy was no longer fit for purpose and had to change. This is ultimately a decision on the efficient use of limited departmental resources, should there be a requirement for the Civil Service or associated employments to run a voluntary or compulsory redundancy scheme.

In the current fiscal environment, I urge that common sense prevail and that Members vote against the motion for the Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2014 to be annulled.

Mr A Maginness: I thank everybody who participated in this important debate this afternoon. I am underwhelmed by the Minister's defence of his proposals. The best argument he put forward was that we have to

do it. The question I put to the Minister and the Benches opposite is: why do we have to do it? Where are the savings that we will make out of the scheme?

Mr D Bradley: Will the Member give way?

Mr A Maginness: I will indeed.

Mr D Bradley: If the Minister will not answer the Member's question, I will offer an answer: we have to do it because it is being foisted on us from Westminster. That is the only reason why the Minister is making the changes. He has no real commitment to it or passion about it.

Mr A Maginness: The Minister, of course, refused to accept the question that Mr Bradley —

Mr Hamilton: *[Interruption.]*

Mr Speaker: Order. The Member has the Floor. The Member is concluding on the motion.

Mr A Maginness: The Minister seems to be very vocal now that he has sat down, but he did not give any robust defence of the proposals. They would not have been made by the Minister or by the Executive unless Westminster had imposed them on the Executive. That is the reality of the situation. I want the Minister to admit to the truth rather than to try to obfuscate.

If anybody wants to listen, the Department's consultation document states:

"These terms are considerably less generous than those currently available to Northern Ireland civil servants and those in employments covered by the NICS pension and compensation arrangements."

However, we are told that this will not really affect civil servants in Northern Ireland. In the next couple of weeks, when you are electioneering, knock on the door and say, "Hello, how are you? I am the Member for your constituency —"

Mr Hamilton: At least we now know your motivation.

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

Mr A Maginness: "— who voted to reduce your terms and conditions as a civil servant here in Northern Ireland, and I am very proud of that because I've made —" *[Interruption.]*

Mr Speaker: Order.

Mr A Maginness: "— some sort of contribution to the economy". What contribution has been made to the economy?

Mr Wilson: What will you be saying? I am the lord mayor who —

Mr Speaker: Order.

Mr A Maginness: At least, Mr Wilson, we have used the proper procedures of the House, unlike the DUP, which — *[Interruption.]*

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

Mr A Maginness: I have to respond in some way, Mr Speaker. We have used the proper procedures of the House by way of a prayer of annulment. The DUP is using a petition of concern. Trade unions and civil servants, who have served the community faithfully for so many years, are just being kicked in the teeth by the DUP. There seems to be an innate hostility from the DUP to the public sector, and civil servants in particular. Every time Westminster produces something that is anti-public sector or anti-trade union, the DUP supports it.

Mr Storey: DVA jobs in Coleraine.

Mr Speaker: Order.

Mr A Maginness: I am surprised that the Alliance Party is now adopting a similar position. I cannot understand how it can adopt that position. *[Interruption.]*

Mr Speaker: Order.

Mr A Maginness: The DUP is antipathetic to civil servants and to the public sector. The Member can shake his head, but the Member made a speech in which he actually supported these proposals. So, when you are knocking the door, Mr Girvan, make sure that you tell the civil servants who are in that house, "We made sure that your terms and conditions were worsened. Why were they worsened? Because we decided to follow Westminster. Why did we decide to follow Westminster? Because we say that the parity principle —

Mr Storey: Will the Member give way?

Mr A Maginness: No, sit down. *[Laughter.]* You can laugh all you want. The Minister would not take an intervention. Why should I take an intervention if the Minister did not?

The parity principle is what you are hanging this debate on. You can explain to the voters that the parity principle is so important because you want to reduce the standard of living and the terms and conditions of workers in the public sector. Make sure that you get that message across loud and clear —

Mr Storey: *[Interruption.]*

Mr Speaker: Order. The Member should not persist.

Mr A Maginness: — to the voters because they will be interested to hear your explanation for this in the next number of weeks. You can tell NIPSA, the other trade unions and all those working people, "This was a very principled position. Do not worry about your loss because this is a very important principle." What is the point? *[Interruption.]*

Mr Speaker: Order.

Mr A Maginness: What is the point? Mr Wilson is a member of the Westminster Parliament. Perhaps he sees things differently from his colleagues on the DUP Back Benches. Perhaps he has gone native in Westminster and regards Westminster as the primary focus of his attention. We will find out next year whether it is the primary focus of his attention or not. The DUP is, in fact, not embracing devolution. It is actually saying, "Well, you know, really, if Westminster says something, despite the fact that it adversely impacts on the citizens of this part —" *[Interruption.]*

Mr Speaker: Order.

Mr A Maginness: — we will follow that line." That is the reality. I have not heard any argument from the Benches opposite — *[Interruption.]*

Mr Speaker: Order.

Mr A Maginness: — except that there is the parity principle.

I am also beginning to suspect that there may well be an ideological position being adopted by the DUP. I used to think that the DUP had, at

least, some sort of radical tinge in its political DNA and that, somewhere hidden in it, there was some sense of radicalism, and that they would stand up for the common man. In fact, it seems that, ideologically, you are innately conservative and that you simply want to promote government and the private sector as you see it.

One argument that was put forward was, "Well, in the private sector, they do not get well enough paid and their terms and conditions and severance compensation are so poor that we should equate the public sector to the same standards." That is an absurd argument; absolutely absurd. It does nothing to further the interests of ordinary working people in this community. You claim to represent the interests of ordinary working people. Well how can you claim to represent the interests of ordinary working people when you proactively undermine their very terms and conditions of work?

The arguments that have been put forward today are riddled with inconsistencies. Let me say to you, Mr Speaker, and to the people outside that there has been a very grave disservice shown by the DUP to the people working faithfully in the public service to serve the interests of the people of Northern Ireland.

7.15 pm

Mr Speaker: I remind Members that the vote on the motion will be on a cross-community basis.

Question put.

The Assembly divided:

Ayes 20; Noes 46.

AYES

NATIONALIST:

Mr Attwood, Ms Boyle, Mr D Bradley, Mr Byrne, Mr Eastwood, Ms Fearon, Mr G Kelly, Mr F McCann, Ms McCorley, Dr McDonnell, Mr McKay, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr P Ramsey, Mr Rogers, Mr Sheehan.

OTHER:

Mr Agnew.

Tellers for the Ayes: Mr Byrne and Mr Rogers.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

OTHER:

Mrs Cochrane, Ms Lo.

Tellers for the Noes: Mr I McCrea and Mr D McIlveen.

<i>Total Votes</i>	<i>66</i>	<i>Total Ayes</i>	<i>20</i>	<i>[30.3%]</i>
<i>Nationalist Votes</i>	<i>19</i>	<i>Nationalist Ayes</i>	<i>19</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>44</i>	<i>Unionist Ayes</i>	<i>0</i>	<i>[0.0%]</i>
<i>Other Votes</i>	<i>3</i>	<i>Other Ayes</i>	<i>1</i>	<i>[33.3%]</i>

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

Question accordingly negatived (cross-community vote).

Adjourned at 7.26 pm.



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0870 600 5522
Fax orders: 0870 600 5533
E-mail: customer.services@tso.co.uk
Textphone 0870 240 3701

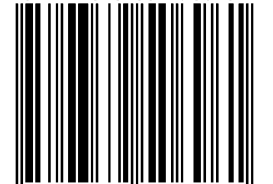
TSO@Blackwell and other Accredited Agents

ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited
© Copyright Northern Ireland Assembly Commission 2014

ISBN 978-0-339-50696-1



9 780339 506961