

# Official Report (Hansard)

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# Northern Ireland Assembly

Tuesday 4 March 2014

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

*Members observed two minutes' silence.*

## Executive Committee Business

### Licensing of Pavement Cafés Bill: Consideration Stage

*Moved. — [Mr McCausland (The Minister for Social Development).]*

**Mr Speaker:** Members have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment No 1 and amendment Nos 3 to 13, which deal with changes to the process of revocation, suspension or compulsory variation of a pavement café licence, as well as technical amendments to the Bill. The second debate will be on amendment No 2, which deals with an additional condition that is proposed to a pavement café licence.

Once the debate on each group is completed, any further amendments will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Question on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

#### **Clause 1 (Meaning of "pavement café licence" and other key terms)**

**Mr Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 3 to 13. Members should note that amendment No 11 is consequential to amendment No 1 and therefore will not be called if amendment No 1 is not made. In addition, amendment Nos 5, 6, 7 and 9 are consequential to amendment No 4 and

therefore will not be called if amendment No 4 is not made.

**Mr McCausland (The Minister for Social Development):** I beg to move amendment No 1: In page 1, line 10, after "market" insert "area".

*The following amendments stood on the Marshalled List:*

No 3: In clause 14, page 11, line 26, leave out from "any" to "with" and insert

*"the licence holder has persistently failed to comply with any condition of the licence". — [Mr McCausland (The Minister for Social Development).]*

No 4: In clause 19, page 13, line 23, leave out subsection (1) and insert

*"(1) Before deciding to revoke, suspend or make a compulsory variation of a pavement café licence, a council must (subject to subsection (1D)) notify the licence holder in writing of its proposal to revoke, suspend or vary the licence.*

*(1A) A notification under subsection (1) must state—*

*(a) the grounds for the proposed revocation, suspension or variation; and*

*(b) that representations in writing relating to the proposal may be made by the licence holder to the council until the end of a period specified in the notification.*

*(1B) Any period specified under subsection (1A)(b) must be at least 21 days beginning with the date when the notification is sent unless the council considers that there are particular circumstances which make a shorter period necessary in the public interest.*

(1C) *In deciding whether to revoke, suspend or make the proposed variation of the licence the council must take into account any representations made by the licence holder within the period specified under subsection (1A)(b).*

(1D) *If it considers that there are particular circumstances which make it necessary to do so in the public interest, a council may decide whether to revoke, suspend or make a compulsory variation of a pavement café licence even though no notification has been given under subsection (1).*

(1E) *Where a council decides to revoke, suspend or make a compulsory variation of a pavement café licence, the council must give notice in writing to the licence holder of the revocation, suspension or variation.*— [Mr McCausland (The Minister for Social Development).]

No 5: In clause 19, page 13, line 25, leave out "this section" and insert "subsection (1E)". — [Mr McCausland (The Minister for Social Development).]

No 6: In clause 19, page 13, line 30, leave out from "this section" to "the notice" in line 31 and insert

*"subsection (1E) may provide for the revocation, suspension or variation to take effect on the date when that notice".* — [Mr McCausland (The Minister for Social Development).]

No 7: In clause 19, page 13, line 36, at end insert

*"(4A) A notice under subsection (1E) may be withdrawn at any time before the revocation, suspension or variation takes effect."* — [Mr McCausland (The Minister for Social Development).]

No 8: In clause 19, page 13, line 37, leave out

*"a council has suspended a pavement café licence, it"*

and insert

*"a suspension of a pavement café licence has taken effect, the council".* — [Mr McCausland (The Minister for Social Development).]

No 9: In clause 19, page 13, line 41, leave out "(4)" and insert "(4A)". — [Mr McCausland (The Minister for Social Development).]

No 10: In clause 21, page 14, line 37, at end insert

*"(2A) Where a pavement café licence is granted or renewed and a period is specified under section 5(5)(a) in the licence, the licence holder may appeal against the council's decision to specify that period."* — [Mr McCausland (The Minister for Social Development).]

No 11: In clause 30, page 18, leave out lines 30 to 32 and insert

*"'market area' means a place where a person has a right (exercisable at particular times) to hold a market or fair; and in this definition 'right' means a right acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of a statutory provision;"*. — [Mr McCausland (The Minister for Social Development).]

No 12: In the schedule, page 22, line 9, leave out line 9 and insert

*"in Article 69J(2), the reference to the premises".* — [Mr McCausland (The Minister for Social Development).]

No 13: In the schedule, page 23, leave out lines 32 to 39 and insert

*"(f) where a pavement café licence is in force, trading carried out in the area covered by the licence, if the trading—*

*(i) takes place at a time when that area has temporary furniture on it that under the terms of the licence is permitted to be there at that time;*

*(ii) is done in the course of a business which is carried on by the licence holder at the premises specified in the licence;*

*(iii) relates to the supply of food or drink in or from those premises for consumption on that area; and*

*(iv) does not involve a contravention of the conditions of the licence."* — [Mr McCausland (The Minister for Social Development).]

**Mr McCausland:** I am pleased that the Social Development Committee was able to reach consensus on all 12 proposed amendments in

the group. I thank its Chair and members for their helpful and constructive scrutiny of the Bill.

The more significant amendments address concerns raised by Members at Committee Stage. I am also bringing forward a small number of technical amendments relating to issues that were raised with the Committee by key stakeholders.

Amendment No 1 and the consequential amendment No 11 are technical in nature. These amendments would modify the reference to "a market" in clause 1 and the related definition in clause 30. As previously drafted, the Bill provides an exemption for areas where historic rights to hold a market exist. The purpose of these amendments is to clarify that the exemption applies whether or not the market is actually taking place.

Amendment Nos 3 to 9 are more substantive. They address concerns raised by the Social Development Committee about the wide-ranging nature of the powers being given to councils to revoke or suspend a licence. Amendment No 3 would amend clause 14, which sets out the circumstances in which a council may revoke a licence. There was concern that a strict interpretation of this provision could result in a licence being revoked for a minor breach of any licence condition imposed under clause 6. I am proposing to amend clause 14 to allow for revocation only where the licence-holder has persistently failed to comply with the conditions of the licence. Members will wish to note that the amendment would also apply to suspension in accordance with clause 15(2). In practice, we expect that councils will, in most situations, adopt a "three strikes and you're out" policy, and the severity of breaches will also determine whether the licence should be suspended or revoked.

Amendment Nos 4 to 9 would introduce an additional safeguard against inappropriate use of the powers to revoke or suspend a licence. This would involve amending clause 19, which sets out the administrative steps a council must take when it decides to revoke, suspend or vary a licence. The effect of these amendments would be to place a duty on a council to give the licence-holder advance notice of its intention to revoke, suspend or vary a licence, and the grounds for doing so. The licence-holder would be given an opportunity to make representations to the council within a specified period before a final decision is taken. In most instances, the minimum notification period will be 21 days. However, a council may specify a shorter period if there are particular

circumstances that make it necessary in the public interest.

The notification procedure I am proposing to introduce under this series of amendments should minimise formal appeals later at a court under clause 21. More importantly, the procedure will provide greater transparency in the decision-making process and ensure that a council is in full possession of the facts before a decision is finally taken. I am grateful to the Committee for raising this important issue with my officials.

I mentioned clause 21, which provides for an appeal to a Magistrates' Court in respect of a wide range of licensing decisions taken by a council. Amendment No 10 would make a minor change to this clause by extending the right of appeal to a decision to limit the duration of a licence under clause 5. This amendment was welcomed by the Social Development Committee.

I have already spoken about amendment No 11, which is consequential to amendment No 1, relating to market rights.

Amendment No 12 would make a small technical amendment to paragraph 2 of the schedule. Paragraph 2 would insert a new Part 5A into the Licensing (Northern Ireland) Order 1996 to extend the area where alcohol may be consumed to include a pavement cafe area. The amendment clarifies that any authorised pavement cafe area associated with licensed premises would come within the scope of the closure powers available to the police under the Licensing Order.

Finally, amendment No 13 would amend paragraph 3 of the schedule. Paragraph 3, as presently drafted, provides an exemption from the street trading licensing scheme for properly authorised pavement cafes. This is another small technical amendment, which would tighten up the existing wording to prevent inappropriate trading in a pavement cafe area when in operation.

Mr Speaker, that concludes my comments on the amendments I have tabled. However, with your permission, I would like to very briefly address other recommendations in the Social Development Committee's report, in particular those linked to the guidance my Department is preparing to assist councils with scheme implementation.

The Committee recommended that the guidance address a number of issues to safeguard the interests of pedestrians, particularly those with disabilities. Although the

Bill as currently drafted contains a number of such important safeguards, I confirm that the guidance will address the issues raised by the Committee. Indeed, the guidance will place strong emphasis on putting the access needs of pedestrians at the heart of the licensing regime. The guidance will also address other specific recommendations arising from the Committee's scrutiny.

In closing, I seek the Assembly's approval for the amendments on the basis that they are non-contentious and will enhance the licensing framework laid out in the Bill.

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Cheann Comhairle. On behalf of the Social Development Committee, I thank the Minister and his officials for responding regularly to the Committee's concerns during its deliberations on the Bill. We had quite a number of briefings and discussions with the Minister and his officials, and I place on record our gratitude to the Minister for ensuring that that happened. I thank the Minister for bringing Consideration Stage to the Assembly. I appreciate that this stage is mainly to consider the amendments, but, with your indulgence, a Cheann Comhairle, I will also briefly speak about some of the issues considered by the Committee.

During Committee Stage, the Committee received 24 written and eight oral representations from stakeholder organisations and received regular written and oral briefings from the Department throughout its consideration. The Committee welcomed the Department's proactive approach in keeping the Committee well informed about the progress of the Bill and providing detailed briefings. Represented stakeholder groups included local councils, hospitality and tourism organisations and groups representing those with visual and other physical impairment. The Committee is of the opinion that their views were appropriately heard, well relayed to the Department and, to some extent, taken into consideration.

On behalf of the Committee, I can say that we were generally content with the response of the Department to our concerns and those raised by others throughout Committee Stage. That is evidenced in our report, and I thank the Minister for his positive action to address those concerns through the group 1 amendments, which, as a Committee, we fully support.

As all Members are aware, pavement cafes are now a familiar sight in many of our towns and villages. More often than not, they bring

vibrancy to an area and are generally regarded as a positive development, yet there are no measures in place to regulate them. So the Bill is required for one key reason, which is that there is currently no legislation to regulate the operation or development of pavement cafes. As a result, we are left in the unacceptable position in which Roads Service primarily operates a toleration policy as long as pavement cafes do not hinder the free flow of pedestrians or vehicles or compromise public safety.

The Committee therefore supports the mandatory licensing scheme for pavement cafes that the Bill will introduce and notes that support was also, in the main, evident among stakeholders. Importantly, the introduction of a mandatory licence will ensure that pavement cafes are well managed and suited to the local area. The Committee considers that a well-managed licensing system will encourage the continued use and development of pavement cafes and ensure that they are of an agreed standard and will not negatively impinge on streetscapes and thoroughfares.

Before moving on to the specific amendments, I would like to mention a key issue raised by stakeholders. The amendments do not necessarily refer to the issue, but the Minister has given some assurance on it. Of particular concern to the Committee were issues raised by the RNIB, the Guide Dogs for the Blind Association and the Inclusive Mobility and Transport Advisory Committee (IMTAC). The issues were about the potential for pavement cafes, if poorly managed, to restrict the free movement of pedestrians, particularly those with mobility issues or visual impairment, and the need for safeguards to address those concerns.

As I noted, the operation of pavement cafes is currently unregulated and there are few existing safeguards for pedestrians, whether visually impaired or, for example, pushing a pram. The Minister, in his response to the Committee and again this morning, provided assurance that DSD guidance on the regulations that will implement the Bill will put the needs of pedestrians, including those with disabilities and mobility needs, at the heart of the licensing regime.

We believe that that is key to the legislation's success. The Minister also noted in his response to the Committee:

*"The guidance will have to be taken seriously by councils."*

Although the Committee of course accepts his assurances, perhaps the Minister could further advise how his Department intends to ensure that councils will take that guidance seriously on implementation of the Bill and establishment of the regulations and the guidance.

**10.45 am**

The Committee is assured by the fact that any business owner applying for a pavement cafe licence will be required to submit a detailed design of the proposed pavement cafe area. There will also be a number of statutory consultees when a pavement cafe is proposed, including Roads Service, which should help to ensure that proposed plans are appropriate and not at all detrimental to the vicinity or pedestrians.

I will now move on to the group 1 amendments. Amendment No 1, which relates to clause 1(2)(b), proposes that, rather than "market", the Bill will refer to a "market area". Members will note, as has been said, that it also relates to amendment No 11 to clause 30, which deals with the definition of a "market area". That addresses some concerns that councils had regarding how a market is defined and clarifies that areas that have historical rights to hold a market or fair will be excluded from the licensing scheme. The Committee is content with that revised definition.

Amendment No 3 relates to clause 14, and amendment Nos 4 to 9 relate to clause 19. Those amendments address the Committee's concerns about the circumstances in which a licence may be revoked or suspended by a council, an issue raised by a number of stakeholders. During its discussions, the Committee felt that the original wording of clause 14(1)(d), which states:

*"A council may at any time revoke a pavement café licence if it is satisfied—*

*(d) that any condition of the licence has not been complied with,"*

could mean that even very minor breaches of licence conditions could result in a licence being revoked. The Committee is content that the Minister has adequately addressed those concerns in the proposed amendment and would further draw Members' attention to the Minister's letter to the Committee, on page 243 of the Committee's report, which states that "in practice" the Department's expectations are that councils will adopt a "three strikes and you're out" approach. The severity of the

breaches will also determine whether the licence should be suspended or revoked.

Amendment No 4 relates to clause 19 and proposes quite a substantive change to that clause. Again, the Committee was concerned about the wide-ranging nature of a council's powers to revoke or suspend a licence.

Regarding new subsection (1A) of clause 19, the Committee welcomes the Minister's decision to include a requirement on a council to give a licence holder notification of its proposal to revoke, suspend or vary the licence, which will include the grounds for that proposal. Important for the Committee is the provision for a licence holder to make representations to the council within a determined period. The Committee feels that that is necessary to ensure that the process is transparent and that the council is in full possession of the facts before a decision is taken on the status of the licence. In addition, it may prevent an appeal under clause 21, which should reduce bureaucracy.

The Committee notes that amendment No 4 would also provide the council with powers to revoke, suspend or make compulsory variation of a pavement cafe licence without prior consultation — that is in subsection (1D) — but accepts that that would be in circumstances where there are clear health and safety issues requiring immediate action to prevent the public from being exposed to that risk.

Amendment Nos 5 to 9 relate to clause 19 and are technical changes that stem from and are consequential to amendment No 4.

Amendment No 10 relates to clause 21, which refers to appeals, particularly on the duration of a licence. The issue of the duration of a licence caused some confusion during the Committee's consideration of the Bill, largely because the Bill must comply with the EU services directive, which implies that there should be no time limit on the licence. However, clause 5(5)(a) states that the licence shall remain valid only for:

*"such period as is specified in the licence" .*

A council must, therefore, provide justification for limiting a licence, and that justification must also comply with the EU services directive.

The amendment would extend the right of appeal of a licence holder against a council's decision to limit the duration of a licence under clause 5. Given the potential confusion over justifiable reasons for limiting a licence, the Committee welcomes that additional right of

appeal. I also note that the Minister has previously advised the Committee that the Bill is going through the EU notification procedure, so perhaps the Minister could update the House on that process and what it means.

We have already dealt with amendment No 11. You explained, a Cheann Comhairle, how that is consequential to earlier amendments. Amendment No 12 is a technical amendment.

Amendment No 13 amends the Street Trading Act 2001 to allow an authorised pavement cafe to trade without the need for a street trading licence. The Minister has also tightened up the wording to address concerns that the Committee had about inappropriate trading in a pavement cafe — in other words, to ensure that it is essentially for food and drink sales.

The Committee did not consider the group 2 amendment and, therefore, does not have a formal position on it. I will not address that as Chair of the Committee.

All of us in the House will be familiar with the proliferation of pavement cafes in our constituencies and across a number of towns and villages and will no doubt have seen the benefits that they generally bring by creating a vibrant atmosphere in public spaces. However, it is only right to also recognise that the current approach of general tolerance of pavement cafes leaves business owners in a position where they could create pavement cafes that are detrimental to an area or inappropriate to the location or may even impede people's mobility. Although we would all encourage vibrant and well-populated town centres, it is vital that they remain accessible for all to enjoy. Regulation is a way to retain and encourage the current burgeoning pavement cafe culture whilst ensuring that town centres remain accessible and enjoyable for everyone using them. It is difficult to say, but the wider public may not really notice the impact of the provisions of the Bill. However, they are necessary, as has been stated, were requested by stakeholders and require this legislation.

It may be said that the Bill is not controversial. It has broad agreement and does not capture the headlines, perhaps because it is not controversial. Nevertheless, we believe that it is important. Throughout the Committee Stage, members had constructive engagement with stakeholders and the Department. Largely, there was significant support for the content of the Bill, and, where this was not the case, the Committee is content that the Department has proposed amendments to effectively address

any issues. The Committee believes that this provides effective regulation of these facilities.

On that basis, the Committee is content to support the group 1 amendments.

**Ms P Bradley:** I welcome the opportunity to speak at the Consideration Stage of the Licensing of Pavement Cafés Bill. I support group 1: amendment No 1 and amendment Nos 3 to 13.

In Northern Ireland, we already have a bustling cafe culture, particularly in Belfast, and year on year that continues to grow. That is why it is essential that we have legislation that offers protection to traders, users and statutory bodies. In May, we go to the polls to elect members of our new councils, with them taking full control in 2015. Many powers are being handed down to the new councils, and we must ensure that any legislation proposed by the Assembly is fit for purpose, enabling councils to regulate and control, in this instance, the use of public areas. This legislation, as amended, will give the councils the necessary legislation.

As the Chair commented, we saw many stakeholders in Committee through witness sessions. For me, what was particularly pertinent was the witness session from the partially sighted and those without sight. I also welcome the Minister's comments that the access needs of pedestrians are at the heart of this scheme.

I support the amendments tabled by the Minister for Social Development.

**Mrs D Kelly:** I endorse the comments of the Committee Chair. He gave a wide-ranging account of the consideration of the amendments and the briefings held with departmental officials and other stakeholders. As Ms Bradley has said, it will help our tourism and hospitality trade and, I hope, bring our town centres back to life.

There was wide consultation. We listened carefully, and I hope that councils will take seriously their responsibility in ensuring that pavement cafe requests are mindful of the needs of persons with visual disabilities and impairment. There is not much point in labouring the contribution, except to say that we welcome this.

**Mr Copeland:** I too welcome and endorse the comments of the Chair of the Social Development Committee. I also welcome the progress of the Bill. As Northern Ireland's cafe

culture continues to grow, it becomes increasingly important that the Assembly put in place the structures to facilitate growth and to introduce a degree of control into an uncontrolled system.

The Ulster Unionist Party is content to support all the amendments in the group, and it is to be welcomed that the Minister has, on this occasion, listened to the concerns of the Committee and brought forward welcome changes.

Well-managed pavement cafes are a strength, and many of our streets should strive to have them. It has been proven that they can contribute greatly towards urban regeneration, and their impact on certain aspects of the Belmont Road is worthy of note.

Unsurprisingly, organisations working for and on behalf of people with disabilities came to the Committee and raised concerns about the Bill. It is vital that the Department follow up on the assurances that were made and that the needs of people with mobility and sight issues in particular are placed at the heart of the licensing scheme.

Amendment No 3 addresses the "one strike and you're out" approach, which was never fair on paper, especially in a new Bill. The new clause, as amended, will still give the new councils the authority to chase businesses that are in contravention of the licensing scheme, which is the purpose of good legislation. I ask the Minister in his closing comments to tell us how we will ensure that this is evenly enforced across the board.

On amendment Nos 4, 5, 6, 7, 8 and 9, we welcome the acknowledgement from the Minister that clause 19 needed to be changed. As I said, a "one strike and you're out" system was never fair. However, it is also possible to have the powers to revoke or suspend licences, and they might not have been fairly or evenly enforced across council areas. So a standardisation of approach is welcome. I welcome the Minister's acknowledgement that there were problems with parts of the initial draft of the Bill and his tabling of amendments that justify the role of the Committee with regard to the Bill.

Amendment No 10 to clause 21, which extends the right of appeal on a decision and allows it to be made to the council in the first instance, is to be welcomed. It is also preferable that DSD has acknowledged that businesses should be allowed to continue to trade during the consideration of an appeal.

With those comments and caveats, we are content to support the amendments and the clauses under discussion.

**Mr Dickson:** I thank the Minister for bringing the Bill to the House and thank the Chair of the Committee for the way in which he described the work of the Committee. I share the general welcome for the Bill and the thanks to the Minister and the Department for taking into account the representations that we received on various issues.

I am content with all the amendments in the group. I draw attention to amendment No 3. As others have said, a "three strikes and you're out" system seems a fairer way of dealing with someone who has persistently failed to comply with the condition of the licence.

I do not intend to debate the amendment that I have tabled, but I encourage the House to see how amendment No 3 neatly weaves into what I intend to propose later today.

**Mr Clarke:** I support the amendments. As one of the newest members of the Committee, I have to say that it was good to get down to business rather than being bogged down in some inquiry into a BBC report that was launched some months ago. The BBC has failed to come to the Committee to give evidence on that.

We are here to talk about pavement cafes. I welcome the Bill; it is a relevant piece of work by the Committee. As we all know, in many of our towns and villages there has been an unregulated system, which can get out of control. I welcome the work of the Department and the witnesses.

One of the things that struck me — someone touched on this — was the representation from the organisation representing the partially sighted. It is interesting that we sit down as able-bodied people to consider the legislation, but, as people who do not suffer from partial blindness, we do not appreciate the difficulties of the partially sighted community.

The presentation that that organisation made was most touching, and I am glad that consideration has been given to the evidence that it submitted.

**11.00 am**

Many of our towns and villages have by-laws on on-street drinking, and I am glad that it has been clarified that that cannot mean an

extension of pubs onto the streets. I am not against anyone enjoying an alcoholic drink, but there is a place for it, and by-laws should be protected. I am glad that that piece of work on the Licensing of Pavement Cafés Bill has been covered. I support the Minister's amendments.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. The Chair has covered the Committee's position, but a number of briefings from officials on the Bill were very useful. The officials took on board, as did the Minister eventually, the Committee's views on the Bill. That is a positive development. As the Chair said, there are a number of pavement cafes already in our constituencies, so regulation is overdue.

As other Members said, we heard evidence from partially sighted groups and representatives from the Guide Dogs for the Blind Association. They expressed righteous concerns about, for instance, the width of pavements — there should be 1.8 metres minimum clearance — and the fact that some of the furniture would be close to the crossings and tactile pavements that they rely on when approaching crossings. The Minister has also clearly said that plans for design will have to be put forward.

Another concern was that councils will be responsible for the administration and enforcement of the legislation. There were concerns over how uniform that will be. I would appreciate it if the Minister could give those organisations with concerns some reassurance, because they felt that councils may take a less than uniform approach. We have 26 councils at the moment, which will become 11, and the Bill will give them an opportunity to enforce this much-needed legislation. I support the amendments and appreciate the fact that the Minister has taken on board the Committee's views.

**Mr F McCann:** Go raibh míle maith agat, a Cheann Comhairle. Like everyone else, I support the amendments and the passage of the Bill. For many years in a former arena, that of Belfast City Council, one of the things that we had argued for was the growth of a cafe culture. It was rightly pointed out that Roads Service had the primary responsibility and that it was managed in a haphazard way. I believe that the development of a cafe culture will add to the city.

I agree with what the rest of my colleagues said about the blind and partially sighted, but what came to light during the evidence sessions is that there are other people who negotiate the

footpath, such as young mothers and parents with prams. They also need to be taken into consideration.

One issue that came up time and time again concerned the type of street furniture that might be used and the fact that there needs to be some uniformity. You can go into a town or a village and see that people have put a bit of effort into arranging the furniture outside their business but that there are other places that leave a lot to be desired. If we are to create a good cafe culture, the furniture has to play a part in that.

**Mr Maskey:** I thank the Member for giving way. I want to reiterate some of the concerns raised, which Mickey Brady covered as well, by people with visual impairments. I want to place on record on behalf of the stakeholders who expressed concerns that they regard the regulations as having a light touch. I asked the Minister to address some of the matters later, but those stakeholders put an important and compelling case to the Committee. They have concerns about the siting of pavement cafes close to traffic lights, and so on. They also want the criteria for the minimum width of footpaths to be adhered to in the licensing, asking for it to remain at 1.8 metres. I know that the Minister will be bringing forward regulations in that regard, so I just wanted to put it on record that the stakeholders, particularly those with visual impairments, made very compelling arguments to the Committee.

**Mr F McCann:** We have an opportunity here if we get it right. There needs to be a strong connection between the councils and those who will be putting the street furniture out so that they can come up with a design that will allow us to compete with some of the major cities in Europe. I support the amendments.

**Mr McCausland:** I thank the Chair of the Social Development Committee and other Members for their contributions to the debate on my proposed amendments. It is clear that there is broad agreement across the House for these amendments, and I am grateful for that. The Bill provides a regulatory framework that will allow pavement cafes to operate in ways that benefit business, enhance our town and city centres and have due respect for other street users.

A number of points were raised by Members, and I hope that I manage to cover them all in the next little while, but, if I miss anything, I will follow it up in writing. Alex Maskey mentioned EU directive notification. The answer to that is

simply that the notification period ended in January and no comments were received in that regard.

The guidance was also mentioned. The truth of the matter is that it is guidance; it is not a vague hint or a casual suggestion. People will be expected to follow that guidance and, if it needs to be amended in due course, that can be done on the basis of experience.

How will the scheme be enforced across the board? Councils will have a statutory duty to implement the scheme. They can refuse a licence only if they have good reason to do so. A licence would automatically be granted under the EU services directive if a council fails to consider it in a reasonable timescale. The legislation will be backed by DSD guidance which, as I said, will have to be taken seriously. It cannot simply be ignored by councils.

Quite clearly, councils will want this to work. It is to the benefit of councils and to the community and the areas that they represent that it does work. Therefore, we should place confidence in councils that they will implement the legislation and follow the guidance in a way that benefits all concerned. We will see in due course how all this works out, but I think that we should have confidence in the new councils in that regard.

The issue of access was also raised and whether DSD guidance will address pedestrian access for the disabled. Yes, it will place a strong emphasis on protecting pedestrian access for disabled people when licensing decisions are being made.

As was mentioned earlier by a Member, the operation of pavement cafes is currently unregulated. The statutory licensing scheme will change that and put the control and management of this unregulated activity on a firm legislative footing. Councils must consult Roads Service on new applications, and Roads Service will advise on location, the impact on pedestrians, the flow of pedestrian traffic in an area and, therefore, the appropriate footpath width. In this matter, again, DSD guidance must be taken seriously by councils.

I will conclude by saying that there is a general acceptance that this is the right direction of travel. Well-designed, sensibly located pavement cafes can add value to the street scene. They can boost visitor numbers and contribute to the economic and general well-being of local communities. Over the past few days, I met people with business concerns in different parts of Belfast, one of whom

commented on the lack of footfall in a particular area and the fact that, in the evening, the area is dead.

**Mr McCartney:** Will the Minister give way?

**Mr McCausland:** Yes, I will give way.

**Mr McCartney:** On the point that you are making about adding to the streetscape: last year, in Derry in particular, with the City of Culture, it was one of the things that people identified. If there had been more street cafes or street facilities, it would have enhanced the year. So I welcome the work that you are doing.

**Mr McCausland:** The experience last year in Londonderry as the United Kingdom City of Culture did a lot to exemplify the benefits that can flow from this type of provision. I was commenting on two groups of people with a business interest. One group said that in their particular part of the city in the evening, it was like a desert and there was no one about. That is not good. The other group was made up of businessmen who were keen to develop a hotel in the old Scottish Mutual building behind the City Hall. They commented on the potential to have a much more vibrant frontage on the pavement right in the heart of the city in a way that would complement the core hotel development. So, this is a good thing, and I think that people recognise that.

The Bill incorporates a new statutory licensing scheme to be administered and enforced by district councils. It puts it in local hands, and key stakeholders have been calling for that. So, it is what people have been asking for. Councils will be able to impose a range of licensing conditions. They can vary, suspend or revoke the licence depending on the circumstances. I think that we have struck the right balance in the legislation.

As I have said already, other questions might have been raised by Members that have not been addressed. If that is the case, officials will review the proceedings, and we will respond in writing.

*Amendment No 1 agreed to.*

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

**Mr Speaker:** No amendments have been tabled to clauses 2 to 5. I propose, by leave of the Assembly, to group the clauses for the Question on stand part.

*Clauses 2 to 5 ordered to stand part of the Bill.*

**Clause 6 (Conditions of licence)**

**Mr Speaker:** We now come to the second group for debate. There is only one amendment, and that is amendment No 2, which deals with an additional condition proposed to a pavement cafe licence.

**Mr Dickson:** I beg to move amendment No 2: In page 4, line 41, at end insert

*"(1A) A pavement café licence must include a condition requiring the licence holder, so far as is reasonably practicable, not to display in the area covered by the licence anything that would be detrimental to good relations between persons of different religious belief, political opinion or racial group."*

I thank the Minister for bringing the Bill to us and for some of the general comments that he has made about the benefits of the Bill to Northern Ireland. I wish to make it clear at the outset that the vast majority of businesses that I have come in contact with and spoken to through my time as a local councillor and now as a Member of the Assembly want to lead the way in tackling sectarianism and helping to develop a shared and peaceful future for everyone. As well as having a genuine desire to build a united community for the sake of current and future generations, most businesses realise that a divided society further reduces their customer reach and prevents them from achieving their full economic potential.

The risk of public space being subtly used to exclude some members of society is inappropriate in a modern Northern Ireland. My amendment seeks to make sure that the use of licensed public space does not in any way contribute to that.

The amendment will not affect the current bricks and mortar premises of bars and cafes because they are already covered by fair employment, goods and services and equality legislation, but I believe that when a public space is being licensed to a private vendor, we have a duty to ensure that the licensed space is shared and open to all and covered by the same equality duties. I do not want to see any pavement cafe becoming an outpost for the display of emblems designed to mark out territory or intimidate people. I want them to be open, welcoming spaces and good for business.

**11.15 am**

When I questioned departmental officials at the Committee on 21 November, they confirmed to me that a full equality impact assessment was not carried out; rather, and important as these issues are, what took place was just a screening exercise that focused on access for pedestrians and those with disabilities. An official tried to provide reassurance that the councils would take good relations into account when deciding whether to grant a licence, but when I asked whether it was required to contain that in the legislation, I was told no. That day, discussion focused largely on material surrounding a licensed area, such as kerbstones, lamp posts etc, and the Committee, rightly, took the view that offensive material outside the licensed area would be beyond the control of the licence holder and outside the scope of the Bill. I do not dispute that. However, my amendment focuses on the licensed area, which would be under the control of the licence holder and, therefore, under the influence of the local authority granting the licence. The failure to recognise that that might impact on good relations in an area is, quite frankly, astounding. The official's evidence sums it up better than I can. He said:

*"We did not really see the Licensing of Pavement Cafés Bill as a vehicle for trying to improve shared spaces;"*

Given all the equality and good relations guidance, combined with T:BUC and other strategies that make clear the responsibilities of all Departments to maintain and promote shared space, it is disappointing that the Department that is responsible for urban regeneration and public realm schemes etc does not think that the licensing of pavement cafes in our towns and cities has any good relations impact. They did not even consider the matter. That is quite clear from the evidence given by officials. That begs this question: are references to shared space in documents such as T:BUC there just to tick boxes — to create a facade that we are really dedicated to moving this country forward?

I am not interested in creating shared future smokescreens. I want the real thing for everyone. That is why I have tabled this amendment, which places a requirement on the licence holder not to allow the display of material likely to be detrimental to good relations. My intention is that these areas, which remain public space but which are used by private businesses, are licensed on a basis that they cannot detract from our desire to ensure that space is shared, open and

welcoming to all. I believe that that is firmly in keeping with the recent shared future strategies. Together: Building a United Community contains the objective of moving from contested to shared spaces. It states:

*"we will: ... Enhance Good relations scrutiny by placing it on a statutory basis"*

and makes clear that the maintenance and protection of shared space is a cross-cutting responsibility for the entire Northern Ireland Executive.

It also outlines a vision of:

*"A united community, based on equality of opportunity, the desirability of good relations and reconciliation - one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance."*

That is what I want, Mr Speaker. I want our public realm to offer spaces where culture can be celebrated legitimately, free from threat and intimidation. If we are serious about removing racist graffiti and paramilitary emblems from our streets, we should not tolerate their display in a public area under licence from a local authority.

I turn now to the content of the amendment. It is not designed to be burdensome on applicants. It uses the phrase "so far as is reasonably practicable", which should protect licensees from inadvertent displays of materials by clients, allowing time for removal of graffiti etc. The passage of amendment No 3 clarifies that revocation of a licence will only be for persistent offenders — a term that is, as we know, interpreted as having been warned three times. That is useful, because it will indemnify licensees from displays made in error or made without their knowledge.

The phrase "detrimental to good relations" is also established in the Northern Ireland Act 1998. Indeed, section 75(2) imposes a duty on public authorities, including district councils, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. Therefore my amendment has an established meaning and should not present difficulties for those interpreting it during the application process. I genuinely believe that it will not be burdensome to comply with. It simply requires a responsible attitude to the displaying of divisive material. The amendment will ensure that the few businesses that may like to engage

in divisive displays or inappropriate activity cannot use public space to do so.

**Mr I McCrea:** Will the Member give way?

**Mr Dickson:** Yes.

**Mr I McCrea:** I have been listening to the Member. Unlike other Members, he had the opportunity to discuss this in Committee. He referred to what pubs, cafes or whatever should not display, but can he give us an idea of what he has seen displayed in pubs or cafes that would be included?

**Mr Dickson:** It is less about what pubs and businesses display — the reality is that pubs, cafes and other businesses know what is good for business and, therefore, want to create a welcoming space — and more about what is put there by others, such as graffiti on walls of premises and, as we debated in Committee, the space outside or inside the licensed area. If you are sitting inside the licensed area at a pavement cafe, there is a general duty and responsibility on the cafe owner and the licensee to ensure that the footpath below you and the space around you are free from graffiti or racist remarks.

The practical outcome will be that the display of material that is divisive or racist within the licensed area will have to be removed by the owner, which is the very point that I was coming on to, so I thank Mr McCrea for raising it with me. The amendment would not cover material outside the licensed area. Clearly, that is not the responsibility of the cafe owner. However, we must renew our efforts to tackle these displays through other means. Indeed, local authorities should use their general powers to encourage good relations within the community. Nor would the amendment cover the unauthorised display of material by clientele that was beyond the control of the licence holder. As made clear in the earlier discussion on amendment No 3, only persistent displays would be contrary to the licence condition.

In my view, the amendment should not penalise sports clubs or sports fans watching games, as sporting emblems and team colours are not themselves sectarian, divisive or racist. It is only when offensive material is brought into the mix that good relations are compromised. Offensive displays in which sporting symbols are used as a veneer for sectarianism are completely different. The same logic applies to other establishments where cultural identity is legitimately celebrated. That would be protected under article 10 of the Human Rights

Convention, whereby material designed to intimidate would of course not be permitted.

I believe that the amendment is workable, implementable and will make a modest contribution to creating shared spaces, with all parts of Northern Ireland accessible to everyone. That is what the House should aim for and aspire to. One of the pillars on which a shared future will be built is that of shared space, where cultural identity can be celebrated and no one should feel uncomfortable or intimidated by sectarian or racist symbols. Symbols or emblems that demarcate or attempt to demarcate a territory, or make it seem like an area is not accessible to the whole community, are at the core of the problem. Any potential for public space to be used to exclude sections of our society should not be overlooked. The legislation may represent a relatively modest change, but it should not escape our relentless effort to build that united community.

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

**Mr Dickson:** I will.

**Mr Allister:** Will the Member explain to the House why he is being so selective? He is exercised to make sure that there is nothing that could offend on a religious, political or racial basis. However, take, for example, a gay bar. He has no restraints to place on what can be displayed on the pavement if a gay bar is exercising its rights under the legislation. We know from some of the gay pride parades just how offensive some of the posters can be to the Christian community. Why is the Member being so selective and not extending any restraint to others? Can he explain that?

**Mr Dickson:** I have no difficulty, Mr Speaker. He referred to a particular style of bar. Acts of public offence, nudity or indecency would equally be covered by all this legislation, and I have no difficulty at all in encompassing that in it. This is about creating shared and welcoming spaces; it is not about denying people the opportunity to display whatever it is they are inviting people into. However, that has to be done within the bounds of decency and the equality legislation as it applies in Northern Ireland.

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

**Mr Dickson:** Yes.

**Mr Allister:** Is it not the case that the public order legislation would already apply to these public places and that, therefore, the idea that

this amendment is needed to protect against matters that involve evoking public order situations, perhaps by inappropriate displays, is something that the criminal law already covers?

**Mr Dickson:** I do not have the advantage of Mr Allister's legal knowledge or qualification, but it seems to me that, at the end of the day, it is also a matter of proportion. Whenever we are dealing with matters of sectarian emblems or graffiti, those are perhaps not matters of public order. There is, of course, a scale and a breadth of issues that have to be dealt with. Mr Allister is quite right to say that things might be displayed that would clearly provoke public order incidences. However, this is about dealing with low-level, small-scale issues. It is about getting it right and about encouraging business owners of cafes and bars to try to create a welcoming space for their clientele and not making it exclusive to one community or one group or another. That is what I am trying to encourage in this modest amendment. Therefore, I encourage Members to support my amendment and, in doing so, to make it clear to the public that this Assembly is determined to ensure fair, equal and shared use of space in Northern Ireland.

**Ms P Bradley:** I will speak against the amendment. It is not that I do not agree with the content of the amendment; I certainly do. However, I feel that it is not necessary, as the legislation has already provided for what the Member said. Through this legislation, councils will have the powers to set what is acceptable and to take the necessary steps to revoke the licences of anyone who is not abiding by their standards. Furthermore, councils are made up of elected members from almost all parties in this Chamber, and councillors and council bodies are more than able to identify and act upon any licence holder who is not meeting the good relations policies in their district areas. Therefore, I cannot support this amendment.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. On behalf of Sinn Féin, I oppose Mr Dickson's amendment. Similar to the previous Member who spoke, we are clearly not hostile to the intention behind the amendment. Mr McCrea raised the point about the issue being discussed in the Committee. It was raised at the Committee as we were going into clause-by-clause consideration, and, therefore, the Committee did not have a formal proposition at that stage to debate or discuss. So, Mr Dickson raised it briefly, and there was a fairly short exchange on it. As I said, our party is not opposed to, if you like, the intent behind this amendment, but we do not think that it is

appropriate. We do not believe that the Licensing of Pavement Cafés Bill is really the place to deal with a shared future, and, as Members indicated previously, significant and substantive laws are already in place by which the issue would be dealt with. Mr Dickson has, I think —

**Mr Dickson:** I thank the Member for giving way. It concerns me that we have general comment from one party, as well as another on the other side of the House, saying that it is understanding of and sympathetic to the issue but that it is not prepared to carry through what is, in reality, a general duty that is already on local authorities. If that general duty is there, I do not see why we should not use this legislation as an opportunity to reinforce the requirement for good relations. That is because this is about shared space and about something that we can practically do in the community. There is a lot of talk in this establishment about people's aspirations.

Here is a very modest little opportunity for us to reinforce the value of good relations to everyone, particularly when it comes to the use of shared space.

**11.30 am**

**Mr Maskey:** I thank the Member for trying to clarify his position, but, again, the point I made on behalf of Sinn Féin is that we do not believe that this is necessarily the appropriate place to try to tackle difficult issues like the shared future. The Member will be well aware that it is actually quite difficult even to define some of those matters. The Member referred to sports emblems and so on, which, he says, in themselves are not necessarily sectarian or problematic. Would you define someone sitting in a cafe with a Rangers scarf or a Linfield scarf as a problem? I do not know. What has been said very clearly is that there is a time and a place for all of those things.

The legislation essentially has as light a touch as is appropriate. It is really to enable economic development in and around our towns and villages and many of our main streets. It is about assisting businesspeople to expand and grow their businesses in a way that meets the public's needs, both in terms of patrons or customers and in terms of the issues that we have referred to relating to those with particular types of impairment like visual impairment. It is about trying to regulate all of that in a modest way. It cannot be expected to deal with the wider, more contentious and controversial issues, which — I have already

made the point — are dealt with in other elements of the law and are central to many of the discussions held in the Assembly and the Executive, on which the Member's party is represented.

We believe that most businesspeople — I think that the Member made this point — know what side their bread is buttered on, without a pun, given that it is for cafe licensing.

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

**Mr Maskey:** Yes.

**Mr Dickson:** The Member has made reference to what businesses know. Businesses know very well what their responsibilities are inside the bricks and mortar of their premises, whether it is on the delivery of goods and services or in relation to how they treat their employees or, indeed, how they treat their customers. All I am asking is that, under the general aegis of good relations, that be expanded to the outdoor space as well. In fact, I think that it is essential that what goes on inside a business and is well regulated under various pieces of equality legislation should also apply to outdoor spaces.

**Mr Maskey:** Again, I thank the Member for his intervention. To conclude on my party's behalf, we are not actually hostile to the intent behind the amendment. We do not think that it is particularly workable. I do not think that the Member has put forward a clear enough or compelling argument, notwithstanding what he has said.

**Mr Clarke:** You would nearly think there was an election coming.

**Mr Speaker:** Order.

**Mr Maskey:** Well, the Member has expressed his views, and he is well entitled to do that. I do not think that he has made a compelling enough argument that would enable our party to consider supporting the amendment. As I said, we have no problem with the intent behind the amendment, but we think that there is other legislation in place. We do believe that there is an awful lot more work that needs to be done in respect of a shared future and how we respect each other, notwithstanding our cultural and political differences, but that is a bigger job of work. It is not a job for this Bill, which is a modest Bill to enable economic development to proceed.

**Mr Humphrey:** I am grateful to the Member for giving way. Before coming to this place, I worked in Belfast City Council and was the vice-chair of Belfast Orangefest. People will have their own view on 12 July, but the Orange Order worked with the traders in Belfast, the Chamber of Commerce, Visit Belfast, the council and government — including DSD, led by the SDLP — to encourage people into the city centre to watch the parade, to sit there and have a meal and a drink or whatever, then watch the return parade. That worked very successfully. The truth of the matter is that, on that day, people celebrating their culture will be dressed a certain way. My concern is that Mr Dickson's amendment would mean that people would feel uncomfortable doing that, and I do not think that they should.

**Mr Dickson:** I thank the Member for his intervention. *[Laughter.]*

**Mr Maskey:** It is my intervention; I am speaking.

**Mr Speaker:** Order. Mr Maskey has the Floor.

**Mr Maskey:** I thank the Member for thanking another Member for intervening on my speech. I will not take any further interventions.

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

**Mr Maskey:** I certainly will. *[Laughter.]*

**Mr Dickson:** So direct were the Member's remarks — he even turned to face me rather than the Member he was attempting to address — that I was completely drawn into the scene that he described for us. The short answer is that the event that he describes is a genuine event, as we can all discern. That is what good relations are all about. Good relations are nuanced and about discerning those things that can be achieved in an open and welcoming way and those that we all know are wrong. There are many occasions when things are wrong and we know that they are wrong. We have the ability to discern.

**Mr Maskey:** I again thank the Member for his intervention. The concept of a short intervention is very interesting, but I have yet to witness one.

I want to conclude my remarks on behalf of Sinn Féin. I am not hostile to the intention behind the amendment, but I do not think that it is workable. The Member certainly has not put forward any compelling or clear argument as to

how it might work. The issues that he addresses are dealt with in other legislation. It needs to be better dealt with in legislation and through a wider and more inclusive conversation in society. However, this is not the place to do that.

**Mrs D Kelly:** On behalf of the SDLP, I fully appreciate the comments of others who insist that the intention behind the amendment is covered elsewhere in legislation. However, the proposer was at some pains to point out that we should make it more explicit and give a lead in the House on how we can endorse shared space and expect certain standards of behaviour in those areas that are clearly shared space. The SDLP is happy to support the amendment. I think that there should be more positive messages —

**Mr F McCann:** Will the Member give way?

**Mrs D Kelly:** I will.

**Mr F McCann:** Do you not accept that, in the likes of Belfast city centre — which I frequent, now and again, to partake in a couple of drinks with my friends — there is an unwritten rule among many owners of bars and other establishments that certain types of materials cannot be worn? If you try to make it a restriction, you will lose the battle rather than win the hearts and minds of the people who use the place.

**Mrs D Kelly:** Mr McCann said that it is an unwritten rule. Indeed, the proposer and others talked about self-regulation because business owners know what is best. The amendment is not about what potential customers might seek to wear or not wear. We would all like to see those wearing Linfield scarves and those wearing Celtic scarves sitting down together sharing a cup of coffee. However, the amendment is not aimed at the customer — the proposer can clarify that — but at the business owner. It is about sending a positive message on the standards of behaviour that we, as an Assembly, expect to be abided by in public.

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

**Mrs D Kelly:** I will.

**Mr Maskey:** We have all agreed that there is a proliferation of cafes. Can the Member give us an example of where that standard has been abused by any businessperson? Nobody brought that to the Committee at any stage. I am not hostile to the intent of the amendment,

but not one person brought it to the attention of the Committee in its deliberations that that has been a problem in any establishment. It has not happened.

**Mrs D Kelly:** I am not making the point that it is to remedy a wrong. I am saying that it is an explicit way in which the House could give a message to the public and wider society. It is on that basis that the SDLP is happy to support the amendment.

**Mr Copeland:** I am unable to support the amendment. The world is as it is and not as we would wish it to be. Although I have some sympathy for Mr Dickson's Elysian Fields, I have read the amendment. The amendment is interesting in some ways. It uses phrases such as "reasonably practicable", without giving any definition of what reasonable practicability is. As Mr Allister said, it appears to be selective in those who are to be afforded protection: "persons of different religious belief". Not to stray into the ridiculous, but the hot cross bun could, in some cases, be seen as not in the interests of those of the Muslim faith. If you go back far enough in history, the croissant is the same.

Let us take the things that really matter here. Say, for example, that someone in a restaurant has a tattoo — many people have tattoos, and many people had tattoos during the Troubles — such as a red hand, a shamrock or a harp, whose responsibility is it to tell the person that that is an unacceptable display? Even a bottle of Guinness has a harp with no crown, and there are certain quarters where that might not go down well. How do we enshrine something in legislation as open as amendment No 2? It gives no guidance as to what is "reasonably practicable"? Who enforces it? Who ensures that it is enforced fairly and justly, because the person enforcing it may well be prejudiced in one direction or another. Most of these things, as Mr Allister said, are already covered in common law.

**Mr Campbell:** I thank the Member for giving way. Does he agree that, because people are looking to us to make progress, we need to be exceptionally careful? We are talking about the Licensing of Pavement Cafés Bill. If people hear us analysing the Bill in the context of a shared space and a shared future, they really will say, "Can you not simply get on with it?".

**Mr Copeland:** I do have some sympathy with that. I will take Mr McKinney's intervention, if that is in order.

**Mr McKinney:** I thank the Member for giving way. I refer back to your opening comments. Are you suggesting that the Assembly does not have the capacity or the ability to effect positive change?

**Mr Copeland:** Absolutely not. However, I believe that change for the sake of change is not necessarily a good thing. I do not think that legislation such as this applied to a pavement cafe will change anything. I know that people take offence, and people are entitled to take offence. However, sometimes things that are seen by others to be offensive are not offensive.

Any of you who know me well will be fairly sure that I am a pretty reasonable individual in most things. Gender, colour and religion do not really bother me that much personally, as I take people as I find them. Many years ago, I was at a Castlereagh Borough Council lunch — a very good lunch — and afterwards I was offered a cup of coffee. A voice came from behind me that said, "Coffee?". I said, "Yes please. Can I have it black?" There was a silence, and the voice said, "You cannot ask for that". When I turned round to ask why, I discovered that the person was a black person. That is as true as I am standing here. Nothing in what I said about asking for a black coffee could have been described as racist, yet there was something in the communication that took place between me and the waitress that led her to infer that there was something potentially racist in it.

A pavement cafe is somewhere that you choose to go into. If it is not a place that is deemed by you with your buying power to be appropriate, you will not go into it, and the owner will change it to make it appropriate. To have legislation without a very strict understanding of what it will mean is plum silly.

**Mr Clarke:** Thank you very much, Mr Speaker. We will try to get back to normality after that.

I will not be supporting amendment No 2, which, I am sure, comes as no surprise. I listened carefully to what other Members have said, and I listened to what the Minister said about us wanting the legislation to work. The amendment is unworkable. About the only thing on which I agreed with the Member who spoke previously was the wording of the amendment, where we talk about something as being "reasonably practicable".

As someone said during the debate on the first group of amendments, we are really trying to get legislation that will be workable by councils. We want to hand over the legislation with it fit

for its intended purpose. To hand over legislation to a council that contains an amendment with the wording "reasonably practicable" is not workable in my opinion. What should have been a straightforward debate on the Licensing of Pavement Cafés Bill has turned into something ludicrous, to be honest.

In his opening remarks, the proposer of amendment No 2 said that he had spoken to businesses and taken on board their comments. However, no one could suggest where those businesses that would be flouting the rules are. Anyone who runs a good business will want to protect it, and Alex Maskey made a similar point. They are not going to step outside of something that is going to affect their business where they are going to attract trade from one side of the community or the other.

**11.45 am**

I laugh when I read the amendment because it goes on to state:

*"not to display in the area covered by the licence anything that would be detrimental to good relations between persons of different religious belief, political opinion or racial group."*

I have to say that I am glad that it does not extend to all signage in towns. You could walk down a Carrickfergus street today and ask someone what they think of the sign outside the proposer's office. That person may find it offensive because, given their political opinion or belief, they may not agree with it. Unless the proposer proposes that we paint everything yellow for the Alliance Party, or everything grey, the amendment borders on the ridiculous. For that reason, I do not support it.

**Mr Lyttle:** I support the amendment. We have had some strange contributions in opposition to a very straightforward amendment that aims to put standards in place that are key priorities for the entire Executive. We have had everything from hot cross buns to black coffee and other things used as objections to a fairly straightforward amendment.

Shared spaces and shared community are at the core of how we set about creating a shared society. The DUP and Sinn Féin recognise that. In 'Together: Building a United Community', they state clearly that they are:

*"committed to addressing all barriers that prevent or interfere with shared space, and ensuring that all individuals can live, learn, work and play wherever they choose."*

It also states:

*"The maintenance and protection of shared space is a cross-cutting responsibility for the entire Northern Ireland Executive, other public bodies and civic society."*

So, I think that this is an opportunity for the Assembly to demonstrate that it is committed to delivering some of those aims in a very practical way. It gives pavement cafes, which use public space for a private venture, an opportunity to be part of the progress towards creating a shared society for everyone.

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

**Mr Lyttle:** I am sorry, but I am going to make progress.

There is also an opportunity through the scope of this legislation to make sure that that is a more comprehensive approach. However, the amendment is rightly limited in nature. It would be clearly unfair on businesses in areas of contested space to prevent cafes from having a licence because the Executive have been unable to deal with contested emblems in a more comprehensive way. That is why we use terms such as "reasonably practicable" in the amendment, which makes it a balanced and proportionate proposal.

I am content that the amendment is worded in such a way that it would not be onerous for licence holders, and I urge all Members to support what I think is an opportunity to put the words of 'A Shared Future' into action.

**Mr Allister:** I oppose the amendment. It is unnecessary, unduly selective and ultimately probably unenforceable. It is unnecessary because, by their very nature, pavement cafes remain public spaces and public places, and they are therefore governed by public order legislation. Thus, the prospect of them becoming cauldrons for public disorder, dissent and that which provokes those situations is catered for in criminal law. One of the most basic public order offences is behaviour likely to lead to a breach of the peace. So, if you have occurring within the ambit of a pavement cafe something which, by its very nature, is likely to lead to a breach of the peace, there is a remedy that lies in criminal law. So, the amendment is wholly unnecessary in that regard.

Secondly, it is excessively selective. The point I made in my intervention is that Mr Dickson is exercised to make sure that nothing happens that might provoke confrontation or upset on the basis of religious belief, political opinion or in a racial situation.

Of course, he seems quite happy to have no legislative restraint on what I described as the "gay bar", which seeks to open up a pavement cafe in front of its premises, where there may well be offence caused to passers-by, such as has been caused by some of the displays and posters carried during the so-called gay pride parade. If one of those were to be displayed on the forecourt of a gay bar as part a pavement cafe setting, Mr Dickson would, it seems, have no problem with that. His amendment does not seek to address that.

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

**Mr Allister:** I will in a moment.

In the provision of services, we have a whole range of touchstones: political, religious, racial, sexual orientation and gender. However, when it comes to the amendment, Mr Dickson very selectively excludes some of them. By that, he conveys that he is quite content to see that which he would not permit on a public order basis if it were political, religious or racial in connotation. He is quite happy for it to be tolerated if it is on the basis of sexual orientation. That is why I say that he is being wholly selective. I will give way.

**Mr McKinney:** Will the Member clarify whether the instance that he describes of the gay bar and any materials displayed there would be covered under public order?

**Mr Allister:** Yes. It comes back to my first point that it is unnecessary to do any of this because, if it is capable of leading or is likely to lead to a breach of the peace, it could well be covered by public order. It could be covered by some other dimensions as well. It goes back to my first point, which is that the suggested legislative change is unnecessary in the first place. It is then compounded by the fact that it is wholly selective.

**Mr McKinney:** I thank the Member for giving way. I just want to test that point. Are there circumstances in which it would not be covered under public order, which would underscore the type of provision put forward by the Alliance Party?

**Mr Allister:** I suppose that if no one objects, there may well be no action taken. However, by the same token, if no one objects to something that is divisive politically, religiously or racially, no action will be taken. We either go for something that applies across the board or we go for none of it. I suggest that we go for none of it because it is all already adequately covered in criminal law.

I say that it is unnecessary, I say that it is selective, and I say that it is probably largely unenforceable because we are talking about the burden on the licensee. The inference is that the licensee is vicariously liable for what happens on his premises, which now extend to the pavement. That begs the question of what the licensee might be able to control. If someone comes along sporting emblems that others may consider divisive, is it realistic to tell the licensee that he must intervene? That, in itself, could cause a public order situation, so is it even practically enforceable? I question whether it is.

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

**Mr Allister:** Yes.

**Mr McCrea:** The proposer referred to graffiti, whether it be on the walls or the pavement. Does the Member accept that the point that he makes also impacts on the owner of the premises, who would then also be responsible for cleaning the footpaths, which are also completely out of his control?

**Mr Allister:** Yes. I do not know whether Mr Dickson expects the licensee to be the custodian and guardian of the kerbstones — maybe he does. I think that it is largely an impractical proposition and one which, for the three reasons that I have articulated, the House should oppose.

**Mr McCausland:** I listened carefully to all the points that were made in what was undoubtedly a very wide-ranging contribution. We have even been better informed about Mr Copeland's dietary preferences.

At the outset, I make it clear that I oppose the amendment. The reasons for that are very plain and simple. The Bill as currently drafted will allow a council to take action if it has a concern that a pavement cafe area may not provide or is not providing a welcoming environment. As the proposer of the amendment noted, councils already have an obligation to take good relations into account. Therefore, I would have thought that there is an

incumbency on them to take that into account when considering applications for a pavement cafe.

Under clause 4, a council may refuse an application outright. Under clause 6, if a council decides to grant a licence, it may impose any condition that it considers reasonable to promote a welcoming environment. Under clause 16, where a licence is in force, a council can vary the conditions of a licence for the same purpose. However, more importantly, any licensed pavement cafe will remain a public area and, as such, will be subject to all the normal laws of the land. I think that a number of contributors touched on that.

I listened carefully to Mr Dickson's argument. Given that he said that the amendment is essential, obvious and necessary, it strikes me as a little odd that, when the earlier public consultation on the scheme took place, the Alliance Party responded but did not think that the issue was important enough to mention at that time. Surely if the amendment is essential, obvious and necessary in the way that Mr Dickson now claims, if it holds that view, the Alliance Party should have raised that issue at that earlier point. So, I am somewhat bemused by the fact that he should bring it up now at this very late stage.

It is quite clear that town, city and village centres should be shared spaces. That is good for business, for the wider community and for councils. I think that everyone should accept that. If we are going to have viable commercial centres, they need to be shared spaces so that they can draw customers and clientele from right across the community. I am sure that that will be very much in the mind of councils and businesspeople.

When Mr Dickson was asked for specific examples of what he was actually talking about, his response was, I have to say, certainly confused and undoubtedly confusing. I think that that showed that the whole thing is ill thought out, ill-conceived and ill-considered.

Pavement cafes are public spaces. The Member talked about graffiti. If everything on the pavement, such as tables, chairs and so on, has to be capable of being removed, the only thing that you are left with is the ground that they stand on. If we are talking about graffiti on the pavement, I think that it would be the responsibility of the local council or Roads Service to immediately remove anything that is racist, sectarian or, indeed, obviously offensive.

So, for all the reasons that I set out, in addition to the other reasons that some others noted, there is absolutely no reason for supporting the amendment. It is unnecessary and totally ill thought out and ill-considered.

In conclusion, I agree that, as a general presumption, a council would wish to be assured that any licensed pavement cafe area has a welcoming environment. There is scope in the Bill for a council to deal with concerns in that regard. To make it a mandatory licence condition would, in my view, be unworkable. Indeed, to include such a condition could be a charter for malcontents to lodge all sorts of mischievous complaints. Councils are best-placed to make local licensing decisions, and powers are being devolved appropriately under the Bill. They can be trusted to implement the scheme in a way that is balanced, sensible and sensitive to local circumstances. I, therefore, formally oppose the amendment.

#### 12.00 noon

**Mr Dickson:** I thank the Minister and all Members who have contributed to the debate. No matter what the outcome on this amendment is, we have had an opportunity to look at one small step that we might take in dealing with shared space and the future of Northern Ireland. It just fills me with sadness that people bring in silly comments and have failed to grasp it; we cannot take even one tiny step.

I listened to what —

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

**Mr Dickson:** No, I am not prepared to give way. I listened to what Mr Allister had to say. I would be happy to work with him, and I think that he is right about extending the list to include not only, for example, sexual orientation but other things. I would happily work with Mr Allister to do that, if I genuinely thought that he would support the amendment. However, I know that he is not prepared to support the amendment.

I also heard somebody describe the good relations aspect of it as unworkable. Good relations is already the law of the land. It is the standard that we aspire to; it is there in legislation. Why can we not have it cited in each appropriate piece of legislation and in something as simple as the Licensing of Pavement Cafés Bill?

I urge Members to reconsider their thoughts and encourage them to support the amendment, but I understand the outcome of a democratic vote in the Chamber. It just saddens me that, even on something as simple as this, we cannot take a little step forward and actually create shared space for everyone.

**A Member:** Will the Member give way?

**Mr Dickson:** No, I have finished.

*Question put, That amendment No 2 be made.*

*The Assembly divided:*

Ayes 16; Noes 68.

## **AYES**

*Mr Agnew, Mr D Bradley, Mr Byrne, Mr Dallat, Mr Dickson, Mr Durkan, Mrs D Kelly, Ms Lo, Mr Lyttle, Mr McCarthy, Dr McDonnell, Mr McGlone, Mr McKinney, Mr A Maginness, Mr P Ramsey, Mr Rogers.*

*Tellers for the Ayes: Mr Dickson and Mr McCarthy*

## **NOES**

*Mr Allister, Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr G Kelly, Mr Kennedy, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr McNarry, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

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

*Question accordingly negatived.*

**12.15 pm**

*Clause 6 ordered to stand part of the Bill.*

**Mr Speaker:** No amendments have been tabled to clauses 7 to 13. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 7 to 13 ordered to stand part of the Bill.*

## **Clause 14 (Revocation of licence)**

*Amendment No 3 made:* In page 11, line 26, leave out from "any" to "with" and insert

*"the licence holder has persistently failed to comply with any condition of the licence".— [Mr McCausland (The Minister for Social Development).]*

*Clause 14, as amended, ordered to stand part of the Bill.*

**Mr Speaker:** No amendments have been tabled to clauses 15 to 18. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 15 to 18 ordered to stand part of the Bill.*

## **Clause 19 (Notice of revocation, suspension or compulsory variation)**

*Amendment No 4 made:* In page 13, line 23, leave out subsection (1) and insert

*"(1) Before deciding to revoke, suspend or make a compulsory variation of a pavement café licence, a council must (subject to subsection (1D)) notify the licence holder in writing of its proposal to revoke, suspend or vary the licence.*

*(1A) A notification under subsection (1) must state—*

*(a) the grounds for the proposed revocation, suspension or variation; and*

*(b) that representations in writing relating to the proposal may be made by the licence holder to the council until the end of a period specified in the notification.*

*(1B) Any period specified under subsection (1A)(b) must be at least 21 days beginning with the date when the notification is sent unless the council considers that there are particular circumstances which make a shorter period necessary in the public interest.*

(1C) *In deciding whether to revoke, suspend or make the proposed variation of the licence the council must take into account any representations made by the licence holder within the period specified under subsection (1A)(b).*

(1D) *If it considers that there are particular circumstances which make it necessary to do so in the public interest, a council may decide whether to revoke, suspend or make a compulsory variation of a pavement café licence even though no notification has been given under subsection (1).*

(1E) *Where a council decides to revoke, suspend or make a compulsory variation of a pavement café licence, the council must give notice in writing to the licence holder of the revocation, suspension or variation.* — [Mr McCausland (The Minister for Social Development).]

**Mr Speaker:** Amendment No 5 has already been debated and is consequential to amendment No 4.

*Amendment No 5 made:* In page 13, line 25, leave out "this section" and insert "subsection (1E)". — [Mr McCausland (The Minister for Social Development).]

**Mr Speaker:** Amendment No 6 has already been debated and is consequential to amendment No 4.

*Amendment No 6 made:* In page 13, line 30, leave out from "this section" to "the notice" in line 31 and insert

*"subsection (1E) may provide for the revocation, suspension or variation to take effect on the date when that notice".* — [Mr McCausland (The Minister for Social Development).]

**Mr Speaker:** Amendment No 7 has already been debated and is consequential to amendment No 4.

*Amendment No 7 made:* In page 13, line 36, at end insert

*"(4A) A notice under subsection (1E) may be withdrawn at any time before the revocation, suspension or variation takes effect."* — [Mr McCausland (The Minister for Social Development).]

*Amendment No 8 made:* In page 13, line 37, leave out "a council has suspended a pavement café licence, it"

and insert

*"a suspension of a pavement café licence has taken effect, the council".* — [Mr McCausland (The Minister for Social Development).]

**Mr Speaker:** Amendment No 9 has already been debated and is consequential to amendment No 4.

*Amendment No 9 made:* In page 13, line 41, leave out "(4)" and insert "(4A)". — [Mr McCausland (The Minister for Social Development).]

*Clause 19, as amended, ordered to stand part of the Bill.*

*Clause 20 ordered to stand part of the Bill.*

#### **Clause 21 (Appeals)**

*Amendment No 10 made:* In page 14, line 37, at end insert

*"(2A) Where a pavement café licence is granted or renewed and a period is specified under section 5(5)(a) in the licence, the licence holder may appeal against the council's decision to specify that period."* — [Mr McCausland (The Minister for Social Development).]

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clauses 22 to 29 ordered to stand part of the Bill.*

#### **Clause 30 (Definitions)**

*Amendment No 11 made:* In page 18, leave out lines 30 to 32 and insert

*"'market area' means a place where a person has a right (exercisable at particular times) to hold a market or fair; and in this definition 'right' means a right acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of a statutory provision;"* — [Mr McCausland (The Minister for Social Development).]

*Clause 30, as amended, ordered to stand part of the Bill.*

*Clauses 31 and 32 ordered to stand part of the Bill.*

### **Schedule (Consequential amendments)**

*Amendment No 12 made:* In page 22, line 9, leave out line 9 and insert

*"in Article 69J(2), the reference to the premises". — [Mr McCausland (The Minister for Social Development).]*

*Amendment No 13 made:* In page 23, leave out lines 32 to 39 and insert

*"(f) where a pavement café licence is in force, trading carried out in the area covered by the licence, if the trading—*

*(i) takes place at a time when that area has temporary furniture on it that under the terms of the licence is permitted to be there at that time;*

*(ii) is done in the course of a business which is carried on by the licence holder at the premises specified in the licence;*

*(iii) relates to the supply of food or drink in or from those premises for consumption on that area; and*

*(iv) does not involve a contravention of the conditions of the licence.'." — [Mr McCausland (The Minister for Social Development).]*

*Schedule, as amended, agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Licensing of Pavement Cafés Bill. The Bill stands referred to the Speaker.

### **Financial Provisions Bill: Final Stage**

**Mr Hamilton (The Minister of Finance and Personnel):** I beg to move

*That the Financial Provisions Bill [NIA 22/11-15] do now pass.*

The Financial Provisions Bill was introduced to the Assembly on 17 June 2013, and I believe that the subsequent process of scrutiny and debate has been extremely productive. I record my particular gratitude to the Chairperson and members of the Finance and Personnel

Committee for their work in considering the Bill. Likewise, I thank the Assembly authorities, the Bill Office and the Office of the Legislative Counsel for their dedicated work in getting the Bill to this stage.

The Bill is an important and necessary piece of legislation, the main purpose of which is to tidy up routine financial matters that can occur but that would not merit a stand-alone Bill in and of themselves. Following scrutiny of the Bill at earlier stages, I tabled ministerial amendments relating to rating matters, which were passed at Consideration Stage. I do not intend at this stage to spell out in any great detail what the Bill does or how it does it, as we have been over that ground previously. However, I will recap very briefly on the Bill's provisions that relate to a range of issues.

The Bill now contains five rating clauses that deal with a number of changes to either refine, repeal or adjust existing legislative provision relating to rating matters. There are also a range of clauses that deal with minor changes to DARD, DOJ, DSD and Northern Ireland Audit Office legislation.

The Bill provides for a number of routine amendments to finance related legislation or to regularise an existing practice. I look forward to Members' support in ensuring that the Bill clears its Final Stage, having got this far. I commend the Bill to the House.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his brevity. I will try to be equally quick in my summing up.

On behalf of the Committee, I support the motion. As Members will be aware, the Bill contains provisions that are relevant to not only DFP but DARD, the Audit Office, DOJ and DSD. The Committee for Finance and Personnel fulfilled a coordinating role in seeking and collating responses to the Bill from the applicable Committees, in addition to considering evidence from DFP officials on relevant clauses. Members of the Finance Committee were therefore mindful of those comments during their deliberations and in their report on the Bill.

During Consideration Stage, Members agreed several amendments to the Bill, and the Bill today has 14 clauses and one schedule. Six of those clauses fall to other Departments' remits, and the relevant Committees have considered and agreed them. For the purpose of today's debate, I shall reflect on the provisions that are

relevant to the Department of Finance and Personnel. Those relevant provisions are in clauses 3 through to 7, which will amend the Rates (NI) Order 1977.

Clause 3 will remove the criteria stating that only properties for which rent is paid or collected less than quarterly and with a value of £150,000 or less fall within landlord liability. Clause 4 will repeal dormant articles that the Department deems unsuitable. The Committee was reassured by the rationale that departmental officials provided that the provisions in both clauses are being made with the support of a consultation process that the Department has undertaken on the wider policy issue of landlord liabilities. Officials also reassured the Committee that those changes should reduce the administrative burden both on tenants and landlords.

Clause 5 clarifies Land and Property Service's ability to request effective dates for occupation. Again, members are satisfied that that will assist with rates recovery and bill collection. Clause 6 will extend the discount on rates allowed for early repayment and follows from the existing rating of empty homes policy already introduced. Officials indicated that the revenue cost of that would be modest, and I understand that it will be around £240,000.

Clause 7 will provide the option of applying small business rate relief as a specific amount of reduction to a rate bill instead of a specified percentage. Although there was some discussion in Committee about the rationale for this, members sought and received assurance from officials on this new power and were satisfied. The remaining amendments in relation to DFP are technical and consequential in nature. The Committee has indicated that it is also content with these clauses.

On behalf of the Committee, I acknowledge the contribution of the other relevant Committees and Departments to informing the Committee deliberations, as well as the responsiveness of the DFP officials in seeking to provide clarification and assurances on issues arising from the evidence.

**Mr Cree:** I am pleased to have taken part in the debates up to this point in time. I am very happy with the way that things have turned out, and I am quite happy to let the Bill proceed.

**Mr Hamilton:** I thank the Members for their contributions today, particularly the last one. I thank Members for their input to this and all previous stages of this short Bill.

I was going to say that I would do my best to respond to all the points that were raised today, but I do not think that there were any. I thank Mr Cree for his brevity; he kept up to a promise that Mr McKay maybe did not in comparison. However, these things are all relative. I thank Mr McKay for giving a summary of the Bill that I did not bother to give. I thank him particularly for leading the scrutiny of the Bill in his capacity as Chairperson of the Committee for Finance and Personnel. The Bill's impact may be minor compared with many other pieces of legislation that not just his Committee but the House will consider, but it is important nonetheless.

As I outlined in my opening remarks, the Bill is a short but important and necessary piece of legislation, the main purpose of which is to tidy up routine financial matters that require primary legislation. It provides for a number of routine, non-controversial additions or amendments to legislation.

Again, I thank everyone for the work that they have done. I commend the Bill to the House.

*Notice taken that 10 Members were not present.*

*House counted, and, there being fewer than 10 Members present, the Speaker ordered the Division Bells to be rung.*

*Upon 10 Members being present —*

*Question put and agreed to.*

*Resolved:*

*That the Financial Provisions Bill [NIA 22/11-15] do now pass.*

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

*The sitting was suspended at 12.32 pm.*

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

2.00 pm

## Oral Answers to Questions

### Enterprise, Trade and Investment

**Mr Principal Deputy Speaker:** I inform Members that question 14 has been withdrawn.

#### Electricity Generation Capacity

1. **Mr Beggs** asked the Minister of Enterprise, Trade and Investment for her assessment of current and future local electricity generation capacity. (AQO 5687/11-15)

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** The recently published Systems Operator for Northern Ireland (SONI)/EirGrid generation capacity statement for 2014-2023 notes that the generation surplus in Northern Ireland drops from 600 megawatts to 200 megawatts in 2016 due to the impact of European Union emissions legislation. However, the adequacy standard will still be met. There is agreement between SONI and the Utility Regulator that an additional generation adequacy of around 250 megawatts is desirable post-2015, and feasible options for securing that by December 2015 are being explored by the Utility Regulator and SONI.

**Mr Beggs:** Developments in the Ukraine have once more put into focus the risks that exist with our gas supplies and electricity generation. What action is the Minister taking to ensure that we have diverse alternative energy supplies, such as those produced by AES in Kilroot, to ensure that such generation is sustainable and available in the future?

**Mrs Foster:** The Member mentioned the developing crisis in the Ukraine. We have been in contact with our Westminster counterparts and, at present — I use the words "at present" because we all recognise that things are developing very quickly, particularly in the Crimea — we are not aware of any issues in relation to the supply of gas to Northern Ireland, which is totally reliant on imports from Great Britain. We understand that gas from Russia transits through the Ukraine to Europe, but Europe is now less dependent on Russian gas than it was previously and there are alternative

pipeline routes that do not pass through the Ukraine. We will continue to keep a close eye on the continuing issues in the Ukraine and everything that flows from that.

In relation to local generators, we meet all generators right across the piece, and I understand that SONI and the Utility Regulator have agreed that, in the next few days, SONI will test the market for provision of reliable power, demand-side reduction or a mixture of both equivalent to at least 250 megawatts of generation adequacy. That testing of the market will come in the next few days.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answers until now. Can the Minister advise of any meetings that she has had with the likes of NIE or the Utility Regulator about increasing the capacity of the grid to absorb connections from renewables and from other prospective businesses that are attempting to connect to the grid to expand their businesses?

**Mrs Foster:** We deal with that in two ways. We deal with very specific requests from companies that perhaps want to expand and therefore need more capacity in their connection, and I have done that in a number of cases. I cannot name them to the House because that would give an unfair disadvantage to those companies, but I assure him that my officials have, on a number of occasions, met NIE about specific cases. I have one in my mind at the moment. Of course, we continue to meet NIE and the regulator about the grid infrastructure in general.

The Member will know from his Committee chairmanship that we are looking at making an application to the European Union to see whether there is anything that we can do to get money from Europe to help us to deal with our grid infrastructure, particularly in the west of the Province where a lot of renewable energy is trying to get on to the grid, but, at present, there are difficulties with that because of the strength of the grid.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí.

Will the Minister give us an update on her discussions with NIE and the regulator to deal with the extortionate rates that are being charged by NIE for grid connection, particularly

given the potential introduction of competition in that area?

**Mrs Foster:** I accept what the Member says about costs, because, when you have a wind turbine on a farm and are trying to make a business case for it, and you are told by NIE that to connect it to the grid will cost a million pounds, it really does not stack up.

We have had meetings with and correspondence from NIE and the Utility Regulator, and the Member will know that, as a result of the most recent price determination, the regulator allowed NIE to invest more money in the grid. It remains to be seen whether that is enough, but one of the reasons that we have approached Europe is to try to gain more money to improve the grid infrastructure.

Anything that NIE does is passed on to the customer, and it has said that it has to be cost-reflective. Many times, NIE asks people to upgrade a line as they are the first on that line that needs upgraded. I accept that that seems to be a disproportionate ask of farmers and others who want to get involved in small-scale renewable energy. That is why we continue to look at how we can improve the grid infrastructure, particularly in the west.

**Mr Anderson:** How important do you think it is to push ahead with the North/South interconnector to ensure security of supply?

**Mrs Foster:** We discussed the matter yesterday during the debate on electricity. Of course, the new high-voltage electricity link is essential in order to improve the electricity infrastructure and network efficiency, and it will save consumers in Northern Ireland an estimated £7 million per annum. It will enhance our long-term security of supply and allow generators in Northern Ireland to export the electricity that they have to the Republic of Ireland and, hopefully later, to Britain. It will also reduce constraints on renewable energy and, as I said, provide access to supply opportunities in the rest of the European market.

It is a critical piece of infrastructure. I understand that NIE's revised environmental statement for the project is with the Department of the Environment. I am keen to see planning progressed as a priority, including the setting of a date for the resumption of the Planning Appeals Committee hearing, if it is required.

## **Post Offices: Diversification Fund**

2. **Mr Lyttle** asked the Minister of Enterprise, Trade and Investment whether she will give consideration to the introduction of a diversification fund for post offices, which currently exists in other parts of the UK. (AQO 5688/11-15)

**Mrs Foster:** My Department does not have a remit or statutory authority for the funding of post offices. As such, I have no plans to introduce a diversification fund for post offices in Northern Ireland. The Office of the First Minister and deputy First Minister has taken the lead on cross-cutting issues in the Executive.

**Mr Lyttle:** I thank the Minister for her response. I corresponded with the Office of the First Minister and deputy First Minister previously on the issue and was directed to the Department of Enterprise, Trade and Investment. I will revert to the Office of the First Minister and deputy First Minister.

Nonetheless, does the Minister recognise that sub-postmasters, as small businesspeople, face significant hardship? Does she support their Protect our Post Offices campaign, which calls for an increase in the delivery of government services via post offices? Can she direct me to a relevant government official who could meet the all-party group on postal issues to consider how a diversification fund has been used to help post offices in other UK regions?

**Mrs Foster:** I thank the Member for his supplementary questions. Just because I do not have any statutory authority does not mean that I do not take an interest in the issue. Of course I do. On many occasions, I have said that post offices provide vital services, in a similar way to those provided by credit unions in rural areas.

I was quite surprised — I think that Members would also be surprised — at the range of services that post offices already deliver. I have told Post Office officials that we should try to make sure that everybody is aware of the fact that post offices can deliver such a range of services for banks and Departments, both ours and Westminster's.

So, the Post Office, to me, plays a significant role. I particularly want to pay tribute to sub-postmasters and sub-postmistresses who go way beyond the call of duty on so many occasions to help local communities. I could tell you many stories about the way in which they have helped local people in an unsung sort of way, if I can use that term. Despite the fact that I do not have any statutory authority to deal

with the matter, the Member will find that I will support him in helping with the delivery of post offices right across Northern Ireland.

**Mr Hilditch:** The Minister touched on it, but what government services are provided through the Post Office?

**Mrs Foster:** It offers a range of services for customers, Departments and councils, including applications, payments, identity verifications, data capture and information services. For example, it manages more than three million Post Office card accounts across the UK for people receiving benefits, state pensions and tax credit payments. It also offers services relating to driving licence applications, car tax, passports and identity checking.

When I spoke to the Post Office officials about the matter, they said that there was a very limited number of Post Office services actually being delivered through the Post Office, but they were facilitating so many other agencies to deliver their services. I think that it is right that we acknowledge the way in which the Post Office is now being used by the banking sector. When a branch closes down, you can deposit money through your post office. That is being facilitated, as I understand it, by the Bank of Ireland services, but it does not mean that only Bank of Ireland customers can use the service. As I understand it, a wide range of banks are using the Post Office to deliver services locally.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the news this morning that there has been a moderate increase in the opening hours of the post office in Learmount. The local community campaigned for that for some time. What discussions has the Minister had with banks or post offices, particularly in areas where branches of banks have closed and there has been a reduction of services to local communities?

**Mrs Foster:** I can tell the Member that one of the questions that I ask of banks when they are closing a branch in a particular town or village is this: how are you going to facilitate your customers in the area? Often, the answer comes back that they are facilitating them through the Post Office. They can deposit cash through a post office and they can lift money through it. I am told that personal customers of 21 different banks — I did not know that we had 21 different banks, but there you are — including the big four, that is, Bank of Ireland, Danske Bank, First Trust Bank and Ulster Bank, and across the UK, can now use or arrange

banking services in a post office. Despite the fact that none of us wants to see closures of banks, we should always look to see how our customers are going to be facilitated when that happens. I think that the Post Office provides an answer for that.

## Credit Unions

3. **Mr Newton** asked the Minister of Enterprise, Trade and Investment if she has had contact with credit unions to assess any further potential to develop their services. (AQO 5689/11-15)

**Mrs Foster:** The Member will be aware that the types of financial services that credit unions are permitted to offer are now a matter for the UK financial services regulators. Northern Ireland credit unions may apply to the Prudential Regulation Authority and/or the Financial Conduct Authority for authorisation to deliver new services to their members. The same requirement applies to credit unions based in Great Britain. I have, however, recently received a request for a meeting from the Irish League of Credit Unions to discuss a proposal for the introduction of a range of banking services.

**Mr Newton:** I thank the Minister for her answer. I declare an interest as a member of a credit union. What are the Minister's thoughts on the potential of credit unions to supplement services where banks are closing down outside the Belfast area in particular? Does she believe that credit unions might offer some services that are lost to a community via the closure of a bank?

2.15 pm

**Mrs Foster:** That is a very similar issue to the one raised in the second question about providing services when a bank closes. A credit union can now apply to a particular authority in GB for authorisation to run current accounts or whatever. That authority will determine whether it believes that the capability is there to deliver on that scheme. For our part, we are bringing forward a credit union Bill that will give greater operational flexibility to any credit union that wants to have it. Just last week, we debated credit unions. Many in the community look to the credit union movement because they trust it and, therefore, want to do business through it. So I encourage any credit union that wants to take that step forward to apply. We will try to support them, as far as resources in the Department will allow, because we are still the registry. As I said, I have

received a request for a meeting, which we plan to have in the near future.

**Mr Swann:** I declare an interest as a member of Slemish n tha Braid Credit Union. Minister, you have been very supportive of credit unions in the past, as last week's debate proved. The Minister of Agriculture, in an answer to me, said that she had tasked her officials with finding out whether there was any support that she or her Department could give to rural credit unions, maybe through the rural development programme. Have you had any conversations with her about that?

**Mrs Foster:** No, but I would welcome any strategic move that might help, because this would fall under the financial capability strategy that the Executive as a whole are looking at and which has been consulted on. So I would welcome any move forward, and perhaps she will look at that in her rural White Paper. We should work together on this to make sure that there is no duplication and that we use money in the most effective way possible. Now that the Member has raised the issue, I will, of course, have a conversation with the Minister to see what her plans are in relation to the credit union movement.

**Mr P Ramsey:** I welcome the Minister's response, and, like the Member who has just spoken, I fully support the Minister's firm intention to work with the credit unions.

My question is similar to that asked by the Member for East Belfast. Given the void left by bank closures and the exorbitant hikes in interest rates by lenders, including non-street lenders, will the Minister give a firm commitment that the consideration of programmes that would enable financial support to go to credit unions to fill that void will be raised at the Executive?

**Mrs Foster:** We will have that wider discussion on education and capacity building under the financial capability strategy, which, I think, is the right place for this to sit. I think that his reference to finance relates to capacity building. He will know that, in GB, the Department for Work and Pensions, I think, came forward with money to try to get more people involved in the credit union movement. However, here in Northern Ireland, nearly 40% of people are already involved, as is reflected in the number of Members who declare an interest as a member of such-and-such a credit union. I imagine that the percentage of Members involved in the credit union movement might be even higher. So we do not need the same

stimulus to get people involved, but there is work do be done through the strategy on education and financial capability. The credit union movement and, I hope, the Post Office will play a key role in that.

**Mr McCarthy:** I, too, declare an interest as a proud member of Portaferry Credit Union for a number of years. My question is along the lines of what has already been said. Would the Minister consider and, indeed, support the setting up of a business credit union, not only to fill the void left by the banks but to help small local businesses in Northern Ireland to progress?

**Mrs Foster:** I look forward to discussions with the credit union movement to see whether that is the way in which it wants to proceed. As I said, we will give assistance where we can, subject to resources, but I think that credit unions will have to apply to the appropriate authority in Great Britain for approval to do anything new or extensive. I think that the ability for them to do that is there now. Also, under the credit union Bill, they will have greater operational flexibility.

The number of Members who get to their feet and declare an interest as a member of a credit union is amazing. If those in the credit union movement, such as the Ulster Federation of Credit Unions or the Irish League of Credit Unions, are watching, they can take great comfort from that.

**Mr Principal Deputy Speaker:** Especially if they owe as much as I do.

## Singapore Trade Mission

4. **Mr A Maginness** asked the Minister of Enterprise, Trade and Investment, in light of the success of the first ever joint UK-Ireland trade mission to Singapore, what future joint UK-Ireland overseas visits does she plan to undertake. (AQO 5690/11-15)

**Mrs Foster:** I have asked Invest Northern Ireland officials to liaise with their counterparts at UK Trade and Investment (UKTI) and Enterprise Ireland to formally assess the outcomes from the mission. Invest NI has an extensive trade mission programme of its own, with almost 70 events planned in over 30 countries up to the end of March 2015.

**Mr A Maginness:** I thank the Minister for her answer. I also congratulate the Minister on her involvement in this unique joint venture by the

British and Irish Governments and the Northern Ireland Executive. Will the Minister give her assessment of its relative success or otherwise? What future plans does she have to engage in further joint ventures, which must be of benefit to both parts of this island?

**Mrs Foster:** I thank the Member for his question. For my part, I will say that it was a successful mission. As some Members might have noticed, just today, I met the high commissioner from Singapore, who is based in London. He looks after the United Kingdom and the Republic of Ireland for Singapore. He is particularly pleased that his region has delivered the first-ever joint trade mission and that he can go down in history for his part in it.

I think that the success of the mission was really in and around the fact that the companies that were taken from Great Britain, Northern Ireland and the Republic of Ireland complemented each other in what they were trying to do. They were not competing against each other; they were complementing each other. Some were interested in servicing the aviation industry, and some were interested in maintenance and repair. From our perspective, we had some of our precision engineering companies represented out there, and there were some leasing companies as well. So, there was a mixture of companies. I pay tribute to all three organisers — UKTI, Invest Northern Ireland and Enterprise Ireland — for working closely together to make sure that that was the case, that it worked well and that it all worked seamlessly when the Ministers arrived. That, of course, is always a challenge, particularly when the destination is so far away. It was a very good success. We now wait to see what the objective outcomes are, and I look forward to receiving that information in the near future.

**Mr Dunne:** I thank the Minister for her answers today. Can she advise us of the opportunities and, indeed, challenges that exist for Northern Ireland in doing business with Russia?

**Mrs Foster:** Russia seems to be a key theme in today's Question Time. The Department and I have looked at Russia a number of times to see what the opportunities are. God willing, Invest Northern Ireland will bring a multi-sector trade mission to Russia on 3 June. We think that there are good opportunities for us in Russia. In fact, the export figures to Russia continue to grow at quite a good rate.

Tourism Ireland industry partners will participate in Visit Britain's Destination Britain sales missions to Moscow to try to sell the region of

Britain and Ireland together. I hope that Visit Britain and Tourism Ireland can work together on the Commonwealth Games in the way in which we were able to work together on the Olympics so that we can attract visitors from across the world to come and view the spectacle of those games.

We will continue to watch how our Government relates to what is going on in Russia and the Ukraine, but, as far as we are concerned, it is business as usual. In the upcoming months, we plan to bring these trade missions to Russia and for Tourism Ireland to go out there as well.

**Mr F McCann:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Will the Minister accept that we must explore every avenue for economic recovery? Can she outline her approach to North/South economic collaboration?

**Mrs Foster:** I imagine that that much is pretty clear by now. We work together to the mutual benefit of our jurisdictions, and I have always been very clear that I will work with anybody who can increase the economic well-being of Northern Ireland, whether that is east-west, North/South or right across the world to some of the countries that we are now doing business with. As I said, there are 70 trade missions going to 30 countries across the world. We are looking for business, and we have to look for business because this must be an export-led recovery. That is certainly the strategy for Invest Northern Ireland.

**Mr Cree:** The Minister has touched on the potential markets. Can she expand on what other opportunities may be possible there and what her Department is doing about that?

**Mrs Foster:** As the Member will know, the traditional markets have proved challenging over the past five to six years. GB accounts for 60% of our sales outside Northern Ireland, and the GB sales do not contribute to the overall PFG export target because we are not exporting but are still in the same nation. So, exports means everything outside of those sales. Over the past five years, we have also had particular issues in relation to the eurozone. That is why we have been looking to new and emerging markets, and, indeed, our export target for new and emerging markets is to increase by 60% over four years. We are on track to meet that target, with our 2012-13 performance exceeding the interim growth target by 13%. So, we are looking at Russia, Brazil, Indonesia, China and all the countries that Invest Northern Ireland intends to visit in its

trade missions over the next year. Those are the areas that we are looking at for export-led growth.

## Economic Data

5. **Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment for her appraisal of the quality and timeliness of local economic data. (AQO 5691/11-15)

**Mrs Foster:** Northern Ireland benefits from a large range of local economic data produced by the Northern Ireland Statistics and Research Agency and the Office for National Statistics. The quality and timeliness of official statistics is important and is examined through reviews of individual statistical series conducted by the UK Statistics Authority. User views are canvassed through general and expert user group meetings, consultations and meetings of the statutory Statistics Advisory Committee. Balances often need to be struck between the wide range of user needs, costs, quality, burden on business and timeliness, and so improvements in statistics provision will continue to be taken forward with these balances in mind.

**Ms Maeve McLaughlin:** Go raibh maith agat, Mr Principal Deputy Speaker. I thank the Minister for her answer. Given that there is a two-year lag in GVA data in particular, has this been raised with the Office for National Statistics? Are there proposals to address this?

**Mrs Foster:** Recently, I had a meeting with our statisticians from DFP on tourism statistics. Obviously, we have a continuing engagement with the statistics people. I accept what the lady said about the ONS: it is sometimes difficult to get those in a timely fashion, but, in making sure that we have the information that we need on the economy, there is a balance to be struck against the costs, the quality and all those other things. I accept what she is saying, and I will make sure that we continue our talks with the Office for National Statistics and, indeed, DFP.

**Mr Principal Deputy Speaker:** I am afraid that that ends the period for oral questions. We move on to topical questions. As the first name listed has been withdrawn within the time frame, I call Ms Rosaleen McCorley. I inform Members that question 4 has also been withdrawn in accordance with the guidance.

2.30 pm

## Well-being Data: Economic Strategies

2. **Ms McCorley** asked the Minister of Enterprise, Trade and Investment to outline how she will address NISRA's new well-being data in future economic strategies. (AQT 822/11-15)

**Ms McCorley:** An dtig liom iarraidh ar an Aire a rá cad é mar a thabharfaidh sí aghaidh ar na sonraí folláine de chuid NISRA sa straitéis eacnamaíochta sa toadhcháí?

**Mrs Foster:** Sorry, I did not catch the second line.

**Ms McCorley:** Will the Minister outline how she will address NISRA's new well-being data in future economic strategies?

**Mrs Foster:** Thank you very much. That will form part of our strategies. It goes back to the last question: the more information we have from our statisticians, the better informed we will be on any strategies that we bring forward from each Department. Those, of course, will form part of any strategy as well as the other statistics that we will get from our statisticians.

**Ms McCorley:** Go raibh maith agat. Gabhaim buíochas leis an Aire as a freagra. An dtig liom iarraidh ar an Aire an bhfuil sí buartha nach bhfuil na sonraí don Tuaisceart ar fáil san alt eacnamaíochta? Cad é an teachtaireacht a chuireann sin chuig daoine maidir le folláine eacnamaíochta s'acu?

Is the Minister concerned that data for the North are largely not available in the economy section? What message does that send to our people regarding their economic well-being?

**Mrs Foster:** The information is available and is brought forward by DFP in relation to the economy. The statistics are available.

## Office Accommodation

3. **Mr McGlone** asked the Minister of Enterprise, Trade and Investment whether the findings from the research into grade A office accommodation, in Belfast in particular, are available, and, if so, what conclusions there are. (AQT 823/11-15)

**Mrs Foster:** I am not aware if they are available. If they are, they have not yet been made available to me. Now that the Member

has raised the question, I will of course ask Invest Northern Ireland whether it has finished the review of that matter. I know that the matter has been raised with the Member and, indeed, with the Committee.

**Mr Principal Deputy Speaker:** I call Mr McGlone for a supplementary question.

**Mr McGlone:** I think that the Minister has already answered that. Will she give assurances that she will come back to the Committee and possibly to me as well, please?

**Mrs Foster:** It is only right that it should go back to the Committee because the issue has been raised at the Committee. When Invest NI has finished its work, it will, I am sure, want to bring it to the Committee.

**Mr Principal Deputy Speaker:** Mr Seán Lynch is not in his place. We will move on.

## **Wrightbus: Singapore**

6. **Mr D McIlveen** asked the Minister of Enterprise, Trade and Investment, given her meeting this morning with the High Commissioner of Singapore, whether Wrightbus, a major employer in my constituency, which has done considerable business in Singapore, was specifically discussed. (AQT 826/11-15)

**Mrs Foster:** Yes, we took the opportunity to speak about Wrightbus. The Member will be pleased to hear that his MP, Ian Paisley, has facilitated a visit to Wrightbus for the high commissioner, so he has been able to view the manufacturing in Ballymena. I am very pleased that he has, because Wrightbus plays an integral part in innovation on the Singapore Bus Service (SBS), which is the national bus service in Singapore. We are very pleased that it is a partner for Wrightbus.

When I was in Singapore we also met some Malaysians in relation to the opportunities there for Wrightbus. I commend Wrightbus on the way in which it goes out to export markets and looks for new business. The Member will know that Wrightbus had a difficult time at the start of the recession, but it settled down, innovated and looked at research and development and new ways of doing things. It went out into the market. I only wish that other companies would look to its example, because it has done a tremendous job.

**Mr D McIlveen:** I thank the Minister for her very positive response. I am sure that the Minister will agree with me that, when it comes to government investment, the return that Wrightbus has delivered on the money put into it has always been exceptional. Will the Minister give us an assurance that, if Wrightbus continues to require the assistance of Invest NI, her door will be open to that request?

**Mrs Foster:** We will of course continue to work with Wrightbus, and, indeed, with companies like Wrightbus that continue to invest in research and development and in the skills and management of their staff. We will do so as long as the European Union allows us to do so. That is an important caveat, because, as you know, the European Union is always looking at how we help our companies and at the state aid rules.

However, we will, as long as we can do so within the rules, continue to help those companies.

**Mr Principal Deputy Speaker:** Mr Ian Milne is not in his place to ask question 7.

## **Milk Cup: Sponsorship**

8. **Mr Easton** asked the Minister of Enterprise, Trade and Investment what the announcement of new sponsors means for the future of the Milk Cup. (AQT 828/11-15)

**Mrs Foster:** The first thing to say is that it will remain the Milk Cup. That is a very important point to make. I pay tribute to the Dairy Council for being with the Milk Cup for so long and providing a lot of sponsorship. When the Dairy Council decided that it was no longer going to sponsor the Milk Cup, it was very clever of it to approach Dale Farm, because of course the tournament then remains the Milk Cup.

I welcome the news that Northern Ireland's largest dairy company, Dale Farm, has stepped in as the lead sponsor, because that allows other sponsorship deals to come along. The partnership will guarantee that the tournament maintains its long association with the dairy industry. A lot of very positive messages will come out of that, particularly in and around healthy lifestyles and young people getting involved in sport. Those are two very important messages that, having spoken to David Dobbin, its chief executive, I know Dale Farm will want to deliver.

**Mr Easton:** Does the Minister agree that the announcement could attract even more teams from even more countries and increase bed nights for the tourism industry across Northern Ireland?

**Mrs Foster:** A new sponsor will invigorate an event. The Milk Cup has already established an international pedigree. I know that Dale Farm has great plans for the future for how it does business globally. I hope that the two will match up so that we can see even more international teams coming to Northern Ireland for the Milk Cup.

## Broadband Coverage

9. **Mr Newton** asked the Minister of Enterprise, Trade and Investment to state what she will do about the fact that there are some pockets of Northern Ireland, some not too far from this Building, where the broadband bandwidth does not allow commercial organisations to trade successfully, albeit that I commend her for her efforts in ensuring that there is broadband coverage across Northern Ireland. (AQT 829/11-15)

**Mrs Foster:** The Member will be aware from his past membership that Belfast City Council was allocated £13.7 million in funding by the Department for Culture, Media and Sport (DCMS) under a UK-wide urban broadband fund. A proportion of that funding has been allocated to a voucher scheme, under which businesses and third sector organisations can access support to cover initial installation costs for a high-speed broadband solution. That is an innovative way of dealing with the issue. I hope that everyone in the area that can access it is aware of the possibilities surrounding the voucher scheme and know that the scheme can be accessed.

**Mr Newton:** I understand exactly what the Minister is saying. The scheme is an extremely welcome move, and I know many organisations that have taken it up. As we progress in business, broadband coverage is going to become even more important. Will the Minister encourage Invest NI to expand the service that it is offering and ensure that, where there are blank spots and to help commercial development, it undertakes that work?

**Mrs Foster:** I do not think that Invest should be involved in delivering broadband solutions, and I do not think the Member is suggesting that it should be. If he is saying that Invest should be involved in identifying areas where there are not broadband solutions and asking what we are

going to do about it, the answer is yes. For us to have the correct infrastructure, to attract not just international investors but investors already in the area to stay, we must have the appropriate broadband connection for them. I am happy to say that that will be the case.

## Tourism: Support

10. **Mr Dunne** asked the Minister of Enterprise, Trade and Investment how she recognises and assesses the significance of Tourism Ireland and Northern Ireland Tourist Board support for events in Northern Ireland, such as the Circuit of Ireland rally, which, once again, is to be a round of the European Rally Championship. (AQT 830/11-15)

**Mrs Foster:** I thought that I had not heard from the Member about the Circuit of Ireland for a couple of weeks, so it is good to hear about it again. Yes, indeed, the events fund had an application from the Circuit of Ireland, and it was successful. We look forward to that event coming, which is around Easter, I think.

**Mr Dunne:** Easter weekend, yes.

**Mrs Foster:** Easter weekend. That is a good advertisement for you, Mr Dunne. It is a great event, and I know that there is a long history and culture in Northern Ireland of car rallying. We look forward to the number of tourists who will come from all over to see that event.

**Mr Dunne:** I thank the Minister for her support for the event. Does she fully recognise the extent of the television coverage for that event and many other events and how it displays Northern Ireland in a very positive way? Obviously, the scenery throughout the Province is transmitted across the world. Does she really recognise the significance of that?

**Mrs Foster:** Yes, I do. That is a very positive part of it, and not only for the Circuit of Ireland. We are going to see that again because it is part of the World Rally Championship, and I congratulate Bobby Willis and his team on making sure that that happened again. We look forward to all the drivers getting involved and, in particular, seeing Garry Jennings from County Fermanagh doing well again this year.

However, that is not the only sporting event to get that worldwide coverage. When the Giro d'Italia is here, it will reach 145 countries through the medium of television and, of course, worldwide access to the web. This is

our opportunity to shine, and I hope that everybody is ready to take that opportunity.

**Mr Principal Deputy Speaker:** Indeed. Thank you very much, Minister. We have reached the end of the list of Members to ask questions. I thank you for your attendance. Is this the first time that that has happened?

**Mr Milne:** On a point of order, Mr Principal Deputy Speaker. I apologise to the Chair and to the Minister for not being here to ask my topical question.

**Mr Principal Deputy Speaker:** Thank you.

The House will take its ease for a few minutes.

2.45 pm

## Environment

### Bus Operators: Licensing

1. **Mr Humphrey** asked the Minister of the Environment for an update on the current proposals regarding the licensing of bus operators. (AQO 5701/11-15)

**Mr Durkan (The Minister of the Environment):** My Department began its review of bus operator licensing in 2008 and has been engaged in developing proposals with a view to supporting a vibrant bus passenger transport sector. The consultation in 2010 showed a clear consensus that change was needed.

We are finalising proposals for a new bus operator licensing regime to replace both the road service licence and the 10B permit with a tiered licensing regime that better meets the needs of modern bus transport and is compliant with the requirements of EU regulations. It is generally agreed by industry stakeholders that the current scheme, which is 47 years old, is outdated and no longer able to support the diversity of passenger transport being delivered in the 21st century.

The new licensing regime will be designed to support integrated passenger transport and deliver a safe, fair and fit-for-purpose regime that allows a vibrant and innovative community transport sector to continue to flourish. Policy development is ongoing, as is engagement with key stakeholders, and no final decisions have been made.

Once I am content that proposals meet the objectives that I have just set out, my Department will consult. It will welcome the views of everyone who is involved in or avails themselves of bus transport. Given the wide-ranging demand for change, we are seeking to develop final proposals with a view to making new primary legislation at the earliest possible date. Further engagement is due to take place in the coming weeks, and I will seek to consult on proposals before the summer recess.

**Mr Principal Deputy Speaker:** Before I call Mr Humphrey to ask his supplementary, I inform Members that questions 4 and 11 have been withdrawn.

**Mr Humphrey:** I thank the Minister for his answer. Will he assure the House that charitable transport will be protected so that vital services provided for the disabled and vulnerable in Northern Ireland are not jeopardised?

**Mr Durkan:** The services to which the Member refers are vital, not just to their vulnerable recipients but to Northern Irish society as a whole. Therefore, it is imperative not only that they are protected but that they are promoted and that this change is made as easy as possible for them. Changes need to be made: the current scheme is outdated, and all stakeholders recognise the need for change. It is important, though, that any change is an improvement and that it protects and promotes the very sector to which the Member refers.

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. What is the Department doing to ensure that its current proposals will not have a negative or detrimental impact on community transport services in rural areas?

**Mr Durkan:** Go raibh maith agat as an cheist sin. I thank the Member for his very important question. Last week, I met representatives of community transport providers, and they outlined some concerns about the existing proposals. Let me be clear that those are not necessarily the final proposals. I am determined that the final proposals will reflect the concerns that those people raised so articulately with me last week. The service provided in rural areas is vital and one that others have not been able to do. It performs great work in tackling social exclusion and, therefore, should and must be supported. Any proposals should reflect the value of these partnerships to society and particularly to those in rural communities.

**Mrs Overend:** Has the Minister sought the opinion of the PSNI recently on its preferred way forward on the consumption of alcohol on buses? Aside from inventing an invisibility cloak for police officers, it is clear that the current system cannot, or will not, work.

**Mr Durkan:** I thank the Member for her question. It is about buses, but it is a wee bit of a jump from where we were. It is an issue that we addressed at Question Time last month.

Drinking on buses has been a cause of consternation and, indeed, controversy, for many years. It came to the fore again after a recent incident at the Odyssey, where a lot of young people arrived on buses and were drunk.

The issue was out for consultation during the summer months. There were a lot of very different and varied responses about how we best tackle it. I do not recall off the top of my head what the PSNI's preferred approach was. The Member referred to the difficulty that they have with the current set-up, whereby they have to physically catch someone in the act of consuming alcohol on a bus, which, I remind Members, is illegal. Unfortunately, they have never been able to do that. That is because if they come on to a bus and a person drops or sets down a drink, that person denies all knowledge of it, and the police have been not been able to get prosecutions.

I talked about the difficulties that we would have in proceeding with an outright ban of alcohol or the carriage of alcohol on buses and the anomalies that that would create for someone who was perhaps out shopping and bought a meal deal with a bottle of wine in Marks and Spencer. Would they be able to get the bus home? So, I think that our response to this undeniable problem has to be measured, balanced and realistic.

**Mr Rogers:** Following on from Mr McElduff's question, can the Minister assure me that the community transport sector will not be put out of business by any change to the licensing laws?

**Mr Durkan:** As I said in my answer to Mr McElduff, I am determined that they will not be put out of business. They are very good operators that provide a vital service. Indeed, one would imagine that the service that those partnerships provide will become all the more vital when we look at the Department of Health and at what is coming down the line with Transforming Your Care. I believe that there will be more demand and need for community transport.

I think that, when I discuss community transport and how any licensing change might impact on those operators, it is important that I do not do so in isolation and actually do so in consultation with other Departments. Those include the Department of Health; OFMDFM on social exclusion; DSD on social mobility; and DARD on people who live in rural areas. Like I said, those people and partnerships do a great job very well. Therefore, I think that to bring forward any new regulations that would make life more difficult, rather than easier, for them would be pretty foolish.

**Mr Principal Deputy Speaker:** I draw Members' attention to the fact that there is a lot of background noise. We have to be able to hear both the questions and the answers.

## Community Planning Foundation Programme

2. **Mr D McIlveen** asked the Minister of the Environment for an update on the community planning foundation programme. (AQO 5702/11-15)

**Mr Durkan:** My Department is supporting the development of community planning in a number of ways. A programme of targeted capacity building for elected representatives, local government officers and transferring officials from central government is being put in place.

Last year, the Department launched the community planning foundation programme to guide and help to prepare councils for community planning. That is non-statutory guidance containing key building blocks that councils can put in place before they receive the statutory duty in April 2015. A subsequent engagement event in December 2013 was designed to help further delegates' understanding of the councils' new duty of community planning and the content of the foundation programme.

I have asked Community Places to provide tailored support to councils as the next stage of that support. That organisation will use its community planning toolkit, expertise and in-depth knowledge of the community and voluntary sector to assist councils to take forward elements of the foundation programme. Its support during that initial planning stage will greatly help councils to develop and refine their practical working arrangements and assist them to build new relationships with key stakeholders in the new council area.

My officials are also putting in place a programme of work with other Departments and their arm's-length bodies to help prepare them for the changed relationship between central and local government. An interdepartmental group has been formed to raise awareness and consider what the introduction of community planning will mean for them.

The Department will also monitor the implementation of the foundation programme during that period. An implementation monitoring group is being set up to do that, and feedback will assist with identifying community planning partners, formulating statutory guidance and identifying further capacity-building measures.

**Mr D McIlveen:** I thank the Minister for his very detailed answer on the matter. When he was giving his answer, I am sure that at the very front of his mind was the undoubted success of the community cluster concept in the Ballymena Borough Council area. The Minister mentioned tailored support in his answer. I was wondering whether tailored support includes financial support for councils that wish to develop very successful concepts that are perhaps already working.

**Mr Durkan:** Community Places provides the tailored support, which includes guidance and expertise, and that is financed by the Executive. Therefore, no cost will be incurred by a council for this planning or for receipt of the community planning toolkit. However, should a council, a statutory transition committee or a new council, either in shadow form or when power has been conferred to it on 1 April 2015, decide that it requires further training in any area, I will be very supportive and do my best to ensure that it gets that. I will not say that that will be at no cost to the council.

I think that it is important that we encourage continuous professional development of councillors and councils. It is very important to emphasize that that capacity-building will not stop on 1 April 2015. Councils will see the areas in which they need further training and capacity-building. I think that it is vital that we do everything that we can to increase not just the competence of councillors in the new councils but the confidence of and in those councillors.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. How will the Minister ensure that statutory agencies work

with the community and voluntary sector to develop a proper community plan?

**Mr Durkan:** Go raibh maith agat as an cheist. I thank the Member for that interesting question.

It is vital that statutory agencies and Departments buy into, or are made to buy into, community planning. I think that most, if not all, Members here will have seen other projects and schemes fail because of, in my opinion, the failure or reluctance of certain, if not all, Departments to participate to the full.

The bodies to be specified in subordinate legislation as the community planning partners of a council will be statutory agencies that deliver public services in the council's district. It is important that those bodies are specified to ensure, as much as possible, coordination of the delivery of those services. A shortlist of potential statutory partners is being drafted, but that is still at an early stage.

In the coming months, my Department will engage with relevant stakeholders to ensure that all views are considered. It should be noted that all new councils will use the partners specified in the legislation. It will then be for each individual council to decide whether it wishes other non-statutory bodies to be considered as its community planning partners.

**Mr D Bradley:** Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Ba mhaith liom a fhiafraí den Aire cad é a mheas ar an treanáil agus ar an tógáil acmhainne a tugadh do chnuasghrúpaí na gcomhairlí mar ullmhúchán d'athchóiriú rialtais áitiúil go dtí seo.

What is the Minister's assessment, to date, of the training and capacity building that the council cluster groups have received in preparation for the reform of local government?

**3.00 pm**

**Mr Durkan:** Go raibh maith agat as an cheist arís. I thank the Member for that question. In response to the original question, I spoke about the importance of capacity building and training, not just for elected members but for local government staff and, indeed, staff transferring from central to local government as part of local government reform.

A wide-ranging and far-reaching capacity-building programme is being rolled out. It covers hugely important areas of work such as community planning, which we have been discussing, and planning as a function, which

seems to be causing a lot of consternation among councillors as I travel round the statutory transition committees to see how they are progressing. Work is ongoing between planning officers and the STCs already in development of their local development plans. Importantly, a lot of work has to be done in training councillors to be ready to take on planning powers.

As a former councillor, I know that, a few years ago, many councillors were excited by the prospect of getting responsibility for planning. However, I think that, now that the reality comes closer, there appears to be a degree of nervousness as they realise the actual responsibilities that go with it. There will be a lot of planning training and some mock planning committee meetings with planning officers to give councillors a good grasp of exactly what this decision-making will mean for them.

## Dunluce Castle

3. **Mr Swann** asked the Minister of the Environment for his assessment of the Northern Ireland Environment Agency's management of Dunluce Castle as a tourist attraction. (AQO 5703/11-15)

**Mr Durkan:** Dunluce Castle is one of Northern Ireland's premier tourist attractions, and the decline in visitor numbers over the past few years does not reflect its true historical and economic potential. That is why the Northern Ireland Environment Agency (NIEA) has already undertaken substantive steps to address the issue. NIEA has established an innovation trial to create a world-class visitor experience that does justice to these iconic ruins and brings economic benefits to the region.

The agency is working with the Northern Ireland Tourist Board, which has identified Dunluce as a key site on the Causeway coastal route. Together, they are taking a more innovative approach to visitor engagement to ensure that the new experience at Dunluce is enjoyed by all ages and through all seasons. Creating this readily accessible must-see destination will involve new site infrastructure, a wide variety of exhibitions and live events and the provision of breathtaking viewing platforms.

The agency has been successful in securing over £300,000 support from the Heritage Lottery Fund towards an exciting proposal to uncover the lost town of Dunluce. The remains of this early 17th-century plantation town lie in the fields outside the castle gate. Work is under

way to reveal these remains so that visitors can once again walk down the original 17th-century cobbled street.

Key to the future success of Dunluce Castle will be elevating it to a world-class visitor facility. That means taking a strategic approach to the site's development. That is why NIEA is leading the transformation of the Dunluce Castle experience. By working closely with partners and stakeholders, NIEA is not just protecting our heritage but strengthening our economy by presenting Dunluce as part of Northern Ireland's living history.

**Mr Swann:** I thank the Minister for his answer, although I am not sure whether he believes it. I think that he struggled to read that out.

As he rightly said, Dunluce Castle is a major tourist attraction. It had 81,000 visitors in 2010 and 44,000 in 2013, a drop in visitors of 37,000 in three years. NIEA is not managing the site well. Your predecessor and the Enterprise, Trade and Investment Minister opened the new tourist facility worth £280,000 in 2011 —

**Mr Principal Deputy Speaker:** May we have a question, please?

**Mr Swann:** — so I hope that you will spend this money wisely. The Minister said recently on radio that he was going to undertake a root and branch review of NIEA. Will its management of Dunluce be part of that?

**Mr Durkan:** I thank the Member for the supplementary statement — sorry, question. There has, undoubtedly and undeniably, been a huge decrease in visitor numbers at Dunluce over the past five years. You heard me on the radio speaking about the NIEA, so you will know, as will other Members, that I do not defend something if I do not think that it is defensible. In this case, however, I do not believe that the decline in numbers is solely or even largely attributable to the management.

We have to look at what else has happened during the period. A couple of significant competing visitor attractions have opened, such as Titanic Belfast and the Giant's Causeway centre, which, combined with periods of very poor weather and the recession, have impacted on visitor numbers. NIEA is analysing the reasons for falling visitor numbers to inform the strategic development of the castle experience. I am conducting a review of the agency, but I do not think that it is its fault that the numbers are down. However, the agency, in partnership with others, has a key role to play in ensuring

that we bring numbers back up. It is vital that the £300,000 is spent wisely, and I look forward to input from Mr Swann and all stakeholders on how they envisage a world-class visitor attraction on the site.

**Mr McMullan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Can the Minister provide an update on the application by the private landowner for the site and on the discussions that he has had with other Ministers to promote and attract visitors to the site? I suggest that in his promotion of the site the Minister use the gateway through the glens of Antrim. That might bring more people in: if you do not promote the glens of Antrim, you will not get any more people going round the coast to Dunluce.

**Mr Durkan:** I thank the Member for the questions: I will answer the first one first.

The application by a neighbouring landowner is being reviewed by the Planning Service. I have met the applicant in the past couple of weeks to discuss his application, and my colleague Alex Attwood, when he was Minister, had, I think, several meetings with the applicant. It is a particularly sensitive landscape, designated as an area of outstanding natural beauty (AONB) and an area of significant archaeological interest (ASAI). Therefore, it is important that any new facilities that may be provided are appropriate to their setting.

It is important — I outlined this in my first answer to Mr Swann — that we look not just at Dunluce in isolation but at the Causeway coast in its entirety and the glens, of course, as a package. However, I have no doubt that Dunluce can be the jewel in the crown, if you do not mind references to the Crown.

**Some Members:** Hear, hear.

**Mr Durkan:** We have to do everything that we can to maximise the benefit of Dunluce, as well as the benefits that it can bring to the wider community and the glens area.

**Mr Allister:** The Minister has no explanation for the fall in visitor numbers. Does he think that the pricing policy may have something to do with it?

**Mr Durkan:** Entry fees at Dunluce Castle compare favourably with other sites in the region. For example, Dunluce Castle charges £5 for full adult entry, compared with £8-50 at the Giant's Causeway and £5-60 at Carrick-a-Rede rope bridge. Included in that rate are

guided tours, audiovisual handsets available in seven languages in adult and child formats and a site guide leaflet. I consider that good value for money and have no plans at present to reduce the charge.

One of the issues is the access that people can get without paying the charge. People are able to avail themselves of the fantastic views without paying to go into the facility. We will look at that as part of the master plan for a new facility there. It is important that we maximise the revenue generated by this wonderful facility.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra go dtí seo. An dtiocfadh liom ceist a chur ar an Aire maidir le Caisleán Dhún Libhse? An dtabharfar achán seans chun réimsí airgid a thabhairt síos? I am sure that the Minister will accept that, until a few months back, some of the handling of the project by elements of the Department left quite a bit to be desired. However, looking ahead to opportunities and the potential that could arise for funding, I seek assurances from the Minister that every effort will be made to work closely and in collaboration with the landowner and the trust to benefit from and help draw down funding opportunities that may exist in other Departments and other sources, including the lottery.

**Mr Durkan:** Go raibh maith agat as an cheist. I thank the Member for that question. I assure him that a stakeholder group has been established, which consists of NIEA — naturally — the neighbouring landowners and other agencies, such as the Tourist Board, with an interest in the development of the site.

## Taxis Act

5. **Mrs Cochrane** asked the Minister of the Environment to outline the progress he has made since September 2013 in resolving the outstanding issues impeding the implementation of the Taxis Act (Northern Ireland) 2008. (AQO 5705/11-15)

**Mr Durkan:** The Taxis Act (Northern Ireland) 2008, which was passed by the Assembly without division, was designed to deliver the benefits that enhanced taxi regulation could bring to Northern Ireland, including increased choice for consumers, greater clarity for all on what taxis are permitted to do and increased capacity in the industry to deal with peak demand at specific times and locations, thereby helping to address public and personal safety concerns.

Since September 2013, progress has been made on a number of fronts, including the gaining of Environment Committee approval for the SL1 for taxi driver testing and periodic training. A consultation issued on 7 February on a proposed new wheelchair-accessible vehicle specification, which has been the subject of research commissioned by my Department. That consultation finishes on 4 April 2014.

Operational work to implement the regulations pertaining to the remaining reforms in September 2014 remains challenging but achievable, with steady progress being made on all streams of work.

I am aware that some Members have expressed reservations about the implementation of single-tier licensing. That is something the Department has been working towards for some time and is supported by a wide range of stakeholders. I have listened carefully to Members' concerns and am considering what, if any, changes might be appropriate to the plans that have been approved by the Environment Committee and could address those concerns whilst still delivering the benefits flowing from the Act.

**Mrs Cochrane:** I thank the Minister for his answer. I was hoping for a little bit more information on the progress being made on all streams of work.

There has been a suggestion that a three-mile exclusion zone around Belfast should be put in place. Does the Minister believe that that would meet the objectives of the Act, ie allowing increased choice for customers and increased capacity during peak demand and therefore addressing public safety concerns?

**Mr Durkan:** I am aware of the suggestion that the Member has alluded to. However, I am not aware that it would do any of the things that she mentioned.

The rationale behind the Act, as outlined in my initial answer, was to reduce confusion, increase public safety and clarify what taxis can do and where they can do it. There is a degree of confusion out there, particularly for tourists and visitors to the city. I remain unconvinced that the establishment of a two-, three- or five-mile radius for Belfast-specific plates to operate within would meet the objectives of the Bill. However, as I said, I remain open to suggestions. I am looking at what I can do with the Act that will satisfy those who are concerned about it without compromising its essence.

**3.15 pm**

**Mr Principal Deputy Speaker:** That ends the period for tabled questions to the Minister. We now move to topical questions. As Mrs Karen McKeivitt is not in her place, I call Mr Fearghal McKinney.

## Scottish Mutual Building

2. **Mr McKinney** asked the Minister of the Environment to provide the details behind his announcement today of planning permission for a £12 million transformation of the iconic Scottish Mutual building in Belfast city centre. (AQT 832/11-15)

**Mr Durkan:** Today, I recommended planning approval to Belfast City Council, and the ultimate decision rests with it. I hope that it will agree with me and that the £12 million conversion, which will transform the iconic Scottish Mutual building in Belfast, meets with its approval. Listed building consent has also been approved for the sympathetic conversion of the Grade B1 listed building into a boutique hotel opposite City Hall. This prominent building in Donegall Square is within the linen conservation area, which means that it is in an area that played an important role when Belfast was the established linen capital of the world. The building is over 100 years old, dating back to 1904, and is partially occupied. The plans retain all the original features. There will be two bars and two restaurants on the ground and first floors, with 40 hotel bedrooms and 10 serviced apartments on the upper three floors.

**Mr McKinney:** I thank the Minister for his reply. I understand that the application was determined within six months, and I congratulate him on making the right decision and making it quickly. Does he share my view that this significant investment will give a tremendous boost to the local economy and to the tourism product that Belfast has to offer?

**Mr Durkan:** I believe that it is welcome news for Belfast city centre. This significant investment demonstrates confidence in the local economy and will boost tourism by enhancing the choice for tourists, business, travellers and local people. The economic significance of the proposal meant that it was designated a large-scale investment project, and the planning application and listed building consents were determined within six months, as the Member pointed out. It is also important to point out that this will bring jobs. There will be construction jobs in the short term and full- and part-time jobs when the hotel is up and running.

## Waste Crime: Illegal Dumping

3. **Mr McCartney** asked the Minister of the Environment, in light of the 'Spotlight' programme on illegal waste disposal at the Mobuoy Road and the recent decision by Derry City Council to call for a further and more comprehensive inquiry to add to the Mills report, how he feels it could be advanced. (AQT 833/11-15)

**Mr Durkan:** Go raibh maith agat as an cheist. I thank the Member for his question. The 'Spotlight' programme was widely viewed, and I think that all Members will agree that it made for quite sombre viewing and threw up a lot of questions. I believe that we are, fortunately, in a position in which a lot of the questions have been answered and a lot more will be answered in the near future.

On 5 June 2013, my predecessor commissioned Chris Mills to conduct an independent review of illegal dumping at the Mobuoy Road landfill site. I released the Mills report on 18 December 2013, just a couple of days after getting it and having time to go through it myself. Pretty soon, I will issue my response to the report's recommendations. In fact, I am meeting Chris Mills at 4.00 pm today to go through the report with him. My response will set out comprehensive actions to tackle waste crime and strengthen waste regulation in Northern Ireland.

On the specifics of the 'Spotlight' programme and the case at Mobuoy Road, I must point out that, as well as this independent review, an ongoing criminal investigation will, I hope, go some way to addressing the concerns raised by Members and by members of the public, and rightly so.

**Mr McCartney:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle, agus gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer and for his work on this issue. Given that the Mills report and even the PSNI investigation were very much site specific, does he agree that, without a further and, perhaps, more comprehensive inquiry, there will always be unanswered questions about whether there are other illegal dumps in the north-west?

**Mr Durkan:** I thank the Member for his supplementary question. I think that it is fair to say that we have already identified other illegal dumps across the North. After Operation Sycamore, which was the investigation into the dump at Mobuoy Road, the Department

launched Operation Toothfish — I do not know who thinks up the names — which is investigating waste crime at 33 sites across the North, some of which, regrettably, are in the north-west.

I have said before in the House that it is important that my Department and NIEA work closely with other Departments and the PSNI on this issue. I have met the Minister of Justice to discuss it, and I think that it is vital that the severity of sentences reflects the seriousness of the crime. Here we are talking about serious crime. It is hardly victimless, and its outcome costs ratepayers. It is my ambition and hope that we can make the polluter pay for the clean-up of this site and every site that we find. In the absence of being able to do so and of bringing the perpetrators to justice, however, it will be left to ratepayers and taxpayers to foot the bill. That should be reflected in the severity of sentences for this type of crime.

## Penalty Points: Mutual Recognition

4. **Ms P Bradley** asked the Minister of the Environment what action is being taken to overcome the obstacles to the implementation of the mutual recognition of penalty points. (AQT 834/11-15)

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Member for her question. The mutual recognition of penalty points is a very important piece of work in which my predecessor and I have been engaged with our counterparts in the Irish Republic for some time. I believe that there is a political will there to see it through, and it will greatly increase road safety on this island.

There have been technical difficulties in progressing the issue. I would be happy to discuss it with the Member in private; I do not really want to broadcast the difficulties because they might be exploited by people who would avail themselves of loopholes and use them to get out of taking penalty points in either jurisdiction or in both of them.

**Ms P Bradley:** I thank the Minister for his answer. I understand that this is quite an unpopular subject to discuss, but I take it from his response that he agrees that this needs to be implemented sooner rather than later.

**Mr Durkan:** It certainly does, but it is worth pointing out that this work on road safety, which is groundbreaking, has already been done between ourselves and the Government in the Irish Republic. We recognise disqualification in

both jurisdictions, and this is the next logical step in that. The political will certainly exists here and in Dublin, but there is a degree of frustration, which is aimed largely at the judiciary at the moment. It is vital that we work to get over that, and I assure the Member that I will.

## Terrorist Shrines

5. **Mr Newton** asked the Minister of the Environment what action he has taken following a number of media reports about terrorist shrines located across Northern Ireland, many of which were on property belonging to his Department. (AQT 835/11-15)

**Mr Durkan:** I thank the Member for the question. However, I have to plead ignorance about which shrines were on land belonging to my Department. Since taking office, I have heard reports about one such shrine, as he puts it, and on investigation by my Department, it was established that the land on which the monument was situated belonged to the Northern Ireland Housing Executive. We then asked it to submit a planning application as there was no planning permission for it. I give the Member my assurance that, upon leaving the Chamber this afternoon, I will see where that is.

**Mr Newton:** I thank the Minister for his answer. Given the equality situation, what action has the Minister taken on the naming of a playground after a terrorist?

**Mr Allister:** Question 7.

**Mr Durkan:** Question 7 is right.

I thank the Member for his question, an answer for which I prepared earlier. I should explain that, in this matter, district councils are independent of central government and are accountable to their local electorate and ratepayers. They are also directly answerable to the Equality Commission in respect of their section 75 duties. Under section 75 of the Northern Ireland Act 1998, all designated public authorities, including district councils, when carrying out their functions, must have due regard to the need to promote equality of opportunity between certain specified individuals and groups and should encourage and promote good relations in those sectors regardless of their religious or political persuasion. The Equality Commission has advised that its consideration of the matter to which the Member refers is not yet complete. A draft report has been sent to Newry and

Mourne District Council for its comments, and the commission will consider those points before finalising its investigation.

## Belfast Metropolitan Area Plan: Delay

6. **Mrs D Kelly** asked the Minister of the Environment to explain the continued delay to the publication of BMAP, particularly given that it has received a certificate of general conformity from the Department for Regional Development. (AQT 836/11-15)

**Mr Durkan:** I thank the Member for the question. BMAP was, as the Member pointed out, certified as being in general conformity with the regional development strategy 2035 in October last year. The adoption and publication of a development plan can only be done once the Department is satisfied that all the necessary and procedural requirements have been completed. Those requirements relate to an equality impact assessment and a habitats regulations assessment. I can confirm that those requirements were met before Christmas and I then asked the Executive Committee to consider the matter. Subject to the agreement of my ministerial colleagues, I will instruct my Department, by order under article 8 of the Planning (NI) Order 1991, to adopt and make operational the plan, at which time it can be made publicly available. There is now no statutory impediment to adoption of BMAP by my Department. I cannot, however, be definitive on the timescale at present, given the ongoing discussion with Executive colleagues.

**Mrs D Kelly:** I take it from the Minister's reply that the hold-up is because OFMDFM has not tabled it before the Executive. Has the Minister conducted any analysis of that failure in the sense of the economic restrictions that it has placed on the development of Belfast and on those who are waiting for a decent house, particularly around north Belfast, given the failure to designate the area for housing?

**Mr Durkan:** The importance of adopting BMAP is the certainty that it provides for developers, decision-makers and the public. On a daily basis, my Department receives letters asking why the plan has not yet been adopted, not least from members of the construction industry expressing grave concerns about the continued delay in the adoption of BMAP. Many house builders see the adoption of the document as critical to the recovery in their sector. Additions to the workforce can only be sustained by continuous supply of planning approvals. The

adopted plan will confirm that supply. A substantial number in the business community, including house builders, have participated in the plan process since its initiation, and it is no exaggeration to say that millions of pounds have been invested by those participating in the public inquiry for BMAP to secure zoning of land for housing and employment. Although the release by my predecessor of the PAC reports has provided some assurance to landowners, many householders who have been supported by their banks through the most severe recession in living memory are now under severe pressure from those banks to deliver on those sites to recover the significant sums that they have been given.

**Mr Principal Deputy Speaker:** Order. Time is up. Thank you, Minister.

3.30 pm

## Question for Urgent Oral Answer

### Health, Social Services and Public Safety

#### Illegal Slaughterhouse in Forkhill

**Mr Principal Deputy Speaker:** Mr Roy Beggs has given notice of a question for urgent oral answer to the Minister of Health, Social Services and Public Safety. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their places. The Member who tabled the question will be called automatically to ask a supplementary question.

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety for his assessment of the risk to public health following the discovery of a suspected illegal slaughterhouse and meat-cutting operation at Forkhill.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** This is a matter for the Foods Standards Agency (FSA). It has advised me that it is closely monitoring any possible risk to public health as a result of this operation. Full risk-management procedures will be implemented by FSA if investigations reveal that products from the premises entered the food chain.

The main risk arising from that type of operation is the microbiological contamination of product.

In the event of contaminated product entering the food chain, aside from removing it, the main way to deal with bacteria is to cook the meat well. That means that, even if a product has entered the food chain, effective cooking will minimise the risk to public health.

**Mr Beggs:** I thank the Minister for his answer. Last September, my Ulster Unionist colleague Robin Swann highlighted that some 3,000 animals a year are either stolen or go missing. Will the Minister advise what actions the Food Standards Agency has taken over the past three years — this is not a new issue — to try to bring this criminal activity to an end and to prevent uninspected meat and meat that has not been controlled in an appropriate atmosphere with hygiene etc, from entering the food chain? What powers does FSA have to close down businesses that might be allowing illegal meat to enter the food chain?

**Mr Poots:** You are probably asking the wrong Minister — you are certainly asking the wrong Minister — about missing animals, which are very clearly the responsibility of DARD. It has an investigation team, and the Member and Mr Swann should know about the central investigation team in DARD. It looks at cattle identification. Very often, it inspects farms, looks for animals with missing tags and looks at herd registers to make sure that everything correlates. That is where the responsibility lies. It is very clearly a DARD issue to identify whether animals are missing, why they are missing and to take the actions to deal with that issue.

**Ms Maeve McLaughlin:** Go raibh maith agat. I thank the Minister for his answer. I noted that he talked about the bacterial influence and said that the solution was to be found in cooking meat properly. Will the Minister give guarantees to the House and the wider public that there is no risk and will not be any risk to public health?

**Mr Poots:** There is no evidence. I understand that it is a live investigation and that work is ongoing, so I need to be somewhat careful. Those who are carrying out the investigation are seeking to identify whether the practice has been ongoing for a long or a short period and whether animals have entered the food chain.

Our advice is that, if you are buying meat, you should buy it from butchers who identify very clearly that they are part of the farm quality assurance scheme, and the same applies to the supermarkets and so forth. So, buy your meat from an approved source rather than out of the

back of a van. In most instances, people can have absolute certainty and surety that the meat that they are buying has been raised to very high-quality standards and that the means of killing has been very humane and carried out in a way that, microbiologically, everything has been done correctly. People can take those steps. If people are buying meat out of the back of a van from an unknown source, they are potentially asking for trouble.

**Mr Dunne:** I thank the Minister for his response. Can the Minister give us an assurance that he is satisfied with the actions taken by the various agencies in trying to manage the risk and ensure that the public are not at risk from buying poor quality meat?

**Mr Poots:** I am satisfied that the reports to the various authorities came in quite recently and a coordinated action plan was put in place to carry out the raids. That was done very effectively, with cooperation between the Police Service of Northern Ireland, Newry and Mourne council, the Food Standards Agency and the DARD team. Four bodies came together to carry out the work, and I believe that they carried it out in a very effective manner.

**Mr Byrne:** I thank the Minister for being present and for giving an update and statement on the issue. Given the urgency of the situation for public health matters and for the reputation of the Northern Ireland beef industry, what meetings have taken place between the Minister of Health and the Minister of Agriculture? This is an urgent issue and needs to be dealt with at the highest ministerial level.

**Mr Poots:** I think that we should all calm down a little. This is not a large-scale operation in the first instance. We should not blow it out of proportion that this is common practice when there is no evidence that that is the case. We became aware of an activity, a course of action was taken yesterday, and it is now in the public domain, as it should be. So, action is being taken, and it is for Newry and Mourne council, potentially for the police and possibly for DARD to take legal action. It is important that they are allowed to get on with that work.

**Mr McCarthy:** On the lunchtime news, Professor Elliott said that the vast majority of meat sold was farm quality assured. Does the Minister agree that the public should ensure that meat purchased has the farm quality assurance stamp, and, if it is not, there may be a risk to health?

**Mr Poots:** No, I do not agree. Not every farm is farm quality assured. Therefore, meat can be very well raised and legitimately raised that is not farm quality assured. You should buy your meat from a legitimate source. Your regular butchers and supermarkets will provide meat that has been acquired from a proper slaughterhouse where animals have been properly identified. If someone wants to buy cheap meat out of the back of a van, they are taking a risk. We need to be very clear about that. Indeed, any restaurants that provide meat should also ensure that they buy meat from a source that they can identify has gone through the proper food chain.

**Ms Fearon:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I will take this opportunity, given that it is in my area, to condemn any practice anywhere that places the safety of our food chain in jeopardy. It is vital that we are able to maintain public confidence in that. Is the Minister aware of any follow-up investigations into the companies that are accepting the meat?

**Mr Poots:** We will look for evidence to identify whether there has been a history of meat being slaughtered at the sites and where that meat might have ended up. That is a live investigation, and that will be a matter for an investigation to take place.

I will say very clearly that people who are aware of these activities can and should report them to the authorities. Consequently, that can be followed up. Individuals who engage in this type of activity are jeopardising the agriculture and food services sector. Even though it is small in the scale of the number of cattle that are killed in Northern Ireland every day, this is not positive news for Northern Ireland. It is unfortunate that some ne'er-do-wells are prepared to compromise the Northern Ireland food industry in such a way.

**Mr Allister:** I appreciate that this is a multi-agency issue, but is the Minister aware if there have yet been any arrests? Does he think that it is mere coincidence that the criminality of fuel laundering and illegal abattoirs appears always to be centred in south Armagh? Does that suggest that criminal gangs are linked to paramilitary republican organisations?

**Mr Poots:** Arrests are a matter for the police and for the Minister of Justice to report on in due course. I could, of course, add missing sheep and a few other activities. People should recognise that steps have been taken in this instance, and, where such activity takes place,

others should report, and follow-up shall happen. It does not matter whether you are from south Armagh or, indeed, north Antrim, it is not in the interests of Northern Ireland or its agriculture industry that people be allowed to besmirch its name. The fact that they may be an infinitesimal part of the industry is not relevant. They have got widespread reporting and media attention and focus. Consequently, the damage that they can do to the industry can affect every legitimate farmer in Northern Ireland.

**Mr Frew:** I have just met Ulster Farmers' Union representatives in the Great Hall. They are very, very keen to express the view that this is a rogue element of criminality centred around south Armagh. Will the Minister urge the Minister of Agriculture and Rural Development to make a statement in defence of the good beef industry that we have in this country and ask people to bring forward any information that they have on activities in and around south Armagh on this issue?

**Mr Poots:** I think that, in many senses, I am not the correct Minister to respond to this. The truth is that cattle went missing and have been slaughtered illegally. The Food Standards Agency has a role, but other Ministers have a very clear role in this. I am saying clearly today that we can, and should, do more to stop this. I would be very hopeful that the Minister of Agriculture and Rural Development would join me in making such a statement and in encouraging people to ensure that the Northern Ireland food industry, which, let us be very open here, employs around 10% of people in Northern Ireland, is safe. It is responsible for close to 10% of our GDP. We cannot afford for this industry to be dragged down by criminal elements from one particular area that keeps popping its head up over and over again.

**Mrs Dobson:** First, I welcome the investigations and thank the Minister for his answers so far. Can the Minister assure the House that no meat from illegal operations made its way into our schools or, indeed, our hospitals? Are there regular audits carried out to ensure that that could never happen?

**Mr Poots:** I resent the fact that the Member brings hospitals into it. Does the Member actually think that we would jeopardise the health of the Northern Ireland public by buying meat out of the back of a van for our hospitals? Really?

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

Minister for his attendance. I ask Members to take their ease for a few minutes as we change the top Table.

*(Mr Speaker in the Chair)*

3.45 pm

## Executive Committee Business

### General Register Office (Fees) Order (Northern Ireland) 2014

**Mr Hamilton (The Minister of Finance and Personnel):** I beg to move

*That the draft General Register Office (Fees) Order (Northern Ireland) 2014 be approved.*

I am glad to see that there are more Members in the Chamber for the approval of this order than there were for the Final Stage of the Financial Provisions Bill.

The order that comes under Members' consideration today is intended to provide revised fees for the searching of indexes of civil registration records charged by the General Register Office (GRO) to reflect new arrangements. It will also introduce fees for new services included in the Civil Registration Act (Northern Ireland) 2011, which will further facilitate the searching of GRO records.

The proposed date for commencement of the new fees is 31 March. The most recent fees order was made in 2012. This order proposes revised and new fees to reflect the introduction of a new search system in the General Register Office that will provide improved access to civil registration records. All other fees, which have been in place since 2012, do not require an increase at this stage.

By way of background information, Members will wish to note that, under the current law, fees are not charged for the statutory requirement of registering births and deaths or for providing one copy of a birth entry at the time of registration. However, fees are chargeable for the provision of other certificates and for further certified copies of registration events, including, where necessary, the searching of indexes and the retrieval of the record involved. There are also chargeable fees for the carrying-out of procedures such as recording a name change and for marriage and civil partnership services, including the giving of

notice, solemnisation of marriages and the registration of civil partnerships. Under government accounting rules, the cost of such chargeable services is recovered by means of a fees order, as provided for in the relevant legislation.

It is in the context of revised fees and fees for new services that the order comes before the Assembly. The General Register Office and district registration offices produce in excess of 154,000 certified copies of vital events each year for which fees are chargeable. The production of certificates requires significant administrative input, involving receiving moneys, searching indexes, producing copies on security paper, certification and dispatch. GRO efficiency in those processes has improved over the past few years with the completion of the digitisation project, which digitised all paper-based registration records from 1845 to date. The availability of the digitised records has improved the service's speed, accuracy of data provided and quality of document.

Over the years, the General Register Office has also significantly improved options for the delivery of registration services by the introduction of new services, such as short death certificates, which exclude the cause of death, commemorative certificates of memorable life events and the sharing of registration information with other Departments. Members of the public can order certificates from any location in the world, either over the Internet or by telephone, and pay for those services using their credit card. The service will be enhanced further with the introduction of the Genealogical Project Northern Ireland (GeNI), which is due for completion in the next few weeks.

The Genealogical Project Northern Ireland is the next step in the General Register Office's modernisation programme and is in response to customer demand for improved access. The project will provide online access to historical indexes and images of civil registration records and improve access to registration records in the on-site public search room facility. Births over 100 years old, deaths over 75 years old and marriages over 50 years old will be made available online.

As part of the project, the General Register Office will also provide access to all index records and images in the public search room located on its premises. The public search room is long established, but the provision of access to all civil registration records will replace the existing service, where only indexed

records are available. Currently, if customers wish to view an image, they must apply for a certificate. It is in connection with the provision of those services that the setting of fees is required. The new search system will allow customers to search the GRO basic indexes online and in the GRO public search room free of charge, with a credit-based system in operation to view further information and the entry itself.

As I indicated, the General Register Office is required to recover the cost of chargeable services, including services provided by local register offices based in each council. The cost of each fee has been calculated individually, using work-study analysis to reflect the work involved in each area, and includes the full range of costs involved, including staff, rent, rates and computer maintenance in GRO and in district registration offices. A similar cost-recovery system operates in Scotland, England and Wales.

The passage of this order will ensure that, as has been the case here and in Great Britain, the cost of providing services is borne by the parties requiring such services and not by the public purse. The order has been considered by the Committee for Finance and Personnel, and no objections were raised. I commend the order to the Assembly.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Cheann Comhairle. The Committee considered the proposal to make the order in December last year and sought clarification from the Department of Finance and Personnel in respect of the GRO fees and turnaround times here as compared with England and Wales. The Department advised the Committee that, in England and Wales, a certificate application will be processed within four working days if the GRO index reference number is supplied. If the reference number is not included with the application, the certificate will be processed within 15 working days.

The position here is different, however, in that processing times are not reliant on the availability of the index reference numbers. Personal applications are processed within three working days and postal, telephone and online applications are processed within five working days. These applications are charged at the basic certificate fee, with no additional charges being applied.

Officials informed the Committee that the General Register Office here also offers a priority certificate service for an additional fee,

whereby a personal application will be processed within one hour and telephone and online applications, depending on time of receipt, will be issued the same or the following working day.

Having received this clarification, and on the basis that no further issues were raised by the Examiner of Statutory Rules by way of technical scrutiny, the Committee agreed to support the Department in seeking the Assembly's endorsement of the provisions of this quite straightforward order.

**Mr McQuillan:** I will be very brief. I support the motion. The order provides for the various fees payable under the Births and Deaths Registration (Northern Ireland) Order 1976 relating to searches on the register, viewing the records and the provision of certificates. It also provides for fees for the change-of-name service and provides for the various fees payable under the Marriage (Northern Ireland) Order 2003. This order replaces the General Register Office (Fees) Order (Northern Ireland) 2012. I support the motion.

**Mr Hamilton:** I thank the Members who commented on the order, and I thank them for their supportive remarks. I also express my thanks to the Chairman and the members of the Finance and Personnel Committee, who carried out the necessary scrutiny of the order.

I will be very brief in concluding. I ask Members for their approval for the draft General Register Office (Fees) Order (Northern Ireland) 2014, which should come into operation from 31 March this year.

*Question put and agreed to.*

*Resolved:*

*That the draft General Register Office (Fees) Order (Northern Ireland) 2014 be approved.*

*Motion made:*

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

## Adjournment

### Woodlands Speech and Language Unit

**Mr Speaker:** The proposer of the topic will have 15 minutes, and all other Members who are called to speak will have approximately seven minutes.

**Mr P Ramsey:** I just made it back into the Chamber. Mr Speaker, I thank you and the Business Committee for affording me the opportunity to once again raise the issue of Woodlands speech and language centre in the city. The House clearly is no stranger to the plight of the children, parents and staff of the Woodlands speech and language centre, which is sited in Belmont special school in my constituency.

I can honestly say that I have spent a long time as a member of Derry City Council and have spent 10 years in the Assembly, and I fail to understand how this decision could be made by the Western Education and Library Board to come up with its development plan and how a Minister could then agree with the development plan to close such a unique centre in Derry.

Let us be clear that Woodlands helps children from across the community in Derry, from the city side, the Waterside, rural areas, east Derry, Limavady and Dungiven. Children from all those areas attend Woodlands.

It is stable, safe, and, most importantly, has a track record of successfully helping young people — children who go to primary schools but attend Woodlands four days a week and wear their own uniform — overcome very difficult communication problems. That is why this unique centre in Derry is necessary.

You know in your heart and soul, Mr Speaker, as do other Members representing the constituency, the good that goes on in the centre and the track record that it has. It is a model of best practice in delivering early intervention, which we always talk about in the Chamber, and making a difference in young people's lives. Many of the young students who attend Woodlands progress to mainstream education. Unfortunately, a number of them

might, because of complex needs, be stated.

I sent a freedom of information request to the Department of Education following, in my opinion, the outrageous decision to close the centre. In response, I was shocked to find emails from the Minister's officials in the Education and Training Inspectorate (ETI) stating that the "consultation was not consultative". The Minister's own agency told him that the consultation "was not robust enough". Yet here we stand today, continuing to fight for a decision to retain a model of best practice across Northern Ireland. Not only did ETI make that statement; let me put on record what was revealed in the same email:

*"I do not think the board has demonstrated sufficient evidence to ensure that the proposal is fully considered and has missed a number of key points".*

I welcome the Minister, who has engaged with this, but I do not accept his decision. I fundamentally disagree with it, as do so many parents whose children went to Woodlands and parents whose children have now moved on but who still want to be the ambassadors for best practice in a centre where they saw their child's speech impediment or communication deficiency improve.

The Royal College of Speech and Language Therapists plays a key role in this. These are the specialists who bring the children on. They are therapists for Northern Ireland but provide training for Woodlands. The royal college considers that the proposals constitute a closure of the language unit, not a relocation. The Minister always made the point that it was only a relocation. The Royal College of Speech and Language Therapists is saying very clearly that it is, fundamentally, a closure of a model of best practice and — this is important — that the proposed provision as outlined by the Minister, the three units that he referred to, will not replicate or provide similar expertise in communication skills. In this Chamber, are we in the business of ignoring expert advice? Is the Minister of Education telling me that he will ignore that expert advice?

The Woodlands unit has been abandoned to a process whereby two language classes will take place in three schools — St Anne's, Ebrington and Ballykelly. That might sound to some as though the Minister is on top of the transition, but I make it very clear that he is not and neither is his Department. The Minister continually tells us that all is well because he will not close the unit until September 2014.

However, I draw attention to an Assembly question for written answer, AQW 28845, tabled in November 2013, in which I asked what plans have been put in place to resource the new language classes. I am told, and this is on the record, that meetings were being held. The Minister is closing a fantastic unit that parents and the community hail as a model of best practice in speech and language therapy without yet knowing what exactly will replace it.

Is that supposed to give my constituents, as well as the parents and children, some confidence in a system that we do not know that much about? Are we going to take the word of the experts in the field — the Royal College? Are we going to take the word of the teachers who work in speech and language therapy at Woodlands?

**4.00 pm**

I want to bring attention to a 2013 press release from the Minister on the closure of the unit. It stated:

*"Approval of all four proposals should be conditional on a written assurance from the Western Education and Library Board that confirmation that WELB has received appropriate assurances from the Public Health Authority on the availability of resources to support the expanded speech and language provision at the proposed three new sites".*

I invite the Minister to respond to that.

The press release also stated:

*"the relocation to Ebrington, St Anne's and Ballykelly Primary Schools will be planned and implemented before the unit at Woodlands closes".*

Again, I invite the Minister to respond to that.

It also stated:

*"consideration will be given to the transfer of those children attending the Woodlands Unit to the new provision should the parents so wish."*

The parents do not wish it. The parents want their children to remain at Woodlands with — I will repeat myself — a model of best practice. I understand that a letter that the Department sent to the chief executive of the Western Education and Library Board states that the three criteria have now been met, with neither

detail nor opportunity for the board to give an input on the provision that is supposedly in place.

How can the Minister not see that the unknowns are mounting up? The parents of current and potential students, young people, and users of speech and language services in Foyle and across the board area are becoming more uncertain and uncomfortable and do not have confidence in the proposed relocation to three different schools. Many of my constituents have made their views known. I welcome a number of them who have travelled from Derry today to listen to the debate. They are very concerned about this, as I am.

I chair the all-party group on learning disabilities, and I have seen good and bad practice across Northern Ireland in the provision of services for our children. The unit is the absolute certainty of good practice. I will make this point again: in all my years in public service, either on Derry City Council or in the Assembly, I have never seen a bad decision like this one. How can Raymond McCartney and Maeve McLaughlin, my colleagues in Foyle, stand over it? The only contribution that they could make was to defend the Minister's decision. MLAs were constantly invited to meetings, and people were giving the nod and the wink that they would support the retention of Woodlands. Let us hear today, for the record, whether they are going to respond, like I am, on a more positive note and say that we can make a difference and a change.

Recently, I had conversations with staff in the Altnagelvin trust, which is responsible for the provision of and funding for speech and language therapy. No one has had a conversation with those staff. I want to quote from a briefing document from the Royal College of Speech and Language Therapists that I know that the Minister received over the weekend:

*"The Royal College of Speech and Language Therapists have been advised that, as yet, our members have not been engaged in any discussions regarding the relocation".*

That is what Alison said. No discussions have taken place on the proposals. The Royal College believes that it is extremely important and absolutely essential to initiate some preparation if closure is to be the case. However, I maintain that this is not the last roll of the dice. I think that common sense should prevail. I appeal to the Minister to have common sense on the project. As the Royal

College of Speech and Language Therapists said, the outcomes for those children, some of whom have complex needs, are clear.

I invite the Minister or any of his colleagues here today to provide me with the evidence that shows that the relocation into the three separate units will enhance the service, as the Minister alluded to in his press release last year. Where is the evidence? Who is providing the evidence? The only people who can provide the evidence on speech and language therapy are the speech and language specialists themselves. They are saying very clearly through the briefing paper and through the consultation process that they are opposed to it. They are opposed to it because there was some legislation in the past that the Western Education and Library Board now feels is appropriate. That is not across the board.

The Minister can shake his head if he wants, but Belmont special school is a special case. These are special children, and their parents are deeply worried about that service. I went there and visited Woodlands long before closure became an issue. I have seen the progress of children who have gone into it possibly not saying a word and not able to write. That development and progress of a child is so important to the mother, in particular. That is why a number of mothers from Derry, whose children are either at the school or were at the school previously, are in the Public Gallery.

I say this to the Minister and his colleagues Raymond and Maeve: do not underestimate the worry, concern, frustration and anger of parents and grandparents across my constituency who are alarmed at this. We are talking about their special child, and the children will not get the same service.

I am going to finish, Mr Speaker, but I appeal to the Minister at this late hour, given the level of uncertainty and concern, and given the deep worry that there is no evidence in place. We do not know what provision there will be for speech and language. Are they going to have their own classrooms? Are they going to have their own space, as they have in Woodlands? We do not even know that. All that discussion has not taken place, but the Minister felt that it was appropriate to sign a statement to say, "I agree with the development plans to close Woodlands". It is wrong, and I say this again: I have never heard of a worse decision than the proposal to close the Woodlands centre.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity

to speak during the debate. I hope, and I am assured, that the Minister will respond to a number of issues that Mr Ramsey raised with regard to the consultation around this. I am very aware of the issue, and it has been the subject of much concern, debate and interest locally in my constituency of Foyle.

I recognise the depth of feeling. A number of weeks ago, I presented a proposal for an early intervention model for the city of Derry to the junior Minister; therefore, I recognise the importance of early intervention both for prevention in health and education. However, we cannot lose sight of the fact that the unit, as part of a special school, did not meet the legislative requirement. That is the harsh reality, but that is the fact. It did not meet the legislative requirement to educate children without statements in a mainstream school. In my view, the Minister pushed every door that could possibly be pushed on this.

I also refer to the fact that this decision or development proposal cannot and should not be based on the quality of the education at that unit. It is quite evident that that facility has served the children well, and it continues to do so. That is not under any discussion or debate; that is fact. The Member who proposed the Adjournment debate alluded to sources on that. Of course, therefore, it is understandable that parents will fight for a facility that has had good educational outcomes. Why would anybody not?

However, we cannot ignore the fact that, under article 7 of the Education Order 1996, it states that a child should not be educated in a special school if they do not have a statement of educational need. That is the legislative framework by which, fortunately or unfortunately, we are all bound. As the Member said, the proposal will relocate the four classes at Woodlands to two at Ebrington Primary School, two at St Anne's and two new classes at Ballykelly Primary School.

Let me conclude by saying that transition and change is never easy. I hope — I appeal to the Minister on this — that we collectively insist that this transition is conducted with the needs of the children and parents at centre stage.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Tá mé an-sásta labhairt ar an díospóireacht seo. I am pleased and delighted that I can contribute to such a worthwhile Adjournment debate, which has been secured by Pat Ramsey. There is not much that I disagree with in Pat Ramsey's main commentary. Obviously, I differ on some

points. As Maeve McLaughlin said, I do not think that any of us questions the ability, professionalism or good work that is carried out at the Woodlands unit. No one questions or doubts the great commitment or professionalism of the teaching staff. No one doubts the commitment or life experience of the parents, and, most importantly, no one will question the sort of experience that the children attending the unit have had. That is to be commended.

Throughout this process, I have attended a number of meetings and met various people. At all times, the parents and teachers made a committed and professional case, and their approach was courteous. Certainly, they were forthright and left people in no doubt as to their feelings. I would have expected no less, given their professionalism and experience.

Maeve McLaughlin referred to the stumbling block, but Pat Ramsey did not mention it in his speech, as though it was not there. Unfortunately, there is such a stumbling block, and that is legislation.

**Mr P Ramsey:** We amended it.

**Mr McCartney:** Perhaps the Member should have proposed that, and the Assembly could have considered it, which is what we said at the time. Unfortunately, the legislation was not amended, and, until it is amended, the Minister is duty-bound. The Minister is under a legal imperative to work within the legislation, and he cannot act outside it. We have had instances in the past of people reminding the Minister about legislation. When the Minister has tried to take decisions, it was said that he was stepping outside legislation and not acting within the ministerial code. That is the type of constraint involved, which people have to acknowledge.

People can and will say that I am a colleague of John O'Dowd, but we met John O'Dowd on a number of occasions on this issue, and I have absolutely no doubt that, if he could find a way around or through the issue or the legislative imperative that is on him, he would have done so.

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

**Mr McCartney:** I will indeed, surely.

**Mr P Ramsey:** The Member knows that, in amending legislation, the Minister is the most important person. The surest and quickest way to do that is through the Minister. You will recall the conversation that we had with the Minister

about the review of special educational needs. Raymond McCartney and I had this conversation with the Minister, which could have been part of that review. The legislative provision about the statement of educational need could have formed part of the review. That in itself would have enabled something else to be put in its place. People are now saying that this is the best practice and best model.

**Mr McCartney:** Yes, and, in some respects, who can take the lead in amending legislation is a fair point. However, Ministers are also guided by the European Charter and the Human Rights Act 1998. You might try to amend legislation, but, if you are told by the Attorney General or the courts that you are standing outside wider considerations as to how you can legislate in the Assembly, you must recognise that.

**4.15 pm**

**Mr P Ramsey:** Will the Member take another intervention?

**Mr McCartney:** I will surely.

**Mr P Ramsey:** It is the first time that I have heard reference to the Attorney General giving the Minister advice on this. I would like to see that. Maybe the Minister can tell us and share the information that the Attorney General has expressed concern on this.

**Mr McCartney:** I am not sure whether I said it improperly, it was picked up wrongly or you are being mischievous. What I said —

**Mr P Ramsey:** I am not being mischievous.

**Mr McCartney:** What I said was that any Minister, when he looks at legislation, has to be mindful of the Human Rights Act and the European charter. If he is not, he will be reminded, because that is the role of the Attorney General. Legislation here has to be competent. If you propose something that is not competent, that is why you have the Attorney General and, indeed, the Speaker's Office to rule that any amendment or any legislation going through the Assembly has to be legally competent. At present, if the Minister were to go outside this legislation, he would be proved or seen to be outside legislation. He cannot do that.

As Maeve McLaughlin has said, we have to appeal to the Minister about whatever transition is in place. We welcome the fact that the

Minister has said that no child currently at the school will have their educational experience disrupted. That is a good decision. We have heard of other schools in the board area that have been doing it in this way, and the Education and Training Inspectorate has given them what are classed as "very good" reports. My appeal to the Minister is that, when the units go out into the three primary schools that have been named, he give a commitment that the inspectorate should report as quickly as possible to ensure that what we see is that the standards of the two primary schools that are already in place and the high standards that, I agree, Woodlands has in place are continued.

Most importantly, we have to bear in mind in all of this that the educational experience of the children must be maintained. They are the core of this; it should not be our interests or anybody else's. Children must be protected by their experience and by the legislation that is in place. We have not changed the legislation, so the Minister has to adhere to it.

**Mr Durkan:** This is certainly is not the first time that we have debated the issue in the Chamber. I remember, not that long ago, speaking at great length here to iterate the undeniable need for Woodlands and its undeniable success. Mr Ramsey, in opening today, described Woodlands as a model of best practice. That view has been shared by professionals across these islands and parents across the north-west.

The parents and friends of Woodlands have fought a determined and dignified campaign to keep it open. They want other children, parents and families to have the same opportunities as they had to address speech and language and communicative difficulties on a specialist site with children who have similar difficulties and to achieve similar outcomes, transforming children's lives. Their calls seem to have fallen on deaf ears. Mr Ramsey has outlined the disbelief in Derry that a Minister in our devolved Government and his party appear to have turned their backs on them.

**Mr O'Dowd (The Minister of Education):** Will the Member give way?

**Mr Durkan:** Sure.

**Mr O'Dowd:** I understand that the Member is not speaking as a Minister, but I ask, as one Minister to another, whether he is seriously suggesting that I ignore legislation. He knows fine well that I would be in breach of the ministerial code.

**Mr Durkan:** I would not dream of encouraging another Minister to break the ministerial code, nor would I dream of breaching it myself. However, I would encourage a Minister to be creative and flexible around legislation and, hopefully, to amend it to suit the demands of our people.

I recall the Minister visiting Woodlands last year. He could not have failed to be impressed by what he saw: outgoing, confident and capable children, the product of excellent teaching and care in an excellent facility. Ms McLaughlin said — the Minister has reiterated it — that the unit did not meet the legislative requirement. Is this not a devolved matter? If it did not meet the legislative requirement, can we not change the legislation? Will the Minister and his party support an amendment to the legislation?

As I said, we should be flexible and responsive to the needs of our citizens. This model is a success and might be replicated across the North. This is very much a case of "If it's not broken, don't fix it". It is clear that Woodlands is not broken, and nor is the spirit of the parents, children, staff and people in Derry who are committed to keeping Woodlands open. It is in representing those people and the best interests of the north-west that Mr Ramsey has raised this topic for debate again.

I call on the Minister to listen to us and to the campaigners, who have fought a determined and dignified campaign to keep the place open, and to explore, as much as possible, how he might keep Woodlands open.

**Mr Beggs:** I am sure that some may wonder why I am taking an interest in this debate from so far away, but I take a particular interest in addressing educational underattainment and enabling every young child to meet their full potential. I also have a concern that what is happening in the north-west could be replicated elsewhere. I will come back to that later.

It is clear that Woodlands speech and language unit is very highly regarded in the community that it serves. That is because of the outcomes that parents have seen and the positive developments made by young children in developing their language skills.

The Royal College of Speech and Language Therapists has indicated that, on average, two or three children in every classroom are affected by a language impairment. The sooner a speech and language difficulty is addressed, the better. If a child has difficulty with speech and language, they will have difficulty in

communicating with their peers and teachers, and their ability to learn in the classroom will be greatly impaired. I notice that about 50% of adults with speech and language difficulties may have depression or anxiety disorders, and, unless the issue is addressed correctly in the early years, those difficulties will arise in the future.

The speech and language unit at Woodlands has been in operation for, I understand, some 25 years. It has met the needs of the local community by delivering the mainstream curriculum and the speech and language support required to help the children and young people affected to overcome their difficulties.

I understand that, last September, the Minister accepted a proposal to close the unit. However, I have concerns about that, particularly given what has been reported in this debate, such as the failure to consult fully during the process and the issues raised by the Education and Training Inspectorate. Despite the decision being taken last September, we have learned that there has been a failure to engage with speech and language therapists since then. That causes me great concern, and it must cause the parents of those children great concern.

Woodlands speech and language unit provides concentrated support in a safe environment to enable children and young people to regain their confidence and to start to take important steps in communication. I feel that it is very important that such a specialist centre continues so that those with the most extreme difficulties can get concentrated support prior to returning to mainstream education.

I listened to comments about legislation and human rights issues, but the fundamental issue has to be the education of the child. If a child is unable to have their impediment corrected, their long-term education, their ability to interact with others and their development will be affected. It will be life-limiting unless it is corrected in the best possible mode. Again, I understand that the Woodlands model was thought to be excellent by speech and language therapists and one that should perhaps be replicated rather than removed.

I am aware of some specialist units in my constituency. I am also aware that, once children attend them for a time, develop further and gain skills through speech and language therapy, they can return to other units in the constituency that are nearer to their home. On occasions, that specialist environment and concentrated support can be necessary for

children to overcome their difficulties and ultimately return to mainstream education.

Where there is excellent speech and language support and education for those young children, I call on the Minister to ensure that that is maintained and that the best interests of the young people are at the heart of any decision, not some regulation that we cannot find a method of dealing with. If the regulation needs to be changed, it should be. It is important that we keep the children and young people's best interests at heart.

**Mr O'Dowd:** Go raibh maith agat, a Cheann Comhairle. I thank Pat Ramsey for bringing the topic to the Chamber. He has raised important points that I will respond to.

First, I want to pay tribute, rightly so, to those who have been involved in the Woodlands unit. The debate has never been about the quality of provision there but about the legislative context in which the unit operates. It has been said that, if the legislation is wrong, we should change it. However, this question has to be asked: is the legislation wrong? Let us look at the framework on which we work.

I am certainly not in favour of tampering with the legislation, which has international roots and firm foundations. The departmental policy on special educational needs, as provided for in the Education Order 1996, is one of inclusion. I doubt whether anyone in the Chamber would argue against inclusion. That approach is consistent with article 24 of the UN Convention on the Rights of Persons with Disabilities, which ensures an inclusive education system at all levels, and the European Convention on Human Rights. Those are two pieces of international legislation that we are proposing to tamper with. I have no difficulty in tampering with legislation, regardless of where it is from, but those are two important pieces of legislation that, I suspect, the majority of Members who spoke in the debate would sign up to.

**Mr Beggs:** Will the Minister give way?

**Mr O'Dowd:** I will not, thank you.

As I said, no one questions the quality of the provision at Woodlands, but it falls outside the legislative basis for such operations. It clearly states in the 1996 Order that, to attend a special school, a child should be statemented. The vast majority of young people attending Woodlands were not, but they did require assistance and support, which was being provided. So, here I am: I have legislation that

clearly tells me that Woodlands is operating outside the legislation; the domestic legislation is embedded in sound international legislation; and I am presented with a development proposal pointing all those things out to me. Whether or not you wish it away, that is the case. I have to say that, while I accept that Mr Durkan was not speaking as a Minister, I was surprised that a Minister should stand up and tell me that I should be creative with legislation. It does not say in the ministerial code to be creative with the law; it says that Ministers must adhere to the law. That is what I have to do. I am presented with those definitive articles, so what do we do?

The board came to me with proposals on the relocation of the services from Woodlands to other centres across the north-west. The question of whether that was in the best interest of the north-west was raised. If we are relocating services to places such as Ebrington Primary School, St Anne's Primary School and Ballykelly Primary School, we are investing in services in the north-west.

I am also allowing Woodlands to operate for a further two years to allow the young people who are attending to complete their term. However, if they wish to move to the new units in the meantime, they can do so.

#### 4.30 pm

Is anyone suggesting here that the staff at Ebrington, St Anne's or Ballykelly will not be committed to those children? I believe they will be. We are fortunate as a society to have dedicated educationalist professionals. I am aware that the Western Education and Library Board has been engaging with the relevant trust about the provision of services at those schools. Engagements and discussions are continuing, and I am confident that we will move forward with services that are as good as those at Woodlands and that we can build and improve upon them.

Why am I positive about that?

**Mr P Ramsey:** Will the Minister give way?

**Mr O'Dowd:** Just give me one moment. Why am I positive about that? Because such units are operating elsewhere. Again, I ask this: is anyone seriously suggesting that those who work in Omagh language unit, which is attached to Gibson Primary School, are not dedicated to the children they serve? Is anyone suggesting that the WELCOME language unit, which is attached to Gibson Primary School, is not

dedicated to the children it serves? Is anyone seriously suggesting that those who work in Enniskillen or Sion Mills language units are not dedicated to the children they serve or that they do not want the best for those children moving forward? I hope and suspect not.

I have evidence that I can point to in order to show that services are in place in other schools that will ensure that every opportunity is given to a child with speech and language impairments. I will give way to the Member.

**Mr P Ramsey:** I thank the Minister for giving way. One of the options available to the Minister was clearly defined by the parents. The Minister could have made the decision to relocate to Ebrington Primary School a unique, modern speech and language therapy facility rather than displacing it to three different schools. That would have created an environment where consistency and continuity of approach would have enabled the children to get that excellent service. Why did he not consider that?

**Mr O'Dowd:** I did consider it, and I believe that the services that we provide in three locations provide access of equality for communities across the north-west, not just in Derry city. I am concerned that children travel considerable distances to some of our support services. If we place a support service such as a speech and language unit at one school in the city, why, for instance, should we ask those children who will be attending Ballykelly Primary School and are from that area to travel into Derry city?

I am being lobbied by parents, educationalists and representatives from Strabane about the lack of provision in the Strabane area, which is a different issue; it is about autism. Why do you have to travel to Derry city to get those services? Why not in Ballykelly? We are providing services at Ebrington Primary School and St Anne's Primary School.

I said this before about mainstream schools: we should not be loyal to the institution; we should be loyal to the children the institution serves. When, unfortunately in this case, the institution was operating outside domestic and, questionably, international legislation, we made provision for those young people, who, because of the other units that I referred to, I am confident can and will receive speech and language therapy that we can all be proud of going into the future.

**Mr Beggs:** Will the Minister give way?

**Mr O'Dowd:** Yes.

**Mr Beggs:** Will the Minister clarify whether he is proposing to close all other specialist speech and language centres in Northern Ireland and derate a number of schools that are bases, let us say, so that the potential concentration of that expertise would be diminished?

**Mr O'Dowd:** I understand that Woodlands was the only unit operating in these circumstances and that all other provision is in compliance with the legislation. They are operating within schools, and I read out a number from the Western Education and Library Board area that are in Omagh, Enniskillen and Sion Mills. We will have a further three placed — two in Derry and one in Ballykelly. There is no other such unit that I am aware of. A number were raised, but when they were investigated, they were shown not to be outside the legislation or operating in the same circumstances as this one. The Department satisfied itself of that.

However, it would not be up to the Department to bring forward proposals for those units anyway. Instead, it would be up to the sponsoring and managing authority, which, in this case, is the education and library board.

Mr Ramsey made an impassioned plea about Woodlands, and I accept that. I accept the impassioned pleas that have been made directly to me by all representatives from the Foyle constituency. However, I cannot accept that Mr Ramsey believes that this is the worst decision he has ever come across and that he does not understand why the decision was made.

I disagree with Mr Ramsey on a number of issues politically, but I know for a fact that Mr Ramsey is no man's fool. He is a very capable and hard-working political representative. He outlined to us his elected history: he has been on the council for many years and he has been a legislator for many years. Mr Ramsey knows fine well why this decision was made, how this decision was made and he knows fine well that no other decision could have been made. I also believe that he knows fine well that the provision in Ebrington, St Anne's and Ballykelly will be of an extremely high quality and that there will be dedicated staff in the units and the schools.

We can move forward confidently, because speech and language therapy provision in the north-west is protected and will move forward in accordance with the legislation and with the

best wishes and intentions for the young people  
we are here to serve.

*Adjourned at 4.36 pm.*



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