

# Written Answers to Questions

Official Report (Hansard)

**Friday 14 September 2012**

**Volume 77, No WA1**



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

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Wilson, Sammy (East Antrim)

# Northern Ireland Assembly

Friday 14 September 2012

## Written Answers to Questions

### Department of Agriculture and Rural Development

#### Freedom of Information Requests

**Mr Flanagan** asked the Minister of Agriculture and Rural Development to detail, for each of the last three financial years, (i) the number of Freedom of Information (FOI) requests received by her Department; (ii) the number of FOI requests responded to within the 20 working day requirement; (iii) the number of FOI requests that have taken longer than 20 working days to complete; and (iv) the number of FOI requests which were refused, broken down by the reason for refusal.

**(AQW 13769/11-15)**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** The information requested is published in a series of FOI Annual Reports which are on the basis of calendar years, not financial years. The reports can be accessed from the OFMDFM website at:

[http://www.ofmdfmi.gov.uk/index/improving-public-services/information\\_management\\_and\\_central\\_advisory\\_branch/annual-reports-and-statistics.htm](http://www.ofmdfmi.gov.uk/index/improving-public-services/information_management_and_central_advisory_branch/annual-reports-and-statistics.htm)

The Member should note that statistics for 2011 are provided on a quarterly basis and cannot be seen as validated until the publication of the 2011 FOI Annual Report.

#### Executive Papers

**Mr Allister** asked the Minister of Agriculture and Rural Development (i) how many draft Executive papers, for approval by the Minister, have not yet been approved; (ii) the date the Minister received each paper; and (iii) the subject matter of each paper.

**(AQW 13791/11-15)**

**Mrs O'Neill:** The content of Executive papers and all aspects of Executive business are confidential.

#### Perpetrators of Severe Animal Cruelty

**Mr G Robinson** asked the Minister of Agriculture and Rural Development what steps he is going to take to introduce tougher penalties on perpetrators of severe animal cruelty, such as the recent case of Codie the dog.

**(AQW 13994/11-15)**

**Mrs O'Neill:** The Welfare of Animals Act 2011 replaces the Welfare of Animals Act 1972 and is a major step forward in terms of protecting the welfare of both farmed and other animals. The 2011 Act recognises that animal cruelty and causing unnecessary suffering to any animal are very serious offences and the penalties reflect this. In the 1972 Act, the maximum penalties were 3 months imprisonment and/or a £5000 fine on summary conviction. From 2 April 2012, the 2011 Act has significantly increased the penalties for animal welfare offences to a maximum of 6 months imprisonment and/or a maximum fine of £5,000 on summary conviction (Magistrate's Court); and on conviction by indictment (High Court with jury) to a maximum of 2 years imprisonment and/or an unlimited fine. These new penalties are stiffer than those introduced in England and Wales in the Animal Welfare Act 2006, which has a maximum penalty of 51 weeks imprisonment and/or a £20,000 fine.

I can assure you that I take the welfare of animals very seriously and I am committed to fully implementing the new legislation. The Cody incident was truly abhorrent, but thankfully this type of incident is rare in our society. I believe that the Welfare of Animals Act 2011 is fit for purpose and that the tough penalties that have been introduced in this new legislation will provide a strong deterrent, thus protecting animals from unnecessary suffering and cruelty.

### **Single Farm Payment Section at Orchard House, Londonderry: Staff**

**Mr Allister** asked the Minister of Agriculture and Rural Development to detail the community background of staff employed in the Single Farm Payment Section at Orchard House, Londonderry.  
**(AQW 14015/11-15)**

**Mrs O'Neill:** The Department does not retain information on community background of its staff. Such information is collected by the NI Statistics and Research Agency (NISRA) and is used by the NI Civil Service for monitoring purposes as required under the Fair Employment and Treatment (NI) Order 1998. The examination of individual offices by community background is not carried out.

### **Animal Cruelty Offences**

**Mr Givan** asked the Minister of Agriculture and Rural Development to detail the custodial sentences that can be given to people responsible for animal cruelty, including the burning of a dog resulting in death.  
**(AQW 14051/11-15)**

**Mrs O'Neill:** The Welfare of Animals Act 2011 replaces the Welfare of Animals Act 1972 and is a major step forward in terms of protecting the welfare of both farmed and non-farmed animals. Under the 2011 Act a person commits an offence if, he/she causes any unnecessary suffering to an animal, or fails to act to prevent an animal suffering unnecessarily. From 2 April 2012, the 2011 Act has significantly increased the penalties for animal welfare offences to a maximum of 6 months imprisonment and/or a maximum fine of £5,000 on summary conviction (Magistrate's Court); and on conviction by indictment (High Court with jury) to a maximum of 2 years imprisonment and/or an unlimited fine.

These new penalties are stiffer than those introduced in England and Wales in the Animal Welfare Act 2006, which has a maximum penalty of 51 weeks imprisonment and/or a £20,000 fine.

### **East Belfast/Connswater Community Greenway Integrated Flood Alleviation Scheme**

**Mr Lyttle** asked the Minister of Agriculture and Rural Development how much of the £10 million allocated by the Executive to the Rivers Agency for flood alleviation schemes has been allocated for use on the East Belfast/Connswater Community Greenway Integrated Flood Alleviation Scheme; and whether this amount can be ring-fenced to permit planning and tendering of the scheme without further delay.  
**(AQW 14114/11-15)**

**Mrs O'Neill:** I was pleased that the Executive agreed to the acceleration of a number of projects to address the immediate needs highlighted by the flooding on 27 June 2012, including the Loop River project in East Belfast which is being taken forward by Rivers Agency.

Following the Executive announcement I am in discussion with my colleague, Minister Wilson, on the quantum and timing of additional funding for works in East Belfast.

## **Department of Education**

### **Educational Achievements of Adopted and Foster Children**

**Mr Easton** asked the Minister of Education whether his Department keeps statistics on the educational achievements of adopted and foster children.  
**(AQW 13729/11-15)**

**Mr O'Dowd (The Minister of Education):** The Department collects details of the educational achievements of all pupils leaving school. There is however, no specific information to identify adopted and fostered children.

Pupils may be recorded as 'in care' and schools report this to the Department as part of their annual statistical return. In care children are defined in 'The Children (NI) Order 1995' and includes children in the care of an authority or provided with accommodation by the authority. This also includes children who are fostered.

The table below provides statistics on the educational achievements of those school leavers recorded as in care for the academic years 2008/09 to 2010/11.

#### PERFORMANCE OF SCHOOL LEAVERS RECORDED AS IN CARE 2008/09

	Not in care		In Care	
	Number	%	Number	%
2 or more A Levels A*-E	11,686	50.4	7	7.4
At least 5 GCSEs A*-C	16,305	70.3	24	25.3
At least 5 GCSEs A*-C inc. GCSE English and maths	13,582	58.6	14	14.7
No GCSEs	652	2.8	21	22.1
<b>Total Leavers</b>	<b>23,181</b>		<b>95</b>	

#### PERFORMANCE OF SCHOOL LEAVERS RECORDED AS IN CARE 2009/10

	Not in care		In Care	
	Number	%	Number	%
2 or more A Levels A*-E	12,015	52.9	13	11.7
At least 5 GCSEs A*-C	16,383	72.1	31	27.9
At least 5 GCSEs A*-C inc. GCSE English and maths	13,459	59.3	16	14.4
No GCSEs	454	2.0	22	19.8
<b>Total Leavers</b>	<b>22,715</b>		<b>111</b>	

#### PERFORMANCE OF SCHOOL LEAVERS RECORDED AS IN CARE 2010/11

	Not in care		In Care	
	Number	%	Number	%
2 or more A Levels A*-E	12,332	53.6	10	7.4
At least 5 GCSEs A*-C	16,921	73.5	28	20.6
At least 5 GCSEs A*-C inc. GCSE English and maths	13,777	59.8	14	10.3
No GCSEs	501	2.2	20	14.7
<b>Total Leavers</b>	<b>23,024</b>		<b>136</b>	

**Source:** School Leavers Survey

Data excludes special and independent schools

Performance indicators include equivalent qualifications

## North Down Teenagers: Qualifications

**Mr Easton** asked the Minister of Education how many teenagers living in working class areas of North Down did not obtain a qualification in the last two years.

**(AQW 13730/11-15)**

**Mr O'Dowd:** In the 2010/11 academic year, six school leavers resident in the entire North Down district council area left school without any formal qualifications and, in the 2009/10 academic year, 10 school leavers resident in the North Down district council area left school without any formal qualifications.

None of the wards that make up the North Down district council area are in the 20 per cent most deprived Wards as defined by the Multiple Deprivation Measures 2010.

## Year 1 Places in the Bangor Area

**Mr Easton** asked the Minister of Education how many children in the Bangor area have not yet received a Year 1 place at a primary school for the 2012/13 year.

**(AQW 13731/11-15)**

**Mr O'Dowd:** There are currently 2 children from the Bangor area who have not secured a Year 1 place for the 2012/13 school year.

There are still places available in the Bangor area at primary schools and the Education and Library Board would advise that a parent should nominate a further school preference as a matter of urgency, otherwise the non-attendance of their child at school becomes a school attendance issue.

## Year 8 Places in the Bangor Area

**Mr Easton** asked the Minister of Education how many children in the Bangor area have not yet received a Year 8 place at a post-primary school for the 2012/13 year.

**(AQW 13732/11-15)**

**Mr O'Dowd:** There is currently 1 child from the Bangor area who has not secured a Year 8 place for the 2012/13 school year.

There are still places available in the area at post-primary schools and the Education and Library Board would advise that a parent should nominate a further school preference as a matter of urgency, otherwise the non-attendance of their child at school becomes a school attendance issue.

## St Peter's High School, Londonderry

**Mr Storey** asked the Minister of Education to detail the financial intervention, over and above the normal Local Management of Schools funding, that has been given to St Peter's High School, Londonderry in each of the last ten years, broken down by category of funding.

**(AQW 13747/11-15)**

**Mr O'Dowd:** The Western Education and Library Board is the Funding Authority for St Peter's High School and has provided the financial data requested. The data in the table below covers the Financial Years 2002/03 to 2011/12 which is the latest complete year for which financial data is currently available. For completeness of answer, I have also provided the Local Management of Schools Funding for each Financial Year.



	<b>2002/03</b> £	<b>2003/04</b> £	<b>2004/05</b> £	<b>2005/06</b> £	<b>2006/07</b> £
LMS Funding	1,185,406	1,447,986	1,455,300	1,488,419	1,507,638
<b>All Other Funding</b>					
Curriculum Reserve	25,000				
Contingency	30,000				
SEN Code of Practice	2,984	3,261			
Chancellor's Allocation/ Additional Formula Allocation	30,924	31,775	44,530		14,683
Threshold Payment	28,636				
Additional Resources		15,288			
DE Initiatives <sup>(1)</sup>			34,209	29,233	32,953
DE Initiatives <sup>(2)</sup> - Extended Schools					26,525
Board Initiatives <sup>(3)</sup>					-3,978
C2k		5,500			
Other	-4,560	17,532			
Accrued Carry Over	-6,273	-32,587	24,244	79,309	17,369
Non Delegated Budget/Centre Funds	521,517	378,069	491,474	546,583	583,022
<b>Total</b>	<b>1,813,634</b>	<b>1,866,824</b>	<b>2,049,757</b>	<b>2,143,544</b>	<b>2,178,212</b>

	<b>2007/08</b> £	<b>2008/09</b> £	<b>2009/10</b> £	<b>2010/11</b> £	<b>2011/12</b> £
LMS Funding	1,555,984	1,436,245	1,391,414	1,203,605	1,141,360
<b>All Other Funding</b>					
Curriculum Reserve					
Contingency					
SEN Code of Practice					
Chancellor's Allocation/ Additional Formula Allocation	24,407				
Threshold Payment					
Additional Resources					
DE Initiatives <sup>(1)</sup>	16,969	55,095	44,922	54,414	43,581
DE Initiatives <sup>(2)</sup> - Extended Schools	26,600	25,150	24,100	22,050	20,800
Board Initiatives <sup>(3)</sup>	-342	-7,071	-4,925	-4,760	

	<b>2007/08</b> £	<b>2008/09</b> £	<b>2009/10</b> £	<b>2010/11</b> £	<b>2011/12</b> £
C2k					
Other					
Accrued Carry Over	55,954	135,034	131,249	80,929	-88,536
Non Delegated Budget/Centre Funds	505,455	582,602	515,910	661,124	912,306
<b>Total</b>	<b>2,185,027</b>	<b>2,227,055</b>	<b>2,102,670</b>	<b>2,017,362</b>	<b>2,029,511</b>

**Notes:**

DE Initiatives(1) - Irish Medium, EMAs Additional Funding, Collaboration Between Schools, Literacy & Numeracy, Controlled Integration and Revised Curriculum.

DE Initiatives (2) – Extended Schools – is Extended Schools funding

Board Initiatives(3) – Total Class Size Policy and Funding Corrections – Internal Audit

**St Eugene’s High School, Castledearg**

**Mr Storey** asked the Minister of Education to detail the financial intervention, over and above the normal Local Management of Schools funding, that has been given to St Eugene’s High School, Castledearg in each of the last ten years, broken down by category of funding.

**(AQW 13748/11-15)**

**Mr O’Dowd:** The Western Education and Library Board is the Funding Authority for St Eugene’s High School, Castledearg and has provided the financial data requested. The data in the table below covers the Financial Years 2002/03 to 2011/12 which is the latest complete year for which financial data is currently available. For completeness of answer, I have also provided the Local Management of Schools Funding for each Financial Year.

	<b>2002/03</b> £	<b>2003/04</b> £	<b>2004/05</b> £	<b>2005/06</b> £	<b>2006/07</b> £
LMS Funding	693,584	662,427	617,343	685,961	721,175
<b>All Other Funding</b>					
Curriculum Reserve	2,000	15,000	12,000	10,000	
Contingency			250		
SEN Code of Practice	1,892	1,696			
Chancellor’s Allocation/ Additonal Formula Alloc./ (CYP)	28,218	28,150	39,473		6,088
Threshold Payment	30,206				
Additional Resources		13,654			
DE Initiatives (1)			14,449	14,915	9,936
DE Initiatives (2) - Extended Schools					17,500
Board Initiatives (3)					
C2k		2,700			

	<b>2002/03</b> £	<b>2003/04</b> £	<b>2004/05</b> £	<b>2005/06</b> £	<b>2006/07</b> £
Other					
Accrued Carry Over	736	1,994	-2,990	-25,896	-32,499
Non Delegated Budget/Centre Funds	222,949	170,432	172,274	148,699	164,904
<b>Total</b>	<b>979,585</b>	<b>896,053</b>	<b>852,799</b>	<b>833,679</b>	<b>887,104</b>

	<b>2007/08</b> £	<b>2008/09</b> £	<b>2009/10</b> £	<b>2010/11</b> £	<b>2011/12</b> £
LMS Funding	677,852	729,066	750,236	765,123	684,629
<b>All Other Funding</b>					
Curriculum Reserve					
Contingency	2,749	2,000			
SEN Code of Practice					
Chancellor's Allocation/ Additonal Formula Alloc./ (CYP)	8,913				
Threshold Payment					
Additional Resources					
DE Initiatives (1)	11,990	54,400	52,597	39,976	25,582
DE Initiatives (2) - Extended Schools	16,150	16,525	16,450	16,450	14,875
Board Initiatives (3)		-1,418			
C2k					
Other					
Accrued Carry Over	42,935	58,321	101,003	88,073	28,638
Non Delegated Budget/Centre Funds	216,670	151,216	141,790	178,848	482,797
<b>Total</b>	<b>977,259</b>	<b>1,010,110</b>	<b>1,062,076</b>	<b>1,088,470</b>	<b>1,236,521</b>

**Notes:**

DE Initiatives(1) - Irish Medium, EMAs Additional Funding, Collaboration Between Schools, Literacy & Numeracy, Controlled Integration and Revised Curriculum.

DE Initiatives (2) – Extended Schools – is Extended Schools funding

Board Initiatives(3) – Total Class Size Policy and Funding Corrections – Internal Audit

**Hospital Schools**

**Mr Storey** asked the Minister of Education for an update on the provision of Hospital Schools in each Education and Library Board area.

**(AQW 13750/11-15)**

**Mr O'Dowd:** There is only one hospital school, the Belfast Hospital School, which is based at both the Royal Belfast Hospital for Sick Children and Musgrave Park Hospital.

There are currently no plans to alter this provision.

### Teaching of English and/or Maths in Post-Primary Schools

**Mr Swann** asked the Minister of Education to detail (i) the requests made to his Department for additional resources to support the teaching of English and/or Maths in post-primary schools in the North Eastern Education and Library Board area in 2011/12; (ii) the nature of the successful requests; and (iii) how the funding provided was used.

**(AQW 13767/11-15)**

**Mr O'Dowd:** In the 2011/12 financial year the North Eastern and Library Board (the NEELB) made one request to the Department for additional resources to support the teaching of English and Maths. This request was in respect of Ballee Community High School, Ballymena. The business case submitted by the NEELB sought DE approval for additional funding to cover the cost of employing one additional English teacher and one additional maths teacher on temporary contracts for the 2011/12 academic year. The estimated cost of the provision was £60,000.

The business case was subject to full consideration by DE officials. In the course of this process the business case required a number of revisions to ensure that the need for the additional expenditure could be fully assessed and that the business case was suitably robust. However, the business case did not reach the approval stage and in the interim the NEELB withdrew the request for funding. The NEELB considered that the timescale for achieving approval would not allow for a reasonable return on the use of public funds. Therefore, no additional funding was made available in this case.

### Freedom of Information Requests

**Mr Flanagan** asked the Minister of Education to detail, for each of the last three financial years, (i) the number of Freedom of Information (FOI) requests received by his Department; (ii) the number of FOI requests responded to within the 20 working day requirement; (iii) the number of FOI requests that have taken longer than 20 working days to complete; and (iv) the number of FOI requests which were refused, broken down by the reason for refusal.

**(AQW 13771/11-15)**

**Mr O'Dowd:** The information requested is published in a series of FOI Annual Reports which are on the basis of calendar years, not financial years. The reports can be accessed from the OFMDFM website at:

[http://www.ofmdfmi.gov.uk/index/improving-public-services/information\\_management\\_and\\_central\\_advisory\\_branch/annual-reports-and-statistics.htm](http://www.ofmdfmi.gov.uk/index/improving-public-services/information_management_and_central_advisory_branch/annual-reports-and-statistics.htm)

The Member should note that statistics for 2011 are provided on a quarterly basis and cannot be seen as validated until the publication of the 2011 FOI Annual Report.

### Special Needs Assessment Referral Times

**Mr Weir** asked the Minister of Education how his Department will ensure equality between each Education and Library Board in Special Needs Assessment Referral times.

**(AQW 13798/11-15)**

**Mr O'Dowd:** The Education and Library Boards have confirmed that a time allocation model for educational psychology services is used across all Boards which is based upon the need for commonality, consistency and equity of practice across the five boards.

Under this system schools are given an annual allocation of time from their Board's educational psychology service and the school considers potential referrals to the service. Boards apply the time allocation system in as flexible a manner as possible so that, in exceptional circumstances, a

child in urgent need can be assessed even if the school have already received their full allocation of educational psychology time.

I would prefer not to have a situation where children have to wait a long time for assessment or intervention. It is one of the aims of the review of special educational needs and inclusion to look at ways to deploy resources so that children get the support which they need as early as possible.

Unfortunately where demand is high and finite resources are available, it is necessary to have in place a system which prioritises need.

### **New Bangor Grammar School**

**Mr Easton** asked the Minister of Education when the new Bangor Grammar School will be open to pupils.

**(AQW 13804/11-15)**

**Mr O'Dowd:** It is anticipated that the new school building will be handed over to the school authorities on 3 January 2013 and that the first full teaching day in the new school will be Monday 14 January 2013.

### **School Transport Contracts**

**Mr Storey** asked the Minister of Education what steps his Department has taken to deal with serious irregularities regarding school transport contracts issued by the Western Education and Library Board to operators from the Republic of Ireland

**(AQW 13822/11-15)**

**Mr O'Dowd:** Following legal advice the Department of the Environment (DoE) informed the Western Education and Library Board (WELB) that from 14th June 2012, it was revising its interpretation of EU Regulation governing 'cabotage'. This covers transport services provided wholly in one Member State by operators from another. This change affected WELB contracts with 3 southern bus contractors operating home to school transport services on 16 routes affecting approximately 880 pupils.

To withdraw these services with immediate effect would have resulted in serious disruption at a time when many pupils were facing important end-of-year examinations, including GCSEs and A-levels, as the WELB was unable to provide alternative services arrangements for many pupils at such short notice. Following legal advice, and discussions with DoE, the WELB considered there was no intentional breach of contract per se by the southern operators, as the contracts had been signed in 2011 under the extant DoE interpretation of the cabotage Regulation. Non-compliance may be a breach of contract, but not necessarily so. In this instance, the situation facing the operators was a revised interpretation of the rules and therefore outside of their control. In the circumstances, WELB decided to temporarily extend the affected services for the remaining two weeks of the school year, to 30 June. To ensure the safety of pupils was not compromised, the WELB sought and received assurances from the southern operator's insurance companies that their insurance cover would be unaffected during this period.

The southern operator contracts were temporarily suspended from 30 June and they were giving until 1 September to bring their operations into line with the revised DoE interpretation of the EU Regulations, or the contracts would be cancelled and reallocated to other operators under the existing contract arrangements. The three southern operators complied fully with the necessary DoE/DVA requirements by 1 September and WELB reinstated their contracts for home to school transport services.

### **Contracts Issued by the Western Education and Library Board**

**Mr Storey** asked the Minister of Education to outline how contracts issued by the Western Education and Library Board were extended, even though they were found to be non-compliant during the term of the initial contract.

**(AQW 13824/11-15)**

**Mr O'Dowd:** Following legal advice the Department of the Environment (DoE) informed the Western Education and Library Board (WELB) that from 14th June 2012, it was revising its interpretation of EU

Regulation governing 'cabotage'. This covers transport services provided wholly in one Member State by operators from another. This change affected WELB contracts with 3 southern bus contractors operating home to school transport services on 16 routes affecting approximately 880 pupils.

To withdraw these services with immediate effect would have resulted in serious disruption at a time when many pupils were facing important end-of-year examinations, including GCSEs and A-levels, as the WELB was unable to provide alternative services arrangements for many pupils at such short notice. Following legal advice, and discussions with DoE, the WELB considered there was no intentional breach of contract per se by the southern operators, as the contracts had been signed in 2011 under the extant DoE interpretation of the cabotage Regulation. Non-compliance may be a breach of contract, but not necessarily so. In this instance, the situation facing the operators was a revised interpretation of the rules and therefore outside of their control. In the circumstances, WELB decided to temporarily extend the affected services for the remaining two weeks of the school year, to 30 June. To ensure the safety of pupils was not compromised, the WELB sought and received assurances from the southern operator's insurance companies that their insurance cover would be unaffected during this period.

The southern operator contracts were temporarily suspended from 30 June and they were giving until 1 September to bring their operations into line with the revised DoE interpretation of the EU Regulations, or the contracts would be cancelled and reallocated to other operators under the existing contract arrangements. The three southern operators complied fully with the necessary DoE/DVA requirements by 1 September and WELB reinstated their contracts for home to school transport services.

### **School Transport Contracts**

**Mr Storey** asked the Minister of Education to confirm that, in relation school transport contracts, non-compliance is a breach of contract which results in the contract being void.

**(AQW 13825/11-15)**

**Mr O'Dowd:** Following legal advice the Department of the Environment (DoE) informed the Western Education and Library Board (WELB) that from 14th June 2012, it was revising its interpretation of EU Regulation governing 'cabotage'. This covers transport services provided wholly in one Member State by operators from another. This change affected WELB contracts with 3 southern bus contractors operating home to school transport services on 16 routes affecting approximately 880 pupils.

To withdraw these services with immediate effect would have resulted in serious disruption at a time when many pupils were facing important end-of-year examinations, including GCSEs and A-levels, as the WELB was unable to provide alternative services arrangements for many pupils at such short notice. Following legal advice, and discussions with DoE, the WELB considered there was no intentional breach of contract per se by the southern operators, as the contracts had been signed in 2011 under the extant DoE interpretation of the cabotage Regulation. Non-compliance may be a breach of contract, but not necessarily so. In this instance, the situation facing the operators was a revised interpretation of the rules and therefore outside of their control. In the circumstances, WELB decided to temporarily extend the affected services for the remaining two weeks of the school year, to 30 June. To ensure the safety of pupils was not compromised, the WELB sought and received assurances from the southern operator's insurance companies that their insurance cover would be unaffected during this period.

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### **New School to Replace the Arvalee School and Resource Centre**

**Mr Hussey** asked the Minister of Education what steps he has taken and plans to take to accelerate the construction of a new school to replace the Arvalee School and Resource Centre.

**(AQW 13884/11-15)**

**Mr O'Dowd:** I have instructed my officials to investigate all possible options that would allow for the provision of new school buildings for Arvalee to be constructed on the Lisanelly site as a matter of urgency.

I had already announced plans to provide new build accommodation for the Arvalee School and Resource Centre as an early development on the Lisanelly site. These plans have been developed to RIBA Design Stage C. An Outline Business Case for the Lisanelly Shared Education Campus (LSEC) project, which includes Arvalee, has been prepared and is to be submitted to my Department in the near future.

My Department, in conjunction with the School and the Western Education & Library Board (WELB), is now considering the available options, with a view to accelerating the procurement timetable to allow the construction of new accommodation for the Arvalee School and Resource Centre to begin on the Lisanelly site as soon as possible.

It should be appreciated that the planning and procurement of any major capital building project must be fully developed and tendered in line with procurement guidance prior to work beginning on site. Furthermore, a project of this size would take approximately 18 months to construct.

In the meantime, my officials are working closely with the Arvalee School and Resource Centre and the WELB to arrive at acceptable and workable short and medium term solutions to ensure the continued educational development of the pupils.

### **Arvalee School**

**Mr Hussey** asked the Minister of Education, in light of the damage to Arvalee School, whether he will bring forward proposals to build a similar school at the Lisanelly site.

**(AQW 13885/11-15)**

**Mr O'Dowd:** I have instructed my officials to investigate all possible options that would allow for the provision of new school buildings for Arvalee to be constructed on the Lisanelly site as a matter of urgency.

I had already announced plans to provide new build accommodation for the Arvalee School and Resource Centre as an early development on the Lisanelly site. These plans have been developed to RIBA Design Stage C. An Outline Business Case for the Lisanelly Shared Education Campus (LSEC) project, which includes Arvalee, has been prepared and is to be submitted to my Department in the near future.

My Department, in conjunction with the School and the Western Education & Library Board (WELB), is now considering the available options, with a view to accelerating the procurement timetable to allow the construction of new accommodation for the Arvalee School and Resource Centre to begin on the Lisanelly site as soon as possible.

It should be appreciated that the planning and procurement of any major capital building project must be fully developed and tendered in line with procurement guidance prior to work beginning on site. Furthermore, a project of this size would take approximately 18 months to construct.

In the meantime, my officials are working closely with the Arvalee School and Resource Centre and the WELB to arrive at acceptable and workable short and medium term solutions to ensure the continued educational development of the pupils.

### **Enrolment Numbers**

**Mr Kinahan** asked the Minister of Education (i) what variation he expects in the projected numbers of enrolment being used within Area Planning to predict the number of school places needed up to 2025; (ii) whether verification of these figures from other methods has been obtained; and (iii) what allowances have been made for migration, change of religion and other outside influences.

**(AQW 13891/11-15)**

**Mr O'Dowd:**

- (i) The projected numbers of places needed at Primary and Post-primary levels are based on official population projections published by the Statistics & Research Agency (NISRA). The population projections are updated every two years and will be used to update the projected need for places. The projected needs will therefore be based on the most up to date data available. I have no means of assessing how the outturn of the need for places will differ from the projections. However, I am confident that our approach - using the best information currently available – is the right one.
- (ii) The projected needs are based on published official statistics. As with all projections they are based on assumptions about future levels of fertility, migration and mortality. It is for NISRA to ensure that appropriate professional standards are maintained in producing the statistics. However the current school projection statistics are in close agreement with the Annual School Census.
- (iii) Although these figures are provided at District Council level in three subsets comprising broadly Controlled, Maintained and Integrated schools, the key issue is that the overall total need (plus a tolerance to allow for parental preference) is not breached. If one sector in an area is to grow beyond what is shown in the calculation then there must be a consequent reduction elsewhere. We must avoid double counting the need for places. The official projections make allowance for both international migration and movement of people within the north of Ireland. The projected needs for places are not based on religion but on the proportions of pupils living in the 26 District Council areas currently attending schools in the three subsets. Changes in the proportions of pupils in the subsets will be accounted for as the calculations are updated with new published statistics.

**Bain Strategic Review of Education**

**Mr Kinahan** asked the Minister of Education for his assessment of the Bain Strategic Review of Education and its relevance for modern use.

**(AQW 13892/11-15)**

**Mr O'Dowd:** The Report of the Independent Strategic Review of Education - the Bain Report - was published in December 2006. It made a number of recommendations on a range of issues including the use of resources in education, the need for improved sharing and collaboration among schools and between schools and further education, and in particular the strategic planning of the schools estate. The recommendations in all of these areas have been progressed.

The report's recommendations on strategic planning and sustainability were incorporated in the Department's Sustainable Schools Policy, published in January 2009. This is currently the basis for the area planning process which I commissioned in September last year and which is being taken forward by the Education and Library Boards. The post-primary plans for the five Board areas have been published for consultation and response facilities are available at [www.puttingpupilsfirst.info](http://www.puttingpupilsfirst.info).

The primary plans are expected to be published later this year.

**Education and Skills Authority**

**Mr Kinahan** asked the Minister of Education to detail the projected savings on full implementation of the Education and Skills Authority.

**(AQW 13893/11-15)**

**Mr O'Dowd:** The savings in the Department's published Savings Delivery Plan are required in order to balance the Education budget by the end of the budget period, 2011-2015. The creation of ESA in 2013, halfway through this period, will help deliver this plan. By the end of the budget period some £40m will be realised in administration savings highlighting the need for a streamlined, regional organisation.



## Schools in North Down Contaminated with Asbestos

**Mr Weir** asked the Minister of Education which schools in North Down are contaminated with asbestos; and to what extent.

**(AQW 13918/11-15)**

**Mr O'Dowd:**

- (ii) There are no schools contaminated with asbestos in North Down; however, a number of schools do contain asbestos. The names of these schools, along with the extent, are listed below:

School name	Location	Extent *
<b>Nursery</b>		
Hollywood Nursery School	Hollywood	Brown
Trinity Nursery School	Bangor	White & Brown
<b>Primary</b>		
Hollywood Primary School	Hollywood	White
Crawfordsburn Primary School	Crawfordsburn	White & Brown
Ballyholme Primary School	Bangor	White & Brown
Clandeboye Primary School	Bangor	White & Brown
Bloomfield Primary School	Bangor	White & Brown
Grange Park Primary School	Bangor	White & Brown
Kilcooley Primary School	Bangor	White & Brown
Rathmore Primary School	Bangor	White & Brown
Ballymagee Primary School	Bangor	White
St Patrick's Primary School	Hollywood	White & Brown
St Malachy's Primary School	Bangor	White & Brown
Bangor Central Primary School	Bangor	White
Glencraig Integrated Primary School	Hollywood	White & Brown
<b>Post Primary</b>		
St Columbanus' College	Bangor	White & Brown
Priory College	Hollywood	White & Brown

\* White (Chrysotile)

\* Brown (Amosite)

It has not been possible to provide information on voluntary grammar schools as this information is held by the individual schools.

- (ii) Health and Safety Executive guidelines state that if asbestos is in good condition and unlikely to be damaged or disturbed, it does not pose a significant risk to health as long as it is properly managed. The Department and the Boards work within the constraints of a prioritised budget to ensure that where asbestos has been identified, it is properly managed in the schools estate, along with other health and safety issues. If the Boards or the Department are made aware of any potential problems with asbestos in a school, work is carried out immediately to resolve the problem.

## Asbestos Contamination in Schools

**Mr Weir** asked the Minister of Education what additional resources are being deployed to remove asbestos contamination from schools.

**(AQW 13919/11-15)**

**Mr O'Dowd:**

- (i) There are no schools contaminated with asbestos in North Down; however, a number of schools do contain asbestos. The names of these schools, along with the extent, are listed below:

School name	Location	Extent *
<b>Nursery</b>		
Hollywood Nursery School	Hollywood	Brown
Trinity Nursery School	Bangor	White & Brown
<b>Primary</b>		
Hollywood Primary School	Hollywood	White
Crawfordsburn Primary School	Crawfordsburn	White & Brown
Ballyholme Primary School	Bangor	White & Brown
Clandeboyne Primary School	Bangor	White & Brown
Bloomfield Primary School	Bangor	White & Brown
Grange Park Primary School	Bangor	White & Brown
Kilcooley Primary School	Bangor	White & Brown
Rathmore Primary School	Bangor	White & Brown
Ballymagee Primary School	Bangor	White
St Patrick's Primary School	Hollywood	White & Brown
St Malachy's Primary School	Bangor	White & Brown
Bangor Central Primary School	Bangor	White
Glencraig Integrated Primary School	Hollywood	White & Brown
<b>Post Primary</b>		
St Columbanus' College	Bangor	White & Brown
Priory College	Hollywood	White & Brown

\* White (Chrysotile)

\* Brown (Amosite)

It has not been possible to provide information on voluntary grammar schools as this information is held by the individual schools.

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## Pupils who Transferred to Other Post-Primary Schools

**Mr Kinahan** asked the Minister of Education to detail the number of pupils who transferred to other post-primary schools between the 2010/11 and 2011/12 academic years, broken down by category of schools, in each Education and Library Board area.

**(AQW 13926/11-15)**

**Mr O'Dowd:** The table below provides information derived from the annual school census returns in 2010/11 and 2011/12. It details the number of pupils in Year 8 – 11 in October 2010 who went to a different post-primary school by October 2011. In total, 2,607 pupils had moved school: 1,189 had moved from one non-grammar school to another and 895 pupils had moved from a non-grammar school to a grammar school. There were fewer moves from grammar schools: 158 pupils moved from grammar schools to non-grammar schools and 365 pupils moved to other grammar schools.

### DESTINATIONS OF PUPILS IN YEAR 8 – 11 WHO HAVE MOVED SCHOOL BY THE 2011/12 ACADEMIC YEAR

School location and type in 2010/11		School type in 2011/12	
ELB	School type	Non-grammar	Grammar
Belfast	Non-grammar	136	40
	Grammar	38	63
Western	Non-grammar	100	234
	Grammar	43	241
North Eastern	Non-grammar	206	46
	Grammar	30	28
South Eastern	Non-grammar	221	56
	Grammar	12	22
Southern	Non-grammar	526	519
	Grammar	35	11
<b>Total</b>	<b>Non-grammar</b>	<b>1,189</b>	<b>895</b>
	<b>Grammar</b>	<b>158</b>	<b>365</b>

**Source:** School enrolments census.

**Note:**

1. Figures relate to those pupils attending different schools on census day in 2010/11 and on census day in 2011/12. Figures were derived by tracing the movement of unique pupil identifiers between schools in the databases for each of the years concerned.
2. There were a further 577 pupils in Year 8 - 11 in 2010/11 who could not be identified as at schools in 2011/12.
3. Year 12 and above pupils were excluded from the calculation.

## Cost of School Transportation

**Mr Kinahan** asked the Minister of Education to detail the total cost of school transport by (i) taxi; and (ii) bus in each Education and Library Board in the 2011/12 academic year.

**(AQW 13927/11-15)**

**Mr O'Dowd:** Figures are provided by financial year rather than academic year and are not yet available for 2011/12. I am advised by the Education and Library Boards that the total cost of school transport

by (i) taxis; and (ii) buses in the most recent year for which figures are available (2010/11) is as provided in the table below.

<b>Financial Year 2010/11</b>	<b>(i) Taxis £k</b>	<b>(ii) Buses* £k</b>
Belfast Education and Library Board	977	4,356
North Eastern Education and Library Board	1,663	15,285
South Eastern Education and Library Board	1,056	13,128
Southern Education and Library Board	1,887	16,558
Western Education and Library Board	1,630	14,023

\* This represents all buses provided by Translink, Education & Library Boards and private operators.

**Source:** The Education and Library Boards Actual Outturn Expenditure Home to School Transport.

### **Pupils Previously Expelled from Another School**

**Mr Lunn** asked the Minister of Education how many pupils currently at school have been previously expelled from another school, broken down by Education and Library Board area.

**(AQW 13956/11-15)**

**Mr O'Dowd:** The Department does not hold the requested information.

Statistics on pupil expulsions are collected annually from each of the Education and Library Boards and published on the Department's website at [http://www.deni.gov.uk/index/21-pupils-parents-pg/pupils\\_parents-suspensions\\_and\\_expulsions\\_pg.htm](http://www.deni.gov.uk/index/21-pupils-parents-pg/pupils_parents-suspensions_and_expulsions_pg.htm).

This data does not include information on the education placement of expelled pupils which is a matter for the pupil's parent(s) and the relevant Education and Library Board.

### **'A' Level Pass Rates**

**Mr Weir** asked the Minister of Education how 'A' Level pass rates in 2012 compare with England and Wales.

**(AQW 13960/11-15)**

**Mr O'Dowd:** In 2011/12, 83.5% of A Level entries here achieved grades A\*-C, a higher proportion than both England and Wales, where 76.4% and 75.0% of entries respectively were awarded grades A\*-C. At 98.1% the overall pass rate (A\*-E grades) was similar to England (98.0%) and Wales (97.6%).

	<b>England</b>	<b>Wales</b>	<b>North of Ireland</b>
% of all A Level entries achieving grades A*-C, 2011/12	76.4	75.0	83.5
% of all A Level entries achieving grades A*-E, 2011/12	98.0	97.6	98.1

**Source:** JCQ

### **Physical Education Lessons in Schools**

**Mr D McIlveen** asked the Minister of Education whether he has any plans to introduce a recommended annual minimum time for Physical Education lessons in schools.

**(AQW 14023/11-15)**

**Mr O'Dowd:** I have no plans to make legislative changes to allow for prescription in terms of time to be allocated to specific subjects. The Department of Education has issued guidance to schools

recommending a minimum of two hours PE per week, however, legislation governing the revised curriculum prevents the Department from prescribing the amount of time to be allocated to any particular subject.

Physical Education is a compulsory part of the curriculum for all pupils at every Key Stage from the ages of 4 to 16. Greater flexibility and less prescription are key features of the revised curriculum which recognises the importance of allowing teachers to plan their teaching to meet the needs of their pupils.

The Department is contributing towards participation in PE through its funding of the Curriculum Sports Programme. The programme aims to develop physical literacy skills of our youngest pupils and is being delivered in over 560 schools across the north of Ireland.

I am fully supportive of DCAL's Sport Matters Strategy for Sport and Physical Recreation (2009 – 2019). As a response to this strategy the Department of Education has committed to establish a baseline for the number of pupils participating in a minimum of two hours quality physical education per week. As part of its work to establish the baseline, the Department issued an online questionnaire to all schools and the feedback has been analysed over the summer. The resulting report will be published on the DE website in the near future.

## Department for Employment and Learning

### Education Maintenance Allowance

**Mr Storey** asked the Minister for Employment and Learning to detail the number of pupils who received Education Maintenance Allowance in each of the last five years, broken down by (i) school type; and (ii) Education and Library Board.

**(AQW 13749/11-15)**

**Dr Farry (The Minister for Employment and Learning):** The tables overleaf detail the number of students who received Education Maintenance Allowance in each of the last five academic years broken down by (i) school type; and (ii) Education and Library Board.

(i) School Type

Academic year	07/08	08/09	09/10	10/11	11/12
Further Education College	7,550	8,110	9,550	8,600	9,580
Grammar School	5,700	5,700	6,260	6,880	6,890
Independent School	20	20	20	20	20
Secondary School	6,390	6,870	7,930	9,050	8,350
Special School	240	260	290	380	330
<b>Total</b>	<b>19,900</b>	<b>20,960</b>	<b>24,050</b>	<b>24,930</b>	<b>25,170</b>

(ii) Education and Library Board

Academic year	07/08	08/09	09/10	10/11	11/12
Belfast Education Library Board	4,290	4,610	5,480	5,360	5,310
North Eastern Education Library Board	3,740	3,830	4,470	4,740	4,680
South Eastern Education Library Board	2,770	2,940	3,230	3,520	3,720

<b>Academic year</b>	<b>07/08</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>
Southern Education Library Board	4,400	4,680	5,470	5,900	5,910
Western Education Library Board	4,700	4,900	5,400	5,410	5,550
<b>Total</b>	<b>19,900</b>	<b>20,960</b>	<b>24,050</b>	<b>24,930</b>	<b>25,170</b>

## Freedom of Information Requests

**Mr Flanagan** asked the Minister for Employment and Learning to detail, for each of the last three financial years, (i) the number of Freedom of Information (FOI) requests received by his Department; (ii) the number of FOI requests responded to within the 20 working day requirement; (iii) the number of FOI requests that have taken longer than 20 working days to complete; and (iv) the number of FOI requests which were refused, broken down by the reason for refusal.

**(AQW 13838/11-15)**

**Dr Farry:** The information requested is published in a series of FOI Annual Reports which are on the basis of calendar years, not financial years. The reports can be accessed from the OFMDFM website at:

[http://www.ofmdfmi.gov.uk/index/improving-public-services/information\\_management\\_and\\_central\\_advisory\\_branch/annual-reports-and-statistics.htm](http://www.ofmdfmi.gov.uk/index/improving-public-services/information_management_and_central_advisory_branch/annual-reports-and-statistics.htm)

The Member should note that statistics for 2011 are provided on a quarterly basis and cannot be regarded as validated until the publication of the 2011 FOI Annual Report.

## Department of Enterprise, Trade and Investment

### Renewables Obligation Certificates

**Mr Boylan** asked the Minister of Enterprise, Trade and Investment to detail (i) how secure Renewables Obligation Certificates contracts are for farmers who erect wind turbines before any planned review; and (ii) whether contracts will be honoured by the Office of Gas and Electricity Markets for the term of the contract regardless of any changes proposed by any review.

**(AQW 13813/11-15)**

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** In August 2012, the Department published its response to the consultation on proposed changes to the Northern Ireland Renewables Obligation (NIRO) in 2013. The response confirmed that onshore wind with an installed capacity up to 250kW and accredited under the NIRO before 1 April 2014, will receive 4 ROCs per megawatt hour of electricity generated.

Under the Renewables Obligation Order (Northern Ireland) 2009 generating stations are accredited under the NIRO for a period of 20 years at the ROC level at which that they were first accredited, regardless of future banding reviews. This process is known as 'grandfathering'.

However, post 31 March 2014, ROC banding levels will be subject to further review as part of the Department's move towards introducing a Small Scale Feed-in Tariff scheme.

### Social Economy

**Ms S Ramsey** asked the Minister of Enterprise, Trade and Investment what support mechanisms her Department has put in place for the social economy sector since the cessation of operations by the Social Economy Network in August 2011.

**(AQO 2366/11-15)**

**Mrs Foster:** The Social Economy Network took the decision to cease operations from end August 2011. Since then, my Department has been taking forward a number of measures, in the context of the Executive's Economic Strategy, to promote the social economy sector and its contribution to economic growth.

In particular, DETI is in the process of appointing a service provider to design, manage and deliver a Social Economy Work Programme (SEWP) to support and develop the social economy sector, for up to a maximum of three years. A contract will be in place by end September 2012.

Invest NI have a range of activities focused on developing the third sector, including the Social Entrepreneurship Programme, which offers capability support and start-up grant assistance. As part of a wider business base focus, Invest NI continue to work with a number of existing social enterprises to assist business development.

### **Target Express**

**Mr Lynch** asked the Minister of Enterprise, Trade and Investment what discussions she has had with the Revenue Commission in the Republic of Ireland regarding the job losses at Target Express.

**(AQO 2363/11-15)**

**Mrs Foster:** I have not had any discussions with the Revenue Commission in the Republic of Ireland regarding the recent announcement by Target Express. This was a dreadful blow for all the staff who work for the company and for their families and whilst it is encouraging that Masterlink Logistics has reached a provisional agreement with the liquidators to acquire a number of parts of the freight company, I would very much encourage the new owners to re-employ as many of the Northern Ireland based staff as possible.

I want to assure those affected by job losses that my Department and colleagues in the Department for Employment and Learning will of course do all that is possible to limit the impact of any job losses.

### **InvestNI: European Economy**

**Mr Dunne** asked the Minister of Enterprise, Trade and Investment what impact the on-going instability within the European Economy has had on the work of InvestNI.

**(AQO 2364/11-15)**

**Mrs Foster:** With nearly half of our approximately £16 billion exports going to the EU, ongoing uncertainty in the Eurozone and predicted contraction can certainly impact on our economy.

It is vital that our exporters, both existing and new, use Invest NI's support and services to continue to look to new markets.

For example, in July 2012, I opened a new in-market support office in Erbil, Kurdistan and major trade missions will visit the US, China, South America, Turkey and India before the end of the year.

### **Tourism: "The Gathering"**

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment for an update on her discussions with her counterpart in the Dublin government, Minister Leo Varadkar, regarding the potential benefits to the local economy of The Gathering 2013 taking place on a 32 county basis.

**(AQO 2367/11-15)**

**Mrs Foster:** When I met with Minister Leo Varadkar in Enniskillen on the 12th July I discussed a range of tourism issues.

## **Boosting Business: North Belfast**

**Ms P Bradley** asked the Minister of Enterprise, Trade and Investment what impact the Boosting Business programme has had in the North Belfast constituency.

**(AQO 2368/11-15)**

**Mrs Foster:** A central theme of Boosting Business is the creation of new jobs via the Jobs Fund. In North Belfast there are currently nine Jobs Fund business investment projects at various stages of development, 70 new jobs have already been created and there is potential for a further 300 in the very near future.

Since the start of the Boosting Business campaign in November 2011, Invest NI has added 89 prospective projects worth £1.9million of support in the North Belfast area. These are at various stages of development and have the potential to generate £7million of investment for the local economy and create 103 new jobs.

The Jobs Fund has also provided support to 26 individuals resident in Neighbourhood Renewal Areas (NRA) to set up their own business in North Belfast through the NRA Business Start Grant, and to four young people (aged 16-24) not in education, employment or training (NEET) to set up their own business through the NEET Business Start grant.

The Jobs Fund work is ongoing and Invest NI is continuing to build a pipeline of projects that will lead to further new job creation in North Belfast in the near future.

## **Payday Loans**

**Mr Durkan** asked the Minister of Enterprise, Trade and Investment how her Department plans to monitor how Pay Day Loan companies comply with the new codes of practice.

**(AQO 2369/11-15)**

**Mrs Foster:** The Department's Trading Standards Service will continue to take enforcement action against those traders that engage in unfair commercial practices. TSS will monitor the trade's compliance through complaints received through the Consumerline and the delivery of debt advice services. In addition, there are plans to monitor the individual performance of pay day loans businesses through a mystery shopping exercise.

## **Tourism: South Tyrone**

**Ms McGahan** asked the Minister of Enterprise, Trade and Investment what actions have taken place to promote and develop the South Tyrone tourism product.

**(AQO 2370/11-15)**

**Mrs Foster:** I am aware that you have written to Mr. Alan Clarke, Chief Executive of the Northern Ireland Tourist Board on this issue. A comprehensive response is being prepared and will issue to you in due course.

On 6 September 2012 I met with Dungannon & South Tyrone Borough Council and The Trader's Association to discuss issues including local tourism development. This visit included a trip to The Hill of the O'Neill and Ranfurly House Arts & Visitors Centre which is a welcome addition to the tourism offering.

The Northern Ireland Tourist Board provided £10,000 of financial support through the Tourism Events Fund towards The Clogher Valley Show in July 2012.

Also, Todd's Leap won the "Best Visitor Experience" award at the Northern Ireland Tourism Awards (NITA) in 2012.



## Tourism: Overseas Visitors

**Mr Cree** asked the Minister of Enterprise, Trade and Investment for her assessment of the number of overseas visitors during the first quarter of this year.

**(AQO 2371/11-15)**

**Mrs Foster:** The overseas visitor numbers are disappointing for the first quarter of 2012 however I remain positive about our prospects for the year. We must bear in mind that the global economic landscape has been challenging for the travel and tourism industry with continuing economic uncertainty in many of our key tourism markets.

Despite this uncertainty there are many reasons to expect a strong tourism performance this year. I am very encouraged to see an increase in occupancy rates across the hotels and other accommodation in the first 7 months of this year. During January – July 2012 the hotel room (63%) and bed-space (45%) occupancy increased by 5 percentage points and 6 percentage points respectively when compared to the previous year.

In its first 5 months Titanic Belfast has attracted more than 450,000 visitors while the Giant's Causeway Visitor Centre has welcomed over 200,000 visitors since it opened at the beginning of July. The recent Irish Open at Royal Portrush had a record breaking 130,000 spectators.

In addition, our domestic tourism market is extremely buoyant with NI residents taking an estimated 686,000 overnight trips in January to May this year, a 16% increase on last year.

## Department of the Environment

### Staff Member Re-Employed in the Same Position

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 11851/11-15, and when the member of staff completes the specific project or retires from the post, whether the post will be advertised or trawled for replacement; and whether the post will be on a full-time or part-time basis.

**(AQW 13724/11-15)**

**Mr Attwood (The Minister of the Environment):** The member of staff was re-employed on a part time basis for temporary project work which was completed within a year. This project took place several years ago and the post was not refilled.

### Part 1, Section 2 of the Planning Act 2011

**Mr Agnew** asked the Minister of the Environment to explain why the commencement of Part 1, section 2 of the Planning Act 2011 is dependent on the transfer of powers to councils, given that this relates solely to the powers of the Department of the Environment.

**(AQW 13737/11-15)**

**Mr Attwood:** Section 2 of the Planning Act (Northern Ireland) 2011 places a statutory requirement on the Department to prepare a Statement of Community Involvement in relation to its functions under Part 3 of the Act. These functions include the determination of Regionally Significant Development applications submitted either directly to the Department, or called in by it. Therefore, Section 2 is dependent on the transfer of powers to councils because it applies only to the Department's powers under the new two tier planning system when commenced.

### Planning Act 2011

**Mr Agnew** asked the Minister of the Environment to provide a schedule of the subordinate legislation and guidance required to commence all the sections of the Planning Act 2011 and a timeframe for bringing these forward.

**(AQW 13738/11-15)**

**Mr Attwood:** The subordinate legislation necessary to exercise the powers contained in the Planning Act (NI) 2011 comprises a range of statutory rules which will be commenced to a timeframe that allows the new district councils to operate effectively as local planning authorities from the date of transfer of the majority of planning powers to local government. The schedule attached as an annex sets out the pieces of subordinate legislation necessary to achieve this. This schedule may be subject to amendment in line with changes in policy or work priorities or where opportunities emerge to combine provisions within a smaller number of pieces of legislation.

Operational guidance in relation to the reforms introduced and the change in responsibility of councils operating as planning authorities will be provided in tandem with the introduction of the subordinate legislation.

The timing of any proposals for subordinate legislation becoming law is subject to the proper Assembly process but will be managed within a formal project structure as an element of the wider reorganisation of local government and the transfer of other powers to the new district councils.

Summary of subordinate legislation to exercise powers in Planning Act (NI) 2011

- The Planning (Miscellaneous Amendments) Regulations (NI)
- The Planning (Environmental Impact Assessment) Regulations (NI)
- The Planning (Fees) Regulations (NI)
- The Planning (General Development Procedures) Order (NI)
- The Planning (Development Management) Regulations (NI)
- The Planning (General Permitted Development) Order (NI)
- The Planning (General Regulations) (NI)
- The Planning (Development Plan) Regulations (NI)
- The Planning (Control of Advertisements) Regulations (NI)
- The Planning (Statement of Community Involvement) Regulations (NI)
- The Planning (Conservation Areas) (Demolition) Regulations (NI)
- Statutory Rule for Transitional arrangements
- The Planning (Use Classes) Order (NI)
- The Planning (Fixed Penalties) Regulations
- The Planning (Management of Waste by Extractive Industries) Regulations (NI)
- The Planning (Enforcement) Regulations (NI)

### **Proposed Asda Retail Development at Loughside Park in North Belfast**

**Mr Agnew** asked the Minister of the Environment (i) why his Department's Landscape Architects Branch (LAB) objects to the proposed Asda retail development at Loughside park in North Belfast; (ii) whether the view of LAB will influence his decision on whether to grant planning permission; (iii) should a decision be made to proceed with the proposals, whether any development will be in full compliance with the European Landscape Convention; (iv) for the latest figure on the number of letters objecting to this development that his Department has received; and (v) in light of the issues surrounding this development and the number of local people who are opposed, whether he intends to hold a public inquiry. **(AQW 13756/11-15)**

**Mr Attwood:** Officials in Strategic Projects Division consulted a number of agencies on this application and associated Environmental Statement including the Landscape Architects Branch within DOE Planning. They raised concern in principle to the loss of open space and to the lack of integration in the scheme as then presented. A recommendation was made as to the provision of further planting.

Such consultations responses are one of a number of material considerations in the determination of the planning application and will be taken into account in reaching a balanced decision.

The European Landscape Convention promotes landscape, protection, management and planning of European Landscapes. The Department has a suite of Planning Policy Statements which set out its position on a number of issues including the protection of the natural environment and areas of open space. These issues will be material considerations in the determination of the planning application.

The Department has received a total of 1721 individual letters of objection and one petition of objection carrying 236 signatures. Two letters of support have been received and 3 petitions carrying 1,683 signatures. These representations will be taken into account in the determination of the application.

Officials in the Strategic Projects Division received an addendum to the Environmental Statement associated with this application on the 21 March 2012 including a statement on community benefit. The Department is currently considering this addendum with consultees. I will consider the need for a hearing in relation to this major Article 31 planning application when I have received a recommendation from my officials

## Councillors

**Mr P Ramsey** asked the Minister of the Environment how many councillors have served at least (i) three; and (ii) four consecutive terms of office.

**(AQW 13757/11-15)**

**Mr Attwood:** Research indicates that 147 councillors have served at least three consecutive full terms of office. If we count the current term in this calculation, rather than completed terms, the figure would be 237 councillors.

Research also indicates that 104 councillors have served at least four consecutive full terms of office. If we count the current term in this calculation, rather than completed terms, the figure would be 147 councillors.

## Wind Turbines

**Mr Irwin** asked the Minister of the Environment for his assessment of current planning protocols used to determine the siting of wind turbines, particularly with regard to the proximity of dwellings and the impact of blade noise and flicker.

**(AQO 2374/11-15)**

**Mr Attwood:** The main planning policy for the assessment of a planning application for wind energy is contained within Planning Policy Statement 18.

In assessing applications for wind turbines, the impact of the proposed development on adjacent occupied properties is a material consideration that the Department will take into account in reaching a balanced judgement.

For an individual wind turbine best practice guidance of the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance between the turbine and occupied property. For wind farm development, a separation distance of 10 times the rotor diameter to occupied property with a minimum distance of not less than 500m will generally apply. I am not aware of any evidence to suggest that this distance does not provide an adequate separation distance.

In addition, as part of its consideration of a planning application, and in order to further inform the decision making process, the Department will consult with the Environmental Health Department of the District Council, who will provide expert advice in relation to planning related matters such as the potential noise impact of the proposed development on an adjacent occupied property.

The aim of Planning Policy Statement 18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets, and to realise the benefits of renewable energy. I believe that this Planning Policy Statement has a balanced approach in promoting renewable energy whilst protecting the environment within which we all live.

## **Local Government Reform Programme**

**Mr Dallat** asked the Minister of the Environment for his assessment of progress made in the Local Government Reform Programme.

**(AQO 2377/11-15)**

**Mr Attwood:** The reform of local government is progressing well, in line with the 2015 timetable proposed in the Executive's Programme for Government 2011-15, and a number of key milestones have already been reached.

The two main pieces of legislation required to give effect to local government reorganisation are the;

Local Government (Boundaries) Order (Northern Ireland) 2012, which was debated in the Assembly on 12th June 2012 and approved giving confirmation to the boundaries of the 11 new local government districts and their wards, and the

Local Government (Reorganisation) Bill which, subject to the Executive's agreement, I intend introducing in the autumn session to give effect to the Executive's decisions on the future shape of local government.

In addition to progressing the Bill through the Assembly, a programme of subordinate legislation and guidance will be taken forward to give effect to the Bill. This will include subordinate legislation on shadow council arrangements, the new governance arrangements and ethical standards regime and community planning.

To drive the programme, I have established a number of implementation structures to manage and integrate the work required to convey operations at a central and local government level. The structures include:-

- a politically-led Regional Transition Committee;
- supported by an operationally-focused Regional Transition Operational Board;
- a number of Task and Finish Working Groups;
- and Voluntary Transition Committees at local cluster level.

I am also establishing a political reference group, drawn from both central and local government, to seek views from all political parties in the Assembly and in councils on key elements of the local government reform programme. I have chaired three meetings of the Regional Transition Committee to date. The next meeting is scheduled for 1 November 2012.

The Regional Transition Operational Board, chaired by my Permanent Secretary, has held two meetings. The next meeting will be on the 26 September 2012. The Task and Finish Working Groups have been established, are scoping the work required and will report to the Regional Transition Committee at its next meeting.

I have also decided that to deepen political ownership and input to RPA, the Vice Presidents of NILGA will be invited to sit on the RTC and I have also written to part leaders requesting nominations to a political reference group.

RPA is a little over 30 months away. I believe in radical reform, support RPA but believe a better model was on offer. All need to apply themselves diligently to ensure its achievement.

## Planning Service

**Mrs Hale** asked the Minister of the Environment, in light of the decline in applications since 2007, why Planning Service is unable to meet its targets for processing all major, intermediate and minor applications, set internally by the Department.

**(AQO 2378/11-15)**

**Mr Attwood:** There are a number of reasons for the fall in performance including the redeployment of staff/resources, short term issues relating to the rollout of the Planning Portal, the priority reassessment of 2,500 deferred PPS21 applications plus the implementation of the agreed action plan to reduce the backlog of planning applications in the system for more than 12 months.

In clearing the backlog of older applications, the published statistics for planning process performance have become skewed – the more you deal with older cases the more the mean figure for indicating the length of time dealing with applications increases.

Whilst annual statistics for 2011/12 show a decline in the number of planning applications submitted, nine out of ten applications are approved and these high approval rates will contribute positively to the growth of the economy.

The longer processing time and high approval rates can also reflect, in many cases, an approach of engagement with applicants, agents, elected representatives and the public to negotiate an acceptable scheme. It is important to promote the submission of acceptable schemes at the outset following pre-application discussions for major projects and with full engagement with the community.

I have set challenging targets for this year and the next two years in order to speed up the planning process and assist economic recovery. I require planning staff to meet these new targets and have made this clear to senior staff in the Department. That is shown in the PFG. My staff know the importance I set on proper timelines for applications, why I will propose statutory periods for consultation responses in the forthcoming Planning Bill and why, despite some good grounds for not meeting targets, the failure to meet the targets needs to be rectified by me and the Department of the Environment.

## Review of PPS 21

**Mr Buchanan** asked the Minister of the Environment to provide an update on the review of PPS 21.

**(AQO 2380/11-15)**

**Mr Attwood:** I am currently considering the report on the outcome of the review into the operation of PPS21 and it is my intention to make a statement to the Assembly on this matter shortly. The 'review' has by design been lengthy. A reason for this is to, 'in real time' and 'in the real world', identify where there were inconsistencies of interpretation or a proper need for flexibility of interpretation. This means the review was a working review to aid better practice.

## Flooding: Emergency Payments

**Mr Lyttle** asked the Minister of the Environment whether he will consider extending the emergency financial payments to businesses, sporting organisations and community groups affected by the flooding on 27th June 2012.

**(AQO 2381/11-15)**

**Mr Attwood:** I acknowledge that businesses have also suffered difficulties with their properties and trade as a result of the inclement weather. I have already instructed my officials to explore the possibility of making payments to flooded businesses and also to sports clubs and community and voluntary organisations. I have seen at first hand the damage inflicted on such facilities, and understand the impact that this can have on the communities they serve. I will be bringing these new scheme proposals forward for consideration as soon as practicable, together with a recommendation that the amount paid out under the Scheme be increased from £1000 to £1500.

## Local Government Reform: Working Groups

**Ms McGahan** asked the Minister of the Environment what agreements he has reached with NILGA and local government regarding representation on the Local Government Reform Programme working groups. **(AQO 2382/11-15)**

**Mr Attwood:** The current implementation structures have a direct connection to what was intended in the original reform mandate. In establishing them, I specifically wanted each new council cluster represented at the Regional Transition Committee by one Voluntary Transition Committee Chair and at the Regional Transition Operational Board by one local government Chief Executive. The primary reason for this is to promote congruent working in the council groupings to facilitate convergence work and to give recognition to the eventual 11 Council model.

I also wanted, more pragmatically, to keep the membership of the structures to a manageable number of attendees. Hence, I limited the membership, but at the same time included NILGA and SOLACE representation to help facilitate development of the reform programme across all councils.

I acknowledge that there is a case for further deepening the political ownership of the implementation process. At the Regional Transition Committee on 30 August 2012, I confirmed that the Vice Presidents of NILGA would be invited to sit on the Committee, ensuring wider political party membership. I am also inviting the leaders of the political parties in the Assembly to nominate members to a Political Reference group and that the letter will issue this week.

I propose that membership of the reference group should include representatives from both central and local government and also be inclusive of all parties represented at the Assembly. The Reference Group will consider issues that I believe need party political input, for example ethical standards arrangements. It will not duplicate the functions of other established structures such as the Environment Committee or the Regional Transition Committee.

I accept the principle of wider political involvement but its application to Task and Finish Working Groups is problematic. Membership of these groups currently comprises officers from local government and NILGA and officials from central government. Time is short and there is much work to be done at an operational and practical level. Indeed, there are approximately 25 such groups and sub-groups at present. Some are intended to have a very brief life span indeed, taking forward short, sharp pieces of work; others will remain in existence to prepare options on a number of related issues. This is why wider involvement is problematic.

It is important to note that these groups are advisory in nature and have no decision-making powers. The workplans for each Working Group will be provided to the next meeting of the Regional Transition Committee and any decisions required as a result of that work will be made at the appropriate democratic level – whether that be by a Council, by a Minister, by the Executive or indeed, by the Assembly. That said, I will monitor the situation. There may be particular groups where a particular political input would be necessary and practical.

## Rose Energy

**Mr Hussey** asked the Minister of the Environment to provide an update on the Rose Energy project. **(AQO 2383/11-15)**

**Mr Attwood:** The former Minister's announcement of August 2010 to proceed by way of a Notice of Opinion to approve was the subject of judicial review proceedings. Lord Justice McCloskey adjourned the judicial review proceedings on 2 March 2011 on the basis that the application process had not been completed.

The applications are now in the final stage of consideration. The files on this case containing a report and a recommendation will be forwarded to me shortly.

The Department will make a recommendation on whether to proceed by way of a Notice of Opinion to approve or refuse the applications or by way of a Public Inquiry.

## Alleyways and Pedestrian Access

**Mr Agnew** asked the Minister of the Environment what powers local councils have to maintain privately owned alleyways and pedestrian access to the rear of properties for which the owners cannot be identified.

**(AQO 2384/11-15)**

**Mr Attwood:** If the privately owned alleyway is in such a state, through for example neglect leading to a build-up of rubbish which is causing problems for pedestrian access, Councils can take action under new Litter Clearing Notice powers introduced by the Clean Neighbourhoods and Environment (Northern Ireland) Act 2011.

This is a strong new enforcement tool for district councils as it requires the occupier (or if the land is unoccupied the owner) of the land to clear it and take steps to keep it clear. If it is not possible “after reasonable enquiry” to establish the name or proper address of the occupier or owner, the district council can serve a Litter Clearing Notice by posting it on the land. Details of the owner or occupier may be obtained by on-site enquires or by using information from the Land Registry. In a situation where a Litter Clearing Notice is not complied with a district council, or any person authorised by it, may enter the land and clear it. The person on whom the Litter Clearing Notice was served may be required to pay a reasonable charge in respect of the costs incurred.

Councils also have other powers under the statutory nuisance provisions in the Clean Neighbourhoods and Environment Act to take action to deal with premises (“premises” includes land) in such a state as to be prejudicial to health or a nuisance and also to deal with any accumulation or deposit which is prejudicial to health or a nuisance. If the state of the privately owned alleyways to which you refer is such that it is prejudicial to health or a nuisance as would be determined by a district council environmental health officer the council can serve a notice requiring the abatement of the nuisance. Where an abatement notice has not been complied with the district council may abate the nuisance and seek to recover expenses incurred.

Another miscellaneous power available to district councils is contained in Article 65 of the Pollution Control and Local Government (Northern Ireland) Order 1978. This power concerns “Defective premises” and it applies where it appears to a district council that any premises are in such a state as to be prejudicial to health or a nuisance and unreasonable delay in remedying the defective state would be occasioned by taking action under the statutory nuisance regime. Under this power a district council can take action to remedy the defective state of the premises and seek to recover expenses incurred.

## Department of Finance and Personnel

### Corporation Tax

**Mrs Hale** asked the Minister of Finance and Personnel for an update on the devolution of Corporation Tax.

**(AQO 2395/11-15)**

**Mr Wilson (The Minister of Finance and Personnel):** The Joint Ministerial Working Group examining the issues involved in devolving responsibility for the rate of corporation tax to the Northern Ireland Executive has met on three occasions, most recently on the 25th June.

While some good progress has been made, there are a number of critical issues that remain outstanding. In particular, I am concerned that the approach currently being proposed by Treasury would result in the cost of a rate reduction being prohibitively expensive.

I share the frustration of the local business community that it has not yet been possible to come to an agreement with HM Treasury. However, a reduced rate of corporation tax cannot be at any price, and my Ministerial colleagues and I will continue to press for the best possible deal for Northern Ireland.

The Working Group is due to meet again in two weeks time with a view to resolving the outstanding issues.

The Government will then decide on whether the Executive should be offered the opportunity to take responsibility for corporation tax.

### **Government: Financial Assistance**

**Mr Hazzard** asked the Minister of Finance and Personnel what assistance can be given to a Government Department in circumstances where a short-term financial shortfall in capital spend will result in definite job losses and the accelerated decline of the local economy.

**(AQO 2390/11-15)**

**Mr Wilson:** In the first instance, it is for the relevant Minister to determine Departmental priorities and reprioritise within business areas in reaction to short-term emerging pressures. If required, there is the option to refer the issue to the Executive through the In-year Monitoring process, as it is the role of the Executive, not me as Finance Minister, to decide on appropriate action in response to specific Departmental pressures.

### **Banks**

**Mr Ó hOisín** asked the Minister of Finance and Personnel what meetings and engagements he has had with Ulster Bank and Royal Bank of Scotland officials over the past three months.

**(AQO 2391/11-15)**

**Mr Wilson:** I was in regular contact with senior officials from the Ulster Bank throughout the recent crisis and met with Sir Philip Hampton, Chairman of the RBS Group, on 2 July 2012 in order to emphasise directly to him the untold problems Ulster Bank's IT issues were causing customers across Northern Ireland.

I will be monitoring this situation closely to ensure this scheme is implemented and customers are compensated as quickly as possible and will continue to engage with the bank as necessary.

### **Rates: Vacant Premises**

**Mr Givan** asked the Minister of Finance and Personnel for his assessment of the introduction of 50 per cent discount rates for vacant premises.

**(AQO 2392/11-15)**

**Mr Wilson:** The policy to offer a 50% rates discount, to businesses taking over retail premises that were vacant for over a year, was only introduced in April and my Department will be reviewing its effectiveness later in the year.

I do not want to prejudge that assessment but what I can say is that it has attracted 73 applications so far and this has resulted in 22 awards. I have had no complaints from other established businesses nor am I aware of anyone taking unfair advantage of the scheme, for example, by moving down the street.

My own personal experience has been entirely positive. I have visited a number of new retail businesses in various parts of Northern Ireland. All have told me that it is a great help during that vulnerable first year of trading and of course it has helped revitalise town centres. Maybe not in a big way but it is certainly a move in the right direction.

I will be reporting back to this Assembly in a few months time about its effectiveness. The scheme is time limited but I may wish to extend it beyond March next year, if it is proving to be the success I have already witnessed.



## Rates: Large Retailers

**Mr B McCrea** asked the Minister of Finance and Personnel whether the success of the Small Business Rate Relief Scheme has encouraged him to consider expanding the scheme to benefit larger retailers who are under pressure in town centres.

**(AQO 2393/11-15)**

**Mr Wilson:** As you know the recent extension of the small business rate relief scheme was paid for by charging the largest retailers a relatively modest levy, because the Executive agreed at the outset that it should not be funded through public expenditure. The levy was considered to be the best alternative way of funding the expansion. It is fixed for 3 years and I will stand by commitments I gave that it will not be increased nor extended beyond that.

Further expanding the scheme in the way you suggest may be a worthy aim but it raises real issues of affordability; as every pound forgone is a pound less for the Assembly and our Departments to spend on hospitals, schools and roads. Furthermore to try and target the scheme in this manner creates significant difficulties defining what is in town, edge of town and out of town and the existent town planning categories are not current or accurate enough to use for the purposes of local taxation. I would not wish to create a situation where my Department is hauled through the courts at public expense for creating a targeted scheme that has imperfections, nor will I develop a scheme that favours one location over another and therefore disadvantages struggling businesses that happen to fall just outside an arbitrary boundary.

My Department, however, is undertaking an 'in year' review of the policy to see if I can fine tune the scheme and recycle savings through better targeting. This may result in a small increase in the current rateable valuation threshold of £10,000.

## Rates: Car Parks

**Mr Lunn** asked the Minister of Finance and Personnel for an update on rating for out-of-town car parks.

**(AQO 2394/11-15)**

**Mr Wilson:** This matter was examined late last year when the issue was raised during the public consultation on the large shops levy. As you know that consultation was all about finding ways of raising extra money through the rating system to pay for a doubling of small business rate relief. That mission was accomplished and so no further work was undertaken on the separate rating of out of town car parks.

I stated in the foreword to the Consultation Outcomes Report, published in November 2011, that it was my assessment and that of my Department, that this is a difficult thing to do within the rating system because the rateable value of individual shops already reflects the advantages of free car parking and other common facilities such as the covered mall. If this was to be taken further, it would be better considered as a separate charge and therefore something best led by another Department.

## Apartments

**Mr McCarthy** asked the Minister of Finance and Personnel whether any forthcoming legislation regarding apartment management will take into consideration those apartments which have experienced issues prior to the introduction of the legislation.

**(AQO 2396/11-15)**

**Mr Wilson:** It was agreed that the Northern Ireland Law Commission would review the law and practice relating to multi-unit developments, with a view to ensuring that the legitimate needs and interests of the various parties are fairly addressed.

The Commission has recently revised the review team and the revised team has been re-considering the handling of the review project. It would cause me real concern if the review did not assess and address the full range of difficulties which have arisen in this area, including, in particular, those experienced by existing owners. We are all well aware of those difficulties and the Commission itself

has heard about some of them first hand. I have had a number of exchanges with the Commission in which I have emphasised the need for practical, effective relief for all. The Commission has now assured me that the pressing problems of existing owners will be dealt with in the report as a matter of priority and I have welcomed that assurance.

### **Energy Performance Certificates**

**Ms S Ramsey** asked the Minister of Finance and Personnel whether a building which does not have a current Energy Performance Certificate can be sold.

**(AQO 2397/11-15)**

**Mr Wilson:** The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (as amended) require the seller or landlord of a building to make available, free of charge, a valid energy performance certificate to any prospective buyer or tenant at the earliest opportunity and in any event no later than entering into a contract to sell or rent out the building. The EPC shall then be given to the eventual buyer or tenant.

The sale of a building without a valid EPC would be a breach of these regulations and subject to enforcement action up to the issue of a Penalty Charge Notice.

## **Department of Health, Social Services and Public Safety**

### **Rathgill Area of Bangor**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how his Department can help improve the lives of working class communities in the Rathgill area of Bangor.

**(AQW 13728/11-15)**

**Mr Poots (The Minister of Health, Social Services and Public Safety):** Improving the lives of people in Rathgill involves addressing the socio-economic circumstances that prevail in that community. Health and social care can address some aspects, but collaboration with other organisations across all sectors, including with local communities, is crucial to addressing the area's priorities.

The Public Health Agency, together with a range of other organisations and initiatives in the area, is working with the Rathgill Community Association to ensure that services are in place to help build and maintain a sustainable and healthy community.

### **Guidance on the Termination of Pregnancy**

**Ms Lo** asked the Minister of Health, Social Services and Public Safety, in light of the Court of Appeal ruling in 2004 requiring his Department to produce guidance on the termination of pregnancy, for his assessment of fact that there is still no guidance in place.

**(AQW 13733/11-15)**

**Mr Poots:** My department has been working on a response to Court's judgement since 2004 and guidance was published in 2009, though this was withdrawn following a further judicial review.

This is a complex issue and one that requires careful consideration. I must ensure that any guidance produced for health professionals is robust and compatible with criminal law. I will only produce guidance when I am satisfied that this has been achieved.

### **Guidance on the Termination of Pregnancy**

**Ms Lo** asked the Minister of Health, Social Services and Public Safety when his Department intends to publish guidance on the termination of pregnancy.

**(AQW 13734/11-15)**

**Mr Poots:** I am currently considering how best to comply with the Court of Appeal's 2004 ruling. I am unable to provide a date for publication of guidance.

## People Diagnosed with Dementia

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety to detail the number of people diagnosed with dementia each year.

**(AQW 13742/11-15)**

**Mr Poots:** The number of patients newly diagnosed with dementia each year is not available; however, under the Quality & Outcomes Framework (QOF) of the General Medical Services contract, the total number of GP registered patients with dementia is recorded.

The number of patients on the dementia register in each of the last six years is shown in table 1 below.

**TABLE 1: QOF DEMENTIA REGISTER COUNTS, 2007 – 2012**

	2007	2008	2009	2010	2011	2012
Number of GP registered patients with dementia	9,550	9,751	9,971	10,637	11,246	11,882

**Data Source:** Payment Calculation and Analysis System (PCAS) as at National Prevalence Day. National Prevalence Day was changed from 14 February to 31 March from 2009 onwards to bring it into line with National QOF Achievement Day.

## Mobility Scooters

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety what funding his Department provides for the provision of mobility scooters; and whether he can give an assurance that this funding will continue despite possible changes to funding structures in Britain.

**(AQW 13758/11-15)**

**Mr Poots:** My Department does not provide funding for the provision of mobility scooters and Health and Social Care Trusts do not supply them. Mobility scooters are accessed via the private sector. The Department for Social Development administers the Disability Living Allowance (DLA) scheme through which claimants may access mobility scooters.

## Residential Care

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety for his assessment of the impact which commissioning practices are having on people who use residential care across Northern Ireland.

**(AQW 13760/11-15)**

**Mr Poots:** The recent report on the review of Health and Social Care in Northern Ireland,

Transforming Your Care, recommended a major reduction in the provision of long term residential care over the next 5 years. The recommendations also include that the home should be the hub of care for older people, with more control for the service users over budgets, continued promotion of Direct Payments and a common approach to personalized budgets, with advocacy and brokerage support where required. Clearly these are all measures intended to offer greater choice, and fully consistent with my policy intentions.

I remain committed to supporting and promoting a mixed economy of care, made possible by the partnership which exists between the statutory, private and voluntary sector organisations. This is vital in ensuring that we have the services and the facilities to provide care and support for some of the most vulnerable people in society. The health and well being of those people who need social care will remain central in all future decisions regarding the commissioning of services.

## **Working Class Communities in the Kilcooley Area of Bangor**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how his Department can help improve the lives of working class communities in the Kilcooley area of Bangor.

**(AQW 13802/11-15)**

**Mr Poots:** Improving the lives of people in Kilcooley involves addressing the socio-economic circumstances that prevail in that community. Health and social care can address some aspects, but collaboration with other organisations across all sectors, including with local communities, is crucial to addressing the area's priorities.

The Public Health Agency, together with a range of other organisations and initiatives in the area, is working with the community in Kilcooley to ensure that services are in place to help build and maintain a sustainable and healthy community.

## **Specialised Services for Young People with Eating Disorders**

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety what specialised services are available for young people with eating disorders.

**(AQW 13815/11-15)**

**Mr Poots:** Eating Disorder Services for Children and Adolescents are provided by specialist community-based teams in each Health & Social Care Trust area. The Belfast Trust provides these services for the South Eastern Trust. These teams include Consultant Psychiatrists, Eating Therapists and Dieticians.

Inpatient care for children and adolescents with eating disorders is provided at Beechcroft, the Regional Child and Adolescent Mental Health Inpatient Unit, which has a consultant who specialises in the treatment of eating disorders.

## **Freedom of Information Requests**

**Mr Flanagan** asked the Minister of Health, Social Services and Public Safety to detail, for each of the last three financial years, (i) the number of Freedom of Information (FOI) requests received by his Department; (ii) the number of FOI requests responded to within the 20 working day requirement; (iii) the number of FOI requests that have taken longer than 20 working days to complete; and (iv) the number of FOI requests which were refused, broken down by the reason for refusal.

**(AQW 13843/11-15)**

**Mr Poots:** The information requested is published in a series of FOI Annual Reports which are on the basis of calendar rather than financial years. The reports can be accessed from the OFMDFM website at:

[http://www.ofmdfmi.gov.uk/index/improving-public-services/information\\_management\\_and\\_central\\_advisory\\_branch/annual-reports-and-statistics.htm](http://www.ofmdfmi.gov.uk/index/improving-public-services/information_management_and_central_advisory_branch/annual-reports-and-statistics.htm)

Statistics for 2011 are provided on a quarterly basis but should not be regarded as final until the publication of the 2011 FOI Annual Report.

## **Causeway Hospital: Locums**

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety to detail the (i) type; and (ii) number of locums that have been used in the (a) Accident and Emergency Department; and (b) surgery departments in the Causeway Hospital in each year since 2007.

**(AQW 13859/11-15)**

**Mr Poots:** The information requested is provided in the table below.

Locums used in the (a) Accident and Emergency Department; and (b) surgery departments in the Causeway Hospital in each year since 2007 (See notes below for details of length of employment)

Year	Grade	(a) Locums used in the Accident & Emergency Department		(b) Locums used in Surgery Departments	
		Headcount	WTE	Headcount	WTE
2007		0	0.0	0	0.0
2008	Consultant	0	0.0	1	1.0
	SHO	1	1.0	1	1.0
2009	Staff Grade	0	0.0	1	1.0
	SHO	1	1.0	1	1.0
2010	Staff Grade	0	0.0	2	2.0
	SHO	6	6.0	2	2.0
2011	Consultant	0	0.0	1	1.0
	Staff Grade	0	0.0	2	2.0
	SHO	6	6.0	2	2.0

**Source:** Northern Health and Social Care Trust

**Notes:**

1. WTE = Whole-time equivalent.
2. No locums were used in 2007.
3. Ad hoc locums were used to fill a vacant SHO post in the Accident & Emergency Department between February 2008 and December 2009.
4. A Locum Consultant was employed in Surgical Departments between February and April 2008. A Locum SHO was employed in Surgical Departments between January and August 2008.
5. A Locum Staff Grade was employed in Surgical Departments between August and December 2009. A Locum SHO was employed in Surgical Departments in alternative months between March and December 2009.
6. A Locum Consultant was employed in Surgical Departments between October 2011 and April 2012. One Locum SHO was employed in Surgical Departments in January and July 2011, with two Locum SHOs employed between August and December 2011.
7. The above staffing information has not been validated by the DHSSPS.

**Fire and Rescue Service: Staff**

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to detail the number of staff employed by the Fire and Rescue Service, in each of the last five years, broken down by (i) whole-time firefighters; (ii) retained firefighters; (iii) control operators; and (iv) support staff.

**(AQW 13887/11-15)**

**Mr Poots:** The number of staff employed by the Northern Ireland Fire and Rescue Service in the last five years is as follows:

Year	Whole-time	Retained	Control	Support	Total
2008	870	984	55	263	2172

Year	Whole-time	Retained	Control	Support	Total
2009	894	975	58	276	2203
2010	903	1029	58	291	2281
2011	882	1009	57	276	2224
2012	879	995	55	269	2198

### Fire and Rescue Service

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety if he can give a commitment that there will be no compulsory redundancies within the Fire and Rescue Service.

**(AQW 13888/11-15)**

**Mr Poots:** There are no plans in place for compulsory redundancies within NIFRS.

### Chronic Fatigue Illness

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety how many people have been diagnosed with chronic fatigue illness in each of the last three years, broken down by Health and Social Care Trust area.

**(AQW 13895/11-15)**

**Mr Poots:** Information relating to the number of people diagnosed with chronic fatigue syndrome is not routinely collected by the Department.

However, information is available on the number of hospital admissions where a diagnosis of chronic fatigue syndrome has been recorded in each of the last three years and is shown in the table below:-

HSC Trust	Number of Admissions		
	2008/09	2009/10	2010/11
Belfast	46	48	54
Northern	3	5	4
South Eastern	8	11	30
Southern	13	10	24
Western	6	10	7
<b>Total</b>	<b>76</b>	<b>84</b>	<b>119</b>

**Source:-** Hospital Inpatient System

Figures do not include patients attending hospital as outpatients or who attended an Accident and Emergency Department. Deaths and discharges have been used to approximate admissions

### Chronic Fatigue Illness

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety what services are available to people in the North West who are diagnosed with chronic fatigue illness.

**(AQW 13896/11-15)**

**Mr Poots:** I am advised that within the Western Trust, all patients referred from GPs are seen by a Consultant Physician and treatment is planned in accordance with NICE guidance for CFS/ME.

In March 2012, the HSC Board and the Public Health Agency co-hosted a workshop to consider and agree plans for further development priorities for CFS/ME services. A key element of the future model of provision will be the establishment of a regional network of expertise to support consistent diagnosis and condition management. The HSC Board is working with Trusts to determine how best to provide this.

### Retired Social Workers

**Mr McCallister** asked the Minister of Health, Social Services and Public Safety how many retired Social Workers are being re-employed by the South Eastern Health and Social Care Trust as Bank Staff.  
(AQW 13914/11-15)

**Mr Poots:** I have been informed that there are currently six retired social workers employed as Bank staff within South Eastern Trust.

### Breast Cancer

**Mrs Hale** asked the Minister of Health, Social Services and Public Safety what assistance is available to women who are at a high risk of developing breast cancer.  
(AQO 2406/11-15)

**Mr Poots:** Surveillance of women who are at higher risk of developing breast cancer is currently provided through the symptomatic breast service. However I have recently asked that arrangements are put in place to incorporate these women into the Northern Ireland Breast Screening Programme.

This it will allow a more uniform approach, using national protocols, to be implemented for the surveillance of these women.

### Adopted Children

**Mr Agnew** asked the Minister of Health, Social Services and Public Safety how many children have been adopted in each of the last ten years; and how many adopted children were returned to care in each year.  
(AQW 13944/11-15)

**Mr Poots:** Table 1 details the numbers of children adopted from care in Northern Ireland in each year for which data are centrally available, from 2002/03 to 2011/12. Figures for how many adopted children were returned to care in each year are not available centrally and could only be provided at disproportionate costs.

**TABLE 1: NUMBERS OF CHILDREN ADOPTED FORM CARE IN NORTHERN IRELAND (YEAR ENDING 31 MARCH, 2002/03 TO 2011/12)**

Year	Number of children adopted
2002/03	109
2003/04	79
2004/05	88
2005/06	56
2006/07	*
2007/08	64
2008/09	*
2009/10	50

Year	Number of children adopted
2010/11	*
2011/12	57

**Source:** DHSSPS Community Information return AD1- Children Adopted from Care in Northern Ireland;

AD1 excludes inter-country adoptions and small numbers of children adopted through registered adoption societies such as the Family Care Society or the Church of Ireland Adoption Society for Northern Ireland;

‘\*’ AD1 became a biennial return from 2005/06 onwards, data being available every other year only;

The AD1 2011/12 figure of 57 is provisional and subject to revision prior to publication in February 2013;

The statistical bulletin ‘Children Adopted from Care in Northern Ireland’, is available on the DHSSPS website at: [http://www.dhsspsni.gov.uk/index/stats\\_research/stats-cib/statistics\\_and\\_research-cib-pub/children\\_statistics/statistics\\_and\\_research-cib\\_adoption.htm](http://www.dhsspsni.gov.uk/index/stats_research/stats-cib/statistics_and_research-cib-pub/children_statistics/statistics_and_research-cib_adoption.htm)

### Feasibility Study into the Establishment of an Air Ambulance

**Mr Flanagan** asked the Minister of Health, Social Services and Public Safety when the feasibility study into the establishment of an air ambulance will be published.

**(AQW 13975/11-15)**

**Mr Poots:** I would advise the Member that I am still considering the implications of the Health and Social Care Board feasibility study report on a HEMS/air ambulance in Northern Ireland. In doing so, I will take into account the programme of strategic changes to the provision of health services which will arise as a consequence of Transforming Your Care, and the challenging financial constraints which our health services will face in the next 3-5 years.

### Transforming Your Care

**Mr G Kelly** asked the Minister of Health, Social Services and Public Safety to outline the next steps in ‘Transforming your Care’ following the completion of the population plans by Trusts.

**(AQO 2403/11-15)**

**Mr Poots:** Draft Population Plans were produced by the Local Commissioning Groups in liaison with the Health and Social Care Trusts and others. An over-arching Strategic Implementation Plan was also prepared by the Health & Social Care Board to draw together the key elements of the Population Plans, including cross-cutting, regional aspects. In my Statement to the House on 3 July I explained that the drafts would be the subject of quality assurance work over the summer period and that in the interests of openness and transparency the drafts were made available on the Departmental website on that date.

The quality assurance work on the drafts is currently being concluded. The next step is to commence a consultation exercise based on the Plans. A consultation document is being prepared to assist that process which will issue with the revised draft Strategic Implementation Plan and Population Plans. I plan to launch the consultation within the next month. Further public consultation would be undertaken on any significant service changes proposed in light of the conclusions from the consultation on the Plans.

### Erne Hospital: Medical Equipment

**Mr Wells** asked the Minister of Health, Social Services and Public Safety how his Department plans to dispose of redundant medical equipment following the closure of the Erne Hospital.

**(AQO 2408/11-15)**

**Mr Poots:** The Western Health and Social Care Trust are identifying equipment which can be transferred to the New Acute Hospital. Equipment that is not suitable for transfer will be subject of a review



to determine whether the equipment could be used elsewhere by the Trust, donated for charitable purposes or safely and appropriately decommissioned.

### **GP Surgeries: Rural Areas**

**Mr McAleer** asked the Minister of Health, Social Services and Public Safety to outline what plans he has to reduce the average size of GP patient lists in rural constituencies west of the Bann to bring them into line with their urban counterparts.

**(AQO 2410/11-15)**

**Mr Poots:** There are no plans to reduce the average GP Practice patient list size in rural constituencies west of the Bann or elsewhere. Funding for GP Practices is based on patient list size and Practices can decide on the number of staff required to provide primary medical services to their patients. Generally Practices with higher list sizes will have more GPs or employ locums at particularly busy times.

### **Suicide: Ministerial Subgroup**

**Mr Ó hÓisín** asked the Minister of Health, Social Services and Public Safety for an update on the Ministerial Sub Group on Suicide.

**(AQO 2411/11-15)**

**Mr Poots:** The Ministerial Co-ordination Group on Suicide Prevention last met in June 2012. The purpose of the meeting was to agree how best to drive forward cross departmental action within the revised Protect Life Strategy Action Plan and to secure enhanced cross-departmental commitment and engagement in addressing the societal issue of suicide. Membership of the Group includes Ministers representing DCAL, DE, DRD and DEL, Junior Ministers representing OFMdfM, and has been expanded to include the DARD Minister. Key actions agreed included the development of a joint programme for a suicide prevention public awareness initiative by DHSSPS, DCAL, DARD, and the Public Health Agency; and more regular meetings of the group with all Departments to report on progress against relevant actions in the Protect Life Action Plan at future meetings.

It is proposed that a joint suicide prevention public awareness initiative will be launched for World Mental Health Week in October 2012, to promote positive mental health and help address suicide in rural communities and through sport and culture.

## **Department of Justice**

### **Proposals to Close a Number of Magistrates Courts**

**Mr Campbell** asked the Minister of Justice when he intends to make a final decision regarding the proposals to close a number of Magistrates Courts.

**(AQW 13774/11-15)**

**Mr Ford (The Minister of Justice ):** I plan to make a decision on the proposals to close five Hearing Centres this autumn.

### **Proposed Inquest into the Death of Gerard Casey**

Mr McKay asked inister of Justice for an update on the proposed inquest into the death of Gerard Casey.

**(AQW 13787/11-15)**

**Mr Ford:** The Coroner is currently gathering the evidence in this case.

## Department for Regional Development

### Car Parks in Bangor

**Mr Agnew** asked the Minister for Regional Development how much revenue has been raised to date from the three car parks in Bangor since the charges which were introduced in June.

**(AQW 13739/11-15)**

**Mr Kennedy (The Minister for Regional Development):** Details of the income received from parking charges following their introduction at Central Avenue, Abbey Street West and Dufferin Avenue car parks in Bangor on 5 July 2012 to 24 August 2012 are provided in the table below:

Car Park	Revenue
Central Avenue	£416.00
Abbey Street West	£1,693.20
Dufferin Avenue	£4,390.75

### Portavoe Reservoir

**Mr Weir** asked the Minister for Regional Development for an update on NI Water's plans for the future of Portavoe Reservoir.

**(AQW 13810/11-15)**

**Mr Kennedy:** I have been advised by Northern Ireland Water (NIW) that Portavoe Reservoir is surplus to its requirements and will be disposed of at some time in the future. However, there are many issues which have to be resolved before the reservoir can be offered for sale; these include ownership, council interest, private interests and the other legalities. NIW is continuing to address these issues and has assured me that all interested parties will be informed when they are resolved and before the property is offered for sale or transfer.

### Developments Adopted by Roads Service

**Mr Storey** asked the Minister for Regional Development to detail the number of developments which are under the responsibility of an administrator that have not been adopted by Roads Service.

**(AQW 13826/11-15)**

**Mr Kennedy:** My Department's Roads Service has advised that in the 2011/12 financial year, 56 housing developments were not adopted by Roads Service due to the developers being placed into liquidation or administration.

It is important to recognise that the appointment of an administrator does not automatically result in housing development roads not being adopted by Roads Service. The administrator becomes responsible for completing the new roads to the standard required for adoption. However, if this is not done, Roads Service will take enforcement action under Article 11 of the Private Streets (NI) Order 1980, to complete the necessary works and recover costs from the road bonds.

### Cutting of Hedges Along Country Roads

**Mr Easton** asked the Minister for Regional Development how many times a year his Department allows for the cutting of hedges along country roads.

**(AQW 13860/11-15)**

**Mr Kennedy:** Firstly, I should explain that most roadside trees and hedges are on lands adjacent to public roads, and it is the responsibility of the property owners or occupiers of those lands to ensure that such trees and hedges do not endanger or obstruct road users. To emphasise the importance

of this issue, Roads Service occasionally places notices in the local press and in farming journals reminding owners/occupiers of this responsibility.

My Department's Roads Service has advised that overgrown trees and hedges are usually identified during routine maintenance inspections. However, on occasions, members of the public will also report suspect trees and/or hedges to local section offices.

Roads Service does not usually cut hedges unless it is absolutely essential for road safety purposes, that is, where it is considered they are endangering or obstructing road users. Where hedges or trees are considered hazardous, Roads Service officials will initially contact owners/occupiers to request co-operation in removing or cutting the trees or hedges. If that fails, Roads Service has powers under Article 50 of the Roads (Northern Ireland) Order 1993 to serve a notice requiring the owner/occupier to remove or cut back the tree or hedge so as to remove the danger or obstruction. Where an owner/occupier does not comply with the requirements of the notice, Roads Service may carry out the necessary works and seek to recover the costs.

### **Translink: Train Timetable**

**Mr Dickson** asked the Minister for Regional Development why Translink estimates that a new train timetable will not be introduced until the end of 2012.

**(AQW 13861/11-15)**

**Mr Kennedy:** Translink has advised that there are a number of elements involved in the introduction of a new timetable. Translink has indicated that all of these elements will be in place by the end of 2012.

Firstly the process requires meaningful consultation, which is on-going. Secondly relevant communications plans for both staff and customers need to be developed and implemented.

Thirdly all elements of the New Trains capital programme need to be finalised and tested and commissioned where appropriate. Apart from the delivery and testing of the new trains and the platform extension programme, construction of the new train stabling and maintenance facility at Adelaide must be completed. This latter project will also require requisite staff transfers to fully mobilise the new facility. Finally revised work patterns arising from the change in timetable will require Translink to carry out appropriate staff training, amend staff rosters and plan the full logistics of train scheduling and signaling required for operation of the new timetable.

### **Translink**

**Mr Moutray** asked the Minister for Regional Development to outline his discussions with Translink concerning the provision of buses to transport Loyal Orders and Bands to the Ulster Covenant Parade in Belfast on 29 September 2012, given reports of a shortage of provision in the Upper Bann constituency.

**(AQW 13897/11-15)**

**Mr Kennedy:** Translink has advised me that it has arrangements in place to fulfill private hire bookings from the Upper Bann area for this event. It is, however, aware of some additional requests for buses which are currently being examined.

## **Department for Social Development**

### **Social Security Agency**

**Mr Durkan** asked the Minister for Social Development if the Social Security Agency plans to out-source administration work to private companies such as Xerox in the near future as a result of the changes in the benefits systems.

**(AQW 13741/11-15)**

**Mr McCausland (The Minister for Social Development):** Personal Independence Payment and Universal Credit require a strategic scanning and digital storage solution. This will be the subject of a business case evaluation which will consider the options available and recommend the most appropriate way forward to meet the Social Security Agency's business needs.

### **Tullyally and District Development Group in Londonderry**

**Mr Hussey** asked the Minister for Social Development how much funding has been provided to Tullyally and District Development Group in Londonderry in each of the last five financial years.

**(AQW 13759/11-15)**

**Mr McCausland:** Please see details below for NRIF funding provided to T&DDG in the last five years, as detailed in the Contracts for Funding.

<b>Reference No:</b>	<b>Project:</b>	<b>2007/2008</b>	<b>2008/2009</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>
NR (P2) 40/140	Youth Worker Salary	£ 27,239.89				
NR (P2) 40/141	Core Salaries & Running Costs	£ 95,339.25				
NWDO NR 42/126	Youth Worker Salary & Youth Club Running Costs			£ 35,815.68		
NWDO NR 42/30	Youth Worker Salary & Youth Club Running Costs			£ 35,545.44		
NWDO NR 42/30	Salaries & Running Costs			£ 59,379.22	£ 67,352.39	£ 69,152.46
NWDO NR 42/30	Salaries & Running Costs			£ 53,855.67		
NWDO/ NR/74/11	Salaries & Running Costs					£ 69,367.99
NWDO/ NR/77/11	Youth Worker Salary & Youth Club Running Costs					£ 35,948.62
	<b>Totals:</b>	<b>£122,579.14</b>	<b>£113,234.89</b>	<b>£102,897.83</b>	<b>£104,968.14</b>	<b>£105,316.61</b>

### **Premises Formerly Occupied by Tullyally and District Development Group**

**Mr Hussey** asked the Minister for Social Development whether his Department has taken responsibility for the premises formerly occupied by Tullyally and District Development Group; and whether a complete inventory has been made of all contents, including the contents purchased with public money.

**(AQW 13761/11-15)**

**Mr McCausland:** The premises formerly occupied by Tullyally and District Development Group remain in the ownership of the Trustees of the Group, some of who are residents of the area. My Department has no legal responsibility for the premises or its contents and has no authority to enter the building.

The Department seeks through rigorous procedures to ensure value for money, whilst protecting public funds and as such will advise other funders accordingly when areas of concern arise. However the Department has no control over assets which have been acquired with funding which has been provided by other organisations.

### **Tullyally and District Development Group**

**Mr Hussey** asked the Minister for Social Development whether, at any time prior to the dissolution of Tullyally and District Development Group, his Department audited the accounts of the group to ensure that proper procedures were followed to maintain an assets register and an account of spend of public money.

**(AQW 13762/11-15)**

**Mr McCausland:** The Department seeks through rigorous procedures to ensure value for money whilst protecting public funds. The Planning and Governance Unit within the Department performs Financial Systems and Control Assessments (FSCAs) to determine the amount of vouching required in support of claims for payment.

Payments from the Department cannot be drawn down without the relevant vouching therefore public monies are adequately protected. An investigation is ongoing to establish the full facts of this group's situation. It would not be appropriate to comment further in advance of the outcome of the investigation.

### **Tullyally Community**

**Mr Hussey** asked the Minister for Social Development whether his Department has entered into discussions with Tullyally 2012 and Derry City Council to ensure that the Tullyally Community can access these premises and return them to the use for which they were intended.

**(AQW 13763/11-15)**

**Mr McCausland:** Tullyally 2012 has made initial contact with my Department's North West Development Office. A letter has been issued advising the group that a meeting will be accommodated following the Group's planned meeting with the Waterside NR Partnership Board scheduled for 27 September 2012.

Officials from NWDO met on Wednesday 22 August 2012 with Sharon O'Connor, Chief Executive of the Council of the City of Londonderry, Helen Quigley, Inner City Trust, Alderman Hay and Alderman Thompson to discuss a way forward on this issue of Tullyally Community Centre and the requirements of the Community. All parties have agreed to work collaboratively to identify and progress this matter in an expedient manner.

### **Maintenance of Casement and Reversible Windows on Housing Executive Properties**

**Mr McKay** asked the Minister for Social Development to detail the cost of maintenance of (i) casement; and (ii) reversible windows on Housing Executive properties in each of the last five years.

**(AQW 13778/11-15)**

**Mr McCausland:** The Housing Executive has advised that flush casement style windows have been installed in all ground floor properties from 2010. This window looks identical to the fully reversible window externally and uses the same quality hinge, but operates on a top swing basis only. Since 2010 there have been no recorded maintenance costs or replacements undertaken.

The Housing Executive has been installing reversible windows across all of its other stock from 2006. Of the 100,000 sets of fully reversible hinges installed since then there have been no recorded maintenance costs or replacements undertaken.

## Representatives of the Glass and Glazing Federation and Fusion 21

**Mr McKay** asked the Minister for Social Development with which representatives of the Glass and Glazing Federation and Fusion 21 did he meet recently.

**(AQW 13779/11-15)**

**Mr McCausland:** In relation to the Glass and Glazing Federation I met with the Managing Director and the General Manager of Turkington Holdings on 16 April 2012. I also met with the Managing Director, Chief Executive and Independent Chair of Fusion 21 on 23 April 2012.

## Squatting

**Lord Morrow** asked the Minister for Social Development for his assessment of the new law making squatting illegal in England and Wales; and whether he intends to introduce similar legislation.

**(AQW 13784/11-15)**

**Mr McCausland:** The new law making squatting illegal in England and Wales is welcomed.

Squatting is already a criminal offence in Northern Ireland under Article 10 of the Criminal Justice (Northern Ireland) Order 1986. A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000) or to imprisonment for a term not exceeding 6 months or to both.

## Draft Executive Papers

**Mr Allister** asked the Minister for Social Development (i) how many draft Executive papers, for approval by the Minister, have not yet been approved; (ii) the date the Minister received each paper; and (iii) the subject matter of each paper.

**(AQW 13785/11-15)**

**Mr McCausland:** The content of Executive papers and all aspects of Executive business are confidential.

## Child Maintenance and Enforcement Division

**Mr Weir** asked the Minister for Social Development for Child Maintenance and Enforcement Division's definition of a 'clerical case'.

**(AQW 13796/11-15)**

**Mr McCausland:** The definition of a clerical case is a child maintenance case that cannot be progressed on the child maintenance computer system, known as CS2, due to technical problems which prevent the management of a child maintenance application on the computer system. A clerical case is managed manually, or 'off-line', rather than via CS2.

## Child Maintenance and Enforcement Division

**Mr Weir** asked the Minister for Social Development by what criteria does a case become a 'clerical case' within the Child Maintenance and Enforcement Division.

**(AQW 13797/11-15)**

**Mr McCausland:** The criterion for a child maintenance case to be managed clerically, rather than through the child maintenance computer system known as CS2, is where the case cannot be progressed on the computer system. These cases have had to be managed clerically "off-line", due to technical problems that prevent the Department from managing the application on the computer system. Whilst considerable work is undertaken to fix these issues, unfortunately there are times when the problems simply cannot be resolved and consequently, reluctantly those applications have to be completed clerically.

## **New Build for the Loughview Estate in Holywood**

**Mr Easton** asked the Minister for Social Development for an update on the new build for the Loughview Estate in Holywood.

**(AQW 13803/11-15)**

**Mr McCausland:** The Social Housing Development Programme for 2012/13 currently includes a scheme for 29 units of social housing at West Green, Loughview, Holywood. The site is owned by the Housing Executive and one tenant remains to be re-housed to allow the proposed scheme to be progressed. An offer of alternative accommodation has been made and is currently being considered by this tenant.

The scheme is being delivered by Clanmil Housing Association who anticipate a construction on site date in March 2013, subject to acquisition of the site and planning approval being in place.

## **Fort George Site in Derry**

**Mr Durkan** asked the Minister for Social Development whether his Department has any plans to change the management company responsible for the regeneration of the Fort George Site in Derry.

**(AQW 13814/11-15)**

**Mr McCausland:** My Department does not have any plans to change the management company responsible for the regeneration of the Fort George Site in Londonderry.

There is a lot of work ahead in Londonderry around the implementation of the One Plan and the delivery of the UK City of Culture. I am keen to ensure that the combined resources of my Department and Ilex are used in a way that will ensure that all this work is moved forward as quickly as possible. As part of this, I am considering whether my Department should take on some of the project management role for Fort George which is currently carried out by Ilex.

## **Commercial Premises in Town Centres**

**Mr Agnew** asked the Minister for Social Development if any consideration has been given to offering development grants to convert commercial premises in town centres, which have been vacant for more than one year, to residential properties.

**(AQW 13829/11-15)**

**Mr McCausland:** My Department offers assistance by way of Urban Development Grants for the development of vacant, derelict or underused land or properties. To be considered for such a grant, the project should encourage job creation, inward investment and economic and physical regeneration of town and city centres or neighbourhood renewal areas. Further information on Urban Development Grants, including an application form, is available on the DSD website at [http://www.dsdni.gov.uk/index/urcdg-urban\\_regeneration/funding\\_opportunities.htm](http://www.dsdni.gov.uk/index/urcdg-urban_regeneration/funding_opportunities.htm)

## **Business Improvement Districts Legislation**

**Mr Agnew** asked the Minister for Social Development if he intends landlords to be included in the range of stakeholders included in the Business Improvement Districts legislation.

**(AQW 13831/11-15)**

**Mr McCausland:** A landlord of a business property with a tenant will not be required by legislation to contribute to the BID levy, should a BID be approved by ballot, as the tenant will be eligible to vote and liable to pay the levy. A landlord without a tenant will have to pay the levy for an approved BID if they are the person with liability for non-domestic rates. Such landlords will of course be eligible to vote in the BID ballot.

However, there will be scope for landlords with tenants to be involved in BIDs on a voluntary basis if they so wish. It will be up to the BID proposer to decide whether or not landlords with tenants are included in the range of stakeholders with whom they consult.

## Appeal Tribunals

**Lord Morrow** asked the Minister for Social Development to outline the role, responsibilities and protocol of each person attending or participating in appeal tribunals for (i) Disability Living Allowance; and (ii) Employment and Support Allowance, including each panel member, departmental staff and appellant advocate.

**(AQW 13834/11-15)**

**Mr McCausland:** The Appeal Tribunal is an independent judicial body. Therefore neither the tribunal, nor the tribunal members, fall within the responsibility of the Minister. The responsibility for tribunals falls within the statutory function of the President of Appeal Tribunals, Mr Conall MacLynn. The President can be contacted directly at Office of the President of Appeal Tribunals, 6th Floor Cleaver House, 3 Donegall Square North, Belfast BT1 5GA.

## Complaints of Anti-Social Behaviour in North Down

**Mr Easton** asked the Minister for Social Development how many complaints of anti-social behaviour in North Down have been reported to the Housing Executive by tenants in each of the last three years.

**(AQW 13853/11-15)**

**Mr McCausland:** The information is not available in the format requested because the Housing Executive does not routinely record if the person reporting the incident is a tenant or homeowner. However, the table below gives details of the number of anti social behaviour incidents reported to the Housing Executive's Bangor District office which covers the North Down area in each of the last three years.

Year	Total
2009/10	225
2010/11	233
2011/12	234

The Information provided is an Official Statistic. The Production and dissemination of all such Statistics is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

## Freedom of Information Requests

**Mr Flanagan** asked the Minister for Social Development to detail, for each of the last three financial years, (i) the number of Freedom of Information (FOI) requests received by his Department; (ii) the number of FOI requests responded to within the 20 working day requirement; (iii) the number of FOI requests that have taken longer than 20 working days to complete; and (iv) the number of FOI requests which were refused, broken down by the reason for refusal.

**(AQW 13901/11-15)**

**Mr McCausland:** The information requested is published in a series of FOI Annual Reports which are on the basis of calendar years, not financial years. The reports can be accessed from the OFMDFM website at:

[http://www.ofmdfmi.gov.uk/index/improving-public-services/information\\_management\\_and\\_central\\_advisory\\_branch/annual-reports-and-statistics.htm](http://www.ofmdfmi.gov.uk/index/improving-public-services/information_management_and_central_advisory_branch/annual-reports-and-statistics.htm)

The Member should note that statistics for 2011 are provided on a quarterly basis and cannot be seen as validated until the publication of the 2011 FOI Annual Report.



## Person Appealing a Benefits Decision at a Tribunal

**Lord Morrow** asked the Minister for Social Development whether a person appealing a benefits decision at a tribunal is a witness or an appellant.

**(AQW 13902/11-15)**

**Mr McCausland:** The Appeal Tribunal is an independent judicial body. Therefore neither the tribunal, nor the tribunal members, fall within the responsibility of the Minister. The responsibility for tribunals falls within the statutory function of the President of Appeal Tribunals, Mr Conall MacLynn. The President can be contacted directly at Office of the President of Appeal Tribunals, 6th Floor Cleaver House, 3 Donegall Square North, Belfast BT1 5GA.

## Turkington Holding's Representative

**Mr McKay** asked the Minister for Social Development what issues were raised by the Turkington Holding's representative at the meeting attended by the Minister on 16 April 2012.

**(AQW 13906/11-15)**

**Mr McCausland:** During the meeting I had with representatives of the Glass and Glazing Federation (GGF) on 16 April 2012, Turkington Holdings representatives advised that the company had extensive double glazing experience and were installing windows for the Housing Executive to their requirement. They further advised that as representatives of the GGF there were better ways of installing replacement double glazed windows resulting in efficiencies and a better and quicker service for customers. Current and proposed window specifications were discussed and the representatives advised that there was potential to make considerable savings on installations if the GGF guidelines were followed in relation to installing windows from the outside as opposed to from the inside which was Housing Executive required practice, as there would be no need to cut away reveals and no need for redecoration grants.

## Funding for Carrickfergus Town Centre

**Mr Dickson** asked the Minister for Social Development for an update on plans to provide funding for Carrickfergus town centre through the ReStore Programme.

**(AQW 13913/11-15)**

**Mr McCausland:** In an earlier response to AQW 8487/11-15 I advised that funding for a Revitalisation scheme for Carrickfergus town was scheduled in the Department's capital expenditure programme for 2013/14. This funding is subject to a satisfactory business case and appraisal being completed and approvals being granted.

It is anticipated that a scheme will be developed in conjunction with Carrickfergus Borough Council and a representative local traders' body after the ongoing public realm works in the town centre have been completed.

## Bangor and Holywood Town Centres: Public Realms Projects

**Mr Easton** asked the Minister for Social Development for an update on the public realms projects proposed for (i) Bangor and; (ii) Holywood town centres.

**(AQW 13923/11-15)**

**Mr McCausland:** Nelson McCausland: My Department is working with North Down Borough Council on a major public realm scheme for both Bangor and Holywood. Council is in the process of appointing an Integrated Consultancy Team to develop the concept design and complete an economic appraisal. When completed these documents will be sent to my Department for consideration and subject to funding being available and all necessary approvals, the schemes will commence in 2014.

## Departmental Employees: Transfer

**Mr Durkan** asked the Minister for Social Development to detail the procedure for departmental employees to apply for a transfer (i) within the Department; and (ii) to another Department, at the same grade.

**(AQW 13932/11-15)**

**Mr McCausland:** There is no single set of procedures applied to transfers at the same grade. There is a range of options open to departments when seeking to fill a vacancy and the method selected is determined by the nature of the vacancy, for example whether it is temporary in nature or permanent; whether it requires the incumbent to have specialist knowledge, skills or experience etc. However in each case, transfer opportunities, whether within my department or open across the Northern Ireland Civil Service (NICS), operate in line with the vacancy management arrangements in place across the NICS.

The relevant policies and procedures are published on the Department of Finance and Personnel website (<http://www.dfpni.gov.uk/index/working-in-the-nics.htm>) and staff can also access the same information via my department's intranet.

## Departmental Staff

**Mr Durkan** asked the Minister for Social Development on what grounds is a line manager permitted to refuse a departmental employee permission to apply for another position at the same grade (i) within the Department; and (ii) in another Department.

**(AQW 13933/11-15)**

**Mr McCausland:** Staff transfers in my department operate in line with the vacancy management arrangements in place across the Northern Ireland Civil Service (NICS). The relevant policies are available on the Department of Finance and Personnel website (<http://www.dfpni.gov.uk/index/working-in-the-nics.htm>) and staff can access the same information via my department's intranet.

The arrangements for transfer within the same grade provide for managers to refuse to release a member of staff only where such a decision is justified on business grounds, to protect the delivery of services. In such circumstances managers must state the reason for that decision and keep a record of their decision and rationale. Where the member of staff wishes to appeal such a decision they can do so through the NICS grievance procedure.

## Reconfiguration of Supported Housing by the Shankill and Lurgan Community Projects

**Mrs D Kelly** asked the Minister for Social Development why the revised action plan for the reconfiguration of supported housing by the Shankill and Lurgan Community projects has not been considered by the Housing Executive.

**(AQW 14083/11-15)**

**Mr McCausland:** I have been advised by NIHE that they have been engaged with Shankill, Lurgan Community Projects (SLCP) for many years with regards to the service being delivered. Consideration has been given to all of the plans submitted, the most recent of which recommended a managed closure (May 1st 2012). It is on the basis of this report and a series of housing executive reports highlighting consistent failures to meet minimum quality standards that it was collectively agreed with all stakeholders to manage out this service.

I have requested a full report on the discussions taking place with all stakeholders and details of the proposals for the future of this scheme and the service users.

I will provide the member with a full response on receipt of this information.

## **Lurgan Foyer Project in Mount Zion House**

**Mr Durkan** asked the Minister for Social Development, in light of the Lurgan Foyer Project in Mount Zion House closing at the end of September 2012, to detail the consultation that took place with the young people affected by the closure; and what alternative accommodation will be provided.

**(AQW 14102/11-15)**

**Mr McCausland:** I have been advised by NIHE that after significant engagement between the management and board of the Lurgan Foyer project and the housing executive it was agreed that this short term supported residential project would be “brought to a managed close”. This decision was agreed in May 2012 and a multidisciplinary working party/operational group established comprising the housing executive, Health Trust officials and staff from the project.

At that time it was agreed that no new referrals would be accepted and arrangements put in place for the relocation of the existing residents. The move on process is being facilitated by the operational group.

Lurgan Foyer staff are liaising with the individual residents to ensure that appropriate move on accommodation, in keeping with their individual needs, is secured and where necessary support is provided via an alternative Supporting People provider. At the time of the decision to close there were a total of 18 residents and this has reduced to 11 over the intervening period (in keeping with the short term nature of the scheme).

I have requested a full report on the discussions taking place with all stakeholders and details of the proposals for the future of this scheme and the service users.

I will provide the member with a full response on receipt of this information.

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