

# Official Report (Hansard)

Tuesday 15 January 2013  
Volume 80, No 6



# Contents

**Assembly Business** ..... 1

**Private Members' Business**

Inclusivity, Mutual Respect, Peace and Democracy ..... 2

Housing: Private Rented Sector Licensing Scheme..... 23

**Oral Answers to Questions**

Health, Social Services and Public Safety ..... 24

Justice..... 30

**Assembly Business** .....37

**Private Members' Business**

Housing: Private Rented Sector Licensing Scheme (*Continued*)..... 38

**Adjournment**

Car Parking: Newry..... 45

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They should be sent to:  
The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.  
Tel: 028 9052 1135 · e-mail: [simon.burrowes@niassembly.gov.uk](mailto:simon.burrowes@niassembly.gov.uk)

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# Northern Ireland Assembly

Tuesday 15 January 2013

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Givan:** On a point of order, Mr Speaker. Will you advise the House what action can be taken against a Member who breaches the code of conduct? In particular, I refer to the personal conduct of Members who have:

*"a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them."*

Furthermore, in respect of promoting good relations, Members must:

*"act in a way that is conducive to promoting good relations...and promoting a culture of respect for the law."*

Specifically, the Member for South Belfast Mr Maskey said on Sunday that Short Strand residents were behaving impeccably, despite evidence of residents wearing balaclavas, wielding baseball bats and throwing bricks and bottles at the protesters. Furthermore, last night and this morning, he said on various media outlets that his response to the violence visited on members of the Short Strand community, which is to be condemned, would be to meet it with violence. In those circumstances, what action can be taken against a Member who has flouted the code of conduct for Members?

**Mr Speaker:** First, Members will know that I give them some latitude on points of order. Secondly, this is not a point of order. Thirdly, it is not an issue for the Speaker. I direct the Member to the Standards and Privileges Committee or to Clerks in Parliament Buildings. It is certainly not a matter for the Speaker, and it is not a point of order.

**Mr G Kelly:** Further to that point of order, Mr Speaker, is it in order for the Member across the Floor to misquote another Member in the House? Whatever happened outside the House, as you have pointed out, Mr Speaker, is not necessarily anything to do with you. This

has been said in the House, and he has misquoted the Member.

**Mr Speaker:** Order. I want to say to the whole House — *[Interruption.]* Order. Let us all be careful in whatever contribution we make in the House. Let us not make a bad situation outside the Chamber worse. Let us all be careful. We all have a responsibility, as political parties in the House, to behave in an appropriate manner. *[Interruption.]* Order. Let us all move on.

## Private Members' Business

### Inclusivity, Mutual Respect, Peace and Democracy

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

I would also like to inform the House that a valid petition of concern was presented today in relation to the amendment. Under Standing Order 28, the vote on the amendment cannot be taken today. Both votes, therefore, will be taken at the start of business on Monday. However, the debate can take place in the Chamber today. I also remind Members that another effect of the petition is that the vote on the amendment will be on a cross-community basis.

**Mr Nesbitt:** I beg to move

*That this Assembly reaffirms its commitment to the principles of inclusivity, mutual respect, peace and democracy; condemns all acts of violence and intimidation against police officers, elected representatives, other members of society, homes and property at all times; and calls on all political parties to support the spirit of the Belfast Agreement.*

I must say that I am puzzled by what there is in the amendment to be concerned about, but perhaps that will become clear during the debate, which I hope will be respectful. I hope that we will use moderate language and have even tempers. Equally importantly, we should have an honest debate and perhaps even a passionate one and face up to some inconvenient truths. If we do not, we cannot command the respect for this debating Chamber that we need from those looking in and among ourselves. This is not a day on which to dwell endlessly on how far we have come. It is a day to front up to what has yet to be achieved, and some big ticket issues are on the to-do list, even though we have come a decent way on our journey.

In 1998, I was a journalist reporting the Troubles and not the only journalist supportive

of the objective of the Belfast Agreement to bring about a political process that would offer peace. That was because, for far too long, far too many journalists stood at the white tape, waiting to tell the world the name of the man who had been murdered or whose jobs had been bombed out of existence. I could not tell you how many deaths I reported while presenting 'Good Morning Ulster' in the 1980s. Sometimes, that took me deep into the human cost of the Troubles through reporting the impact of a murder by talking to a priest, a minister, a neighbour or colleague, perhaps a close relative who knew the deceased as a son, a father, a husband and a relative. Such people spoke from the heart about the human cost.

On other days, only politicians were available, and it seemed to me that they simply blamed each other. Some mornings, it was as if the politicians had forgotten that there was a body in the morgue, such was the bitterness of the mud-slinging. It seems to me that we are back there again: mud-slinging. It was the leaflets. It was the vote. It was a democratic vote. It was pure provocation. This debate is an opportunity to call "Time out" on that and to reflect. The leaflets have been distributed. The vote has been taken. The consequences reveal that there are problems that we all have to deal with.

Fifteen years ago, I reported the promise of the Belfast Agreement, a promise that better times lay ahead: better times and better politics, as this Chamber replaced direct rule; respect for each other's identity and culture; and a peace dividend for an economy that had been relentlessly targeted, diminished and held back by a concerted terrorist campaign for 30 years. Let me be as clear as I was yesterday about the violence of the past five weeks: it is all wrong. It has done huge damage to our economy and to the public purse.

Let us not rewrite history. An IRA bomb could and sometimes did cost the economy tens of millions of pounds in a split second, and the continued threat of republican violence means that tens of millions more that could be spent UK-wide alleviating poverty, deprivation and dereliction is currently ring-fenced for antiterrorist policing. I cannot imagine how I, as leader of the Ulster Unionist Party, can reach out to those republican terrorists. My party brought forward an agreement that was put to referendum here and in the Republic and hugely endorsed. It was also rejected in spectacular and murderous fashion by republican terrorists in Omagh and, more recently, through the murders of PSNI officers, soldiers and a prison officer.

"Leadership" is the buzzword today. My predecessor David Trimble showed leadership in 1998. He attended funeral masses in Buncrana in Donegal for three of the young victims of the Omagh bomb, dismissive of the personal discomfort potentially coming his way from the Orange Order. Let us not forget that, earlier in that year, before the deal and the referendum, he stood shoulder to shoulder with Seamus Mallon, with whom he was to share the office of the First Minister, in Poyntzpass, to be with the community there in the wake of the murders of Philip Allen and Damien Trainor. So it is nothing new for those in the key offices of this devolved Government to stand together to condemn murder and violence. What would be new would be for some Members to accept the little phrase — the subclause in the middle section of our motion — that:

*"condemns all acts of violence and intimidation against police officers, elected representatives, other members of society, homes and property at all times".*

"At all times" means that there are no circumstances that justify violence, including the murder of police officers. It is an absolute, not a conditional statement.

I was shocked to watch the discussion on the late news on UTV last night and to hear Alex Maskey, a Member of the House, state that, if he lived in the Short Strand, he would be out throwing stones at the street protests *[Interruption.]* I condemn the violence visited upon the residents — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Maskey:** On a point of order, Mr Speaker — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. I welcome your ruling at the beginning of the session. I listened to Mr Nesbitt start his comments by saying that today is not about what happened yesterday or last week but about what we do from here on in. I strongly advise Mr Nesbitt not to misquote me in the Chamber today. *[Interruption.]* There is a full transcript available, as Mr Nesbitt, as a former journalist, will know. He should not misquote me in the Chamber today. *[Interruption.]*

**Mr Speaker:** Order. The Member has it on the record.

**Mr Nesbitt:** I am confident that I reflect the spirit of the words that I heard last night on UTV's late night news.

I condemn the violence. I do not condone any violence. Mr Maskey, if I understand him correctly, is concerned that somebody will get seriously hurt. So am I. He is calling for leadership. So do I, but we need to understand what sort of leadership is required. Is it to justify violence in any circumstances? Not in my book, it is not. Some unionists on the lower Newtownards Road think that leadership means me standing shoulder to shoulder with them on the streets. I think that it means offering a path that takes them off the streets to a political place where they can have hope of delivery on the issues that concern them. Nobody needs to be injured to do that, just as nobody needed to die to get us where we are today in the Chamber.

My party calls for a return to the spirit of the Belfast Agreement. I acknowledge that the DUP has tabled an amendment to that part of our motion. We will not die in a ditch over that, as long as we get this opportunity to explain exactly what we mean by the spirit of the agreement. I have already referred to perceived difficulties in delivery regarding politics, the economy, culture and identity, but there was another area where the Belfast Agreement was an unqualified success. That is in regard to the constitutional question, which was settled in 1998 and endorsed by referendum. Northern Ireland is part of the United Kingdom. The recent census does nothing to undermine that position. Only one in four people took the option in the census to describe themselves as "Irish only". That is no basis on which to build a united Ireland.

Northern Ireland is part of the UK, and that means that the Union flag is the flag of this country, and it is everybody's flag. I do not expect the people of the Short Strand to start wrapping themselves in the Union Jack every time they set out from home. In fact, I would like to see an end to some people wrapping themselves in the Union flag — the ones who throw stones and petrol bombs at the Short Strand and at the police. That does nothing to promote the values of Britishness that I cherish.

**10.45 am**

The spirit of the Belfast Agreement also means that we in the House commit to tackling the big, outstanding issues, of which there are many. If there is an opportunity, coming out of the past five weeks, it is for us to face up to the challenges of dealing with the past,

reconciliation and building a truly shared future. It seems to me that we could do no better today than begin by seeing whether we can agree a common definition of what we mean by those concepts. I debated the issue of dealing with the past, albeit briefly, with a former republican Member of this House in another place in Dublin. It was immediately clear that we did not agree on the starting point for dealing with the past. He certainly did not see it as starting in the late 1960s but wanted to go back considerably further.

When and, more importantly, for whose benefit do we want to deal with the past? Is it for those who have been most impacted by the violence, incident by incident, or is it to enable society to move forward? What does reconciliation mean? Sinn Féin offered a vision recently. It is not my vision, but the spirit of the Belfast Agreement says that you do not stop there; you continue to negotiate. What does a shared future mean? For me, it is not the neutrality that we see in Belfast city centre and the signs in pubs that say, "No sports shirts". For me, it is about a sign that says, "Rangers and Celtic tops both welcome". It is about being more than simply bland. That is the spirit of the Belfast Agreement that I would wish to revive.

**Mr Campbell:** I beg to move the following amendment: Leave out all after "times;" and insert

*"and calls on all political parties to give full effect to their commitment to the consent principle, which recognises Northern Ireland as part of the United Kingdom."*

In moving the amendment, I concur with much of what Mr Nesbitt said. I hope that our amendment does nothing to detract from the underlying principles of the motion, with the exception of the past of the Belfast Agreement. Like Mr Nesbitt, I am amazed that there is a petition of concern, but there it is. It is within the rules of the House to table it, and it has been tabled.

The onus on all of us as political representatives in the House today, in the current environment, over the past weeks and in the coming weeks, is to display two main characteristics. Our first responsibility is to take that leadership role on our shoulders and give effective representative leadership to people. We did that yesterday, and, hopefully, we will do so again today. Unfortunately, there are occasions when individual Members let themselves down considerably in the media. In exercising that responsibility, we also have to be direct and honest.

The motion condemns all acts of violence and intimidation. We did that yesterday, and, as I say, we need to do so again. Unfortunately, a former Member of the House — a former Member for West Belfast, now a TD in the Irish Republic — Mr Gerry Adams was interviewed and said that no acts of violence of any kind had emanated from the Short Strand. Unfortunately for him, the video evidence is contrary to that. All acts of violence of all kinds need to be repudiated, and the violence needs to stop.

The debate gives us a gilt-edged opportunity to delve down into some of the underlying reasons for the problems that we face. If, in an honest and responsible fashion, we face up to those underlying reasons, we can make some progress.

I read a headline in a national newspaper last week that stated that the Belfast riots were not over a flag but the creation of a fairer society. When I read the headline, I thought that at last, on a national basis, some journalist has got it. Then I read the story: he did not get it. Unfortunately, he went off on a tangent as others have done.

In trying to create an inclusive society with mutual respect, peace and democracy, one of the problems that we are dealing with today is that there are many peaceful protestors out on the streets who do not see much evidence of that. That is part of the problem. If we have a scenario such as occurred in Northern Ireland in 2012 when parades from the loyalist community passing a Catholic church were subject to severe restriction, monitoring and adjustment by the Parades Commission but a republican parade passing a Protestant church was not subject to the same restriction, scrutiny or attention by the Parades Commission, people will get an impression.

A delegation from my party asked the Equality Commission to come to see us last week, because there is an impression out there that jobs are not allocated on the basis of merit. Some people in the Chamber tried to create the scenario 30 or 40 years ago that an unfair and non-inclusive society led us to where we were with the violence. However, they do not seem to accept where we are now and that many people in the unionist community see an unfair, non-inclusive society. Those people see the promotion of Irish at the expense of Ulster Scots. They see national identity being diminished if you are British but promoted if you are Irish. It made me wonder when I read the headline that said that the Belfast riots are over not the flag but the creation of a fairer society.



A fairer society is something that this party wants and has been campaigning for for years. It is what we need to get. If people on the streets, whether they are passing the Short Strand or living there, could see a much fairer society, they would say that the people up on the hill are doing the job that they were elected to do. We have made some progress, but we have considerable progress to make. We need to get to the point — hopefully, we will get to it this week — where people understand the resentment that exists not just in working-class unionist communities but right across unionist communities and in nationalist communities about an ongoing failure to understand the concept of disadvantage in those communities.

If you have a one-sided inquiries process into the past, people in our communities will ask, "How long will this go on?". The perpetrators of the violence in the first place will not admit that they were wrong and will not apologise, but the Prime Minister, who is responsible for dealing with the violence, then apologises for an overreaction on the part of those who were dealing with the violence.

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

**Mr Campbell:** Yes, I will.

**Mr Lyttle:** Will the Member clarify why the DUP and, indeed, the UUP have consistently voted against motions in the House calling for cross-party talks with the Irish Government and the British Government to agree a comprehensive mechanism to deal with the past?

**Mr Campbell:** Yes, I can answer that. Unfortunately, in dealing with the past, you are met with those whose organisation perpetuated the violence for decades. They will not accept the part that they played in creating and perpetuating that violence. They will not accept that they were wrong, that they were in error and that they should apologise and move on. They will not do that. They accept that they were combatants. They try to equate combatants' acts of murder with the actions of those who responded to their murder. That is why we cannot deal with the past in the way that the honourable Member would like us to.

**Mrs D Kelly:** Will the Member give way?

**Mr Campbell:** Yes, I will.

**Mrs D Kelly:** Will the Member encourage his party leader to respond to the correspondence that my party leader sent him last week setting out methods of dealing with the past in a

comprehensive way? As yet, we have not had a response.

**Mr Campbell:** I am sure that, if the honourable Member's party leader wrote to my party leader last week, there will be a response in due course and probably within a matter of days. The honourable Member will not complain that there has been undue delay, given the problems that we have out on the streets. I am sure there will be a response.

In conclusion, I come to the Unionist Forum, which I have heard various nationalists and republicans mention. They have complained that it is one-sided and that unionists talking to themselves will not solve the problem. In some respects, I agree: it will not solve the problem. The capacity for both the SDLP and Sinn Féin to involve themselves in the outcome of the Unionist Forum is essential. I have raised some of the issues — only some because of time restrictions — and they will come through the Unionist Forum. At that point, it will be an absolute prerequisite for nationalists and republicans to say, "This is how we are going to step up to the mark to dealing with this". If there is disadvantage in the unionist community — there is — we will want to hear what you are going to do about it. We definitely will. You will not be excluded then; you will be very much included. We will know what we want to do, and we will want to hear your proposals for dealing with the disadvantage, the sectarianism, the one-sided inquiry process and the diminution of Britishness as a consequence of the promotion of Irishness. We will want to hear your proposals about that, yes we will. You will have a very strong and effective role to play, and hopefully you will play it.

**Mr Mitchel McLaughlin:** Go raibh míle maith agat, a Cheann Comhairle. I speak in favour of the motion. It is welcome, not just because of its authorship but because it represents an attempt to return to the high ground of leadership, hope and aspiration that was endorsed, ratified and welcomed by the people of Ireland in the development of the agreement. That is historical reality. There is another reality affecting our current circumstances. When I look at the amendment, in particular the removal of the reference to the Belfast Agreement — more commonly referred to as the Good Friday Agreement — I think that is a pity. I state this for the record: I embrace and respect the consent principle, which also means accepting the current constitutional status quo. I respect it, and I accept it. I say that because I have the power under the terms of the Good Friday Agreement to bring about a united Ireland. I have to convince sufficient numbers

of people and my colleagues to bring about that constitutional change. Until that position arrives, I will accept the status quo. I hope that that is as clear as I can make it. There are no grounds for political violence against the political arrangements on this island, because we now all have the possibility —

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

**Mr Mitchel McLaughlin:** Perhaps to someone else, but you have just had your opportunity, if you do not mind.

People have the opportunity now to change the political circumstances of governance on our island. If that could be done tomorrow, I would do it tomorrow; if it takes longer, I am prepared to take longer, and it will be done by peaceful persuasion and through the democratic mandate of the people of this island. We should all embrace that.

In the flag protests, I see a continuation of the denial that is represented by the tabling of the amendment. The amendment, if it had not removed the reference to the Good Friday Agreement, would have been perfectly acceptable. However, to ask me, who was involved in the negotiations and campaigned for and engaged in a widespread national debate along with my party colleagues to convince republicans that it was the opportunity for a new beginning, to repudiate that agreement is not on. It is a denial of the progress that we have made and debases not just the progress that has been made since the Good Friday Agreement but the value that was added in the negotiations at Hillsborough and St Andrews. Therefore, if we are getting denial from political unionism, which the amendment represents, it is little wonder that, on the streets, unionists are responding to that absence of political leadership with violent political reaction to an issue that could and should be understood and should be accepted on the basis of parity of esteem.

Is flying the Union Jack 365 days a year parity of esteem? Can anybody sensibly argue that that represents parity of esteem for nationalists and republicans? It does not. Is there a single council that will fly the tricolour at the present time? No. Do I feel any less Irish as a result? I repudiate and do not accept for one moment those who are arguing that the reason that we have political —

**11.00 am**

**Lord Morrow:** Will the Member give way?

**Mr Mitchel McLaughlin:** Let me finish this point and then I will accept your intervention.

Some are arguing that the unionists — and they are unionists; let us describe them as they are — who are rioting on our streets, visiting violence on people in their homes and stopping and disrupting life in our cities and towns are doing so on the basis that their national identity, as they would describe it, has been diminished by the fact that Belfast City Council is now a much more inclusive place and represents diversity in our society. I want to hear people explain that in rational terms.

**Lord Morrow:** I thank the Member for giving way. He said that he now accepts the constitutional position of Northern Ireland as an integral part of the United Kingdom unless and until the majority of the people vote otherwise. Is he now saying that he accepts that the IRA campaign of ethnic cleansing, particularly in the border areas, was also wrong? Can he condemn that today? Does he accept that some of the actions of his party, coupled with those of the SDLP, in naming play parks after those who are seen as terrorists is the way forward?

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

**Mr Mitchel McLaughlin:** Thank you very much. I accept your perspective absolutely, and I respect it. I do not agree with it, and I do not expect you to agree with my perspective on the people I knew who became involved in the IRA. I know them, and I know my community. I know that they were heroic figures in our community. I do not shove that down your throat, and I do not expect you to understand it. We have some uncomfortable conversations to engage in, and I stand ready and willing to do that.

There have been references to the discussion on the television last night. The individual concerned was shot in his own home, and a friend who was helping him to decorate that home was shot dead. That is the background against which he makes his comments. There is a lot of hurt on all sides of our community, and we need to understand —

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

**Mr Mitchel McLaughlin:** We need to understand our responsibility. This place is based on the agreement that was endorsed by the people of Ireland; the Good Friday Agreement, with added value from the

Hillsborough negotiations and the St Andrews negotiations. We should continue that political leadership and that direction.

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

**Dr McDonnell:** I welcome the opportunity to speak, and I appeal to people to try to look to the future rather than to the past.

I speak in support of the motion and, in particular, its appeal for support for the spirit of the Good Friday Agreement. However, we need much more than spirit, and I call on unionist leaders to embrace and support the values and principles of that agreement, because it is within that agreement that we all can and must find our way out of the current mess. In fact, I believe that failure to live up to those principles and values, and the political cherry-picking of that agreement, has contributed significantly to our present difficulties. The agreement directly addresses some, perhaps most, of the difficulties that we are now facing and gives this Assembly its legitimacy and authority to do what we do here. Without the agreement, we have no foundation or legitimacy.

We are told by some that the agreement confirmed the status of Northern Ireland in the UK and that, therefore, the Union flag is the national flag, and that that is the end of the matter. However, I will remind people gently that the agreement says:

*"the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities".*

That is a lot, Mr Speaker. Impartiality, diversity, respect, equality, parity of esteem and just and equal treatment. How can any of us square that with a winner-takes-all approach to flag flying or any other aspect of life?

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

**Dr McDonnell:** No. *[Interruption.]*

**Mr Speaker:** Order.

**Dr McDonnell:** The question for unionist leaders today is whether they have signed up for the transformation of division in our society or for its mere containment and management. This choice goes far beyond flags. Where is parity of esteem? Where is the spirit of the Good Friday Agreement in their call for gerrymandering of Belfast to retain unionist control or in fair housing allocation in Girdwood or in North/South co-operation or even in such an obviously good idea as the Narrow Water bridge, where a massive slice of the cost, some 90%, was being funded from elsewhere? Where is there even a hint of parity of esteem in their handling of the flag issue and the associated violence?

The motion calls for inclusivity and mutual respect. How much inclusivity and mutual respect is demonstrated by establishing a narrow one-sided conversation in the form of a tribal Unionist Forum?

Why is there such opposition to the re-establishment of the Civic Forum that is part of this institution? It is a mechanism that would empower our civic society and facilitate the type of inclusive conversation, based on mutual respect, that is needed to resolve controversial issues eating away at our society.

Mr Speaker, how can we have inclusivity and mutual respect if unionist leaders will not honestly tell their people that, in the new order of life and politics and in the transformation of division, things will look and feel a bit different?

The ways of the past cannot be the way of the future, yet what we are hearing from the leader of the DUP is that violence is the result of the Alliance Party changing what he called the established status quo in the City Hall and that all this violence has been brought about by just one action. On the other hand, the next day, we are told that it is about a whole plethora of things. In any of that, there is no mention about the 40,000 scurrilous leaflets that were circulated in east Belfast and which were intended to bring about the sort of violence that we have. There is no mention of elected representatives —

**Mr Humphrey:** On a point of order, Mr Speaker. Just so that the leader of the SDLP gets his facts right, there were not 40,000 leaflets distributed in east Belfast. They were delivered across the city, so, if you are going to quote something, do it accurately.

**Mr Speaker:** Order. Let us move on. *[Interruption.]* Order.

**Dr McDonnell:** That is even worse. I thought that it was only in east Belfast, but I now know that it was even more widespread.  
*[Interruption.]*

**Mr Speaker:** Order.

**Dr McDonnell:** There is no mention, in all of this, of elected representatives of both parties taking part in, supporting and condoning illegal protests night after night, side by side with men of violence.

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

**Dr McDonnell:** There is not much point in talking about a shared society and then supporting activities —

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

**Dr McDonnell:** — and policies designed to increase division.

**Mr Lyttle:** I join the House in condemning the violence on the streets of east Belfast last night, and, indeed, I stand against any inflammatory language that may have been used by elected representatives in relation to that issue. I have seen the harsh consequence of that type of interface violence first hand. I have sat in homes at the bottom of the Newtownards Road and in Short Strand and had grown women break down in tears because they have not been able to communicate the consequences of that violence with even the closest members of their families. I have had to assist them in moving home as a result of that violence. It is not helping or serving any cause whatsoever, and people need to think seriously about that.

I welcome and support the opportunity that the motion gives to every Member of the Assembly to reaffirm explicit support for a shared future and the principles of the Belfast Agreement at this very difficult time. I and my party will not support the amendment from the DUP, which is wholly unnecessary and is a concerning attempt to dilute the motion and remove reference to the Belfast Agreement.

Indeed, it is deeply concerning that Mike Nesbitt, the leader of the Ulster Unionist Party, does not see that as a concern, as a key signatory of that agreement.

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

**Mr Lyttle:** No, I will not.

I am very aware that the people of Northern Ireland expect much more than rhetoric from the Assembly on this serious level of violence and disruption in Northern Ireland, and they are calling on elected representatives to deliver on demands that a majority — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Lyttle:** — of people in this community made when they voted in favour of the Belfast Agreement in 1998. Unfortunately, elected representatives have fallen short of delivering on those principles and demands, particularly on the issue of building a shared and integrated society and particularly by missing an opportunity to demonstrate what a shared future policy would look like in action, when they opposed a respectful, balanced and sustainable flags policy at Belfast City Hall and in councils across Northern Ireland. Rather than use the flags issue as an opportunity to demonstrate —

**Mr Speaker:** Order, Members. There are a number of conversations going on around the Chamber, and they should be taken outside.  
*[Interruption.]* Order. Allow the Member to continue.

**Mr Lyttle:** Thank you, Mr Speaker. Rather than use this flags policy as an opportunity to demonstrate what a shared future would look like in action and in practice — balance, compromise, mutual respect and, dare I say, even change — the DUP, UUP and PUP U-turned on long-standing support for designated days, and misled the community that this policy and the Alliance Party — the only party to stand up for the shared future position — were anti-British and anti-identity. That is plain wrong. There is nothing anti-British about a UK Government and Royal College of Arms-endorsed policy of respectfully displaying the Union flag on designated days.

The Ulster Unionist Party said in 2000 that by accepting the:

*"legitimate expression of British identity through the flying of the flag on the 17 [flag-flying] days ... the SDLP and Sinn Fein will be honoring their obligation in the Belfast Agreement to show 'sensitivity' and 'promote mutual respect' rather than division".*

The PUP said:

*"Northern Ireland is an integral part of the United Kingdom as per the will of the people. There is no requirement to all day*

*every day ensure that that glaring fact is appreciated."*

So what changed?

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

**Mr Lyttle:** No I will not give way.

I want to use this opportunity to make this clear point to the people of east Belfast and across Northern Ireland: this issue has been manipulated by political parties and people who are less concerned about creating a sustainable and positive expression of British identity in Northern Ireland and who are more interested in exploiting strongly held feelings for a flag for their own selfish political end, regardless of the consequences.

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

**Mr Lyttle:** I am not going to give way. There are many members of the Alliance Party and indeed people from across —

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

**Mr Lyttle:** If I could finish, I might give way. Indeed, people from across this community understand and, indeed, have given their life in service for the positive values that that Union flag represents. Those values and that British identity are in no way disrespected or diminished by the adoption of a balanced policy of respectful display of the Union flag in line with the UK Government and Royal College of Arms designated days policy. That policy also respects and reflects that not all members of this community regard the Union flag as representative of their values and identity, and it is right that councils represent this diversity of identities in other creative ways.

I am fully committed to engaging with people who are disconnected from politics, but for unionist politicians to tell this community that a unionist forum or a united unionist candidate is somehow going to change the fact that it is in the best interests of this community to work out the principles of compromise and balance enshrined in the Belfast Agreement is raising unrealistic expectations and leading the people up a dead end.

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

**Mr Lyttle:** Yes, I give way.

**Mr A Maginness:** I thank the Member for giving way. He has very usefully pointed out the ridiculous position that the Ulster Unionist Party and the PUP are in whenever they accepted designated days in 2000, but the DUP in Craigavon council and in Lisburn council also accepted designated days. That is consistent with the other two unionist parties.  
*[Interruption.]*

**Mr Speaker:** Order. Order.

**Mr Lyttle:** I thank the Member for his intervention. He is absolutely right and, indeed, it makes a mockery of the U-turn that we saw in Belfast City Council.

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

**Mr Lyttle:** Thank you, Mr Speaker.

**Dr Farry:** Will the Member give way?

**Mr Lyttle:** Yes, I give way.

**Dr Farry:** I thank the Member for giving way. Further to that, the issue of the flag flying on Parliament Buildings was never raised by the DUP, at least since 2007. Why was it only raised in response to what happened in Belfast City Hall? What sort of signal is that sending?

**Mr Lyttle:** I thank the Member for his —

**Mr Moutray:** On a point of order, Mr Speaker. Mr Maginness made a point in relation to Craigavon council. He said that the DUP supported designated days. That is patently untrue, and I would like to clarify that fact now.  
*[Interruption.]*

**Mr Speaker:** Order. Order. The Member has it on the record.

**11.15 am**

**Mr Lyttle:** Thank you, Mr Speaker. The Member, obviously, did not dispute the point about the DUP's acceptance of designated days at Lisburn City Council. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Givan:** On a point of order, Mr Speaker. Further lies are being told in the Chamber. The DUP on Lisburn City Council has never accepted designated days, and our flag flies every day in Lisburn City Council.

**Mr Speaker:** Order. Order. Members should be very careful about calling other Members liars. Let us be very careful of our terminology and our language in the Chamber. *[Interruption.]* Order.

**Mr B McCrea:** On a point of order, Mr Speaker. I agree with your ruling, but I think that an opportunity should be given to the Member to withdraw his allegation.

**Mr Speaker:** Order. The Member did not name a Member. That is the difference. However, I still warn the Member, and Members in the House, to be very careful of the terminology used in the Chamber, especially the use of language.

**Mr Lyttle:** Thank you, Mr Speaker. The point is that an opportunity was — *[Interruption.]*

**Mr Speaker:** Order. Order.

**Mr Lyttle:** — missed to show a shared-future policy in action. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Lyttle:** Mr Speaker, can I close quickly and assure the House — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Lyttle:** — that the Alliance Party will not be deterred or intimidated for standing for a shared future in Northern Ireland.

**Mr Speaker:** Order. The Member's time is gone. Order.

**Lord Morrow:** On a point of order, Mr Speaker. I would like you to consider the fact that when a Member gets up in the House and repeats what was said by another Member when it is clear that what was said was totally inaccurate, would you make a clear ruling on how that should be responded to. I accept, of course, that unparliamentary language, such as "liar", is unacceptable. However, when a person deliberately gives wrong information on the Floor and accuses other Members — *[Interruption.]*

**Mr Speaker:** Order.

**Lord Morrow:** Could you, Mr Speaker, give some direction on such matters?

**Mr Humphrey:** On a point of order, Mr Speaker.

**Mr Speaker:** Order. Let me deal with this point of order first from Lord Morrow. As Speaker, I do not sit in judgement and determine what is right or wrong and what Members say in the Chamber. However, during a point of order, I give Members the opportunity to correct what has been said and to get it on the record. That is the important point. *[Interruption.]* Order. I will take the point of order from Mr Humphrey.

**Mr Humphrey:** During his contribution a moment ago, Mr Lyttle referred to the DUP, the UUP and the PUP as having reversed their position on designated days. Let me make this very clear: in Belfast City Council, the DUP and the UUP have consistently voted for the Union flag to fly and have never supported designated days, so that is untrue.

**Mr Speaker:** Order. Once again, the Member has that on the record. Let us please move on.

**Mr Poots:** Yesterday, David Ford identified that there were underlying tensions in the community, and that the issues that have arisen over the last few weeks had been going on for some time during the summer. That makes the decision that the Alliance Party made in Belfast City Council, and I will come to that later, all the more bizarre. However, I will visit the issue of why these tensions may exist. The motion talks about:

*"inclusivity, mutual respect, peace and democracy".*

Those are very important issues because, if we are to bring the community with us on all of these issues, we need to respect and reflect that.

In my duty in the House and in my other duties, I meet people from all sections of the community daily, and I deal with people from all sections of the community, and I seek to deal with them in a very fair and impartial way for the best interests of the community. I think that the Assembly and the Executive have been doing good work to build good relations in Northern Ireland. However, many of the problems that exist are outside our control.

Across the way, we have republicans and nationalists. That is what they are, and they are entitled to be republicans and nationalists; therefore, they will put forward a particular agenda. We have the Alliance Party, which claims to be a non-sectarian party, and I will

deal with that in a moment. But —  
[*Interruption.*]

**Mr Speaker:** Order. The Member has the Floor.

**Mr Poots:** In all of this, the fulfilment and meeting of particular agendas can cause real damage to a community. When it comes to historical and public inquiries, for example, there seems to be an entire focus, which is aimed against the loyalist community and people who have engaged in loyalist terrorism —

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

**Mr Poots:** I did not see the Member give way to anybody.

**Mr A Maginness:** He gave way to me.

**Mr Speaker:** Order. Let us not have debate across the Chamber.

**Mr Poots:** I will correct what I said: he only gave way to his own colleagues.

When we look at the issue of public inquiries, we hear about Bloody Sunday and Finucane. It is always in the news; it is constant. We have a Prime Minister and a Government who are constantly giving in. How many people who have engaged in republican terrorism activities have been brought to book by the Historical Enquiries Team? Many people in the unionist community are concerned. They look at 1971, 1972, 1973, and so forth, when the main protagonists were the IRA, and they see how few IRA people have actually been brought to book by the Historical Enquiries Team. And you wonder why the community out there gets aggravated about things.

**Mr Campbell:** I thank the Member for giving way. He has come at a very important point. Does he agree that there is a sadness in the Chamber today that the initial contributions from the other side — Sinn Féin, SDLP and Alliance — have not concentrated on those underlying issues, which the debate gives us the opportunity to debate, discuss and to delve into, to ascertain why people are on the streets, peacefully protesting? People seem to be keeping their head in the sand and avoiding why they are on the streets.

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

**Mr Poots:** I thank the Member for the intervention. Mitchel McLaughlin might see IRA figures as heroes, but we see them as terrorists; the vast majority of the public see them as terrorists, and they should be brought to book for their actions. We have little faith in what is going on with the Historical Enquiries Team, unless it brings the IRA to book for its activities. The Northern Ireland Office needs to step up to the mark and take into account those views, because it has a contribution in all of this.

We have a Parades Commission that does not command the confidence of the unionist community. I have met the Parades Commission and been treated with the greatest degree of indignity by that group of people. It treats elected —

**Mr Speaker:** Order. There are a number of conversations going on around the Chamber, and I have asked that those conversations be had outside. The Member has the Floor.

**Mr Poots:** It treats elected representatives with contempt and, unsurprisingly, it is chaired by a former member of the Alliance Party. In fact, it may be an existing member, but it is someone who was a councillor for the Alliance Party for many years.

Then, of course, compounding all of that, we have the City Hall decision. The status quo in this Building was accepted, as was the status quo in Belfast City Hall. Republicans and nationalists wanted to break that status quo. Of course, who does the Alliance Party side with? It sides with the republicans and, indeed, the nationalists. It made that anti-British, anti-unionist, partisan, sectarian decision. It can no longer take on the bastion of a non-sectarian, non-partisan party after its decision in the City Hall. As I travel round other parts of the United Kingdom and, indeed, other countries, I see their national flag flying on their city hall in their capital city, but not in Belfast, because the Alliance Party signed up with Sinn Féin and the SDLP to remove the national flag —

**Mr Speaker:** All remarks should be made through the Chair.

**Mr Poots:** — from the City Hall for 95% of the time. Then we get —

**Dr Farry:** On a point of order, Mr Speaker. In the spirit of other Members correcting the record, in Belfast City Hall, the SDLP and Sinn Féin backed an Alliance Party compromise around the flying of the flag on 17 days, as is

applied under Department for Culture, Media and Sport guidance right across the UK. The Alliance Party did not back a motion from either the SDLP or Sinn Féin.

**Mr Poots:** And it treated the public with contempt by ignoring the consultation that took place, in which 90% of people said not to touch it. Now we are left to pick up the pieces, Mr Speaker, and we have to establish a unionist forum to attempt to pick up those pieces where others have made a mess.

In recent days, we have heard the sanctification of Short Strand residents. The people of Cluan Place may have a somewhat different point of view, having suffered violence exerted upon them, week in, week out, day in, day out.

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

**Mr Poots:** It was quite evident on Saturday where the violence was coming from. The stones were coming from the Short Strand community. We need to reflect and bring our communities together, not seek to further divide them.

**Mr Speaker:** Order.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. I rise, as my colleague Mitchel McLaughlin did, to support the motion. In supporting it and in all Members contributing to it, it is essential that we seek to return to the hope and commitment that was provided by the Good Friday Agreement and the massive endorsement of that agreement by the people right across this island. It is important that we return to the spirit and the letter of the Good Friday Agreement. It reminds me —  
*[Interruption.]*

**Mr Speaker:** Order.

**Mr Maskey:** It reminds me that representatives of the unionist community have been telling people like me for many years that we are entitled to our aspirations. I have often said that I have no interest —

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

**Mr Maskey:** I will not give way to any Member, so as not to cause offence, and I say that to my own party colleagues as well. I will just offend everybody from the outset. On that basis, and with your indulgence, Cheann Comhairle, I say that it is important that we recognise that the

Good Friday Agreement was not about endorsing someone's aspirations. I repeat that I am not remotely interested in whether anybody agrees that I am entitled to have aspirations. I have no aspirations; I have political objectives, and I have rights. Those rights and those political objectives are endorsed by the Good Friday Agreement.

Where I think that the motion falls a bit short is that it talks about the spirit of the Good Friday Agreement, but there is also the letter of the agreement. The agreement was not just a glossy brochure; it was a historical agreement. It was a major compromise from all sides, and, as my colleague Mitchel McLaughlin has already said, he and many of his colleagues, myself included, went up and down the length of the country supporting and promoting the Good Friday Agreement to colleagues and people in our community who saw it as a compromise and as a risk and saw it as not fulfilling all our political objectives. However, they bought into the argument that the Good Friday Agreement, providing what it does, enshrined in law a human rights and equality-based society, which was inclusive in a way that it had never been before. A framework agreement was provided for an end of conflict/state repression — call it whatever you want to call it, and I accept that we will have different interpretations of what happened in the past.

As I have said, the Good Friday Agreement has a lot of components to it. It enshrines the human rights and equality underpinning of everything that we do, including in places such as this House. It deals with the constitution, but I remind Members that not only does it deal with the current status of the North of Ireland, but it deals with it on the basis of the all-Ireland dimension. That is a very important part of the constitutional arrangements that we are now dealing with. People need to understand that unless we deal with all those elements of the Good Friday Agreement, we will fail on the promise and the hope of the Good Friday Agreement and the agreements that have been reached between the various parties and Governments in intervening years.

The Good Friday Agreement is underpinned by the principles of parity of esteem. That is not a catchphrase. How do we develop parity of esteem? I would argue that all the party leaders around this Chamber need to commit themselves today. I am fearful that, if I were listening to this debate from outside the House, I would have to work out, as a member of the public, whether I have any more confidence at the end of the debate about what is going to



happen on our streets in the days, weeks and months ahead, or whether I am less confident by what I have heard in the Chamber.

I urge Members to recommit themselves to let us deliver on parity of esteem for all our citizens, particularly when people are talking about flags and emblems. The Good Friday Agreement commits us to making sure that we protect and respect everybody's identity. That means flags, symbols and emblems. If we do not treat each other with mutual respect, as a society we will not go forward, and we will not be enshrining or living up to the hope and prospects of the Good Friday Agreement.

I urge all Members to send out a very clear message to the citizens out there, whom we all collectively represent, that we have a better way than what is currently unfolding on our streets. What is unfolding on our streets is a downward spiral to more violence. Someone is going to get seriously injured or lose their life. In here, we have a responsibility to direct what is going on out there into a political agreement. The only way to get a political agreement —

**Mr Speaker:** Time is up.

**Mr Maskey:** — is for party leaders to sit down together and agree to hammer one out, give leadership to people and face down those in our community who are attacking the peace process on a day-to-day basis.

**11.30 am**

**Mr Speaker:** Your time has gone.

**Mr Maskey:** Show leadership.

**Mr Givan:** In the debate, it is important that we refer to the wording of the motion. I am disappointed that the Member who has just spoken did not deal with the furore around his comments. The motion is explicit about condemning acts of violence, committing to peace and all of that. What did the Member say that he would do if he lived in the Short Strand? He can correct the quote, if I am wrong. I will certainly give way to him. He said that, given what has been happening in the Short Strand, if he lived there and his property was being attacked, he would be out throwing stones as well.

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

**Mr Givan:** I will give way to the Member.

**Mr Maskey:** I am very happy to clarify that. I want to make it very clear. As I said to Mr Nesbitt, people should not be misquoting anybody. Last night, in a debate with John Kyle, a representative from east Belfast, I made it very, very clear that unless people stand up and identify their problems, you will not deal with it. I made that very clear.

I would defer to Mr Poots. His party colleagues sitting beside him commended him last year for shooting at people who, he said, were attacking his home. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Maskey:** Shooting at people who were attacking his home. I made it very clear. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Maskey:** I do not want to see one person throw a stone either into the Short Strand or from the Short Strand. If anybody in the Short Strand wants to stone another Protestant family's home, they are not doing it in my name, the name of my party or the people of the Short Strand. I am making it very, very clear. I do not want one stone — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Maskey:** — thrown. However — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Maskey:** — you cannot fault a family who have no option other than to defend their home — as Mr Poots did last year. *[Interruption.]*

**Mr Speaker:** Order. The Member who had the Floor gave away the Floor. *[Interruption.]* Order. It is up to the Member who has the Floor to decide to take an intervention or not to take an intervention. He invited the intervention. Let us be clear.

**Mr Poots:** On a point of order, Mr Speaker. Mr Maskey made an assertion about something that he knows nothing about. His assertion is wholly and completely wrong. He has also made that assertion on radio. He should be very careful about what he is stating.

**Mr Speaker:** The Member has that on the record.

**Mr Givan:** I am not clear, even still, whether the Member has said —

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

**Mr Givan:** I appreciate that.

What I heard was more a justification for his comments. We need to be unequivocal: violence is wrong, from wherever it comes and under whatever circumstances. That is the position that we have. I invite the parties opposite, and particularly that Member, to reiterate that that is the position that they hold. If the Member is going to make that unequivocal statement, I am happy to give way to him. I note that he did not take the opportunity.

We cannot support the final part of the motion about the Belfast Agreement. The Belfast Agreement is one of the reasons why people are so aggravated, annoyed and are out on the streets, which is why we cannot support that. I note that Mr Nesbitt clarified what he meant by the "spirit" of the Belfast Agreement. In that context, I accept what he said. However, we are wholly opposed to the letter of the Belfast Agreement, which the Members opposite have said that we should accept. It was wrong to release prisoners. That was wrong. That is why people on the streets are saying, "Look what they got through the Belfast Agreement." It was wrong. It was wrong for people to be put into government — *[Interruption.]*

**Mr Speaker:** Order. The Member must be heard. The Member has the Floor.

**Mr Givan:** It was wrong for people to be put into government with no decommissioning and no commitment to supporting the rule of law and the police. That is what happened under the Belfast Agreement. This party changed that through the St Andrews Agreement — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Givan:** — a decommissioned IRA and a party that was prepared to say that it supported the rule of law and the police.

**Mr Humphrey:** It is interesting that the Members across the way, the republican and nationalist parties, laughed at the comments that the Member just made. It is no surprise to those of us on these Benches that the people who would laugh at what he has just said are

the people who would name a children's play park after a gunman and a murderer.

**Mr Givan:** I thank the Member for that intervention. Let us be clear about the narrative of where we are in respect of all this. The St Andrews Agreement changed the political structures and the landscape in which we operate. The Belfast Agreement was fundamentally flawed, and we wholly opposed it. Indeed, the spirit of that agreement led to things such as 50:50 recruitment — the legal discrimination of the Protestant community. The St Andrews Agreement changed that. That is why recruitment of custody officers to the Prison Service is based solely on merit. That is why over 70% of recruits come from the Protestant community. Under the Belfast Agreement-style Patten report, that would not have been the case. So, the St Andrews Agreement has changed the way in which we and those structures operate.

Others who have created the tensions that exist include the Prime Minister, David Cameron, who apologised for what happened around Pat Finucane. What I hear is an apologist for how the security forces defended our country. Those people exploit a particular narrative that republicans want to portray, which is that they were the heroes and the security forces the bad guys. The Prime Minister is pandering. I note that Raymond McCartney nods his head in agreement. That is no surprise. The Prime Minister panders to that particular narrative. That is wrong, and that is why people out there are agitated.

We also have an Irish Prime Minister saying that he wants a public inquiry into Pat Finucane's murder. He will not, however, admit to how the Republic of Ireland armed the Provisional IRA and supported it to carry out its 30-year terrorist campaign.

You can then understand why underlying tensions exist in the unionist and loyalist community. That is something that this party will, quite rightly, expose. We will come alongside those people and support them in tackling, peacefully and politically, those underlying problems that are creating the tensions that we have today.

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

**Mr Kinahan:** I am very pleased to speak today, particularly in trying to return to the spirit of the Belfast Agreement. The Ulster Unionist Party is absolutely clear that the motion is the correct one. I hope that everyone is listening to

everyone else's ideas and points, because that is the only way to go forward.

In Northern Ireland, we have seen horrific scenes of rioting and violence during the past five weeks. We need political leadership today. The Ulster Unionists are providing just that, with others, through the Unionist Forum and this debate. Today, we are offering all the parties the opportunity to debate and discuss the issues, so please listen to each other.

The Assembly should have no difficulty committing to:

*"the principles of inclusivity, mutual respect, peace and democracy".*

However, that is the easy part. Actions from all of us will speak louder than words. But in terms of this motion, Sinn Féin, the SDLP and the Alliance Party forcing through taking down the flag over our capital city without community consensus was wrong.

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

**Mr Kinahan:** No. Let me carry on.

The Alliance Party leader described that as a victory. That was wrong. In terms of that motion, it was wrong for Sinn Féin's Jim McVeigh to state that it was a process towards total removal of the flag. Gerry Kelly's fuelling the fire by suggesting the renaming of the Royal Victoria Hospital was wrong. I raise those points, because we have to get back to the spirit of the agreement. None of those actions is within the principles that are outlined in today's motion.

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

**Mr Kinahan:** No. Not at the moment. *[Interruption.]* The Union flag is meant to represent everyone in the United Kingdom through its crosses: St George for England; St Andrew for Scotland; St David for Wales; and St Patrick for Ireland. Turning it into a political tool is wrong.

Before Christmas, I knocked on as many doors as I could in Ballyclare and Antrim to hear people's views. Whether they were Catholic or Protestant, their message was clear: the flag's flying for 365 days is not a problem, so please fly it; the protests are the problem, so please do not.

**Mr Dickson:** On a point of order, Mr Speaker. Can the Member describe the Union flag to us

once again? Today is the first time that I have ever heard that there was a cross of St David on the Union flag. *[Interruption.]*

**Mr Speaker:** Order. I have been very liberal with points of order. However, I must say to the Member that that is not, by any means, a point of order, no matter how he might describe it.

**Mr Kinahan:** Thank you very much, Mr Speaker. As I understand it, one of the differences in shape of the white comes from the Welsh side, but I will happily have that clarified later.

I want to go back to this point. It seems that the comment that Northern Ireland — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Kinahan:** — is not as divided as politicians make out is rather true. As a result of so many wrongs, we have protests. My party leader has made it absolutely clear that, because they are associated with violence, the protests must stop. We cannot be clearer than this: violence must stop, and we unreservedly condemn all of it. The economic cost to traders, we are told, is some £14 million, and the cost of policing has reached £7 million. Both costs are rising. Therefore, we call for the violence to end and for protests to come off the streets.

If we reflect on things, we see that all of us here have somehow managed to create three sectarian divisions — unionist, nationalist and neither — all of which fail to respect others, look down their nose at one another and think that they are better than others. None is; no one is. Let us drop that, and try to make things better for everyone. The Assembly needs leadership to get back to the spirit of the Belfast Agreement and to start working with consensus, not enforced division. I see the worst of that in education, where, at the moment, there is no effort whatsoever to find an agreed way forward.

We have no issue with the DUP amendment, as the principle of consent is integral to it.

The financial situation in the Republic, the recent census figures —

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

**Mr Kinahan:** — and current global trends show that changing the status quo is off the agenda. I accept and welcome Sinn Féin's earlier

comment. Let us all learn from today, take the points on board and go forward.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** I have to say that I find it very disappointing that the DUP is seeking to stand back from agreements that have been reached and voted for right across this island. Our society wants peace and change, and the irony of that situation is that the people who are out protesting need change most. Nobody should be under any illusion about how much change we have had since the historic agreements were reached. Those are good agreements that our people support regardless of their political affiliation or which flag they choose as their own. How much change has happened? There has been change socially and economically. There has been change in policing and justice. There has been educational change, and there has been change — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** — in equality for differing cultural traditions. Nobody should be afraid of change, and nobody should laugh at it. What we are seeing, through the protests —

**Lord Morrow:** Will the Member give way?

**Ms Ruane:** No, I will not give way.

What we are seeing is an irrational, illogical response. As we know and as the Alliance Party pointed out, the position on the flag was a compromise. The flag is flown on designated days here at Stormont. The unionist parties forgot to tell their protesters that. They forgot to explain that, in agreements that are reached, you have to reach compromises. What they have been doing is pretending that things are the same as before. Things are not the same, and it is better for everyone that they are not. What the unionist parties are doing is scurrying around, hiding and trying to bluster through their contradictions. We heard Edwin Poots and Gregory Campbell blustering today, because they forgot to tell their electorate that there is going to be change. *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** We have told the people who vote for us that there will be change. We are

engaging with people and saying that that will mean compromises. *[Interruption.]*

**Mr Speaker:** Order. Members should not debate across the Chamber. The Member has the Floor.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. They have forgotten about the people who voted for them and who have been left behind by their abysmal failure to deal with the education issue. *[Laughter.]*

**Mr Speaker:** Order.

**Ms Ruane:** They can laugh. Listen to the laughter. Yet, Gregory Campbell — *[Interruption.]*

**Mr Speaker:** Order.

**11.45 am**

**Ms Ruane:** Gregory Campbell asked what Sinn Féin will do to deal with Protestant underachievement. *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** I will tell you what Sinn Féin will do: we will continue to bring about change so that the young people who are currently out rioting get an education rather than being left behind by the policies of the DUP and — yes, Mr Nesbitt — the UUP — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** You have failed the young people. You have failed to look at the underlying causes, and you talk now with crocodile tears about educational underachievement and disadvantage.

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

**Ms Ruane:** No, I will not give way. You all had your opportunities.

**Mr Nesbitt:** Not as Minister.

**Mr Speaker:** Order. The Member should not —

**Ms Ruane:** You all had your opportunities.

**Mr Nesbitt:** Not as the Minister.

**Mr Speaker:** Order. The Member should not persist. It is quite obvious that the Member has no intention of giving way. Let us move on. The Member must be heard.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle.

I am a member of the Policing Board. The PSNI has failed to act appropriately in relation to — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** — the illegal protests. It has failed to act. I said that to Matt Baggott last Thursday when he came to the Policing Board. It failed to act appropriately when hate crime was committed against a party in the House. That is wrong, and it should not happen. I join all colleagues in the House in condemning hate crime against the Alliance Party and, indeed, any party.

Mike Nesbitt waxed lyrical about the agreement. He talked about reconciliation yet tried —

**Lord Morrow:** Will the Member give way?

**Mr Speaker:** Order.

**Ms Ruane:** — to proceed to say that we are all — I forget his exact words — British citizens or UK or whatever he called it citizens — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** I am an Irish citizen. *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** The tens of thousands of people who vote for me and my party are Irish citizens. Mitchel McLaughlin —

**Mr Nesbitt:** On a point of order, Mr Speaker.

**Mr Speaker:** Order. The Member is persisting in trying to get in on —

**Mr Nesbitt:** It is a point of order, Mr Speaker.

**Mr Speaker:** I hope that it is a point of order.

**Mr Nesbitt:** Well, you will judge that, sir.

**Mr Speaker:** Let us see whether it is a point of order.

**Mr Nesbitt:** I believe that the Member said that she was confused. For the record, I said that the agreement settled the position of Northern Ireland — the country; the physical shape of Northern Ireland — as part of the United Kingdom. I made no reference to the people not being allowed to call themselves Irish. That is just as a point of order and clarification.

**Mr Speaker:** Order. The Member has it on the record. Let us move on.

**Mr Nesbitt:** Thank you very much, Mr Speaker. I very much appreciate you taking that.

**Mr Speaker:** Order.

**Ms Ruane:** I welcome the fact that Mike Nesbitt has clarified that.

Sinn Féin will continue to support the agreement. We will not allow anti-peace process —

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

**Ms Ruane:** — people to destroy what we have all worked so hard for. The attacks on the Short Strand have to stop. Sinn Féin is committed to ongoing change — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** — for the people who vote for us and for the people — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** — who vote for you, because you are failing in your leadership.

**Mr McDevitt:** The House, as I said before Christmas, is again letting down our people. We exist, it is worth remembering, only because of the Good Friday Agreement. We owe our authority and mandate to sit here and rule to the people who voted yes to that agreement. Although I respect the right of people to come to the House as opponents of the agreement, they need to think carefully about the moral authority to sit in office and try to have it each way.

There is no denying the fact that who we are and where we are going will be defined by nothing other than the will of our people. The

architecture or the road map — whatever you want to call it — is laid out in the agreement. What does the agreement say? It says that we shall go forward as equals, we shall respect one another, we shall cherish our diversity, and we shall uphold the right of everyone to be who they want to be.

Mr Nesbitt said that the Union flag is everyone's flag in this region. That is not true. Consenting, as we do, as nationalists, to this region remaining part of the United Kingdom so long as its people wish it to is not becoming British. In fact, the agreement says that we do not need to be British to consent, because we have the right to be who we want to be. I respect and really cherish that principle. I just wish that everyone enjoying the benefits of office in the House —

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

**Mr McDevitt:** In a second, Mr Campbell.

I wish that everyone enjoying the benefits of office in the House would do the same. Before I let Mr Campbell in, I pose a simple question. Mr McGuinness and Mr Robinson enjoy the great privilege of being the joint leaders of our region. When will we see them together? When will they step out and show collective leadership, condemn the violence, call for an end to the protests and set a positive example? When?

**Mr Campbell:** I respect the Member's right and that of anyone else in the House or outside of it to be Irish. There is nothing about the Union flag that demands that anyone who lives under it must be British. If the Member says he is Irish, I accept that. Does he accept that that is what we are talking about when we talk about terms of inclusivity?

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

**Mr McDevitt:** I thank Mr Campbell for that contribution. I do not believe that any of us who enjoy an Irish identity see the Union flag in that way in constitutional terms. We see it used on our streets and in our council chambers. We see it used politically in this part of the United Kingdom, which, as Mr Campbell would like to remind us, we remain in, and in this part of Ireland, which is a geographical fact. We see it used in every way except the way that he suggests. In fact, the First Minister came to the House only yesterday to tell us and to condemn the fact that it was being used in a way in which it is not intended. When something is hijacked

and used against what it is meant to defend, people should understand that it can become a dangerous symbol as well as a very positive thing.

Let us seek out compromise and go forward understanding that there is no victory that is ever going to be a solution. Let us show some solidarity with the people of inner east Belfast, who are living under the jackboot of paramilitaries turned criminals turned God knows what. Let us have some sympathy with what I am sure is the vast majority of people in places like Pitt park and the lower Newtownards Road, who are sick to the teeth of what is being done, allegedly, in their name. Rather than condemnation, let us have some solidarity with the nationalist community in the Short Strand, who are also sick to the teeth of what is being done against them. If there are individuals in that community who are stupid enough to retaliate, let us call them out for what they are. However, we should not condemn and play politics with working-class communities.

People have enjoyed office in this place for the guts of a decade. The question I would ask those people is what they have been doing during that decade. If we need —

**Lord Morrow:** Will the Member give way?

**Mr McDevitt:** I will give way in a second. What have they been doing, if we need 42 nights of violence for them to come to the House and tell us that there is a problem? What did they go into government for? Was it to enjoy the privilege of office or to genuinely change the lives of everyone?

**Lord Morrow:** I thank the Member for giving way. He has waxed eloquently about giving leadership. Yes, leadership is so important, particularly in the times that we live in. He must surely be aware that the leader of my party has called continuously for the protests to end. I want to challenge Mr McDevitt directly. He sat in the Chamber and tried to defend the indefensible. If he thinks that there is nothing offensive about naming play parks after convicted terrorists, I fail to understand where he is coming from. He needs to give some leadership.

**Mr McDevitt:** The SDLP knows when it makes a mistake, and it will fess up to that mistake. The question is whether other parties in the House that have made grave, serious, unjustifiable mistakes have the courage to own up to those mistakes today.

The agreement sent us here. The agreement will keep us here.

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

**Mr McDevitt:** We either start living it or we lose the opportunity that it gave us in the first place. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Newton:** I speak from an east Belfast perspective, where most of the difficulties have been concentrated. Immediately after Christmas, east Belfast faced a major problem with the attack on a police officer by a dissident bomb, which could have wiped out the police officer and his entire family. East Belfast is bleeding at the moment and bleeding quite severely. Traders are suffering. Residents are suffering. Cars are being hijacked, and attempts have been made to hijack buses. Many of our young people are ending up with a criminal record. We all recognise the right to a peaceful protest. That is ingrained in our society and is part of our democratic rights, but we need to move from that position and what has evolved into difficult riot situations. We need to see an end to the riots and the violence. However, we know what the spark was that created the problems that we now face. Much has been made by those on the other side of the Chamber about leadership. We need to talk about leadership, because it has not been shown by Sinn Féin, the SDLP or the Alliance Party.

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

**Mr Newton:** No. I have only five minutes to wind up on the amendment.

As elected representatives, we are all called on to make collective decisions for the benefit of all. In that capacity — for the benefit of all — they were found wanting. You allowed party politics to eclipse the interests of the people. Mitchel McLaughlin indicated that he accepted the status quo of Northern Ireland being part of the UK. It is just a pity that his colleagues in Belfast City Council could not have accepted the status quo of the flag flying for 103 years without giving offence to anyone. It is just a pity that, when there was an established system in Belfast City Council where harmony and co-operation existed across the council chamber, Sinn Féin could not allow the status quo to continue. Rather, they purged the council of those who were seen to be too comfortable. They radicalised the council by putting in place

those from an IRA background, one of whom is a former leader of the IRA in the Maze.

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

**Mr Newton:** No. I have only five minutes.

When our elected representatives make decisions, they must assess the potential outcome and effect of those decisions. In this, they failed. You cannot blame unionists for the bad decisions of the Alliance Party. It was the Alliance Party that was the key to the whole thing. Everyone knows that the Alliance Party could have ensured that the recommendation of the council committee to remove the flag failed, but, instead, for party political reasons —

**Mr Lyttle:** We did.

**Mr Speaker:** Order.

**Mr Newton:** — for party political reasons, they enforced the removal of the flag, and they got support for Sinn Féin in this, as Sinn Féin stated that it was doing this as part of a process. The Alliance Party has integrated itself in that process with Sinn Féin. They have been part of the process with Sinn Féin — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Newton:** Now, a blind man on a galloping horse could see that removing the national flag from the main building — *[Interruption.]*

**Dr McDonnell:** It has not been removed.

**Lord Morrow:** It is clear that it has been removed.

**Mr Speaker:** Order. Members should not debate across the Chamber. The Member has the Floor and should be heard.

**Mr Newton:** Removing the flag from the main municipal building in Northern Ireland after 103 years was going to cause a reaction. For the benefit of Mr Lyttle, Mr McLaughlin and Alasdair McDonnell, let us nail the lie once and for all: the equality impact assessment —

**Mr Speaker:** The Member's time is almost over.

**Mr Newton:** — did not recommend the removal of the Union flag. It was only the honeyed words — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Newton:** It did not recommend the removal of the Union flag. It was the process that the three parties entered into that removed the Union flag.

**12.00 noon**

**Mr Copeland:** I rise to wind and, I hope, not wind up, the debate. I rise against the backdrop of what has happened over the past period of time. I rise painfully aware that the words that are spoken in this Chamber are not always what is heard outside this Chamber. In winding up a debate, generally you refer to the positions put forward previously, but, on this occasion, I feel that the Hansard report exists, the television coverage exists and Members have put forward the position of their parties. There is little point in me ploughing a field that has been well and truly ploughed.

My view is that the motion tabled by my party gave the House, parties and other Members in it a flag to rally around, a flag that restated basic principles that all of us, personally and corporately, accept. At one stage, I felt that we were not going to get a reasoned debate but simply a repetition of entrenched positions and

*"the dreary steeples of Fermanagh and Tyrone"*

re-emerging to the good of no one. We represent people who have suffered a shared history, endure a shared present and, if we are not careful, will be condemned to a dismal shared future.

I am possibly going on to dangerous ground here, and I ask you, Sir, to bear with me. I listened to the contribution from Mr Maskey last night, and, if I was being honest, I would say that I understood it, because I have felt it myself. I have felt it as stones rained into Pitt park. I have felt it when bricks and petrol bombs bounced off the roofs in Duke Street and Thistle Court. I have felt it in Cluan Place. Once again, we see an attempt not to look at the solution but to look to who is to blame.

I fully understand that two people from diverse political backgrounds could look at a particular situation and form two viewpoints. I am aware of comments made by community representatives on the Newtownards Road last night about who started it. I was disturbed to a degree by some of the coverage of last Saturday's events, which basically wrote the script that was enacted last night, and last night

wrote the script that will be enacted tonight. The events of last Saturday were not honestly, in my opinion, as described by Mr Maskey. There is CNN television coverage; I spoke to people who were there. It was, at its heart, a mistake that saw protesters put along a road that they had never indicated any preference or desire to go along, and they were attacked. That sense of being attacked was compounded, in my view, by the Chief Constable issuing an apology to the residents of the Short Strand who suffered damage to their homes. He was quite entitled to do that. I would apologise to anyone who suffers damage to their home. The issue was that he did not admit the role that, in my view, the policing of that operation had in the events that unfurled.

I am talking purely in terms of unionism, because I am aware that there has been a good deal of criticism from nationalism, which I can accept, that unionism is looking into itself. These problems, in my view, can, in some respects, only be solved by the unionist community looking at itself. I believe and say again that a fundamental difficulty at the core and the heart of this perception that the world is against them, the tide is against them and history is against them has its roots in the Belfast Agreement, the St Andrews amendments and, indeed, the Hillsborough agreement. That whole process, no matter how cleverly couched, was one of necessary political manoeuvring. I was not a member of the Ulster Unionist Party at that time. I can stand up and say that I voted against the Belfast Agreement. I did so not because I differed from its aspirations but because I did not think that it could be delivered. I never imagined that it would get this far, where people in this Chamber, including me, who would happily have murdered each other could set aside those differences of the past in the hope of delivering a better future for all our people.

Unionists, whether nationalism and republicanism accepts it or not, viewed all that period of negotiation as a settlement and an end to 3,500 deaths, which was a fairly heavy bill to pay for any settlement, and to 40 years of the destruction of the infrastructure. They viewed it as a settlement. Republicans and nationalists — I have to confess that they were pretty open about it — viewed it as a process along a series of stepping stones towards an objective that could not be obtained by murder, mayhem, destruction and firearms but by persuasion. With respect, it is my view that the nature of the continued progress along that series of stepping stones is creating the ground for discontent, the protest that flows from it and



the violence that flows from all those ingredients.

I do not set myself up as intelligent or politically gifted. I always try to tell the truth as I understand it to be. I have no answers, but I, at least, have the questions from which we may be able to derive the answers.

I congratulate you, Mr Speaker, on your handling of the debate. I sincerely wish that, at some stage at some interface in Belfast, someone will appear who is capable of maintaining order in the way in which you did. I cannot overstate the impact on community relations and, particularly, on the relationship between sections of the unionist community and the police. Nationalists and republicans may well have some empathy with this, because we are in danger of placing the police in a position of being seen as imposing the authority and the will of a system of government as opposed to upholding the law. That is very, very dangerous ground to get into.

The debate itself, given the viewpoints from which Members spoke, was understandable and reasonable. Again, however, I cannot overstate the urgency of each of us thinking about how what we do looks to the other. History is in danger of repeating itself.

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

**Mr Copeland:** I have finished.

**Mr Mitchel McLaughlin:** On a point of order, Mr Speaker. I should acknowledge that I found the debate very interesting. Clearly, Members were conscious that there is an escalating and deteriorating situation on the streets, and I appreciate that no one here attempted to make that situation any worse.

I wish to raise an issue that arises from the circumstances of the rules of the House in relation to petitions of concern. Under the current arrangements, we would be unable to make a decision on this very important debate until next Monday. I am concerned about the escalating situation and the upcoming weekend. I wonder, given that the Business Committee is meeting under your auspices at 12.30 pm, whether it would be possible for the Whips to agree to suspend Standing Orders and return to this matter this afternoon so that we can decide on the motion and the amendment before us, so that there is a clear statement from the Assembly.

There were many references to leadership. Given what is happening on our streets, I think that there would be criticism if the Assembly could not make a decision on this matter this afternoon.

**Mr Speaker:** Order. The Member raises a very important point of order. The Business Committee will meet at 12.30 pm. Let me put it to the Business Committee and come back to the House. The Member will understand that we need to get agreement from all the Whips on the Business Committee to do what he is suggesting.

**Mr Allister:** Further to that point of order, Mr Speaker. Could the Business Committee also look at the fact that, on this day when business is extremely light, it was totally inappropriate, I would suggest, to have restricted this debate to a mere 90 minutes? The consequence of that was that only Members from Executive parties were afforded the opportunity to speak. Therefore, this House, which claims to recognise disconnection between it and the community, in fact, returned to a situation of allowing only those who support the Executive to speak in a debate such as this.

**Mr Speaker:** The Member will know that it is the Business Committee that sets the time limit for debates in this Chamber. The Business Committee revisited that on 27 September after a request from Members who are single Members of parties in this House. However, it came to the conclusion that the timings should not be changed. I am very happy to raise it again with the Business Committee, which, as I said, sets the timings for debates. This matter has been raised with the Business Committee on several occasions, and it has decided not to make any changes to the lengths of debates in the Chamber.

**Mr Humphrey:** On a point of order, Mr Speaker. We, on these Benches, have heard what Mr McLaughlin said in relation to the Business Committee. If Sinn Féin and the SDLP are really genuine and sincere about this issue, why on earth did they put in a petition of concern?

**Mr Speaker:** That is another debate that can be had some other day.

**Mr B McCrea:** Further to Mr Allister's point of order, Mr Speaker. It is somewhat disappointing that there are four gentlemen here who would have liked to contribute. I take the Speaker's instruction that it is for the Business Committee. However, given that all

the parties on the Business Committee are those whose Members have spoken, are there any other channels that we might advance down to see if it is possible to get the fullest representation of Members speaking in the Chamber?

**Mr Speaker:** The issue is about trying to reflect the balance of the House in the Chamber. That can sometimes be very difficult. The single Members of parties, who sit to my left at the back, do quite well when it comes to debates in the Chamber. The Clerks keep the figures, and those Members do quite well. If they were somewhere else, they would be very lucky if they got in every six months or at all. Single-Member parties need to be careful, because they do quite well. I am always very protective of the smaller parties in the Chamber.

As I said, this matter has already been raised in the Business Committee on a number of occasions. The Whips who are on the Business Committee will know that. The Business Committee has said unanimously that there should be no change. So, on the point of order that you raised, I say yes, there may be other channels that Members could follow to raise the issue, but the Business Committee has made its decision.

**Mr Givan:** On a point of order, Mr Speaker. It is useful for these issues to be raised. Yesterday, this party brought a matter of the day. Beyond the individual who brought it, this party, which has 38 Members, had one Member who spoke to it. The Alliance Party had two Members who spoke, and three of the Members in the corner beside the Alliance Party spoke. In looking at all of this, take into account what happened yesterday in the matter of the day.

**Mr Speaker:** That is the point that I was making earlier. On occasions, single-Member parties and independents do reasonably well. I really think that we should move on.

**12.15 pm**

**Dr Farry:** On a point of order, Mr Speaker. During Mr Copeland's winding-up speech, he said — I will try to paraphrase as accurately as possible — that if we were all honest, there were circumstances over the past 40 years in which we all, including himself, would have wanted to murder each other. It is important to clarify that he does not speak for me or my colleagues when he makes such comments, and I imagine that he does not speak for his own party, the Ulster Unionists, or many others in the House. Comments have quite rightly

been made about concerns over Mr Maskey's remarks on UTV yesterday evening. I suggest that Mr Copeland's comments are equally alarming, and he should be given an opportunity to clarify the record.

**Mr Speaker:** Order. We are getting into a situation in which the debate is over, and Members want to make further speeches. We need to be careful. I will allow Mr Copeland to clarify the situation.

**Mr Copeland:** Thank you. If Members did not hear what I said, I will repeat what I said to the best of my ability. I said to Mr Maskey, many years ago before the agreements were signed, that it was interesting that he was sitting beside me and that I was sitting beside him. I will tell you exactly what I said to him: "For 40 years, you, I presume, because of the political party and the ethos that you come from, would have considered me, my family and those like us suitable candidates for murder." I said to his face that neither he nor his family would have received any sympathy from me had misfortune visited him in the middle of the night and left him dead. I felt that the fact that that had changed was progress. That was progress, and it is truthful. Anyone who thinks that, in the past 40 years, those sentiments did not exist is a fool.

**Mr Speaker:** Order. Hopefully, the Member has clarified the situation. Let us move on. *[Interruption.]* Order. Members should leave the Chamber in an orderly fashion. Let us have some dignity in and respect for the House.

## Housing: Private Rented Sector Licensing Scheme

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

**Mr Campbell:** I beg to move

*That this Assembly calls on the Minister for Social Development to consider the introduction of a licensing scheme for landlords operating in the private rented sector.*

I trust that this debate will not be as difficult to manage as the previous one. However, it is an important debate.

My party tabled the motion to allow the Minister to give serious consideration to something that we believe is required because of the changing nature of the — *[Interruption.]*

**Mr Speaker:** Order. Will Members please take their conversations outside? The Member has the Floor.

**Mr Campbell:** Thank you, Mr Speaker. It is required because of the changing nature of the housing stock in Northern Ireland.

Obviously, in recent years, because of the economic downturn and the banking difficulties, families and individuals have found it extremely difficult to obtain mortgages. That combination has led to an increase in rented properties. Not only the social housing sector but private sector landlords have also been thrown into the mix.

In researching for the debate, I discovered an interesting fact that I was not aware of: there are almost 150,000 residential properties in Northern Ireland available for rent. For those properties, there are between 50,000 and 60,000 landlords. That is obviously a significant quantity of properties and a significant number of individual landlords, some of whom act as a mini corporate group. However, many are individual landlords with maybe one or two properties.

The other issue is that many landlords find themselves as almost accidental landlords, because whether through an inheritance or a family issue, a property that they do not live in has come into their ownership. They then

decide to rent it out, and, hey presto, they become a private sector landlord. Given that and its scale and size, we need to ensure that all those landlords are on a register, and I know that the Minister has done some considerable work on the registration process. However, as that develops through the year, we would like him to give consideration to a licensing scheme beyond that.

In doing a little research on the scheme in a wider context, I found that, in England, for example, lobby groups for landlord associations have given very clear indications that, in the context of the welfare reform that is going through this place as well as the rest of the UK, they would be dissatisfied to take some tenants. That will obviously create a difficulty for potential tenants who are seeking out properties. They may find suitable properties but find that the new legislation means that the landlord may be very reluctant to agree a tenancy because of how they may want rent to be paid or because of other issues that affect both them and the tenant. That would create a difficulty if it were the case in Northern Ireland.

Houses in multiple occupation (HMOs) are another issue that is quite prevalent in parts of Northern Ireland. That is particularly the case in urban areas, although it is not as prevalent in rural areas. We need to be clear about what statutory provision is to be required there. This is an open-ended proposal, because we have no hard and fast guidelines. I am sure that the Minister will elaborate a little in his response.

However, the balancing act is the essential prerequisite in what is required. We have to safeguard and protect tenants from potentially unscrupulous landlords. I am not suggesting that there are tens of thousands of them, because there are not, but there are some. At the same time, we have to try to make any registration scheme, which will hopefully evolve into licensing, not too bureaucratic so that landlords do not say, "There is no point in this, and I am going to opt out" and, therefore, create a further difficulty for someone else.

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

**Mr Campbell:** Yes, I will.

**Mr F McCann:** The Member may have been Chair of the Social Development Committee when the debate about registration of landlords started. However, during all the debates here on the matter, most people talked about light-touch regulations or light-touch legislation. In fact, in England and Scotland, they say that

there has to be robust legislation to ensure that the majority of landlords abide by the rules and regulations.

You mentioned houses in multiple occupation, and there is a £50,000 fine sitting there for people who do not register. Although the talk is about maybe 10,000 HMOs, it could be double that, and they could be completely ignoring it. So, you need a good, firm, regulated system to ensure that they register.

**Mr Campbell:** The Member makes a very relevant point. There has to be legislation robust enough to protect tenants, but we have to safeguard to prevent any overly bureaucratic system that leaves tenants in the position of not being bothered with it because it is too time-consuming or whatever. That would offload a whole series of properties to other landlords, and that might only compound the problems that the Member mentioned.

This will be a case of trying to ensure that the balance is got right. Yes, I agree that the legislation must be robust enough to achieve that. We are asking the Minister whether he will consider this important issue. It is an escalating problem that shows no sign of diminishing in the near future because of the downturn in the economy and because the banking system is not really freeing up moneys for mortgages at the moment. In any case, employees do not have the available cash to go down the purchasing route, although we are starting to see the beginnings of an improvement there.

I know that the SDLP had a view about any licensing system. We are content to hear the Minister's view and for him to give the scheme serious consideration. In the House's process of consultation through the Department, with the Committee and with tenants and landlords, we can hopefully arrive at a much better conclusion than that which exists at present.

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

*The debate stood suspended.*

*The sitting was suspended at 12.26 pm.*

*On resuming (Mr Deputy Speaker [Mr Dallat] in the Chair) —*

**2.00 pm**

## Oral Answers to Questions

### Health, Social Services and Public Safety

**Mr Deputy Speaker:** I am pleased that the Minister has arrived.

#### Adoption

1. **Mr Agnew** asked the Minister of Health, Social Services and Public Safety whether he intends to challenge the High Court ruling that unmarried couples and people in civil partnerships should be allowed to adopt. (AQO 3135/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** Yes. The notice of appeal was served on the Northern Ireland Human Rights Commission and was lodged in court on behalf of the Department on 11 December 2012. At this stage, the date for the appeal hearing is unknown. I have instructed departmental lawyers to request an expedited hearing.

**Mr Agnew:** Given that we have over 2,500 looked-after children in Northern Ireland currently and that the outcomes for children in care are poor in many cases with regard to educational achievement, risk of offending and risk of suicide, will the Minister tell me what evidence he has that a child growing up with gay parents in a loving family home would somehow be worse off, considering especially that gay individuals can adopt?

**Mr Poots:** Of course, we are always looking at the best interests of the children, and that is why we want to bring new adoption legislation to the Assembly. We are currently engaged in that course of work. It is with the Office of the First Minister and deputy First Minister, and I hope that, in due course, it will be brought before the Executive quite soon. So, in all of this, we want to move things forward.

In the course of that piece of work, a public consultation was held that elicited the views of just short of 1,050 people and organisations. Of that number, over 1,000 of those persons and organisations were opposed to changing the law away from the existing stance. I see

the Member shaking his head. He may want to listen to the views of 3% or 4% of the community and ignore the views of 95% or 96%, but he would do well to pay attention to what the community is actually saying.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. The Minister mentioned that he hopes to introduce the adoption Bill sooner rather than later. Will he outline whether he has had any indication or legal advice that the current legal process — whether or not he will appeal — could or would hold up the timetable for the adoption Bill?

**Mr Poots:** I do not think that it should. We can proceed with the adoption Bill. After all, we need to be very clear about this. When it comes to these issues, the House will make the laws, and the courts will interpret them; not the other way around. It is for the House to make the decisions. We are the elected body of the people. We make laws, and we should not give up that position of making the laws. That is something that the people have given to us and not to other organisations. We should make the law, and the courts should interpret it.

**Ms Lo:** Does the Minister agree with me that there are so many children still waiting to be adopted that it is a good idea to widen the pool and have more people able to adopt children?

**Mr Poots:** No, I do not agree with her at all. We already have a very wide pool, and the number of children waiting to be adopted in Northern Ireland is not considerable compared with other areas. First and foremost, we always have to act in the best interests of the child. I will always act in the interests of the child. It is not a human right to adopt; people need to get that very clear. We must always ensure that the human rights of the child are ensured. We will look at all the issues relating to foster care, care in homes and all those things. We need to reform the system, move it forward and advance it. People can get up on a particular hobby horse, but they do not provide solutions. I am looking for solutions.

**Ms Brown:** I thank the Minister for his answers thus far. How will the new legislative proposals tackle delays in the adoption process?

**Mr Poots:** Currently, our adoptive process is slower than is the case in England, for example. We believe that we can shave eight months off the adoptive process if we carry out the legislative process that we are looking at. Clearly, there is work to be done. The process needs to be adapted, amended and changed,

and that is the course of work that we are looking at. We will not be distracted by other issues in moving this forward in the best interests of the children.

**Mr Deputy Speaker:** Members, please note that question 8 has been withdrawn and requires a written answer.

## Community Pharmacies

2. **Mr Molloy** asked the Minister of Health, Social Services and Public Safety why his Department withdrew its appeal on the outcome of the judicial review of community pharmacies. (AQO 3136/11-15)

6. **Mr Dunne** asked the Minister of Health, Social Services and Public Safety what progress has been made on securing a new contract for community pharmacists. (AQO 3140/11-15)

**Mr Poots:** With your permission, Mr Deputy Speaker, I will answer questions 2 and 6 together.

I decided to appeal the judicial review decision on community pharmacies as I was advised that the judgement could have a wider effect across government, particularly with regard to the regulatory impact assessment point. I am now advised that, to date, there has been no collateral difficulty across government and that it is more appropriate that the issue be resolved through the administrative rather than the legal process. I also advised the Assembly on 13 March 2012 that my Department and the HSC Board would continue to engage with representatives of Community Pharmacy on the way forward. Intensive negotiations led by my permanent secretary continued during the year, culminating in an accommodation that allowed my Department to withdraw its appeal and CPNI to withdraw its cross appeal. The lodging of an appeal did not impede negotiations. It created a breathing space that allowed negotiations to continue to break the cycle of litigation and allow a final accommodation to be reached.

Negotiations are continuing with Community Pharmacy representatives on a new contract. Good progress has been made in some areas, but work is still required in other areas to support the evolving role of community pharmacists in the new world of reformed health and social care services as outlined in 'Transforming Your Care'.

**Mr Molloy:** I thank the Minister for his reply so far. What costs are involved in that type of process, where an appeal is lodged and then withdrawn? In this case, has he any idea of what the costs will be and who will cover them?

**Mr Poots:** As I understand it, we will cover our own costs and CPNI will cover the costs of its cross appeal. What is significant is the amount of money that the Department will save. This litigation has been going on for a considerable time, but we believe that, in 2012-13, £12 million to £20 million will be saved for the public purse, and that money will be available to spend in other parts of the HSC.

**Mr Gardiner:** Given the trust and the wide access that community pharmacies have in their local community and the significant role that they could play in preventative health and early intervention, does the Minister accept that they should be given a vital partnership in improving the health of the community?

**Mr Poots:** I absolutely agree with the Member. Pharmacy has a key role, and I strongly support community pharmacies delivering further for the HSC system and ensuring that they can play that key role. There are so many pharmacies on our streets. They are one of the most accessible areas of healthcare that we currently have.

**Mr Deputy Speaker:** This was a grouped question. Apologies to Gordon Dunne, who should have been called second.

**Mr Dunne:** Thank you, Mr Deputy Speaker. I thank the Minister for his answers. Does he recognise the financial pressures that pharmacists are under at present? In many cases, they are using their own funding to pay bills.

**Mr Poots:** I do. I know that there has been a degree of uncertainty, and I hope that the agreement that has been reached will help bring that uncertainty to a conclusion.

We have all faced difficult times recently. Every area of government has endured cuts. Many people in the private sector have endured cuts, and many people have had their hours reduced. People have to live with those consequences. Pharmacists are not immune to that, and they, too, will be able to have good business opportunities and continue with those business opportunities.

I recall Mr McCarthy, for example, standing here last year, bleating that pharmacists would

close all over the country. In fact, there is one more pharmacist in Northern Ireland than there was last year. That is not a demonstration that pharmacies are closing all over the country.

**Mr Durkan:** Does the Minister acknowledge that, due to the financial pressures, as outlined by Mr Dunne, many community pharmacies are in an extremely precarious situation? What specific steps is the Minister going to take to reassure those pharmacies that they have a sustainable future serving communities?

**Mr Poots:** I recognise that pharmacies are in a less profitable position. That is why we are working on the margin survey and why the courses of work that were set out by the previous court ruling are being carried out. There seems to be some reluctance on the part of CPNI about some of those things being done. The margin survey is absolutely essential in demonstrating what the profitability of pharmacies is and ensuring that we have pharmacies that are profitable. I cannot support businesses in making bad business decisions, nor can anybody else or any other Minister in the House. If people bought properties three or four years ago or at the height of the boom, it is not our responsibility in the Health Department to sustain those businesses, but we will ensure that pharmacies remain profitable and can continue to serve people on the streets across Northern Ireland.

## Paediatric Congenital Cardiac Surgery

3. **Mr Flanagan** asked the Minister of Health, Social Services and Public Safety for an update on children's paediatric surgery at the Royal Belfast Hospital for Sick Children. (AQO 3137/11-15)

12. **Mr McDevitt** asked the Minister of Health, Social Services and Public Safety for his assessment of a two-site integrated all-island network in relation to paediatric congenital cardiac surgery. (AQO 3146/11-15)

**Mr Poots:** Mr Speaker, I assume that Mr Flanagan is asking about paediatric cardiac surgery at the Royal Belfast Hospital for Sick Children, and, with your permission, I will answer questions 3 and 12 together.

You are aware that I asked the Health and Social Care Board, in association with the Public Health Agency, to establish a working group to consider future requirements for delivering a paediatric congenital cardiac surgery and interventional cardiology service for Northern Ireland. The working group has

publicly consulted on a draft document for the commissioning specification, criteria and options for the future delivery of that service. The consultation included generic options for the future commissioning of the service from centres in the United Kingdom and the Republic of Ireland.

The public consultation closed on 21 December 2012. Following analysis of the responses to the consultation document by the Health and Social Care Board, the working group is developing a draft framework to determine a preferred option for the future commissioning of the PCCS service. I expect to receive the draft framework from the Health and Social Care Board by the end of February for my approval. A preferred option for the future provision of the service will then be identified, and I will announce my decision on that.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I remember the Minister speaking this morning about the decision to remove the flag from Belfast City Council and about how it was a disgrace that that council had ignored the public consultation. I have been contacted by very many passionate campaigners on this issue, and I pay tribute to them. Can the Minister give us an assurance that he and his Department will take on board the views of those who responded to the public consultation and he will not just ignore it?

**Mr Poots:** Unlike previous Education Ministers, perhaps, and so forth, I did not ignore the views of the public when it came to providing the satellite radiotherapy centre at Altnagelvin or when it came to the MRI scanner, and I am listening very carefully to the views of the public on this issue.

**Mr McDevitt:** I am sure the House is united in understanding how sensitive an issue this is, particularly for the families concerned, and that it should be above whatever other politics we have in the House. Does the Minister remain open-minded to the preferred model, as I understand it, certainly from the patient point of view, which is a two-site integrated network on the island of Ireland? Has the Minister had the opportunity to have further conversations with Minister Reilly about that matter?

**Mr Poots:** We had extensive discussion on that model with Minister Reilly in December. There is work that has to be done on that model, and my civil servants and Minister Reilly's civil servants have been tasked with doing that. That course of work is being done. These are the issues that the House needs to be talking

about. The nonsense that is happening on the streets out there needs to be dealt with, and we need to deal with these issues, because that is what matters to the public in Northern Ireland.

**Mrs Overend:** The consultation document did not give equal weighting to having a readily accessible paediatric surgery unit, as it did to other aspects contributing to a safe and sustainable service. Does the Minister accept that, if a child with an emergency heart condition is to receive life-saving treatment, they must be able to quickly and safely reach a surgical unit? Why was significant and equal weighting not given to accessibility?

**Mr Poots:** Accessibility is something that we will give due consideration to, but getting to the right unit is what is important for people. Generally, in healthcare, the fact that there is an expanse of water between us and the units in GB is a significant issue in that it is not always possible to fly. Therefore, we need to look at availing ourselves of opportunities to work on an all-island basis and to see what is possible on that front.

2.15 pm

## Smoking

4. **Dr McDonnell** asked the Minister of Health, Social Services and Public Safety whether it remains departmental policy to promote better health through the cessation of smoking. (AQO 3138/11-15)

**Mr Poots:** I can confirm that supporting smokers to quit remains a strategic priority for my Department. One of the objectives of the 10-year tobacco control strategy, which I launched in February 2012, is to have more smokers quitting. Through the Public Health Agency, my Department continues to invest considerable funding in the development of specialist smoking cessation services, which, in 2011-12, helped almost 40,000 smokers to set a quit date. There are now over 600 smoking cessation services available throughout Northern Ireland.

**Dr McDonnell:** I thank the Minister for his answer and for his commitment on the issue. When does he intend to introduce generic packaging of cigarettes so that there is no glamorisation of smoking going forward?

**Mr Poots:** That is something that I am giving due consideration to, but I am not wholly convinced on the issue at this point. I know that

the public consultation is taking place right across the UK, but I remain to be convinced. We have introduced in the large supermarkets — it will be coming into the smaller shops in 2015 — the new means of keeping cigarettes, in that they are not on display and the fancy displays are removed from public view. Therefore, people will not be able to go into a shop or supermarket and see cigarettes displayed. My main concern at this moment in time is the possibility for people to sell illicit cigarettes on the black market. That is where our main focus and our main problem actually exists. I encourage the Member, in his other capacity in another House, to ensure that Revenue and Customs is given the teeth, the tools and the finance to go after people who are dealing in the black market and very often supplying money to paramilitaries from there.

**Mr Cree:** Will the Minister advise what action he is taking to reduce smoking in disadvantaged areas? As he knows, disadvantaged communities suffer a wide range of adverse health effects.

**Mr Poots:** We recognise that disadvantaged areas very often lose out on a whole range of public health models. Therefore, additional attention will be paid to those in disadvantaged areas, particularly to younger people and younger mothers. It is a sad fact that, even today, 8% to 9% of our 11- to 16-year-olds have taken up smoking. Those young people are three times more likely to die as a result than people who take up smoking later in life, and they are less likely to quit smoking. Therefore, we must get the messages to our young people through our community organisations, our sporting organisations and our schools to ensure that people do not take up smoking in the first instance.

**Mr G Robinson:** Can the Minister detail the investment his Department is making in smoking cessation?

**Mr Poots:** Through the Department, the PHA invests funding each year to the tune of around £2.7 million on stop smoking services. A further £5 million was invested in the provision of nicotine replacement therapy products, with £1.9 million spent on NRT through our community pharmacies, which do such a good job on smoking cessation services, and £3.1 million was spent through prescriptions issued in GP surgeries and hospitals. It is an issue that we take very seriously.

## Carrickfergus and Whitehead Fire Stations

5. **Mr Hilditch** asked the Minister of Health, Social Services and Public Safety for an update on staffing levels at Carrickfergus and Whitehead fire stations. (AQO 3139/11-15)

**Mr Poots:** Carrickfergus station is a variable crewed station. Its approved staffing level is 12 whole-time firefighters and 20 retained firefighters. At present, its actual strength is 10 whole-time firefighters and 15 retained firefighters. Whitehead is a retained fire station and has an approved staffing level of 12 retained firefighters. At present, its actual strength is seven retained firefighters.

**Mr Hilditch:** I thank the Minister for his answer. What actions are being taken to address the important issue of the number of firefighters at the stations?

**Mr Poots:** I am well aware that there has been a problem, for which I apologise. The Northern Ireland Fire and Rescue Service recently completed the initial training of a second batch of whole-time recruits. Hopefully, that will help address things. In the area to which you refer, from 9.00 am to 5.00 pm, Whitehead, for example, has three retained personnel and two day-duty personnel, sourced from across the northern area command and redeployed to Whitehead for the day. Unfortunately, from October to December 2012, Whitehead station received 30 calls and failed to respond on six occasions, when those standby arrangements had been provided, because either the calls had been received outside core hour vulnerability periods or a need had not been identified because staff were understood to have been available. Backup arrangements are in place in Carrickfergus and Whitehead to bolster the current rate of response. The NIFRS has not introduced interim standby measures in Carrickfergus, where, of the five failures to respond between 1 October and 31 December, four were related to sending out a second appliance. So I can assure you that, on each of the 11 occasions on which there was an initial failure to respond, the Fire and Rescue Service ensured the mobilisation of the necessary predetermined attendance, either through a backup arrangement or the mobilisation of an appliance from a neighbouring station area in line with current policy.

**Mr Beggs:** The inability of a retained fire service crew to come out because of lack of numbers puts locals at risk. Will the Minister



advise us of what is happening to ensure that, when vacancies are created, they are filled in a more timely way, not just in Whitehead but in other parts of Northern Ireland, so that that risk will be eliminated in the future?

**Mr Poots:** We have been doing a course of work. Obviously, the northern command has been looking at the situation in Carrick and Whitehead to ensure that we can fully deal with situations as and when they arise. I understand that nobody's life was put in jeopardy as a result of the issues. Nonetheless, we could have provided a better service, and we want to ensure that that happens in the future.

**Ms Maeve McLaughlin:** Go raibh maith agat. Will the Minister give assurances that he has no concerns around staffing levels in any fire station?

**Mr Poots:** It is for the Northern Ireland Fire and Rescue Service to identify needs and make the case for those needs. Recently, whole-time recruitment took place, and I am pleased that that has happened. We will look at the retained firefighters group to identify and prioritise current vacancies. It is anticipated that vacant retained firefighter posts will be filled by July 2013.

## Banbridge Health and Care Centre

7. **Mr Wells** asked the Minister of Health, Social Services and Public Safety for an update on the proposed health and social care centre in Banbridge. (AQO 3141/11-15)

**Mr Poots:** The current estimate for completion of the Banbridge project is December 2014. Enabling works have been completed on the site, and work is now under way to appoint contractors for the main construction work. The main contractors should be in place by September/October 2013, with the construction period to be determined in those negotiations. The business case for Banbridge HCC was approved in mid-2011, and capital funding for the full project of up to £15 million was approved in January 2012.

**Mr Wells:** I thank the Minister for his answer. As he is aware, the Compton review, 'Transforming Your Care', indicates that Northern Ireland should have a network of similar provision. Indeed, a new centre opened recently in Portadown. Will he tell Members how he expects that ambitious programme to be funded?

**Mr Poots:** Clearly, we do not have all the capital funding to deliver on those projects. Although Banbridge and Ballymena, for example, will be done through the traditional route, we are looking at alternative means. We are giving consideration to third-party development, which would involve a centre being built by a third party and our leasing the facility back from that third party. We would hope to exact savings by having a much better primary care centre, thus ensuring that fewer people have to make hospital attendances. Lisburn and Newry are two of the locations that are being looked at on a trial basis for third-party development. I should say that, although things are progressing quite well in Lisburn, GPs in Newry seem to think that they can hold us to ransom to some extent. That will not be the case. If Newry does not want it, Newry will not get it. Plenty of other towns and cities across Northern Ireland want it. That is my message to people: we want to provide the best facilities in the country, and no group will actually stop us providing them. We will move elsewhere to another area, but we will not be held to ransom.

## Fire and Rescue Service

9. **Mr Byrne** asked the Minister of Health, Social Services and Public Safety whether the grievance procedures identified in the recent audit report on the Northern Ireland Fire and Rescue Service have now been introduced. (AQO 3143/11-15)

14. **Ms McGahan** asked the Minister of Health, Social Services and Public Safety for an update on the findings of the recent investigations into the Fire and Rescue Service. (AQO 3148/11-15)

**Mr Poots:** Northern Ireland Fire and Rescue Service has confirmed that the grievance matters identified in the audit report are being actively progressed. Northern Ireland Fire and Rescue Service has accepted all recommendations from the investigation reports published in October 2012. A process has been agreed for monitoring their implementation by both the NIFRS board and the Department. I trust that that covers questions 9 and 14, Mr Deputy Speaker..

**Mr Deputy Speaker:** Questions 9 and 14 were grouped.

**Mr Byrne:** I thank the Minister for his answer. Can he give any indication of a timescale for the implementation of recommendations, if and when that happens?

**Mr Poots:** That course of work is being carried out. Clearly, we are aware of a series of grievances that have taken place in the Northern Ireland Fire and Rescue Service. Fresh grievances have been submitted recently. We really need to get to the point where we leave a lot of the past in the past and move to a better future in the Northern Ireland Fire and Rescue Service. Unfortunately, that does not seem to be the case, as some people will not allow it to be. They keep raising problems and issues. We have brought in a new acting chief executive, and he is doing good work. I trust that he will receive the necessary support to drive through the changes that the NIFRS needs to turn it into a much better organisation than it has been in the previous number of years.

**Ms McGahan:** Go raibh maith agat. Is the Minister aware of the number of internal and external investigations that have taken place in the organisation since January 2010? Can he provide a list of the inquiries or investigations? It is important that we get this right.

**Mr Poots:** The Department first became aware that a number of grievances had been lodged with the NIFRS in summer 2010. In May 2012, some 10 grievances were lodged between the three individuals in NIFRS corporate headquarters. The Health Committee was originally advised that those grievances would be resolved by December 2012, as had been Jim Wallace's original intention.

**Mr McCarthy:** I thank the Minister for his response so far. Will he agree with me that, despite the shenanigans at Fire Service headquarters, overall, the men and women at the front line have done a tremendous job on behalf of the people of Northern Ireland and continue to do so?

**Mr Poots:** I agree wholeheartedly with Mr McCarthy on that issue.

**Some Members:** Hear, hear.

## Northern Health and Social Care Trust

10. **Mr McGlone** asked the Minister of Health, Social Services and Public Safety to outline the arrangements that have been put in place following the removal of the chairman of the Northern Health and Social Care Trust. (AQO 3144/11-15)

**Mr Poots:** Following the termination of the appointment of the previous chair, the non-

executive directors of the Northern Health and Social Care Trust have elected Mr Robert McCann to act as interim chair until a substantive appointment is made. The Department will soon commence the public appointments process for the appointment of a substantive chair. It is expected that advertising for the post will take place in early February and that I will be in a position to appoint the new chair in the spring.

**Mr McGlone:** First of all, I thank the Minister for his response. Can I ask the Minister —

**Mr Deputy Speaker:** Sorry, time is up. I apologise. You almost beat me to it. We must move on.

## Justice

### Criminal Justice: Delays

1. **Mr McCallister** asked the Minister of Justice to outline how the various criminal justice agencies are working to address avoidable delay within the system. (AQO 3149/11-15)

**Mr Ford (The Minister of Justice):** My Department is working with the agencies in the criminal justice system to speed up justice. We have agreed an ambitious programme of procedural and legislative reform to deliver real and lasting change.

That includes new initiatives such as streamlined files; gatekeepers to ensure file quality; case-ready charging; the introduction of local performance improvement partnerships; and better use of live links for forensic evidence.

### 2.30 pm

We are also piloting youth engagement clinics, an innovative approach that seeks to divert young offenders from court and future offending. Furthermore, we are continuing to develop proposals for the introduction of statutory time limits for youth cases, and I intend to consult on draft regulations later this year.

In addition, in the proposed faster, fairer justice Bill, my Department plans to bring forward a comprehensive package of legislative reforms, including measures to encourage earlier guilty pleas; reform of the committal process; reform of the summons process; and the introduction of prosecutorial fines. We are consulting on the most effective model for the introduction of

statutory case management, and it is my intention that provisions on that also be included in the Bill.

This is a challenge of considerable complexity, but there is a determination right across the system to deliver a faster, fairer justice system for everyone in Northern Ireland.

**Mr McCallister:** I am grateful to the Minister for his reply. Will he accept and implement the statutory time limits recommended by the youth justice review team? The proposed start times differ, so when does the Minister feel that the clock should start? Does he agree with the review team or with his Department's guidance?

**Mr Ford:** I am grateful to Mr McCallister for his question. I am sure that the Member, however cheeky he may wish to be, does not expect me to do anything other than agree with my officials when I stand up in the Chamber.

There is a difficult and fundamental issue to address in ensuring that all court cases proceed much more speedily than has been the case in Northern Ireland. Work is progressing well to address the issues with the youth court; in particular, we have looked at drawing on lessons from Hull in Yorkshire for some of the measures. The key issue will be to get that tightened up as fast as possible. Since the time limits are statutory, the precise detail of how they are applied will, of course, be for the House to consider at an appropriate time.

**Mr A Maginness:** I thank the Minister for his answer. He has committed himself to speeding up trials and avoiding delay. He will be aware that there is an increasing workload on the County Court bench, on not just the criminal side but the civil side. Does the Minister seriously believe that, without a suitable increase in the number of judges on the County Court bench, he will be able to avoid delay?

**Mr Ford:** I am grateful to Mr Maginness for highlighting the County Court issue. There is clearly an issue around the precise judicial complement that is appropriate. Members will recall that, for the Justice Act 2011, we discussed general, related issues as to how we ensure that we move things forward.

We have also moved forward on the issue of the financial jurisdiction of the County Court. I regret that the County Court Rules Committee took longer than I had hoped to agree on how those rules will apply, with the result that we have not had the opportunity to move cases in a way that assists the County Court. The issue

of the judicial complement remains under active consideration.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answers. When does he intend to bring forward the faster, fairer justice Bill? When would he like to see the changes that are necessary to bring us to a place where justice is faster and fairer?

**Mr Ford:** I thank the Deputy Chair of the Committee for that point. I certainly hope that we will see the Bill introduced this springtime. There will clearly be extensive work to be done on what looks like being as big a Bill as the Justice Bill that he and his colleagues first considered.

However, there is a lot to be done to ensure that justice is faster and fairer. I trust that the Committee will continue to give a favourable hearing to the views put to it by the Department.

**Mr Deputy Speaker:** Before calling the next Member, I point out that question 4 has been withdrawn and requires a written answer.

## DOJ: Pat Finucane Review

2. **Mr Sheehan** asked the Minister of Justice whether the de Silva report into the murder of Pat Finucane has any implications for his Department. (AQO 3150/11-15)

**Mr Ford:** As Minister of Justice, I have no direct responsibility for the outworking of the de Silva report. However, I fully recognise that the report raises serious concerns into the policing practices of the past. I am determined to ensure that the public can have full confidence in the criminal justice system in Northern Ireland today. Therefore, following the publication of the report, I sought and received a briefing from senior police officers on the safeguards and procedures for agent handling, and the assurance that accountability mechanisms are in place to ward against similar issues arising again. I understand that the police are also due to brief the Policing Board on the report shortly. The Police Ombudsman is reviewing the detail of the report. If there are investigative opportunities to be gleaned, I am assured that he will undertake a full independent and impartial investigation.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for his answer.

I wonder whether he agrees with me that the British Government are in breach of the Weston Park agreement by refusing to hold a public inquiry.

**Mr Ford:** Mr Sheehan may attempt to tempt me in that area. As I said in my substantive response, I, as Minister, have no direct responsibility for those issues. It is not for me, as Minister, to comment on his political view of the Prime Minister or, indeed, on the Prime Minister's political view of the Member's party.

**Mr Campbell:** I accept the Minister's lack of responsibility for those direct issues. However, although a small number of cases have had investigations into them, there has been no investigation into thousands of other murders in Northern Ireland. Does he understand and accept the implications for not just his Department but policing on the ground when that position pertains today?

**Mr Ford:** I fear that Mr Campbell is trying to be equally subtle in the opposite direction. I accept that policing in the atmosphere of today is clouded by issues that have happened in the past. The fact that this society, including the Assembly and the Executive, has failed to deal in a comprehensive way with the issues of the past leaves us in significant limbo in that respect. However, as far as I am concerned, my responsibility is to ensure that the system works properly today, that the police maintain the high standards that they have and that high accountability mechanisms remain in place to ensure that the community can have total confidence in what is being done in our name today.

**Mr McDevitt:** I declare an interest: I am a member of the Policing Board. It is undoubtedly the case that public confidence in policing and criminal justice today is shaken when reports such as the de Silva report are published, proving, as they do, systemic failure and corruption in a considerable branch of the policing and security infrastructure. In light of all that, does the Minister accept that the substance of the de Silva report requires further enquiry to support and uphold public confidence? Will he, if not as Minister, as leader of the Alliance Party, support the calls for a public inquiry into Pat Finucane's killing?

**Mr Ford:** I am sorry: I have now been faced with three requests, each of which have amounted to the same thing in different directions. The leader of the Alliance Party and Alliance Party members may or may not comment on different aspects of the past, but

the Minister of Justice, who is accountable to the Assembly, has no role in discussing the issues of what government policy is or is not in respect of the past, for which the Northern Ireland Office, and not the Department of Justice (DOJ) post-2010, bears responsibility.

**Mr Hussey:** I thank the Minister for his responses so far. Does he accept that, as well as the Finucane family seeking further enquiry and investigation, many other families, including the Omagh bomb victims' families, are seeking further answers? How does he propose to deal with them?

**Mr Ford:** I am tempted to say, as the Prime Minister would say somewhere else, that I refer the Member to the answers that I gave a few minutes previously. I cannot answer the questions that are being raised in the House about atrocities of the past, criminal activity of the past and the role of agencies of the state that have no bearing on the work of DOJ today. I certainly have sympathy with those who are victims of those crimes, whether they be the people of Omagh or the Finucane family. However, I cannot pretend that the Minister of Justice, who reports to the House, has any responsibility for, or say in, what happens.

### Police Ombudsman: Loughinisland Investigation

3. **Mr Ó hOisín** asked the Minister of Justice how the recent decision by Court Service to order a new Police Ombudsman's report into collusion and the Loughinisland murders will impact on his Department. (AQO 3151/11-15)

**Mr Ford:** Following the decision of the High Court in Belfast on 20 December last to set aside the previous Police Ombudsman's public report on aspects of the terrorist attack on Loughinisland in 1994, the current ombudsman, Dr Maguire, has advised that he intends to carry out further investigative work, with a view to publishing a new public statement. Until the investigation is completed, my Department is not in a position to assess the implications.

**Mr Ó hOisín:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Does the Minister agree that the flawed report by the previous ombudsman has undermined public confidence in the office?

**Mr Ford:** I have to agree with Mr Ó hOisín. Clearly, there was an undermining of public confidence in the operation of the

ombudsman's office in a number of respects in the recent past. What I am determined to do is to see that, under the guidance of the new ombudsman, Dr Maguire, with the new staff group that he is putting in place and the inspection of the ombudsman's work by Criminal Justice Inspection Northern Ireland (CJINI), there is full confidence in the work that is done. I am glad to say, from the contacts that I have had with different people in the community, that I believe that confidence is being restored in the office. I look forward to seeing the ongoing work being done by Dr Maguire and the further inspection reports by CJINI to validate that work. That will ensure that full confidence can be provided.

**Mrs McKeivitt:** Does the Minister recognise the interest and concern in the constituency that I represent, South Down, about the issue of Loughinisland ?

**Mr Ford:** I certainly agree with Mrs McKeivitt. There is significant concern about a number of aspects of the historical work of the ombudsman's office, not least among the people of the Loughinisland area on that particular inquiry.

What we are now seeing is good work being done. Good preparatory work has been done, which is coming close to the point where it will be able to progress to a full and proper investigation into a number of historical issues. When three of those are ready for publication, there will be an inspection of the process and a validation by Criminal Justice Inspection. I believe that that will be the opportunity for the people of Loughinisland and South Down to see the benefits of the new arrangements.

**Mr Humphrey:** In response to the previous question, the Minister clearly indicated what he and his Department are not able to do and where power resides with the national Government at Westminster. In relation to reports or public inquiries, does Her Majesty's Government, through the relevant Departments at Westminster, ask him and his Department for a view, and does he give one?

**Mr Ford:** Mr Humphrey needs to define slightly more closely exactly what he means by "public inquiries". If he is talking about the sort of issues that were highlighted in the previous question where the previous Westminster Government announced inquiries into a number of specific atrocities, the answer is that those did not come to my Department. It may be that there are other aspects that he would consider as being covered by his description of inquiries

where we are consulted because policies have to be formulated across the UK. If he wishes to write to me to give me the details, I will happily respond.

**Mr Deputy Speaker:** As I pointed out, question 4 was withdrawn. Mr Daithí McKay is not in his place, and Mr Mike Nesbitt has just arrived.

## PSNI: Number of Officers

6. **Mr Nesbitt** asked the Minister of Justice for his assessment of the adequacy of the number of police officers in the Police Service of Northern Ireland. (AQO 3154/11-15)

**Mr Ford:** Any assessment of the adequacy of the number of police officers in the PSNI is an operational matter for the Chief Constable. I have, however, been in frequent contact with the Chief Constable over the past weeks, including yesterday, and have received his assurance that, at present, he has adequate resources to deal with the situation. I can also inform the House that the Chief Constable has commissioned an internal assessment of PSNI resilience and capability to meet the demands of the coming years.

2013 will be a challenging year for the PSNI, with the G8 summit, the World Police and Fire Games and the City of Culture. Taking into consideration that these events will take place during the parading season, it will undoubtedly place significant pressure on the police's financial and physical resources. I am fully committed to doing whatever I can to ensure that the Chief Constable has the required resources.

**Mr Nesbitt:** I thank the Minister. I note that he says the PSNI has told him that it has adequate resources at present. Will he tell us what contingency is in place with regard to resources and give us his assessment of the impact of current policing demands on the PSNI budget?

2.45 pm

**Mr Ford:** I am advised by the Chief Constable that if the current situation on the streets persists, alongside the issues that have to be faced because of a severe threat from terrorism, there may well be pressures on the police budget in the current financial year. That is being worked on by the police, and I have no doubt that departmental officials will have to play a part. It may well be that there will be a role for us relating to the Department of Finance and Personnel. The wider issues of non-

financial resources are for the Chief Constable to address. There are clearly issues such as mutual aid from other police services in connection with events such as the G8.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. We have learned that it has cost £7 million to date for the ongoing street protests. I listened with interest to the Member who asked the question, and he is one of the people who initially encouraged people onto the streets. Does the Minister agree that that cost will have a negative impact on policing resources?

**Mr Ford:** I certainly agree with Mr Lynch that significant costs are being incurred by the police at the moment. The £7 million that has appeared in the media was, I believe, extrapolated from the detailed figures that were published and that police had for costs for a fortnight in December. Those costs were in the region of £3.8 million. Clearly, some people have worked from that, but I understand that we will not see the full detailed figures for the cost into January for another two or three days. There is no doubt that severe pressures are being placed on the Police Service in dealing on one hand with the threat, for example, to the life of a police officer and his family not far from here shortly before Christmas; and, on the other hand, continuing serious street disturbances. I believe that each of us has an obligation to do all that we can to get people off the streets to reduce that pressure on the police.

**Mr Nesbitt:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker:** We do not take points of order until the end of Question Time. I will take it then.

**Mr Dickson:** Minister, do you agree that one of the unnecessary costs on policing, if we could resolve matters further in this place, is that of policing our divided community, and that there is a responsibility on Members to do all that they can in their actions to assist in providing a community that is less divided, therefore reducing the cost of policing?

**Mr Ford:** It is certainly the case that there are significant costs for the Police Service because we are a divided society. As I just said, I believe there are significant obligations on each of us to do what we can to avoid that and to reduce tensions. It is difficult to estimate exactly what those costs are, but there is no doubt that, by comparison with what would be the case for a similar police service in any part of Great Britain or, indeed, areas for the Garda

Síochána with a similar population, the costs of policing in Northern Ireland are significantly higher. That cost falls to us at the expense of other public services.

## Police Officers: Security

7. **Mr Gardiner** asked the Minister of Justice to outline what action he has taken to improve the security of off-duty police officers following the recent attempted murder of an officer in Belfast. (AQO 3155/11-15)

**Mr Ford:** The threat from dissident republicans remains severe and it is clear that police officers are being targeted. There are a small number of people determined to take Northern Ireland back to the past. They pose a significant threat, and we have seen their recklessness and willingness to endanger life, whether it is that of serving police officers, prison officers, their families or the wider community. Following recent attacks, the Police Service has taken a range of steps to enhance the personal security of police officers and staff on and off duty. The security of police officers and, indeed, of prison officers is taken very seriously. There are a number of measures open to police and prison officers to assist them in respect of their personal security. It would not, however, be appropriate to discuss specific arrangements.

**Mr Gardiner:** Will the Minister offer any reassurance of assistance to former police officers and others who have been the subject of threats in the recent past but are not receiving any support at present?

**Mr Ford:** I thank Mr Gardiner for the question, but it is not for me to assess the appropriate level of protection to be provided to former police officers. They are entitled, as is any citizen under threat, to seek the assistance of a number of measures, such as the home protection scheme that is operated by the Northern Ireland Office. If Mr Gardiner has particular concerns about any individual, he should make referral there.

**Mr Durkan:** Does the Minister accept that there is now a threat to PSNI officers not just from dissident republicans but from loyalist paramilitaries?

**Mr Ford:** Mr Durkan is absolutely correct. There is a significant threat to police officers, which has, sadly, been witnessed on the streets of — predominantly, but not exclusively — east Belfast for six weeks. There was also the very

direct attack on the life of a female police officer sitting in a police car outside the constituency office of my colleagues Naomi Long, Judith Cochrane and Chris Lyttle. That is an indication of the threat that officers are facing from dissident republicans and loyalist paramilitaries, and that is a threat that should be stopped by all sections of the community.

## Prison Service: Overtime

8. **Ms Boyle** asked the Minister of Justice to outline the measures in place to ensure that there will be a reduction in overtime within the Prison Service. (AQO 3156/11-15)

**Mr Ford:** Members will be aware of the overall change programme resulting from the prison oversight team's final report in August 2011 and the strategic efficiency and effectiveness programme launched by the Prison Service. The change programme is bringing about fundamental changes to the Prison Service, how it is managed and operated and the delivery of services focused on engagement with prisoners and contributing to a reduction in the rate of re-offending. As part of a range of measures, in May 2012, the Prison Service reached agreement with the Prison Officers' Association on a new staff deployment agreement. That provided agreement on new grades of staff, staffing levels and ratios, the transfer of existing support grades to the new custody officer role and the new target operating model.

The target operating model was introduced in October 2012 and led to an overall reduction of approximately 200 staff against the previous staff in post. From May 2011, the Prison Service introduced central detail offices at all three establishments, which now manage the deployment of staff within each establishment more efficiently and effectively. Other work is going forward looking at reducing levels of sickness within the service.

I believe that the range of measures to date has been effective, and as the voluntary early retirement scheme and recruitment of new grades are finalised during 2013, the overtime bill will fall accordingly. Finally, it should be noted that, although overtime costs are still incurred by the Prison Service, the overall pay bill for 2012-13 will reduce by a minimum of £7.4 million — savings that will rise in the coming year as the voluntary early retirement scheme proceeds.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his

response. Does he agree that unless the reform package moves forward quickly and efficiently, the ability to curtail overtime will be severely undermined?

**Mr Ford:** I certainly agree with Ms Boyle on that point. That is why I have been able to highlight the fact that although there is a significant amount of overtime, the overall pay bill has decreased significantly this year. That process will continue as the reform programme goes through, because we are all aware of the cost of operating the Prison Service compared with other prison services in these islands and of the necessity to ensure that we get the best possible efficiency in the operation of our prisons to bring down their costs at the same time as we do the vital work of improving the operating of prisons to better reform prisoners.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a chuid freagraí. Thanks to the Minister for his responses. Some of the responses that he has given have answered what I was going to ask — that is, what progress has been made by the Prison Service in reducing the excess overtime? The Minister mentioned a reduction in the overall cost of wages and the like for the Prison Service. He may well not have them with him at present, but is there any chance that I could have access to those figures, please?

**Mr Ford:** I think that the Member must have been looking over my shoulder and seen that I do not have the detailed figures sitting in front of me, but I can assure Mr McGlone that I will happily write to him and give him the detailed figures that we have at the present time.

**Mr McCarthy:** The Minister referred to savings last year of around £7.4 million. I am sure that all Members in the House will applaud the Minister and his staff for their work on achieving that fantastic amount of savings. Can we expect further reductions in the pay bill as the Minister's reform progresses?

**Mr Ford:** I thank the Member for his reinforcement of that point. Unfortunately, even though I flicked further through the folder, I cannot find the detailed figures. Even though we are looking at an overtime bill so far this year in the region of £2.9 million, as I said, we are anticipating a total reduction in the pay bill of £7.4 million this year as well as further reductions. I assure Mr McCarthy that he will get the same letter containing the details as is now going to Mr McGlone.

## Rural Crime

9. **Mrs Dobson** asked the Minister of Justice to outline the work he is doing with the Minister of Agriculture and Rural Development to combat rural crime. (AQO 3157/11-15)

**Mr Ford:** Reducing opportunities to commit crime and make our rural communities safer is a key strand of the community safety strategy. My Department has been working with the Department of Agriculture and Rural Development (DARD) and other statutory and non-statutory partners at a number of levels. We have established a regional steering group for community safety, which is responsible for overseeing the implementation of the community safety strategy, including the development and implementation by a range of delivery groups of action plans to take forward each strand of the strategy.

DARD officials are represented on this regional steering group, which, at its December meeting, signed off all the action plans. Those action plans, which include details of actions to reduce rural crime, have been forwarded to the Committee for Justice for its consideration.

The benefits of what partnership working can deliver on the ground was evidenced on 5 December when the Minister of Agriculture and Rural Development, Michelle O'Neill, and I jointly launched the new Crimestoppers campaign aimed at tackling rural crime and the fear of crime. The campaign encourages rural communities to be vigilant, provides advice on crime prevention measures and encourages the reporting of criminal activity. This campaign was the result of partnership working not only between my Department and the Department of Agriculture and Rural Development but with partners from the Ulster Farmers' Union, NFU Mutual, the Police Service, Crimestoppers, the Northern Ireland Environment Agency and Northern Ireland Water.

The campaign will complement initiatives that I have previously outlined and which are being delivered at a local level by policing and community safety partnerships (PCSPs) to prevent and reduce rural crime.

My Department is also represented on the interdepartmental group on the rural White Paper action plan and provides updates on progress on delivery of our commitments to ensure that the needs of rural communities are reflected in the community safety strategy and in policing and community safety partnerships' action plans.

**Mrs Dobson:** I thank the Minister for his detailed response. Does the PSNI have a timescale for reporting back to the victims of rural crime and, if so, will the Minister outline that timescale and how it is monitored?

**Mr Ford:** The Police Service aims to ensure that it reports back within an appropriate timescale to all victims of crime. I am not able to give Mrs Dobson the precise details that she has asked for today. I fear that another letter will have to be written.

**Mr I McCrea:** The Minister mentioned some of the work that has been carried out on rural crime. He will be aware that Northern Ireland differs from area to area and that not every piece of work will be relevant to each area. Will he assure the House and, indeed, people who live in rural communities that everything is being done to combat rural crime? Will he join me in encouraging people to ensure that their equipment and their farms are as secure as possible?

**Mr Ford:** I endorse Mr McCrea's comments. A lot of very positive action is being taken by the police and PCSPs in different parts of Northern Ireland, especially on things such as marking farm tractors, trailers and other machinery, and on a variety of issues around the Farmwatch theme. A significant amount of work is being done.

One of the key benefits from PCSPs is their ability to target what is appropriate for their local community and meet the needs that are put to them. If individuals have specific suggestions about improving crime prevention in their areas, PCSPs are proving that they are up to the task of carrying that forward.

## Inspire Women's Project

10. **Mrs McKeivitt** asked the Minister of Justice for an update on the Inspire project for female offenders. (AQO 3158/11-15)

**Mr Ford:** The Inspire project aims to reduce offending among women through community-based interventions that address the complex needs and issues that contribute to their offending behaviour. The project has achieved widespread recognition for its work — for example, at the Justice in the Community Awards in 2011 and a Butler Trust commendation in 2012. The House of Commons Justice Committee visited the Inspire project in December 2012 to inform its inquiry into women offenders.



I fully endorse the prisons review recommendation that the Inspire project model should be the norm for dealing with women offenders, and my Department mainstreamed the funding for the Inspire project in the greater Belfast area from April 2012.

The Department is now working with the Probation Board, the Prison Service and our voluntary and community partners to roll out the Inspire model across Northern Ireland. Work is already under way to establish an Inspire-based approach in the north-west and the mid-Ulster areas. The Probation Board is also continuing to refine the Inspire project in Belfast

3.00 pm

## Assembly Business

**Mr Nesbitt:** On a point of order, Mr Deputy Speaker. Perhaps you would review Hansard and look at an untruthful statement that Mr Lynch made during Question Time. He alleged that I was one of those who encouraged people out on to the streets to protest over the Union flag. That is untruthful, inaccurate and potentially inflammatory. It is also deeply ironic, as I was the first to speak in the House today and call for all debates to be both respectful and honest.

**Mr Deputy Speaker:** I simply endorse what the Speaker said this morning. I encourage all Members to refrain from making comments about events outside the House at the present time. I am sure that I can rely on Members to do that.

**Mr McCartney:** Further to that point of order, Mr Deputy Speaker, perhaps when you are reviewing Hansard the Member might reflect on the role that 40,000 leaflets played in encouraging people to protest in Belfast.

**Mr Deputy Speaker:** That is not a point of order, but I am sure that the Member is satisfied that he has got it on record.

## Private Members' Business

### Housing: Private Rented Sector Licensing Scheme

*Debate resumed on motion:*

*That this Assembly calls on the Minister for Social Development to consider the introduction of a licensing scheme for landlords operating in the private rented sector.*

**Mr Deputy Speaker:** Order. Mr Durkan is not in his place, so I call Mrs Judith Cochrane.

**Mrs Cochrane:** I am surprised to be called so quickly.

I welcome the opportunity to speak in support of the motion. Our private rented sector has a very important role to play in addressing housing need in Northern Ireland. There are increasing waiting lists in the social housing sector. With fewer and fewer people being able to get on to the property ladder, renting is fast becoming the only option for many in Northern Ireland.

As a result of the property boom and the recession that followed, a new kind of landlord has emerged in the past number of years. Those who bought property as an investment now find themselves in a situation where they have become landlords to get income from the investment. In a way, they have become sort of amateur landlords. Due to inheritance, others have become landlords by default. Although we accept that the vast majority of our landlords run a professional operation, too many tenants in the private sector have had to tolerate poor housing conditions and poor practices by their landlords and letting agents. Therefore, it is imperative that we ensure that those who rent their home from a private landlord are afforded some protection and support.

Just a few months ago, we approved the draft Landlord Registration Scheme Regulations, which give effect to the landlord registration scheme, including the functions and responsibilities of the scheme registrar and the information that a landlord must provide to the registrar to register and continue to be registered. At that time, the Committee for Social Development as a whole raised concerns that the scheme was maybe a light touch and did not go far enough in some areas. A licensing scheme could perhaps provide some further protection to that afforded currently and, therefore, should be welcomed.

A number of issues were mentioned earlier. If the Minister is to take such a scheme forward, I urge him to include licensing standards, such as the requirement that landlords attempt to manage tenants' antisocial behaviour and that they have an adequate tenancy agreement in place. Problems with tenancy agreements have arisen on a number of occasions in my constituency of East Belfast. It raises the question of whether we also need better legislation for letting agents, and I am currently looking at that with Assembly officials.

Many landlords use letting agents to organise the leasing of their property. As part of the fee that the letting agency charges, landlords are provided with a tenancy agreement. Naturally, you would expect that tenancy agreement to be up to date with current legislation, including, for instance, detailing who is responsible for paying the rates as per the rates order. Unfortunately, however, the letting of property falls outside the Estate Agents Act 1979, and I have seen instances where the tenancy agreement that well-known estate agents provided is actually not worth the paper that it is written on.

In summing up, it is important to note that good landlords would have nothing to fear from a licensing scheme, as they are likely already to be complying with good practice. I support the motion and agree that we should look into establishing a licensing scheme for private landlords here. That, along with the tenancy deposit scheme and the landlord registration scheme, would reinforce the sector as a valid choice and ensure that tenants and landlords are aware of their rights and responsibilities.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle, agus a chairde. I welcome the opportunity to speak to the motion and commend the Members who brought it to the Chamber.

The issue of regulating the private rented sector has been debated many times in the Chamber. In fact, in mandates past, I tabled two motions asking for legislation on registration of the sector and more robust regulations to bring order to a sector that was unregulated. One of those motions received the support of the House, but the second was defeated when all parties rejected it.

The sector has tens of millions of pounds of taxpayers' money going into its coffers by way of housing benefit. There are also many in the private rented sector who provide good properties of a high standard and have spent a lifetime providing much-needed accommodation across the social strata. However, it was also

recognised that a substantial rump of the sector does not meet the standards expected in housing provision.

We also need to remind ourselves that the sector has doubled in size over the past number of years and now provides more houses to the socially rented sector than the Housing Executive and the housing associations put together. The outworking of the document 'Building Sound Foundations', which was brought to the House by a previous Social Development Minister, was the response to pressure for action to be taken to regulate the sector. The vast majority of people who responded to the consultation said that they wanted action taken to deal with the private rented sector.

We in Sinn Féin argued that any legislation should be robust and able to stand the passage of time in dealing with the unregulated sector. When it was debated in Committee, we spoke of the need to protect tenants from unscrupulous landlords who have abused their position as providers of social housing. My colleagues on the Social Development Committee at that time proposed, as part of the proposed legislation, that the private rented sector should meet the standards that are expected of the Housing Executive and housing associations, such as meeting the decent homes standard. We also proposed that the lifetime homes standard should be part of that proposal, to ensure that people with disabilities who look to the private rented sector to deal with their housing needs could have their needs met. The Committee voted against the proposals, saying that they would put undue cost pressures on the private rented sector.

As legislators, we should aspire to ensure that the highest standards of housing fitness are the order of the day. I ask the Members who tabled the motion whether they have approached their Minister to find out whether he is open to proposals to strengthen legislation that controls the private rented sector. Have they received any commitment from him to move to include licensing as another element of regulating the sector? Can they also lay out for us what the motion will do to protect those who are trapped in the private rented sector? Do they believe that there should be a package of proposals brought together to deal with the sector, which, from listening to the Minister in the past, will be relied on more for the provision of housing in the social rented sector?

I know that licensing is being used in other jurisdictions and could no doubt add to the mandatory registration and protection of

tenants' deposits that is now on the cards. It will also ensure that those in the sector who do not have a licence cannot operate as a landlord. Licensing also deals with property standards and sets out a fit-and-proper-person test for those who wish to be part of the sector. In fact, in September last year, the Chair of the Social Development Committee said, when speaking on landlord registration in a debate in the House, that the Bill did not go far enough. He said that, had we added a fit-and-proper-person test and had other issues such as dealing with antisocial behaviour been included in the previous Bill, that would have strengthened people's hands in dealing with the sector. He also said that the issue was not just about dealing with landlords but about educating the sector and ensuring that there is a better understanding between landlords and those who rent from them of what their rights are. This is not about frightening good landlords but dealing with unscrupulous landlords.

In a speech to the Fabian Society last week, the Labour leader, Ed Miliband, called for a register of landlords and for more powers to be given to councils to strike off rogue landlords. He said that most landlords and rental agencies are above board but spoke of there being too many rogue landlords and agencies providing unfit accommodation or ripping off their tenants. He also spoke of new powers for councils to deal with that problem.

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

**Mr F McCann:** We need to look at additional powers to deal with the private rented sector, but that can only come as a package. The issue should be taken back to the Committee so that it can work with the Minister to ensure that we have measures that stand the test of time and protect tenants who fall prey to unscrupulous landlords.

**Mr Durkan:** We welcome the intention behind the motion to ensure better regulation of the private sector, to protect tenants and to increase confidence in the sector. The SDLP is committed to regulating the role of the private sector and protecting tenants as much as we can, and we have been supportive throughout the process. In saying that, I am somewhat confused at the timing of the motion and have attempted to table an amendment to ensure that a review of the mandatory registration scheme would take place before additional requirements were placed on landlords. A few months ago, when the Social Development

Committee considered the mandatory registration scheme, the housing rights sector made the Committee aware that, in Scotland, there is a tougher regulation scheme that involves landlords having to satisfy a fit-and-proper test to ensure that tenants are protected from unscrupulous landlords who may have treated tenants badly in the past.

Following the advice of the Department at that time, it was deemed best to roll out the mandatory registration scheme in the first instance. It will become effective this year. As a Committee, we accepted the Department's recommendation for a light-touch scheme that would protect tenants and promote a positive impact on business.

**Mr Maskey:** I thank the Member for giving way. It is worth clarifying that there were members of the Committee who had a clear view that the primary legislation would not permit the type of more robust regulation that many members wanted. The Committee accepted the Department's recommendations on the basis that the primary legislation did not facilitate more robust regulation.

**Mr Durkan:** That is accepted. I thank the Member for his intervention.

It is my opinion that, now that we have passed the registration scheme without such requirements and the scheme has yet to be implemented, the registration scheme should be reviewed and, if it is unsuccessful or is not providing suitable regulation and enough protection for tenants, the Department should certainly consider or proceed with a licensing scheme for the private sector.

Mandatory registration by landlords is the first step in effective regulation of the private sector, and the register of all private landlords will now allow councils to work and communicate with landlords. That means that councils can ensure that landlords comply with the law, maintain high standards and have the ability to protect tenants by taking enforcement action if and when necessary. Compulsory licensing would mean that landlords cannot let a property unless they hold a licence to operate. Various criteria could be used for obtaining a licence, including property standards and the fit-and-proper test that is applied elsewhere.

A light-touch licensing scheme is a scheme where the criteria only cover part of that contained in a comprehensive scheme. For example, it may only refer to the landlord being a fit and proper person, and, while we accept that licensing would add additional protections

for tenants, any scheme would need very wide consultation on the form of the licensing and its requirements. We would also have to look at the pace of a licensing scheme and ensure that it would not be overly burdensome or costly to landlords or to the Department.

Given that the Minister has recently announced his intentions to reform the social housing sector and that there is an increasing view that a lot of Housing Executive assets will move to the private sector and that, due to welfare reform, tenants will experience an increased reliance on the private sector, regulation will become more and more important. We have a duty of care to those tenants and to those citizens to ensure that the accommodation that they end up in meets high standards. We support the idea that this licensing scheme should be considered, although we think that it is a bit premature, given that the landlord registration scheme is not being rolled out yet. We support the motion.

**3.15 pm**

**Ms Brown:** As a member of the Social Development Committee, I support the motion tabled by my party colleagues Paula Bradley and Gregory Campbell. I declare an interest as a tenant in the private rented sector.

As we appear to be in a seemingly never-ending recession with still-declining property values, long gone are the days when everyone had a reasonable expectation of owning their home and setting out a life on the property ladder. The absolute failure of the banks to live up to their responsibilities to families, businesses and homeowners has meant that many people now find that renting a property is their only option to put a roof over the heads of their family. While the banks continue to count their bonuses, everyone else is left to count the costs of their abject failure to provide stability and security when people need it most. Given the increased rental market and the role that it now plays in housing for private tenants, including those who are vulnerable and in need, it is up to us to ensure that the interests and rights of tenants and landlords are protected and respected. I am pleased that the Minister has demonstrated his commitment to date through the introduction of the tenancy deposit scheme and the landlord registration scheme, which is in the process of being implemented. Today's motion aims to build on that commitment, and I welcome that.

There are existing legal requirements on landlords to fulfil certain obligations, including providing their contact details if operating

through an agent, issuing a rent book and ensuring that they provide appropriate notice should they wish the tenant to vacate the property. Although many landlords fulfil these obligations, some do not. Of course, the same could be said of tenants. Some look after a property as if it were their own, and others leave the property almost unfit for other tenants, so the scheme should not just be seen as singling out landlords for further scrutiny. It should be welcomed by all as a measure of respect by all involved in the rental market. I hope that this system of licensing will protect tenants as well as ensuring that landlords know their obligations.

Although there are many professional landlords and letting agents, there is a growing number of homeowners who let out properties and may not have the experience and backup that is necessary in this new age of increased lettings. It is these landlords who, I believe, will benefit most from regulation and the training that goes with it to ensure that they meet their legal obligations. The majority of people who live in the rented sector are more likely to be on a low income, be vulnerable or be disadvantaged compared with those who own their home. It is our duty to protect these people, and, therefore, I believe that a system of licensing is the next step forward.

I have one further point for consideration, which I hope this new scheme may be able to address, namely the responsibility of landlords to ensure that tenants of their property are not having a detrimental effect on their neighbours. For example, we know of the difficulty caused in some residential areas by multiple-occupancy student properties. While advocating the right of everyone to have access to a home, we have seen for ourselves the misery caused to communities by individuals or families who seem to have no thought whatsoever for their neighbours and communities. Therefore, I hope that the scheme will further incentivise landlords and tenants to live up to their responsibilities.

In conclusion, I look forward to the outcome of the tenancy deposit scheme and the landlord registration scheme currently being implemented, and I fully support the motion.

**Mr McCausland (The Minister for Social Development):** I thank all the Members who have contributed to the debate. If my response fails to address any of their specific points, I will, of course, write to them separately. I welcome the opportunity to respond to the motion, which calls on me to consider the introduction of a licensing scheme for landlords

operating in the private rented sector. The motion is very timely. Members are well aware of the growing importance of the private rented sector in meeting housing need and the number of initiatives that I have brought forward in an effort to improve the private rented sector in Northern Ireland.

I was pleased to introduce two sets of regulations in the Assembly last September that allowed my Department to introduce landlord registration and tenancy deposit schemes. Tenancy deposit schemes will be operational from April this year, and we will have a landlord registration scheme by the summer. By way of update on the tenancy deposit schemes, I can tell you that a number of providers have come forward with proposals to operate in Northern Ireland. My officials are finalising the assessment of the proposed schemes and their administrators. I hope to make an announcement shortly on how many schemes will be approved and who will operate them; and my intention is that the scheme administrators will have a number of weeks to publicise the schemes before an official launch in April.

With regard to landlord registration, my officials are working to have a scheme ready by the summer. All landlords operating in Northern Ireland will be required to register immediately when a new tenancy is created and within 12 months if they have existing tenancies. When the landlord registration regulations were proceeding through the Assembly, I made it clear that a register of landlords was very much a first step to making improvements in the sector. The landlord registration scheme will give local councils the information they need to be proactive in ensuring that a private landlord adheres to the law already in place. In addition, the proposals set out in my Department's recent housing strategy consultation confirm that our aim is to build on the private rented sector strategy. Over the next few years, I want to focus on improving the regulatory framework in a targeted way that will make the private rented sector a more attractive housing option for a wider range of households. The consideration of licensing is therefore something that will fit well with this aim.

Let me turn now to the focus of the motion. Private rented sector licensing is how local authorities in England are seeking to improve the regulation of their private rented sector. In essence, English authorities are using powers in the Housing Act 2004 to ensure that rogue landlords are unable to operate. A licence is issued only where a landlord declares any criminal convictions, meets health and safety

standards and has adequate systems in place for their tenants to report repairs and defects. Landlords without a licence may be prosecuted and may no longer be able to operate their business. It should be noted that Scotland already has compulsory landlord registration and Wales is working on its own scheme.

Licensing helps to improve private sector housing with respect to the physical condition of the homes and the management standards. In improving the image of the sector, it should, logically, be welcomed by landlords as well as tenants. From the detail of some of the licensing schemes in England it is clear that some of the conditions that a landlord must adhere to are already a requirement here under the Private Tenancies (Northern Ireland) Order 2006; for example, where a landlord must provide a tenant with a statement of tenancy terms. It is also worth noting that the requirement for landlords to declare convictions was considered during the drafting of landlord registration regulations here; however, our legal advice indicated that we did not have the essential powers.

If we decide that licensing is the next step for the private rented sector, new legislation will be required. Members may be interested to learn that I am already considering the benefits of requiring landlords of houses in multiple occupation to have a licence before they may operate, and that too would require new legislation and the support of the Assembly.

I want to pick up on a few points raised by Members during the debate. I noted the phrase used by Judith Cochrane from east Belfast that the private rented sector should be a "viable option". That has to be our priority. We have had a lot of focus on the social sector with regard to housing associations and the Housing Executive, and it is right and proper that we put a considerable focus there. However, the fact is that the private rented sector is growing. Traditionally, the private rented sector was popular with students and young professionals, but, over the past decade, the profile of private rented sector tenants has greatly changed. We are now seeing more families and more people living on low incomes and people with a wider range of vulnerabilities move to that sector to meet their housing needs.

The 2011 house condition survey reported that there were 145,000 properties in the private rented sector. That means that the private rented sector is now bigger —

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

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

**Mr F McCann:** I welcome everything that you have said, especially about the possibility of some new regulations or legislation. We argued in the past that that all has to be part of a package to ensure that we do not have to keep coming back to this. You mentioned the Private Tenancies Order. When it came in, it increased the power of councils. However, if you talk to councils across the board, they will point out that there are big loopholes in it and it does not allow them to do their job.

The other thing that needs to be part of that is the condition of houses. We expect social housing providers to meet a certain standard, whether that is the decent homes standard or decent homes plus standard. I know that it may be just a phrase, but you need to do that by looking at the large rump of private landlords who provide inadequate housing for people in the social rented sector and get a good rent from people for that provision.

**Mr McCausland:** I will return to some of the Member's points in just a moment.

I want to focus back on the point about the scale of the sector. There are 145,000 properties in the private rented sector. According to the same survey, the preliminary findings were 116,000 properties in the social rented sector. We do not know the actual number of landlords, but it is somewhere between 60,000 and 80,000. We will have better information on that when the landlord registration is introduced later this year. It is a sizeable sector, and we want it to be a viable and attractive sector and an option for people.

Fra McCann raised the point earlier in his contribution about drawing a clear distinction between good landlords — there are good landlords — and those who are unscrupulous, which was the word that he used. Yes, there is the importance of good standards. To pick up on his intervention there, I think it is important that, as we take this forward and look at this, there is close engagement with the Committee, as the Member called for, and I see this very much as a process moving forward and building step by step to get the right outcome for the private rented sector.

I wanted to pick up on one point that Mark Durkan made, because it actually relates to another issue. He said that a lot of Housing Executive stock:

*"will move to the private sector".*

Housing associations are not the private sector. Housing association properties are social houses. One of the reasons why I picked up on that was that it may have been a slip of the tongue, careless phraseology or whatever, but it is a problem. In comments on what was said recently about the Housing Executive restructuring, the term "privatisation" has been used. We are not talking about privatisation in terms of reshaping the social housing structure and reshaping and reconfiguring. Therefore, I want to emphasise the point that we need to be careful in our terminology. The Housing Executive stock will not move to the private sector. We are talking about the introduction of housing associations.

Pam Brown made a valuable point about antisocial behaviour. I met Members on the other side of the Chamber about antisocial behaviour in some areas of their constituencies. One of my concerns has been that you can tackle it more readily in some ways in the social sector, but, if you move people out of the social sector, where do they move to? They move to the private sector, and the problem is simply decanted from one street to another and one house to another. A focus now on the private rented sector would be of great benefit all round.

I welcome today's motion, and I thank the Members for tabling it. It goes without saying that I would welcome a strong endorsement for the motion. The introduction of tenancy deposit and landlord registration will go a long way to improve the regulation of the private rented sector.

The implementation of the housing strategy and the evaluation of landlord registration will indicate what further action is required, but I have no hesitation in saying that licensing is something that will certainly be considered as we proceed and move forward. We need to have a good provision and a good framework for housing in all its sectors — not only in social housing, but in the private rented sector. It is important that those who are in that sector, who live in that sector and who benefit from that sector have adequate and appropriate protection, as should those in the social sector.

**3.30 pm**

**Ms P Bradley:** As has been said, we are a nation that is in changing times. The time of being able to purchase our own properties without any great difficulty is most certainly over. That has come about for a number of reasons: people want to be more mobile, to

allow them to follow jobs; the banking crisis; and job uncertainty, to name a few. The result has been that there are now more and more people entering the rental market. It is impractical to expect that the social housing sector can provide a rental property for everyone who wants or needs one. Therefore, a growing proportion of people have to rely on the private sector to meet their housing needs.

Those who live in private landlord housing now outnumber those in the social sector, and those involved in the private sector have needed some additional protection. The Minister has introduced a number of initiatives that are aimed at helping protect landlords and tenants in that market. For every good landlord, there is a bad tenant, and for every good tenant, there is a bad landlord. Through the introduction of the tenancy deposit scheme and landlord registration, we aim to promote the good and weed out the bad. Tenants who find themselves in the private rented market should be confident through such schemes that they have a degree of protection should issues arise. A landlord licensing scheme would continue to build upon those previous measures, particularly the landlord registration scheme. Landlord registration will be the primary step, with the licensing scheme able to address any failings that emerge from that scheme.

Through licensing, the tenants can be reassured that landlords will have to undergo criminal checks as part of the process, and landlords will be required to undergo training to alert them to their rights and responsibilities. I believe, therefore, that the introduction of the licensing scheme is a natural progression from the registration scheme.

The benefits of licensing have been seen elsewhere in the UK. Scotland, for example, has licensing in place, and various local authorities in England are in the process of implementing a licensing scheme. Wales has adopted the same approach as Northern Ireland, with the introduction of a landlord registration scheme to follow, if necessary. I believe that it is important that we strive to ensure that tenants in Northern Ireland are not in a more precarious position than their counterparts in the rest of the United Kingdom.

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

I turn my attention to the Members who took part in the debate. First, the proposer, Mr Gregory Campbell, highlighted the difficulties that families are facing, due to the economy, when trying to buy their own home, although he has been a little bit more positive by saying that

that is improving. He stated that, during his research on the subject, there were around 150,000 residential properties available for rent, with upwards of 50,000 to 60,000 landlords. He also suggested that the licensing scheme was there to safeguard and protect tenants.

Mrs Judith Cochrane spoke about the fact that fewer and fewer people can get on to the property ladder. She also spoke of amateur landlords, as well as professional, and about how licensing would assist all of those. She also stated that the Social Development Committee felt that registration was not enough. We certainly felt that to be the case. I know Mr Maskey came in on that point when Mr Durkan was up. It was something that we talked about at great length. Therefore, I feel that the licensing scheme is adding to that. Mrs Cochrane also asked that the licensing scheme include the responsibilities around antisocial behaviour, and she said that good landlords have nothing to fear from any such licensing scheme.

Mr McCann stated that this type of licensing scheme had been debated in the previous mandate and that he had called for more robust regulations at that time. He also said that private landlords should meet standards in the same way as the Housing Executive and housing associations are expected to. He said that it would ensure that those who do not have a licence cannot be part of this sector. He advised that it should be taken back to the Committee for debate and to work it through with the Minister to protect those tenants.

Mr Durkan said that the issue was debated in Committee and that we accepted the Department's recommendations. He welcomes the licensing scheme and the fact that private landlords should comply with the law and meet these high standards, but the scheme would need wide consultation regarding its requirements. He said that we have a duty of care to protect our tenants.

Ms Brown said that renting properties was an option that was available to only very few people, that the licensing scheme was not only there to protect tenants but to protect landlords, and that the motion will support new landlords. She also brought up the issue of antisocial behaviour.

I thank the Minister for his part in the debate and welcome the update on the landlord registration. He advised us again that that was the first step, that he wants to make the private rented sector a more attractive option, and that licensing will help to improve the private rented

sector and should be welcomed by landlords and tenants.

I appreciate that the vast majority of landlords strive to achieve high standards in their properties and that a number of landlords also have a very small portfolio of properties. Some even become landlords because of an inability to sell their previous home, and no one wishes to make the red tape so vast that people find it daunting or off-putting. We need a vibrant private rental sector in Northern Ireland, and we need a sector that is seen as the best that it can be. Therefore, I welcome the fact that the Minister is to consider the implementation of a licensing scheme to address any shortcomings in the previous measures already passed by this Chamber and to continue to promote high quality of excellence in the sector.

*Question put and agreed to.*

*Resolved:*

*That this Assembly calls on the Minister for Social Development to consider the introduction of a licensing scheme for landlords operating in the private rented sector.*



*Motion made:*

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

## Adjournment

### Car Parking: Newry

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes in which to speak, and the Minister will have 10 minutes in which to respond. On this occasion, all other Members who wish to speak will have eight minutes.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Tá mé buíoch as deis cainte a fháil ar an ábhar tábhachtach seo. I am grateful for the opportunity to debate this issue, which is extremely important for the city of Newry at this time. Everyone is aware of the huge pressure that retailers are under because of the economic downturn. In certain areas, including Newry, traders feel that that pressure is compounded by competition from the growing number of out-of-town retail outlets, some of which are in a position to offer large numbers of free parking spaces.

In the Assembly, there is widespread recognition that we should do what we can to ensure that our town and city centres do not become economic wastelands. There are already too many empty shops in our town and city centres, and the empty shops rate relief scheme is one way in which we have attempted to encourage new businesses to occupy those properties.

By their nature, town and city centres are at a disadvantage. For historical reasons, they are more difficult to access than out-of-town retail centres. One major aspect of access that can prove to be a barrier is car parking. Quite simply put: ease of parking encourages customers, whereas parking difficulties deter customers. Therefore, if we want to encourage trade in our town and city centres, we should do all in our power to ensure that parking arrangements are such that they encourage trade rather than the contrary.

The traders in Newry city centre are concerned that recent changes to parking arrangements will be detrimental to trade in several areas of the city.

On 7 January, the Department for Regional Development (DRD) converted from kiosk-operated car parking to pay-and-display in Abbey Way, Canal Bank 1 and Canal Bank 2

car parks. Roads Service says that it is introducing the project with the aim of delivering savings across Northern Ireland. However, Newry traders believe that the change will have a major negative impact on attracting shoppers into the city centre. Shopping precincts such as those at the Cathedral Quarter, Hill Street, the Creamery Quarter and Monaghan Street will be affected. Loss of trade in the city centre could lead to shop closures, which would mean less income for government through rates. One has to ask: at the end of the day, where will the savings really be?

Traders believe that the effect of the new system will be that people will be inclined to spend less time in the city for fear of getting a parking fine. Many people who previously would have spent time shopping and browsing in the city centre will be more conscious of time and curtail their shopping, knowing that the parking clock is ticking in the background. Traders believe that the result will be a reduction in badly needed trade. If shoppers get parking fines, the chances are that they will avoid the city centre in the future.

Traders already face stiff competition from a necklace of out-of-town retail outlets and, in the near future, will have to face competition from a major retail development that will offer free car parking close to the city centre. As well as having been badly affected by the recession, traders have come through some very challenging experiences while the first part of the new public realm scheme was under construction. They are set for further disruption, as part 2 commences in April 2013. Part 2 of the scheme will remove a considerable number of current parking spaces along the quays, which in turn will increase pressure on the remaining spaces if those places are not replaced. Some 135 parking spaces may be lost. Traders welcome the public realm projects but quite rightly question the fact that important parking spaces are being removed without replacement. Traders are angry at the level of consultation with stakeholders and the wider business community on those changes to parking arrangements.

Even at this stage, perhaps there are some measures that could be adopted to mitigate the effects of the changes. Top-up kiosks in Hill Street and Monaghan Street, for example, would help to ensure that shoppers could prolong their time in the city centre without having to return to their vehicle to renew their ticket.

I very much welcome the fact that the Minister is here today, and I know that he has first-hand experience of the situation in Newry city centre. I ask the Minister to take on board the traders' concerns and do what he can in the immediate short term to improve the situation and address those concerns. For a longer-term, more strategic approach, the Department needs to work with all stakeholders in Newry city centre, and with Newry and Mourne District Council, to take an overview of the parking situation in the city in order to design parking provision that serves customers, promotes trade and encourages visitors to the city centre.

The Newry city master plan, which was published in October 2011, addressed the parking situation. There were suggestions that the construction of purpose-built car parks at key gateways on the edge of the city centre would be helpful. Those would be multistorey car parks, integrated with mixed-use development, and would provide cost-effective and convenient car parking at the main arrival points to the city centre. It was suggested that electronic car-parking signage should be established along key approach routes into the city centre to provide motorists with live information on the number of available car-parking spaces.

### 3.45 pm

I think that we all acknowledge that where our transport system does not serve all the community in the way in which we would like it to — for example, we do not have a subway in Newry, nor are we likely to have — the dependence on the car will remain heavy in the immediate future and, indeed, into the long term. So, it is important that we ensure that parking arrangements are such that they serve the traditional city centre, encourage trade and allow pedestrians easy access to the shopping precinct.

As I say, I am grateful to the Minister for attending the debate and I look forward to hearing a positive response from him. Go raibh míle maith agat. Thank you very much.

**Mr Irwin:** Mr Bradley made some extremely important points on the issue. I know that the impact of changing the parking payment procedure from kiosk to pay-and-display and parking enforcement in Newry could be applied to many other larger towns and cities throughout Northern Ireland.

Traders and shoppers are under increasing pressure in the current competitive economic

climate, with consumers being ever more cautious in their spending. That has a direct impact on the many business that vie for trade. Over the past number of months, we have heard a great deal about the difficulties that traders face with the accessibility of towns and cities and the positives and negatives that are associated with out-of-town shopping centres. The Assembly has a significant role to play in assisting the growth of towns and cities, and parking ranks as highly important when encouraging such growth.

In recent years, Newry has experienced a boom in trade that has been fuelled by strong cross-border shopping. We all recall news stories about the unique increase in trade and the broad welcome that there was for that. However, there are, of course, winners and losers in this situation. There is no doubt that the draw of shopping centres, with the convenience of a wide variety of shops all under one roof, makes a very appealing proposition for the pound-conscious shopper. I am thinking of the Tesco store that aims to open this year on the Belfast Road and will most certainly offer free parking. We also recognise that local and often long-established stores along the high streets of our towns and cities are equally important. In the face of such huge competition for trade, we can forgive the main street retailer for feeling a little undervalued.

**Mr Wells:** Does the Member accept that many of those small traders kept Newry alive during difficult periods of the Troubles? Many of their premises were bombed, firebombed and attacked. They stood by Newry while the big multinationals noticeably kept out of the city. Of course, those companies came into Newry when the going started to get good, as it were. We owe a debt of gratitude to those small traders, and we need to stand by them at this difficult time.

**Mr Irwin:** I thank the Member for his intervention. I agree fully with his concerns.

Shoppers' concerns about overpaying for parking in Newry and the much-perceived overzealousness of parking enforcement officers throughout many of our towns and cities have, to a degree, reinforced the perceived hassle-free element of the shopping centre, where there is an indoor environment and, in some cases, free parking and huge variety.

The Minister for Regional Development will, of course, be able to shed light on his decision to change the kiosk-operated parking payment system to pay and display. He can explain to

the House the reasons for that change and the benefits that he believes will stem from it.

I understand the concerns of traders who feel that shoppers could, as a result of the changes, spend less time in the Hill Street and Monaghan Street areas due to the fact that they will have to return to their vehicles within a specified period to avoid a very costly parking enforcement notice. I support Mr Bradley in his desire to see an acceptable solution to the situation. It certainly is an issue for all the towns and cities in Northern Ireland that report similar concerns.

In the near future, my colleague Jim Wells and I will meet the Newry Chamber of Commerce and Trade. There is no doubt that this matter will be on the agenda, and I look forward to discussing it further.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I, too, welcome the Adjournment debate. The topic should perhaps have been titled, "Lack of Parking in Newry", because parking there has been problematic for a long time. I welcome the Minister's presence. Although he lives in the leafy suburb of Bessbrook, I know that he is very familiar with the problems in the Newry city area.

Mr Bradley and Mr Irwin dealt with the retail issues and the problems that retailers have. From my experience of talking to retailers, I know that doing away with the kiosk and putting in pay stations has been problematic. I have experienced that myself in the area behind the cathedral, where people park horizontally across a space instead of in it. As some form of enforcement or, at least, supervision of parking, the kiosk provided a solution. I know that this has caused problems for retailers and, in particular, people using the Hill Street area.

Parking for residents in the Newry area has also been extremely problematic. I attended a meeting last Friday that was called at the instigation of Newry and Mourne District Council. Present at that meeting were DRD staff from Roads Service traffic management branch, and so on; the PSNI; local councillors; and community representatives. I know that there has been a huge problem with parking for retail purposes, but there have also been huge parking problems for residents, particularly in Dominic Street, Patrick Street, Francis Street, Mallon Park, Kiln Street and up as far as Glen Hill.

What has essentially happened is that, for the past couple of years, large stores at the Buttercrane Centre and, indeed, the Quays

have charged people for parking within the confines of their shopping areas. That has simply succeeded in pushing people to park in residential areas. The houses in Francis Street, Patrick Street and Dominic Street were built mainly for an elderly population and for people who suffer from disabilities, yet those people cannot get parked in the designated parking bays at the back of their houses. I witnessed that again last Thursday evening. My mother lives in Dominic Street, and she has a parking bay at the back of the house that is extremely hard to get in and out of. Even when the bay is free, it is almost impossible to get in and out of it, because people park at all sorts of angles on Thomas Street. Last Thursday, I witnessed cars parked across parking bays when residents' cars were not there, and people were unable to get in and out.

People on Drumalane Road were pushed out by staff from Teleperformance, as well as by Sainsbury's, where parking spaces have been filled particularly with the influx of Southern customers. That has caused huge problems. In conjunction with the PSNI and the local community association, some solutions have been found, including that people parked illegally are now getting ticketed regularly. That seems to have gone some way to solving that problem. However, all that that has meant is that the cars previously parked illegally in Drumalane Road are now being parked illegally in Dominic Street, Francis Street, Patrick Street, Kiln Street and around that area, and that has caused huge problems.

One of the suggestions made at Friday's meeting was that DRD staff, in conjunction with retailers, particularly those in Buttercrane and the Quays, draw up some sort of questionnaire for residents. It was interesting that Buttercrane sent a representative to the meeting but the Quays did not, even though it is in one of the areas with most problems.

The problem will be compounded from 4 February, when Dominic Street will become one way, owing to the installation of water mains. Mr Bradley mentioned the public realm work. The year before last, I asked DRD to do a survey, and it found that 5,000 vehicles a day, including 40-foot trailers, buses, and so on, use that one small street, which causes huge problems. DRD really needs to look at that. There was some talk of Dominic Street becoming one way permanently, but that requires, I think, the support of the majority of residents. It is an ongoing debate. I think that the Minister is already aware of that, but I wanted to raise the subject.

There are particular problems for retailers, and those have been alluded to by Mr Bradley. Indeed, Mr Wells mentioned the fact that the small retailers in Newry kept the city going over many years, particularly during the conflict. The large stores like Sainsbury's, Debenhams and all the rest of them came in when things seemed to be on a more even keel. Newry was avoided for many years. It is only fair that local retailers should have the benefit, so that, where parking restrictions are put in place, they should not impede people's ability to park and shop in Newry city centre. That is very important. The retailers in the city centre deserve a great degree of support and loyalty from the people of Newry city because, as I said, they kept the city going through very difficult times.

Residents' parking has become a huge issue, and it is an ongoing issue. The town or city was never meant for the volume of traffic that it has. Consider this: Newry is the only place I have ever been in my life where people park on the inside lane of a dual carriageway. I still call that the new road, but it is quite an old road now. They park in one lane and block it because, presumably, they would argue that there is no other available parking. Those issues arise daily.

**Mr D Bradley:** I thank the Member for giving way. He will probably recall that his colleague, the former Minister for Regional Development, had begun to investigate the possibility of residents' parking schemes. That was a number of years ago. As yet, I am not aware that any satisfactory scheme has come into being. Perhaps the Minister could update us on the Department's current thinking on introducing residents' parking schemes, which would alleviate the situation in places such as Pool Lane, Thomas Street, Dominic Street and Patrick Street in Newry.

**Mr Brady:** I thank the Member for his intervention. Just on residents' parking, I know that there have been pilot schemes, and those were alluded to at the meeting I was at on Friday with the council. The people from the community groups expressed some reservations about their introduction. Obviously, it requires legislation, which is quite a long drawn-out process. It was said that that would be one of the issues addressed as part of DRD's questionnaire. Obviously, the residents can be given the opportunity to comment on that.

I absolutely empathise with retailers on the problems and concerns that they have, particularly in Newry city centre. However, it also has to be pointed out that residents on the

periphery, particularly of the Quays and Buttercrane, continue to have huge problems.

**Mrs McKeivitt:** I welcome the opportunity to discuss car parking in Newry. I also welcome some of the small business owners from Newry to the Chamber this afternoon to listen to the debate.

From my experience and the many representations that I have had from constituents, I have believed for some time now that the collection system for on-street car parking can be seen as flawed and unfair. As with many other things, such as gas, electricity, telephone or internet usage, we pay for what we use. If you use an extra unit or two, you simply pay for that, but that is not the case with on-street parking. Customers are expected to estimate exactly how long their car will be parked there and pay for it in advance. If you are lucky enough to arrive back exactly as forecast, that is all very good and you have used what you paid for. If you arrive back early, you have paid for a service that you have not received. If you arrive back late, even a few minutes or so, you face a massive penalty, even if you are prepared to pay for your parking in full.

The one saving grace in Newry was that shoppers, businesspeople, churchgoers, visitors and anyone who was unsure of how long their duties would take could use one of the four manned car parks. They would receive a ticket on entry and pay in full when exiting. The Minister, however, who knows the area very well, has decided, in his wisdom, that the Lower Water Street, Abbey Way, Canal Bank 1 and Canal Bank 2 car parks will no longer be kiosk-operated. They have been pay and display since 7 January of this year. These four car parks can accommodate 615 cars. They are in the city centre with easy access to shops and the business community. I would like to see the cost-benefit analysis for that change. I believe that, if the added costs for the wardens needed to patrol those 615 spaces, the job losses and the revenue loss to our main street shops were factored into the calculation, very little, if anything, would be gained. The decision will cause further economic damage to the city of Newry. Traders are very angry about the decision, particularly as they were not consulted. I ask the Minister to freeze that decision and engage with the traders, the business community and local representatives to find a solution that suits the city. Those four car parks represent almost 50% of the car parking spaces available in Newry, excluding the two major shopping centres.

#### 4.00 pm

According to DRD figures for 2011, 8,499 tickets were issued in Newry. Of those, 20% were estimated to have been issued as a result of a parking ticket having expired or not having been properly displayed. With the number of spaces that are monitored set to double, it is fair to assume that the number of tickets will double and that 11 people a day will be fined for being late. When looking at the figures, it is also interesting to see that only Belfast and Derry are higher than Newry in the ticket-issuing league. The figures for Newry are way ahead of those for other towns and cities, such as Lisburn, Newtownabbey, Bangor, Craigavon, Ballymena and Newtownards, all of which have larger populations. Carrickfergus is similar in population size to Newry, yet it issued 18% of the tickets that Newry did. I am not a traffic warden basher, nor do I wish to see the towns mentioned suddenly set upon by an army of red coats. However, there is an imbalance, and the removal of the kiosk-operated car parks in Newry will unquestionably and dramatically add to that imbalance.

Today's discussion is about fairness: fairness to traders, fairness to shoppers and fairness to all who visit Newry by car. I have spoken to too many people who met an old friend and had that cup of coffee or whose solicitor delayed them for a while or who were delayed by a hairdresser who took 10 minutes longer than normal who have all faced a hefty penalty. I am included in that statistic. I am currently helping an 82-year-old man to appeal a decision for infringement that was given in Belfast. He was delayed in returning to his car because his colostomy bag burst and he needed to buy new clothes. He now faces a bill of £135 and has been shown very little sympathy. In the interest of fairness, I plead with Minister Kennedy to consult representatives, as outlined earlier, and to consider reinstating kiosk-operated car parks in Newry.

**Mr Kennedy (The Minister for Regional Development):** I am grateful for the opportunity to respond to this important Adjournment debate. I should say that I have asked officials to take note of the Hansard report. If I do not pick up any of the specific points that Members raised, I undertake to write to them following the debate.

I want to make it absolutely clear that I welcome the opportunity to debate issues relating to parking provision in Newry city centre. Many of you will know that I have the honour of being one of the constituency representatives for Newry and Armagh. I live in the area, not in the

leafy suburbs but in the metropolitan area of Bessbrook. Therefore, I know the area very well. I shop in Newry and visit it very regularly. I also know the issues that are at stake.

By way of background, Newry city car parking provision comprises some 1,300 on-street and 1,100 off-street charged and free parking spaces. On-street parking spaces are very well used throughout the city centre. Approximately one third of on-street spaces are charged through pay-and-display machines, and this has not prevented on-street parking frequently touching capacity. Approximately two thirds of the off-street car parks operated by Roads Service are charged. Some spare capacity exists within the available spaces, but not a great deal. The third element in the equation is, of course, private car parking, which accounts for a further 1,900 spaces, a few hundred of which are free from charges.

Pressure has been placed on the number of available spaces by the implementation of the Department for Social Development's public realm scheme around Buttercrane and Merchants Quay, which has resulted in the removal of approximately 120 parking spaces. Naturally, this will be of grave concern to traders operating in the locality, who relied on the on-street car parking that was hitherto provided in that area, and let me restate that traders do matter.

My Department's overriding parking strategy is to encourage the availability and turnover of convenient short-stay spaces in our city and town centres, to be achieved through enforcement and appropriate charging. The strategy further aims to reduce congestion and to improve accessibility and economic vitality in town centres. A number of years ago in Newry, car parking spaces, particularly those close to commercial areas, were frequently occupied by all-day parkers. The knock-on effect to businesses and local traders was that short-stay shoppers had limited opportunities to park conveniently close to shops and local amenities. Delivery vehicles found it equally difficult to serve businesses in the city, due to on-street parking spaces at the front of shops being taken up by cars parked from early morning. That resulted in an increase in double parking by delivery vehicles, which increased congestion and restricted traffic flows from a number of streets.

Officials in Roads Service commissioned a study, and a report examining the parking patterns throughout the city centre was produced in 2005, long predating my tenure as Minister. The study looked at four main issues,

including congestion by vehicles travelling around the commercial area looking for an on-street space to park; vehicles failing to find an on-street space and parking illegally, thereby obstructing streets, causing associated road safety issues and leading to further congestion; the loss of 175 spaces at Railway Avenue and the area around the health centre; and the loss of short-stay shoppers arising from their inability to find a parking space, particularly in the more traditional shopping areas of Newry. The report recommended that, to make more efficient use of existing city centre parking spaces, on-street charging should be introduced by way of a controlled parking zone to cover several city centre streets and to help to promote regular turnover of parking spaces. It also recommended the introduction of loading bays at strategic points in the city centre. Through consultations carried out at the time, the location of the controlled parking zone and the loading bays received the full support of Newry and Mourne District Council, Newry Chamber of Commerce and the Newry City Centre Management Committee. A scheme costing £300,000 was implemented in September 2008 that included the installation of 72 on-street pay-and-display parking meters. Again, 2008 predates my tenure as Minister.

The controlled parking zone has been in operation for over four years and is proving successful with visitors and shoppers in the city. It benefits traders by encouraging parking turnover in areas close to shops and local amenities. My Department is in the process of converting all remaining kiosk-operated car parks across Northern Ireland to pay-and-display. That will deliver savings in the cost of operating the new parking enforcement and the car park management contract. The three remaining kiosk-operated car parks in Newry — at Canal Bank 1 and 2 and Abbey Way multistorey car park, which is known locally as cathedral car park, on Lower Water Street — will be converted during January and February 2013. That will mean that all six charged car parks in Newry city will operate as pay-and-display in exactly the same way as all other off-street car parks across Northern Ireland.

**Mr D Bradley:** Will the Minister give way?

**Mr Kennedy:** No. I am sorry, but I have to make progress.

I understand that concerns have been expressed by some Members that changing the payment regime from kiosk control to pay-and-display may disadvantage some who use the facilities. However, it is important to stress that, the method of payment aside, there will be no

other changes to the operation of the car parks. There is no change to the parking tariff or to the permitted parking period. The car parks will operate in exactly the same way as the existing pay-and-display car parks in Newry located in Basin Walk, Monaghan Street and New Street, with which the parking public are well familiar.

Indeed, pay-and-display has been the sole method of car parking payment available in many cities and towns across Northern Ireland for several years, supplemented recently with the Parkmobile system. When the car parks are operating as pay-and-display, the Parkmobile cashless payment system will be introduced. It provides a convenient alternative means of payment. With that system, drivers do not have to predict how long they need to park for, which was often the sole criticism levied against car parks moving from kiosk to pay-and-display. I have no doubt that the system will prove popular with many, as drivers will be able to start and stop their parking as required, only paying for the time used.

Members are, of course, aware that, after some months of hard work, I secured the Executive's agreement to fund my proposals to freeze car parking charges until at least 2015. That is good news for shoppers and traders alike. I am also committed to ensuring that there will be an important number of free parking spaces for motorists in many areas. In Newry, there are 309 free off-street car parking spaces still available in the city centre at River Street, Kilmorey Street East, Edward Street, Canal Bank 3, Bridge Street and Downshire Road.

In the pre-Christmas period in the past number of years, Roads Service has assisted local businesses with the provision of temporary parking in the North Street area. Each year, Roads Service has carried out repairs to that DSD-owned site to allow it to be opened as a temporary car park. In my view, it would be an important additional resource for car parking in Newry if that site could operate throughout the year, providing additional free car parking. I have therefore written to Minister McCausland in relation to that issue —

**Mr D Bradley:** Will the Minister give way?

**Mr Kennedy:** I am almost out of time. I intend to further press his Department for positive action. Mindful of the public realm scheme proposed in the Buttercrane and Merchants Quay area of the city centre by the council and the DSD and notwithstanding their plans to provide some car parking spaces at Corry Square, further additional free-from-charge spaces will no doubt be welcome.

I met representatives of Newry Chamber of Commerce and Trade and Newry City Centre Management just before Christmas, and I understand their concerns and frustrations. I tried to set out then, as I have tried to set out today, the situation that, in many ways, I have inherited and have to deal with as Minister. I want to see a vibrant Newry, I want to see a successful Newry and I want to see Newry blossom. To that end, I will work with colleagues and interested stakeholders to achieve that.

*Adjourned at 4.13 pm.*









Published by Authority of the Northern Ireland Assembly,  
Belfast: The Stationery Office

and available from:

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[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

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ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325  
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited  
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